

RESOLUTION NO. 2002-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DETERMINING TO PROCEED WITH ESTABLISHING THE EAST FRANKLIN COMMUNITY FACILITIES DISTRICT NO. 2002-1

WHEREAS, the City Council, on March 7, 2002, adopted its Resolution No. 2002-40 (the "Resolution of Intention") (i) declaring its intention to establish East Franklin Community Facilities District No. 2002-1 (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, Part 1, Division 2, Title 5 (commencing with Section 53311) of the California Government Code) (the "Act"), (ii) proposing to levy a special tax therein for the purpose of providing for the financing of the construction and acquisition of certain public facilities (the "Facilities") described in Exhibit A hereto, and (iii) calling a public hearing on the establishment of the District;

WHEREAS, the City Council, on March 20, 2002, adopted its Resolution No. 2002-46 amending the Resolution of Intention to change the date for the public hearing to April 10, 2002;

WHEREAS, before the time for the hearing, as directed in the Resolution of Intention, the Public Works Director filed with the City Council the report required by California Government Code section 53321.5 (the "Facilities Report");

WHEREAS, a notice of the hearing was duly published as required by the Act, as evidenced by the affidavit of publication on file with the City Clerk;

WHEREAS, pursuant to the Act and the Resolution of Intention, a public hearing was convened by the City Council on April 10, 2002, not earlier than 6:30 p.m., at City Hall, 8400 Laguna Palms Way, Elk Grove, California, relative to the establishment of the District;

WHEREAS, at the hearing, the testimony of all interested persons, including all taxpayers, property owners, and registered voters within the District, desiring to be heard on the establishment of the District, the extent thereof, the furnishing of specified types of public facilities, the proposed special tax, or any other matters set forth in the Resolution of Intention was heard and considered, and a full and fair hearing was held thereon, whereupon the hearing was closed;

WHEREAS, no written protests against the establishment of the District, the furnishing of specified type or types of facilities within the District as listed in the Facilities Report, or the levying of the special tax have been filed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk Grove, that:

1. **Recitals.** The foregoing recitals are true and correct.

2. **Facilities Report.** The City Council hereby makes the Facilities Report a part of the record of the hearing.
3. **Protests.** Because no written protests against the establishment of the District, the furnishing of specified type or types of facilities within the District as listed in the Facilities Report, or the levying of the special tax have been filed, no action by the City Council in response to protests or passing upon them is required.
4. **Determination to Proceed.** On the basis of all of the foregoing, the City Council hereby determines to proceed with establishing the District and directs staff to submit a resolution of formation for consideration at a later City Council meeting.
5. **CEQA Compliance.** The environmental impacts of construction of the public facilities that will be needed to serve development in the East Franklin Specific Plan area, including the Facilities, which is a "project" within the meaning of the California Environmental Quality Act ("CEQA"), were analyzed in the environmental impact reports prepared for the County of Sacramento General Plan and the East Franklin Specific Plan prior to their approval by the Sacramento County Board of Supervisors, as required by CEQA. The City Council hereby determines that establishing the District will not be a "project" as defined in CEQA (see CEQA Guidelines section 15378(c)).

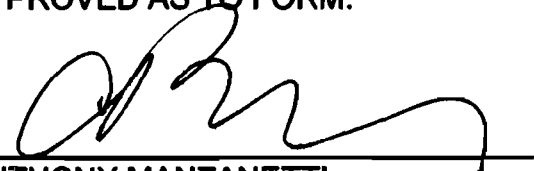
PASSED, APPROVED, AND ADOPTED by the City Council of the City of Elk Grove on this 10th day of April 2002.


 MICHAEL P. LEARY, MAYOR of the
 CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:


 PEGGY JACKSON, CITY CLERK


 ANTHONY MANZANETTI,
 CITY ATTORNEY

AYES: Scherman, Cooper,
 Briggs, Soares
NOES: None
ABSTAIN: None
ABSENT: Leary