

RESOLUTION NO. 2004-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DECLARING ITS INTENTION TO LEVY STORM DRAINAGE FEES FOR SCHULER RANCH UNITS 1 & 2

WHEREAS, by its Ordinance No. 22-2003, adopted on June 18, 2003 (the "Ordinance"), the City Council (the "Council") of the City of Elk Grove (the "City") reaffirmed the levy of storm drainage fees imposed by the County of Sacramento on lands within the boundaries of the City that were included within Zone 12 of the Sacramento County Water Agency on June 30, 2003; and

WHEREAS, the owner(s) of property identified as Schuler Ranch, Units 1 and 2, descriptions of which are attached hereto as Exhibit A, have requested the Council to make the property subject to the storm drainage fees levied pursuant to the Ordinance.

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

Section 1. Recitals. The foregoing recitals are true and correct and this Council so finds and determines.

Section 2. Declaration of Intention. This Council hereby declares its intention to levy the storm drainage fees described in the Ordinance on the property described in Exhibit A.

Section 3. Notice of Public Hearing. On Wednesday, May 19, 2004 at 6:30 p.m., or as soon thereafter as the matter may be heard, at City Hall, 8400 Laguna Palms Way, Elk Grove, California, the City Council shall hold a public hearing on the levy of the storm drainage fees.

Section 4. Publication and Mailing of Notice and Ballot. The City Clerk is directed (i) to publish a notice of the hearing in The Elk Grove Citizen twice in a ten-day period with at least five days intervening between publications (per Government Code §6062a) and (ii) to mail a notice of the public hearing together with a ballot by first-class mail, postage prepaid, to the owner(s) of the property upon which the fees are proposed to be levied. The notice of the hearing shall be in the form attached hereto as Exhibit B. The ballot shall be substantially in the form attached hereto as Exhibit C. The mailing shall be completed by March 31, 2004, which is at least 45 days before the date of the hearing.

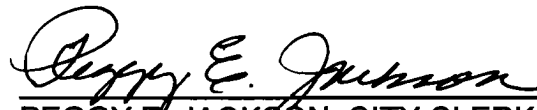
Section 5. Effective Date. This resolution shall take effect from and after the date of its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this
17th day of March 2004.




SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A RESULTANT PARCEL

All that certain real property situate in the City of Elk Grove, County of Sacramento, State of California in Section 10, Township, 6 North, Range 5 East, being a portion of Lots 2903 and 2904 of H.J. Goethe Colony No. 29, filed in Book 5 of Maps, at Map No. 51, Sacramento County Records, being more particularly described as follows:

Beginning at the Southeasterly corner of said Lot 2904; thence from said Point of Beginning along the following 7 courses:

1. along the Southerly line of said Lot 2904 South $86^{\circ}42'44''$ West 681.51 feet to the Southerly corner common to said Lots; thence,
2. along the Southerly line of said Lot 2903 continuing South $86^{\circ}42'44''$ West 659.68 feet to the Southwesterly corner thereof; thence,
3. along the Westerly line of said Lot 2903 North $03^{\circ}59'52''$ West 1334.49 feet to the Northwesterly corner of said Lot 2903; thence,
4. along the Northerly line of said Lots 2903 and 2904 North $86^{\circ}04'21''$ East 684.14 feet; thence,
5. leaving said Northerly line of said Lot 2904 South $03^{\circ}55'39''$ East 903.21 feet; thence,
6. South $62^{\circ}38'49''$ East 73.92 feet; thence,
7. North $86^{\circ}06'26''$ East 588.67 feet to a point on the Easterly line of said Lot 2904; thence,

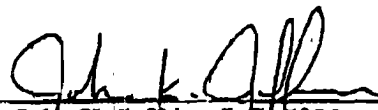
Along the Easterly line of said Lot 2904 South $04^{\circ}52'42''$ East 407.57 feet to the Point of Beginning.

Containing 27.099 Acres, more or less.

See Exhibit "E" attached hereto and made a part hereof.

Dated: _____

10/19/01

John K. Jeffries, L.S. 7820
(Expires: 12-31-2001)H:\Descriptions\7886-90
RESULT02.doc
10-19-2001/JKJ
Page 2 of 2 PagesPrepared by the firm of
MacKay & Somps Civil Engineer, Inc.
Sacramento, California

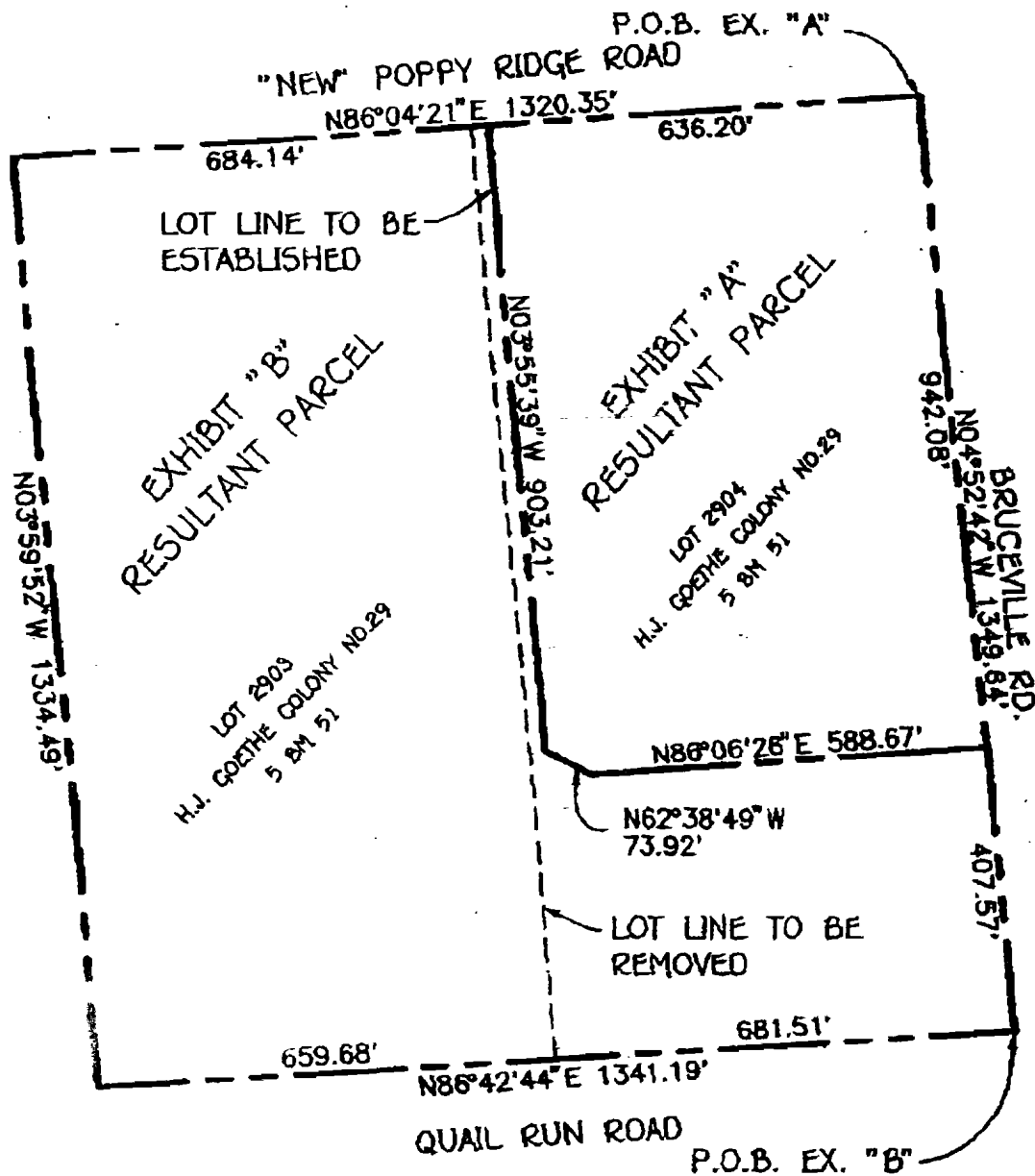


EXHIBIT E

Plot to Accompany Description

SCHULEN PROPERTY.

PORTION OF SECTION 10, T.8N., R.5E., M.6M.
City of Elk Grove
Sacramento County California

THEORY

CIVIL ENGINEERING LAND PLANNING LAND SURVEYING
SACRAMENTO, CA 95815 (916) 929-6082

10/19/01

7006-50

| | | | | | |
|------------|----------|---------|----------|-----------|-----------------------|
| 02-10-3001 | 04-12-24 | 44-7800 | 7886mapa | available | EX-C-RESUL 101-02.dwg |
|------------|----------|---------|----------|-----------|-----------------------|

Exhibit B

Form of Published and Mailed Notice

CITY OF ELK GROVE NOTICE OF HEARING ON PROPOSED STORM DRAINAGE FEE

FOR SCHULER RANCH UNITS 1 AND 2

Hearing. Notice is hereby given that on Wednesday, May 19, 2004, at 6:30 p.m., or as soon thereafter as the matter may be heard, at the City Hall, 8400 Laguna Palms Way, Elk Grove, California, the City Council of the City of Elk Grove shall hold a public hearing on the proposed levy of fees on Schuler Ranch to pay for the cost of storm drainage services.

Storm Drainage Fee. The amount of the proposed fee is based on each parcel's proportional share (based on the amount of stormwater runoff from the parcel) of the cost of operating and maintaining drainage facilities. The fees are calculated as follows:

- 1. A single-family residential parcel shall pay a monthly charge equal to the administrative charge + (unit service charge (USC) x 3,500 x each residential dwelling unit).**
- 2. All other non-exempt parcels shall pay a monthly charge equal to the administrative charge + (parcel area x USC x the impervious factor).**

The unit service charge shall be \$0.001583 per square foot of impervious area. The impervious factors shall be based on the following table:

| Property Category | Impervious Factor |
|-----------------------------------|--------------------------|
| Commercial/office | 0.80 |
| Industrial | 0.70 |
| Multi-family residential | 0.60 |
| Institutional | 0.50 |
| Low impervious development | 0.10 |

Dated: March 31, 2004

Exhibit C

Form of Ballot

**OFFICIAL BALLOT
CITY OF ELK GROVE
STORM DRAINAGE FEE**

Assessor's Parcel Number(s): _____

Name(s) of Property Owner(s): _____

Property Owner's Address: _____

Instructions For Completing and Delivering This Ballot

To express your view on the proposed storm drainage fee, place a check mark before the word "YES" or "NO," then sign and date the ballot. After completing your ballot, seal it in an envelope and mail or deliver this entire ballot to the City Clerk at 8380 Laguna Palms Way, Elk Grove, California, 95758.

Ballots may be sent or delivered to the City Clerk at any time, but **MUST** be received not later than 4:00 p.m. on Tuesday, July 6, 2004 the time set for the election. If all ballots are received prior to that date and time, the City Clerk will close the election and tabulate the ballots.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

____ Yes, I/we approve the proposed storm drainage fee that was described in the notice of hearing dated March 31, 2004.

____ No, I/we do not approve the proposed storm drainage fee.

I/we hereby declare under penalty of perjury that I am/we are the record owner(s) of the parcel(s) listed above.

Signature of Record Owner

Date

Signature of Record Owner

Date

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-45**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 17th day of March 2004 by the following vote:

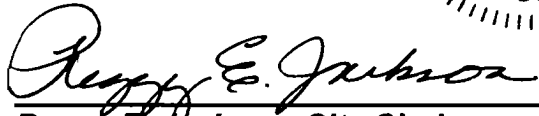
AYES 5: COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary

NOES 0: COUNCILMEMBERS:

ABSTAIN 0: COUNCILMEMBERS:

ABSENT 0: COUNCILMEMBERS:





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**