

RESOLUTION NO. 2004-54

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING AN APPLICATION FEE FOR THE COSTS OF ESTABLISHING NEW
ZONES OF BENEFIT AND ANNEXING PROPERTY TO THE CITY'S
STREET MAINTENANCE ASSESSMENT DISTRICT**

WHEREAS, the City of Elk Grove conditions approval of the development of property upon the developer's providing the City a means by which to obtain the funds needed to pay for the additional street maintenance services required as a result of that development; and

WHEREAS, the mechanism to be used to obtain the necessary funds for additional street maintenance services is the assessment of the developer's property within the City's Street Maintenance District No. 1; and

WHEREAS, in order to comply with this development condition, the developer needs to apply to the City to conduct the proceedings necessary to annex the developer's property to Street Maintenance District No. 1; and

WHEREAS, City Council intends to collect fees to offset the costs associated with establishing new zones of benefit within the assessment district and conducting the proceedings for annexations to the district pursuant to applications from developers; and

WHEREAS, the adoption of the application fee is not a "project" subject to the California Environmental Quality Act, because it is a funding mechanism having no physical effect on the environment; and

WHEREAS, because the application fee is a fee described in Government Code section 66014, (i) notice of the time and place of this meeting as well as a general description of the matter to be considered was mailed at least 14 days prior to the date of this meeting to those parties (if any) who have filed requests for such notification and (ii) data indicating the amount of the estimated cost required to establish new zones of benefit and conduct the assessment proceedings and the resources anticipated to fund those costs were made available to the public at least 10 days prior to the date of this meeting, all in accordance with Government Code section 66016; and

WHEREAS, the amount of the application fee does not exceed the estimated reasonable cost of establishing new zones of benefit and conducting the assessment proceedings.

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

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

Section 2. Establishment of City of Elk Grove Street Maintenance District Application Fee. A fee is hereby established in the amounts detailed on Exhibit A for the purpose of funding the cost of establishing new zones of benefit and conducting proceedings for the annexation of property to the City's Street Maintenance District.

Section 3. Collection of Street Maintenance District Application Fee. The fees levied pursuant to this resolution shall be paid by the property owner to the City at least three weeks prior to adoption of the resolution of intention to annex the developer's property to the Street Maintenance District.

Section 4. Establishment of City of Elk Grove Street Maintenance District Proceedings Fund. There is hereby created a special interest-bearing trust fund entitled the "City of Elk Grove Street Maintenance District Proceedings Fund." All application fees collected pursuant to this resolution shall be placed in that fund and shall be expended by the City solely to pay the costs of establishing new zones of benefit and conducting proceedings for annexations of property to the City's Street Maintenance District.

Section 5. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 7th day of April 2004.

ATTEST:

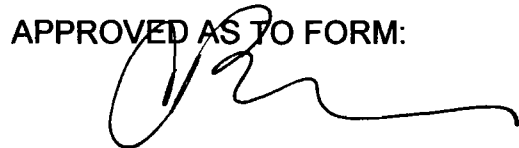


PEGGY E. JACKSON, CITY CLERK



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Exhibit A

Street Maintenance District Annexation Application Fee Amounts

- For each development project outside of Zone 1, the application fee shall be \$70 per residential unit up to 100 proposed residential units, for a maximum application fee of \$7,000 per project.
- For each development project annexing to Zone 1, the application fee shall be \$45 per residential unit, up to the 100 proposed residential units, for a maximum application fee of \$4,500 per project.
- In cases where over one-half of a Specific Plan area annexes into the District at one time, the application fees for annexation to the District will be subject to an advance deposit agreement for application processing costs in-lieu of the \$70 per residential unit cost stated above.

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-54

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 7th day of April 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