

## ORDINANCE NO. 36-2002

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE EAST FRANKLIN SPECIFIC PLAN AGRICULTURAL MITIGATION FEE FROM \$950 PER ACRE TO \$1,025 PER ACRE

The City Council of the City of Elk Grove does ordain as follows:

#### Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the East Franklin Specific Plan Agricultural mitigation fee from \$950 per acre to \$1,025 per acre.

#### Section 2: Findings

Finding: The proposal will not have a significant adverse impact on the environment in accordance with the California Environmental Quality Act (CEQA).

Evidence: The agricultural mitigation fee for the East Franklin Specific Plan was addressed by the Final Environmental Impact Report for the East Franklin Specific Plan and no further environmental review is necessary.

Finding: The proposed Amendment to the East Franklin Specific Plan is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The agricultural mitigation fee for the East Franklin Specific Plan may be adjusted based upon the annual increase in the consumer price index or based upon a detailed analysis of land values within the area bounded by the Kammerer Road on the north, the Cosumnes River on the east, the Mokelumne River/Sacramento County Line on the south, and Interstate-5 on the west.

The consumer price index for the San Francisco All Urban Consumer's changed to 193.2 from 179.1 between June 2000 and June 2002. This is a percentage change of 7.87. The revised agricultural mitigation fee is a more accurate representation of what the agricultural mitigation fee should be.

#### Section 3: Action

The City Council hereby amends the agricultural mitigation fee within the East Franklin Specific Plan from \$950 per acre to \$1,025 per acre subject to the findings contained in this Ordinance.

#### Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

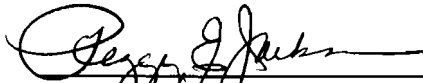
Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 16<sup>th</sup> day of October 2002.

  
\_\_\_\_\_  
RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON,  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

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

**EFFECTIVE DATE: NOVEMBER 15, 2002 2**