

## RESOLUTION NO. 2005-371

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH INCA CAPITAL FUND 41 AND MERITAGE HOMES OF CALIFORNIA RELATED TO MAINTENANCE FUNDING FINAL MAP CONDITION OF APPROVAL

**WHEREAS**, on April 27, 2005, the City Council approved a tentative map for project number. EG-04-597 (the "Tentative Map") for the "Bond Road 40 (Britschgi Ranch)" subdivision (the "Project"). The Tentative Map sets forth conditions of approval that must be met before a final subdivision map for the subdivision will be approved. These conditions include a requirement that the property owner provide an acceptable financing mechanism for maintenance of roadway medians and landscaping corridors ; and

**WHEREAS**, the current property owner, INCA Capital Fund 41 (the "Current Property Owner") has submitted a final subdivision map application for the Project ; and

**WHEREAS**, the City Council has duly considered the contents of the draft Memorandum of Understanding between the City, the Current Property Owner, and Meritage Homes of California, Inc. (which will develop the property and holds an option to purchase it), a copy of which is on file with the City Clerk, which would set forth their mutual understanding concerning the satisfaction of the condition of approval relating to maintenance funding and the steps to be taken to ensure consummation of the levy of special taxes properties within the subdivision, all in connection with the City Council's consideration of the proposed final subdivision map for the Project;

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

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

**Section 2. Authorization of Officers to Execute and Deliver Memorandum of Understanding.** The City Council hereby authorizes and directs the Mayor, the City Manager, and the City Clerk, and each of them individually (the "Designated Officers"), for and in the name of and on behalf of the City, to execute and deliver the Memorandum of Understanding in substantially the form of the draft presented to this meeting, which Memorandum of Understanding is hereby approved, with such changes, insertions, revisions, corrections, or amendments as shall be approved by the Designated Officer or Officers executing the Memorandum of Understanding for the City. The execution of the Memorandum of Understanding by a Designated Officer or Officers of the City shall constitute conclusive evidence of such officer's or officers' and the City Council's approval of the Memorandum of Understanding and any such changes, insertions, revisions, corrections, or amendments.

**Section 3. General Authorization.** The Designated Officers and other officers of the City, and each of them individually, are hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions that may be necessary or advisable, in their discretion, in order to effect the purposes of this resolution. All actions heretofore taken by officers, employees, and agents of this City that are in conformity with the purposes and intent of this resolution are hereby approved, confirmed, and ratified.

**Section 4. Effective Date.** This resolution shall take effect immediately upon its passage.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 14th day of December 2005.

  
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DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

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

APPROVED AS TO FORM:

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

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2005-371**

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 14th day of December, 2005 by the following vote:**

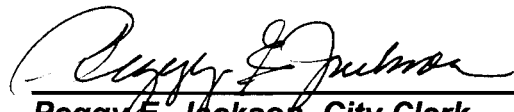
**AYES 5:       COUNCILMEMBERS:       Soares, Scherman, Briggs, Cooper, Leary**

**NOES 0:       COUNCILMEMBERS:**

**ABSTAIN 0: COUNCILMEMBERS:**

**ABSENT 0: COUNCILMEMBERS:**



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