

## **RESOLUTION NO. 2014-237**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE FINDING ELK GROVE TOWN CENTER, LP IN DEFAULT OF THE 2001 DEVELOPMENT AGREEMENT**

**WHEREAS**, on June 27, 2001, the City Council certified the Environmental Impact Report (EIR, State Clearinghouse No. 1997122002) for the Lent Ranch Marketplace Project and adopted the Lent Ranch Special Planning Area, which provided for the development of a regional mall and surrounding retail, office, and entertainment development; and

**WHEREAS**, on September 5, 2001, the City Council adopted a Development Agreement Between the City of Elk Grove and M&H Realty Partners, Elk Grove Town Center, L.P., ET AL., for the Lent Ranch Marketplace Project (the "2001 Development Agreement"); and

**WHEREAS**, the Planning Division of the City of Elk Grove received an application on April 11, 2014 from Elk Grove Town Center, LP (the "Applicant") requesting an amendment to the approved District Development Plan for the Regional Mall site (District A) of the Lent Ranch Special Planning Area (the "Project"); and

**WHEREAS**, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN 134-1010-001; and

**WHEREAS**, the Application to amend the approved District Development Plan for the Regional Mall included a restructuring of the development into phases and from a "traditional" mall to an "outlet" mall; and

**WHEREAS**, the design of the proposed Project does not include some of the store elements required in the 2001 Development Agreement; and

**WHEREAS**, sections 19 through 22 of the 2001 Development Agreement provides provisions for determining default on the part of an individual developer party; and

**WHEREAS**, on August 15, 2014, Elk Grove Town Center, LP was served with a Notice of Default pursuant to section 22 of the 2001 Development Agreement; and


**WHEREAS**, the Planning Commission held a duly noticed public hearing on September 18, 2014 as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting; and

**WHEREAS**, the City Council held a duly noticed public hearing on October 8, 2014 as required by law to consider all of the information presented by staff, information

presented by the Applicant, and public testimony presented in writing and at the meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby finds Elk Grove Town Center, LP in default of the 2001 Development Agreement based upon their application for the Project, as described in the August 15, 2014 Notice of Default.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 8<sup>th</sup> day of October 2014.

  
\_\_\_\_\_  
JAMES COOPER, VICE MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2014-237**

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

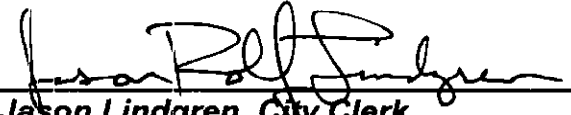
***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 8, 2014 by the following vote:***

**AYES :            COUNCILMEMBERS:        Cooper, Detrick, Trigg**

**NOES:            COUNCILMEMBERS:        None**

**ABSTAIN :        COUNCILMEMBERS:        None**

**ABSENT:         COUNCILMEMBERS:        Davis, Hume**

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**