

RESOLUTION NO. 2016-053

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO
REIMBURSEMENT AGREEMENT RC2014-02 WITH TAYLOR MORRISON, LLC,
FOR PRIVATELY CONSTRUCTED PUBLIC FACILITIES INCLUDED IN THE EAST
FRANKLIN FEE PROGRAM, AND AMENDING THE FISCAL YEAR 2015-16 BUDGET
TO REFLECT THE REIMBURSEMENT AUTHORIZED IN THE AGREEMENT**

WHEREAS, Elk Grove Municipal Code Section 16.81.110 provides for reimbursement to developers for the private construction of any facilities designated in the East Franklin Facilities Fee Program subject to entering into a reimbursement agreement with the City of Elk Grove; and

WHEREAS, on May 23, 2012 the City Council adopted resolutions authorizing the execution of a reimbursement agreement between the City and Taylor Morrison, LLC for construction of certain eligible improvements and related facilities that would otherwise be financed by the East Franklin Fee Program; and

WHEREAS, Taylor Morrison of California, LLC has constructed the Phase I and Phase II landscape improvements within the East Franklin Specific Plan Area commonly referred to as Franklin Crossing, which are included in the East Franklin Facilities Fee Program; and

WHEREAS, the completion of Phase II has resulted in increases in the preliminary engineering and construction engineering costs schedule; and

WHEREAS, the project budget has increased from \$988,558 to \$2,009,099, an increase of \$1,020,541 that is needed from the East Franklin Fee Program; and

WHEREAS, a budget amendment is necessary to reflect the expenses authorized in the agreement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute the amended Reimbursement Agreement RC2014-02 for reimbursement from the East Franklin Fee Program with Taylor Morrison, LLC. as presented in Exhibit A; and

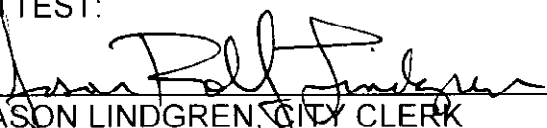
BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes an amendment to the FY 2015-16 Budget from the East Franklin Fee Program.

Account	Current Budget	Adjustment	Revised Budget	Action
3241540-5121702	\$0	\$1,020,541	\$1,020,541	Phase II Reimbursement


PASSED AND ADOPTED by the City Council of the City of Elk Grove this 23rd day of March 2016.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

CITY OF ELK GROVE

**FIRST AMENDMENT TO REIMBURSEMENT AGREEMENT
FOR PRIVATELY CONSTRUCTED PUBLIC FACILITIES INCLUDED IN THE
ELK GROVE ROADWAY FEE PROGRAM**

First Amendment To Agreement No. RC2012-04 Contract No. C12-244

This First Amendment, dated as of _____, 2016, is by and between the City of Elk Grove, a municipal corporation (“City”), and Taylor Morrison of California, LLC, a California limited liability company (“Developer”).

WITNESSETH

WHEREAS, Developer is the owner of that certain real property in the East Franklin Specific Plan area (“EFSP”), in the City of Elk Grove, State of California, as more commonly referred to as Franklin Crossing (“Project”); and

WHEREAS, Chapter 16.81 of the Elk Grove Municipal Code established development fees and special funds as part of the East Franklin Fee Program (“Fee Program”); and

WHEREAS, Chapter 16.81.110 of the Elk Grove Municipal Code authorizes the City to enter into reimbursement agreements for the construction of any facilities designated in the Fee Program upon application of property developers; and

WHEREAS, on May 23, 2012 the City Council adopted resolutions authorizing the execution of a reimbursement agreement with the City and Taylor Morrison, LLC for construction of certain eligible improvements and related facilities that would otherwise be financed by the Fee Program; and

WHEREAS, the costs of Phase I and II landscape improvements were included in the original agreement however, costs for a few items were identified at the time; and

WHEREAS, the developer has constructed Phase I and II landscape improvements; and

WHEREAS, the completion of Phase II has resulted in increases in preliminary engineering and construction engineering costs schedule; and

WHEREAS, the project budget has increased from \$988,558 to \$2,009,099, an increase of \$1,020,541 that is needed from the East Franklin Fee Program; and

NOW, THEREFORE, in consideration of the mutual promises contained herein, the City and the Developer hereby agree to amend Exhibit B by adding the additional scope and costs without changing any other aspects of the existing agreement.

IN WITNESS WHEREOF, the parties have executed this Amendment the day and the year first written above.

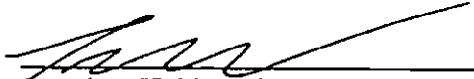
CITY OF ELK GROVE:

By: _____
Laura S. Gill, City Manager

ATTEST:

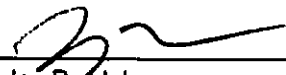
Jason Lindgren, City Clerk

APPROVED AS TO FORM:



Jonathan Hobbs, City Attorney

DEVELOPER:
Taylor Morrison California, LLC,
a California Limited Liability Company

By 
Title Jay Pawlek
Its Vice President

FIRST AMENDED EXHIBIT B

E. FRANKLIN LANDSCAPE FEE PROGRAM

PROJECT NAME: FRANKLIN CROSSING Phase I & II Improvements

SUBMITTED BY: TAYLOR MORRISON

#	Description	Qty	Unit	Unit \$	Total \$
<i>A</i>	Landscaping	60,960	SF	\$ 10.87	662,635
<i>B</i>	Attached Sidewalk	2,411	SF	\$ 4.75	11,452
<i>C</i>	4' Detached Sidewalk	695	SF	\$ 5.85	4,066
<i>D</i>	6' Detached Sidewalk	7,121	SF	\$ 6.70	47,711
<i>E</i>	Type 3 Curb	1,553	LF	\$ 14.50	22,519
<i>F</i>	Soundwall (6' min. high)	3,509	LF	\$ 123.17	432,204
<i>G</i>	Soundwall (8' min. high)				
<i>H</i>	Soundwall (6-8' min. high with 4-5' earth ret.)	1,320	LF	\$ 240.00	436,800
<i>I</i>	Soundwall (8' min. high with 5+' earth ret.)	815	LF	\$ 480.63	391,713

Maximum Reimbursement Payment \$ 2,009,099

Phase I Improvement Reimbursement Paid December 2015 \$ (988,558)

Phase II Improvement Reimbursement \$ 1,020,541

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-053

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

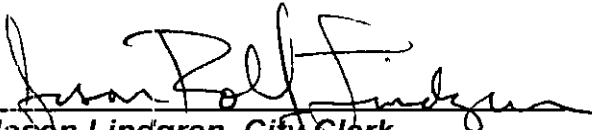
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 23, 2016 by the following vote:

AYES : **COUNCILMEMBERS:** *Davis, Detrick, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Ly, Suen*



Jason Lindgren, City Clerk
City of Elk Grove, California