

RESOLUTION NO. 2003-182

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF APR 15 2003

A RESOLUTION ESTABLISHING AS AN URGENCY MEASURE THE REVISED NORTH NATOMAS REGIONAL PARK LAND ACQUISITION FEE AMOUNTS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

WHEREAS,

- A. A Fee Study was prepared by Economic and Planning Systems (EPS) to recalculate the Regional Park Land Acquisition Program (RPLAP) fee based on the proposed cost of the regional parkland and the cost to finance the acquisition of the parkland (the "Report"). The study includes other studies, reports, and data referred to and relied upon in said study which are integral to its conclusions.
- B. The North Natomas Community Plan ("NNCP"), the North Natomas Financing Plan ("NNFP"), along with the studies and reports each may reference or be based upon in whole or in part, together with any amendments thereto made after their initial adoption, establish the need for, costs of, and financing of public infrastructure for development within the NNFP Area, including the regional park, and present a reasonable basis on which to establish development impact fees. The foregoing items, and all other additional studies and reports, including, without limitation, drainage reports and proposals, transportation studies, and housing studies presented to the Council now or in the past for Council's approval or for informational or other purposes, along with the studies, reports, and data each may reference or be based upon in whole or in part, and any and all amendments thereto made after their initial adoption, together with staff reports and other matters presented to the Council by City staff or interested parties, whether in writing or orally, constitute the record before the City Council for purposes of the adoption of this resolution ("Legislative Record").
- C. The Legislative Record contains an analysis of impacts of contemplated future development in the NNFP Area and the need for new public infrastructure required by such development. The Report sets forth a reasonable relationship between North Natomas development, the regional park, its estimated acquisition cost, and the amounts of the development impact fee required for its acquisition.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-182

DATE ADOPTED: APR 15 2003

- D. Title 18, Chapter 18.24 of the Sacramento City Code provides that this resolution shall become effective immediately upon its adoption based upon the interim authorization set forth in Government Code section 66017(b). The City Clerk shall schedule a public hearing before the Council within thirty (30) days after the adoption of this resolution to consider extending the interim authorization for an additional thirty (30) days. The Clerk shall publish notice of said hearing ten (10) days before the hearing. In any event, this resolution will become effective permanently after sixty (60) days following its adoption.
- E. A public hearing on adoption of this resolution was set as part of a regularly scheduled meeting of the Sacramento City Council for April 15, 2003, at 2:00 p.m. in the Council Chamber located at City Hall, 730 I Street, First Floor, Sacramento, California 95814.
- F. The Report was available for public inspection and review at the Office of the City Clerk, City Hall, for a period of at least ten (10) days prior to the public hearing. Materials supplementing the Report and all background data referenced in the Report were made available to interested parties upon request made to the City Department of Public Works, at least ten (10) days prior to said public hearing.
- G. The public hearing was also noticed pursuant to and in compliance with Government Code sections 66018 and 6062a, and was held as part of a regularly scheduled meeting of the City Council of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

Section 1. Findings.

- (a) The City Council hereby finds as follows:
 - (i) The recitals set forth above are true and correct and are incorporated herein by reference as findings.
- (b) As to the revised Regional Park Land Acquisition Fee authorized by Title 18 of the Sacramento City Code, the City Council makes the following additional findings:
 - (i) The purpose of the revised Regional Park Land Acquisition Fee is to meet the needs of people living and employed in the North Natomas Finance Plan ("NNFP") Area now and in the future, and to reduce the impacts on public services and infrastructure caused by development in that area.
 - (ii) The revised Regional Park Land Acquisition Fee shall be used only for the land acquisition required to meet the regional park land needs of, and to mitigate the impacts caused by, development within the NNFP Area.
 - (iii) The various types of development in the NNFP Area generate a need for the regional park that is required for consistency with the City's General Plan and the NNCP, and to protect the public's health, safety and general welfare.

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RESOLUTION NO.: 2003-182

APR 15 2003

DATE ADOPTED: _____

- (iv) The Legislative Record establishes a reasonable relationship between the need for the regional park, and the impacts of the various types of development contemplated in the NNFP Area, for which the corresponding fee is charged.
- (v) There is a reasonable relationship between the specified use of the revised fees and the type of development for which the fee is charged, as described in the Legislative Record, including, without limitation, the Report.
- (vi) The cost estimates set forth in the Report are reasonable cost estimates for acquisition of the regional park, and the fees imposed on new development will not exceed the total of these estimated costs.
- (vii) The Report demonstrates a reasonable relationship between the amount of the revised fees set hereby, the costs of acquisition of the regional park, and the manner of allocation of those costs to the various types of development on which the fees are imposed.
- (viii) The revised fees are consistent with the City's General Plan and the NNCP, and the City Council has considered the effects of the fees with respect to the City's housing needs and the regional housing needs.

Section 2. Regional Park Land Acquisition Fees.

The amount of the revised Regional Park Land Acquisition Fee are hereby established at the levels set forth in the Report. The revised RPLAP fee is \$10,600 per acre.

Section 3. Construction of Resolution

The provisions of this resolution are subject and subordinate to the provisions of Title 18 of the Sacramento City Code and shall at all times be construed and applied consistent therewith as the same presently exist or may from time to time be amended.

Section 4. Judicial Action to Challenge This Resolution.

Any judicial action or proceeding to attack, review, set aside or annul this resolution shall be brought within 120 days of its adoption.

Section 5. Effective Date.

This resolution shall be effective immediately upon its adoption based upon the interim authorization set forth in Government Code section 66017(b). The City Clerk shall schedule a public hearing before the Council within thirty (30) days after the adoption of this resolution to consider extending the interim authorization for an additional thirty (30) days. The Clerk shall publish notice of said hearing ten (10) days before the hearing. In any event, this resolution will become effective permanently after sixty (60) days following its adoption.

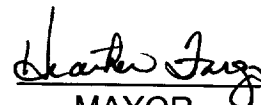
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RESOLUTION NO.: 2003-182


DATE ADOPTED: APR 15 2003

Section 6. Severability.

If any section, phrase, sentence, or other portion of this resolution for any reason is held or found to be invalid, void, unenforceable, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.


MAYOR

ATTEST:


CITY CLERK

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