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By *[Signature]*
OCT 8 1 2011
DEPUTY

Attorney for TRAQC

8 **Superior Court of California, County of San Joaquin**
9 **Unlimited Jurisdiction**

11 TRACY REGION ALLIANCE FOR A
12 QUALITY COMMUNITY (TRAQC)

13 Petitioner,

14 vs.

15 CITY OF TRACY, BY AND THROUGH THE
16 CITY COUNCIL; and DOES 1-20 inclusive,

17 Respondents.

19 SURLAND COMMUNITIES, a California
20 Limited Liability Company; THE SURLAND
21 COMPANIES LLC, a California Limited Liability
22 Company; SURLAND DEVELOPMENT
23 COMPANY; and DOES 21-40 inclusive,

Real Parties in Interest.

Case No. 39-2009-00201854-CU-WM-STK

~~PROPOSED~~ JUDGMENT
GRANTING PEREMPTORY WRIT
OF MANDATE

HEARING:

Dates: October 15 & November 19, 2010

Dept: 13

Time: 10:00 a.m.

Judge: Honorable ~~Leslie~~ Holland

LESLEY HOLLAND

MAR 14 2011 *[Signature]*

1 This matter came regularly for hearing on October 15, 2010 and November 19, 2010 in
2 Department 13 of this Court, located at 222 E. Weber Avenue, Stockton, CA. Mark V. Connolly,
3 Esq. appeared on behalf of Petitioner TRAQC. Arthur F. Coon, Miller Starr & Regalia appeared
4 on behalf of Real Parties in Interest. Rick W. Jarvis, Esq. Jarvis, Fay, Doportto & Gibson appeared
5 on behalf of Respondents.

6 The Court having reviewed the record of Respondent's proceedings in this matter, the briefs
7 submitted by counsel, and the arguments of counsel; the matter having been submitted for decision,
8 and the court having issued its Tentative Decision of February 16, 2011 and its Statement of
9 Decision granting the Application for Writ of Mandate filed by Tracy Region Alliance for a Quality
10 Community ("Petitioner" or "TRAQC"), and good cause appearing therefore,

11 **IT IS ORDERED, DECREED AND ADJUDGED that:**

12 1. Judgment granting a Peremptory Writ of Mandate is entered in favor of Petitioner in
13 this proceeding. Judgment is so entered because the Court finds that Respondents committed a
14 prejudicial abuse of discretion under the California Environmental Quality Act, Public Resources
15 Code-Section 21000 et seq. in taking the following actions, hereinafter referred to as the "Project":

- 16 a. Certifying the Final Environmental Impact Report ("FEIR") Adopting Findings of
17 Fact, A Statement of Overriding Considerations and a Mitigation Monitoring
18 Program for the Surland Companies Applications No. 1-04-GPA, 1-04-A/P; 2-04-
19 SPA;
20
21 b. Adopting an Ordinance of the City of Tracy Approving a Development Agreement
22 ("DA") with the Surland Companies, Application 2-06-DA;
23
24 c. Approving a Petition for Annexation, Application No. 1-04-GPA;
25
26 d. Approving a General Plan Amendment, Application No. 1-04-GPA; and
27
28 e. Approving of the Ellis Specific Plan and Pre-Zoning, Application 2-04-SPA.

2. The court finds the Development Agreement ("DA") does not comply with
Government Code Sections 65865 (b) and 65865.2 and is therefore void.

