

RESOLUTION NO. 12-35

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY FOR THE ANNEXATION OF ANNEXATION AREA NO. 1, IMPROVEMENT AREA NO. 2, TO COMMUNITY FACILITIES DISTRICT NO. 11-1 (SERVICES) (DOLLAR GENERAL), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE AREA TO BE ANNEXED TO THE DISTRICT

WHEREAS, on August 7, 2012, the Town Council adopted Resolution No. 12-31, entitled “Resolution of the Town Council of the Town of Yucca Valley Declaring Its Intention to Annex Territory to Community Facilities District No. 11-1 (Services)” (the District) stating its intent to annex Improvement Area No. 2 to the District under the Mello-Roos Act and to levy a special tax on all property within Improvement Area No. 2 for legally-permitted facilities and services, and directed staff to implement the Act’s requirements for annexation of territory to said District;

WHEREAS, the Resolution of Intention included a map of the proposed boundaries of Annexation Area No. 1 (Improvement Area No. 2) to the District, stated the services to be financed, and the rate and method of apportionment of the special tax to be levied within Annexation Area No. 1 (Improvement Area No. 2) of the District to pay the costs, is on file with the Town Clerk, and the provisions thereof are incorporated herein by the reference as if fully set forth, and

WHEREAS, on September 18, 2012, the Town Council held a public hearing on the annexation of Annexation Area No. 1 (Improvement Area No. 2) to Community Facilities District No. 11-1 (Services), and accepted written and documentary testimony and evidence relating thereto; and

WHEREAS, the Town Council now wishes to annex the territory and establish Improvement Area No. 2 in the community facilities district as provided herein, and all protests against formation of the proposed district are insufficient to prevent annexation; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Yucca Valley as follows:

SECTION 1. The Town Council hereby affirms the accuracy of the foregoing recitals.

SECTION 2. Pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311, *et seq.*), the Town Council has declared its intent to annex territory to a community facilities district. Pursuant to Section 53321 of the California Government Code, the Town Council hereby determines the following:

- A. The proposed area shall be annexed pursuant to the Mello-Roos Community Facilities Act of 1982 set forth in California Government Code Title 5, Division 2, Part 1, Chapter 2.5;
- B. The Town Council accepts the “Special Tax Report for the Town of Yucca Valley

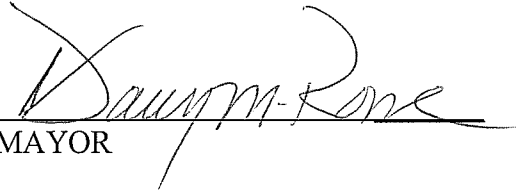
Community Facilities District No.11-1 (Services), Annexation Area No. 1 (Improvement Area No. 2).

- C. The proposed special tax to be levied within Annexation Area No. 1 (Improvement Area No. 2), CFD No. 11-1 (Services) has not been precluded by majority protest pursuant to Section 53324 of the Act.
- D. The annexation area shall be designated “Town of Yucca Valley Community Facilities District No. 11-1, Annexation Area 1 (Improvement Area No. 2)” is hereby established pursuant to the Act.
- E. The boundaries of Annexation Area No. 1 (Improvement Area No. 2) to the District, as set forth in the map of Annexation Area No. 1 (Improvement Area No. 2), CFD No. 11-1 (Services) shall correspond with the boundaries indicated on the map attached hereto as “Exhibit A” as recorded in the San Bernardino County Recorder’s Office in Book 42 and Pages 57 to 58 of Maps of Assessment and Community Facilities Districts.
- F. The name for the proposed area to be annexed to the district is “Community Facilities District No.11-1 (Services), Annexation Area No. 1 (Improvement Area No. 2)”;
- G. The public services to be financed by the District shall consist of those items described in the Resolution of Intention and by this reference incorporated herein.
- H. Except where funds are otherwise available, a special tax sufficient to pay for all services, secured by recordation of a continuing lien against all nonexempt real property in Annexation Area No. 1 of the District, will be levied annually within Annexation Area No. 1 (Improvement Area No. 2) of CFD No. 11-1 (Services), and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as the Town Council shall direct. The proposed rate and method of apportionment of the special tax among parcels of real property within the District in sufficient detail to allow each landowner within the proposed District to estimate the probable maximum amount such owner will have to pay, are described in “Exhibit B” attached to the Resolution of Intention and by reference are incorporated herein.
- I. It is hereby found and determined that the Services are necessary to meet the increased demands as the result of development occurring in Annexation Area No. 1 (Improvement Area No. 2) of the District
- J. The Director of Finance or his/her designee shall be responsible for preparing annually a current roll of the special tax levy obligation by assessor’s parcel number and which will be responsible for estimating future special tax levies pursuant to Government Code Section 53340.2
- K. Upon recordation of the Notice of Special Tax Lien pursuant to Section 3114.5 of the Street and Highways Code, a continuing lien to secure levy of the special tax shall attach to all nonexempt real property in Annexation Area No. 1 (Improvement Area No. 2) of the District and this lien shall continue in force and effect until the special

tax obligation is prepaid and permanently satisfied and the lien is canceled in accordance with law or until collection of the tax by the Town Council ceases.

- L. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and shall be submitted to the qualified electors of the area to be annexed to the District and an election, the time, place and condition of which shall be as specified by a separate resolution of the Town Council.

APPROVED AND ADOPTED on this 18th day of September, 2012.


MAYOR

ATTEST:


TOWN CLERK

Attachments: Resolution No. 12-31
Exhibit A – Boundary Map
Exhibit B - Rate and Method of Apportionment of Special Taxes

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California do hereby certify that Resolution No. 12-35 was duly and regularly adopted by the Town Council of the Town of Yucca Valley, California, at a meeting thereof held on the 18th day of September, 2012, by the following vote:

AYES: Council Members Abel, Huntington, Lombardo, and Mayor Rowe

NOES: None

ABSTAIN: None

ABSENT: None



TOWN CLERK