

RESOLUTION NO. 13-03

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA FOR THE ANNEXATION OF IMPROVEMENT AREA NO. 3 TO COMMUNITY FACILITIES DISTRICT NO. 11-1, ANNEXATION AREA #2, IMPROVEMENT AREA #3 (SERVICES), 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 December 4, 2012, the Town Council adopted Resolution No. 12-45, 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. 3 to the District under the Mello-Roos Act and to levy a special tax on all property within Improvement Area No. 3 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. 2 (Improvement Area No. 3) 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. 2 (Improvement Area No. 3) 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 February 5, 2013, the Town Council held a public hearing on the annexation of Annexation Area No. 2 (Improvement Area No. 3) 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;

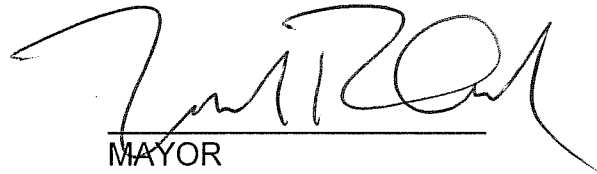
- B. The Town Council accepts the "Special Tax Report for the Town of Yucca Valley Community Facilities District No.11-1 (Services), Annexation Area No. 2 (Improvement Area No. 3).
- C. The proposed special tax to be levied within Annexation Area No. 2 (Improvement Area No. 3), CFD No. 11-1 (Services) 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 2 (Improvement Area No. 3)" is hereby established pursuant to the Act.
- E. The boundaries of Annexation Area No. 2 (Improvement Area No. 3) to the District, as set forth in the map of Annexation Area No. 2 (Improvement Area No. 3), 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 601 and Page 20 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. 2 (Improvement Area No. 3)";
- 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. 2 of the District, will be levied annually within Annexation Area No. 2 (Improvement Area No. 3) 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. 2 (Improvement Area No. 3) 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. 2 (Improvement Area No. 3) 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 5th day of February, 2013.


MAYOR

ATTEST:


TOWN CLERK

Attachments: Resolution No. 12-45
Exhibit A – Boundary Map

RESOLUTION NO.12-45

A 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)

WHEREAS, the Town of Yucca Valley, pursuant to Resolution No.11-38 adopted on August 16, 2011, approved the formation of Community Facilities District No. 11-1 (Services) ; and

WHEREAS, the Town requires that a funding mechanism be established for the purpose of funding the long-term maintenance and rehabilitation asphalt pavement, sidewalk, curbs, and other related facilities related to the approval of Conditional Use Permit (CUP) 02-04, and

WHEREAS, in order to accomplish the foregoing, the Town desires to annex territory to be known as Annexation Area No. 2 (Improvement Area No. 3) to Community Facilities District No. 11-1 pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311, *et seq.*), and to levy a special tax on all property within the annexed territory for legally-permitted facilities and services;

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

SECTION 1. Pursuant to the Mello-Roos Community Facilities Act of 1982 (Gov't Code § 53311, *et seq.*), the Town Council hereby declares its intent to annex Improvement Area No. 3 to Community Facilities District No. 11-1 (Services). Pursuant to Section 53321 of the California Government Code, the Town Council hereby determines the following:

- A. The improvement 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 proposed boundaries of Annexation Area No.2 (Improvement Area No. 3) shall correspond with the boundaries indicated on the map attached hereto as "Exhibit A" and incorporated herein by reference;
- C. The public facilities and services proposed to be financed by the District within Improvement Area No. 3 are the following:
 1. Maintenance of public streets and alleyways, including pavement, traffic control devices, landscaping and other public improvements installed within the public rights-of-way;
 2. Maintenance of all public pedestrian or bicycle pathways within the public rights-of-way;

3. Public lighting and appurtenant facilities, including street lights within public rights-of-way and traffic signals located at the entrance driveway on Twentynine Palms Highway, and at the intersection of Twentynine Palms Highway and Avalon Avenue; and
 4. Town and County costs associated with the setting, levying and collection of the special tax, and in the administration of the District including the contract administration.
- D. Except where funds are otherwise available, a special tax sufficient to pay for all facilities and services, secured by recordation of a continuing lien against all nonexempt real property in the District, will be annually levied within Annexation Area No. 2 (Improvement Area No. 3) ("the area"). The rate, method of apportionment, and manner of collection of the special tax are described in Exhibit B to this Resolution.
- E. The annexation area does not currently contain any parcels used for private residential purposes, and the Council hereby declares that no special tax shall be levied within the District against any parcel that may be subsequently used for private residential purposes;

SECTION 2. The Town Council hereby fixes January 15, 2013 as the date for a public hearing on this resolution, to commence at 6:00 p.m. at the Town of Yucca Valley Town Council Chambers, located at 57090 29 Palms Highway, Yucca Valley, California.

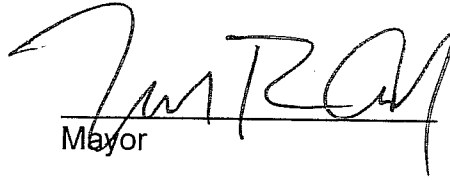
SECTION 3. The Town Manager or his designee is hereby directed to study the need for the formation of the proposed District and, at or before the time of the public hearing on formation of the District, to file a report with the Town Council containing a brief description of the public services which will be required to adequately meet the needs of the Annexation Area No. 2 (Improvement Area No. 3) and an estimate of the cost of providing those services.

SECTION 4. At or prior to the public hearing, protests against the formation of the District may be made orally or in writing by interested persons or taxpayers. Written response should be directed to: Janet M. Anderson, Town Clerk, Town of Yucca Valley, CA.

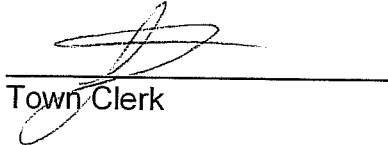
SECTION 5. The levy of the special tax to be imposed with the District shall be submitted to the qualified electors of the territory to be included within the District pursuant to Section 53326 of the Government Code.

SECTION 6. The Town Council hereby directs the Town Clerk to publish notice of the public hearing on this resolution in the manner required by Section 53322 of the California Government Code; and to provide written notice of said public hearing to all landowners within the proposed District in the manner required by Section 53322.4 of the California Government Code; and to conduct all activities necessary for the election on the levy of special taxes as may be legal and necessary.

APPROVED AND ADOPTED on this 4th day of December, 2012


Mayor

ATTEST:


Town Clerk

Attachments: Exhibit A – Boundary Map Annexation Area No. 2
Exhibit B - Rate and Method of Apportionment of Special Taxes for
Annexation Area No. 2

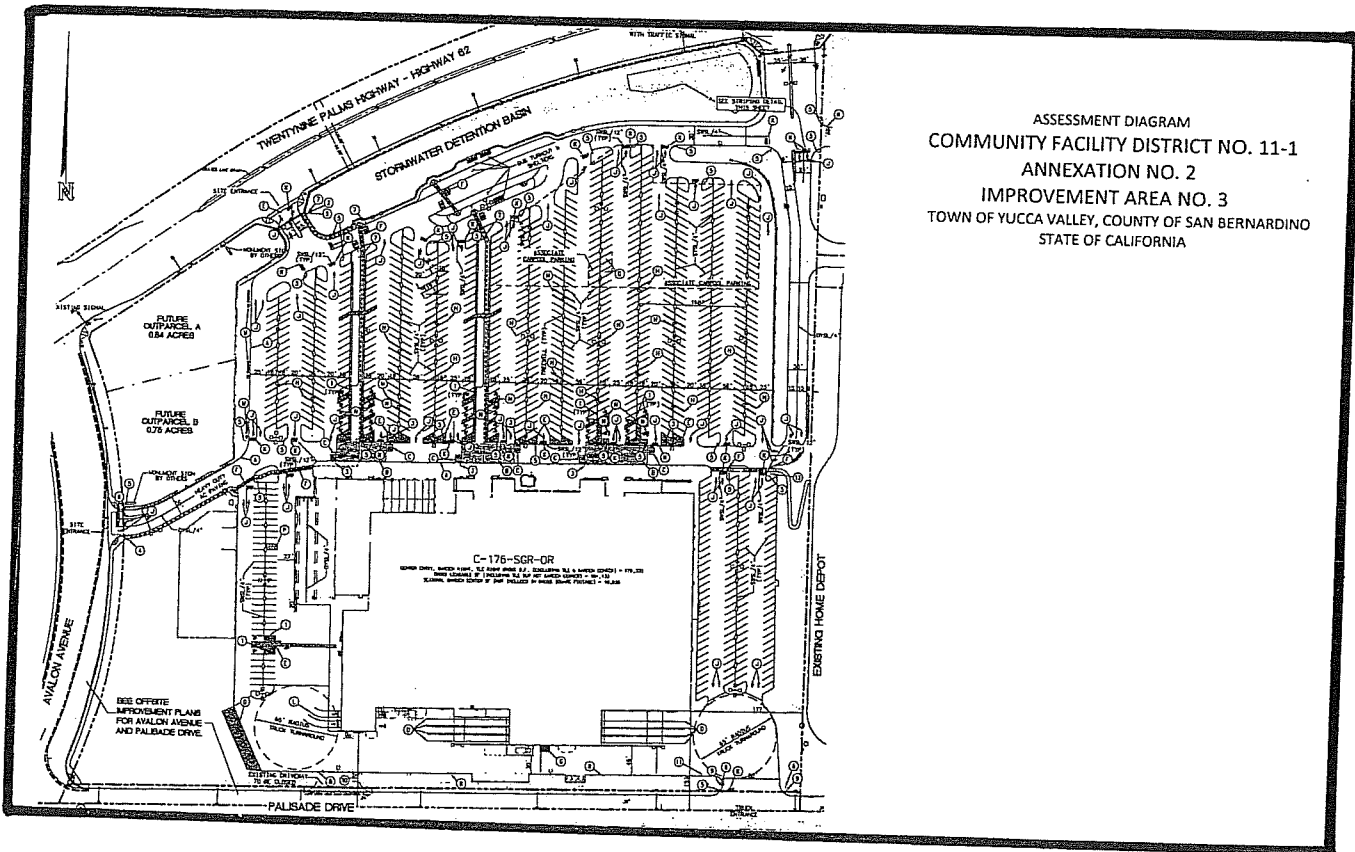
PROPOSED BOUNDARIES
ANNEXATON NO. 1

(Attached)

NOTE – all parcels located within the proposed annexation boundaries are owned by the following parties:

<u>Assessor's Parcel No.</u>	<u>Owner</u>
601-201-37	Wal-Mart Stores, Inc.

TOWN OF YUCCA VALLEY
ANNEXATION AREA NO. 1 (IMPROVEMENT AREA NO. 3)
Community Facilities District No. 11-1 (Services)



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. 13-03 was duly and regularly adopted by the Town Council of the Town of Yucca Valley, California, at a meeting thereof held on the 5th day of February, 2013, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None



TOWN CLERK