

RESOLUTION NO. 2021-YYYY

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, DECLARING INTENTION TO ANNEX TERRITORY AS ANNEXATION 141 INTO COMMUNITY FACILITIES DISTRICT 98-02 FOR LIGHTING, LANDSCAPING, OPEN SPACE, AND PRESERVE MAINTENANCE, IMPROVEMENT AREA F-57, DECLARING INTENTION TO ANNEX TERRITORY IN THE FUTURE TO IMPROVEMENT AREA F-57, AND SETTING THE DATE OF PUBLIC HEARING FOR CONSIDERATION OF THE ANNEXATION OF SAID TERRITORY

ANNEXATION NO. 141, IMPROVEMENT AREA F-57

APNs: 221-081-01, -02, -03, -04,-05

WHEREAS, the CITY COUNCIL of the CITY OF SAN MARCOS, CALIFORNIA desires to initiate ANNEXATION 141 to annex the territory depicted in Exhibit 'A' (the Territory) to COMMUNITY FACILITIES DISTRICT NO. 98-02 for LIGHTING, LANDSCAPING, OPEN SPACE AND PRESERVE MAINTENANCE (CFD 98-02) and to designate such annexed territory as special IMPROVEMENT AREA F-57 (the District); and

WHEREAS, such annexation is pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5, Part 1, Division 2, Title 5, Article 3.5 of the Government Code of the State of California; and

WHEREAS, City Council desires to adopt a Resolution of Intention to annex the Territory into the District, to describe the territory included within the District and the Territory proposed to be annexed as shown in Exhibit 'A', to describe the territory to be annexed into the District in the future as shown in Exhibit 'B', to specify the facilities to be maintained, to set and specify the special taxes that would be levied within the Territory to finance the services necessary to maintain the facilities, and to set a time and place for

a public hearing for the annexation of the Territory to the District and the designation of the Territory and future territory as IA F-57; and

WHEREAS, the map provided in Exhibit 'A' showing the Territory proposed to be annexed to the District and designated as IA F-57 has been previously approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. These proceedings for annexation are initiated by this City Council pursuant to the authorization of Section 53339.2 of the Government Code of the State of California.

SECTION 3. This legislative body hereby determines that the public convenience and necessity requires that the Territory be added to the District and this City Council declares its intention to annex the Territory to the District and to provide future annexation for the future territory.

SECTION 4. Description of the Territory proposed to be annexed is as follows:
All that Territory proposed to be annexed to the District, as such property is shown on a map as previously approved by this legislative body as Resolution 2021-XXXX, such map designated by the name of the District, the number of the proposed annexation and the number of the proposed improvement area, a copy of which is on file in the Office of the City Clerk and shall remain open for public inspection.

SECTION 5. A general description of the existing District territory is as follows:
All that property and territory as originally included within the District and subsequently annexed to the District, as such property was shown on a maps as approved by this City

Council designated by the name of the original District, copies of which are on file in the Office of the City Clerk, as well as copies being on file in the Office of the County Recorder.

SECTION 6. Description of the Territory proposed to be annexed in the future is as follows:

All that Territory proposed to be annexed to the District, as such property is shown on a map as previously approved by this legislative body as Resolution 2021-ZZZZ, such map designated by the name of the District, the number of the proposed improvement area, a copy of which is on file in the Office of the City Clerk and shall remain open for public inspection.

SECTION 7. The proposed annexation shall be known and designated as COMMUNITY FACILITIES DISTRICT NO. 98-02 (LIGHTING, LANDSCAPING, OPEN SPACE AND PRESERVE MAINTENANCE), ANNEXATION NO. 141, IMPROVEMENT AREA F-57.

SECTION 8. The types of services generally provided in the District include, but are not limited to, the maintenance, operation, and management of the following types of facilities and properties:

- A. Public lighting and appurtenant facilities, including, but not limited to street lighting and traffic signals;
- B. Median landscaping and appurtenant facilities such as irrigation;
- C. Parkway landscaping and appurtenant facilities such as irrigation;
- D. Public or private property required by the City of San Marcos to be maintained as passive open space areas, including, but not limited to, passive open space areas, habitat preservation areas, slope areas and

earthen/natural drainage channels and appurtenant facilities such as drainage pipes and systems; and

- E. Active open space areas including parks and trails and appurtenances such as signage.

For a full and complete description of the public services, reference is made to the final Special Tax Report for the District, a copy of which is on file in the Office of the City Clerk.

SECTION 9. The types of services proposed to be provided in the Territory include those maintenance services described above plus the maintenance, operation, and management of the following facilities:

- A. Park open space;
- B. Landscaping, trees, and appurtenances such as irrigation;
- C. Sidewalk, pathways, trails and overlooks;
- D. Storm water hydromodification and storm water quality facilities;
- E. Fencing; and
- F. Medians; and
- G. Pedestrian bridge

SECTION 10. It is the intention of this legislative body that, except where funds are otherwise available, a special tax sufficient to pay for such services to be provided in the Territory, secured by recordation of a continuing lien against all non-exempt real property in the Territory, will be levied annually within the boundaries of the Territory. For particulars as to the rate and method of apportionment of the proposed special tax, reference is made to the attached and incorporated Exhibit 'B' which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within the Territory to clearly estimate the maximum amount of the special tax that such person will have to pay.

The special taxes shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency, as applicable for ad valorem taxes; however, as applicable, this City Council may, by resolution, establish and adopt an alternate or supplemental procedure as necessary. Any special taxes that may not be collected on the County tax roll shall be collected through a direct billing procedure by the Treasurer of the City of San Marcos, acting for and on behalf of the District.

SECTION 11. NOTICE IS GIVEN THAT ON THE 16TH DAY OF NOVEMBER, 2021, AT THE HOUR OF 6:00 O'CLOCK P.M., IN THE REGULAR MEETING PLACE OF THE LEGISLATIVE BODY, BEING THE COUNCIL CHAMBERS, CITY HALL, 1 CIVIC CENTER DRIVE, SAN MARCOS, CALIFORNIA, A PUBLIC HEARING WILL BE HELD WHERE THIS LEGISLATIVE BODY WILL CONSIDER THE ANNEXATION OF CERTAIN TERRITORY TO THE EXISTING COMMUNITY FACILITIES DISTRICT AND THE DESIGNATION OF SUCH TERRITORY AS AN IMPROVEMENT AREA THERETO, THE ANNEXATION OF CERTAIN TERRITORY IN THE FUTURE, THE PROPOSED METHOD AND APPORTIONMENT OF THE SPECIAL TAX TO BE LEVIED WITHIN SUCH TERRITORY PROPOSED TO BE ANNEXED AND ALL OTHER MATTERS AS SET FORTH IN THIS RESOLUTION OF INTENTION. ANY INTERESTED PERSONS MAY APPEAR AND BE HEARD, AND WRITTEN PROTESTS SHALL BE FILED ON OR BEFORE THE TIME FIXED FOR THE PUBLIC HEARING.

SECTION 12. The notice of the time and place of the public hearing shall be given by the City Clerk in the following manner:

A Notice of Public Hearing shall be published in the legally designated newspaper of general circulation, such publication pursuant to Section 6061 of the Government Code, with such publication to be completed at least seven (7) days prior to the date set for the public hearing.

SECTION 13. Upon the conclusion of the public hearing, if the legislative body determines to proceed with the current annexation, a proposition shall be submitted to the qualified electors of the Territory. The vote shall be by registered voters within the Territory to be annexed; however, if there are no registered voters, the vote shall be by landowners, with each landowner having one vote per acre or portion thereof within the Territory.

SECTION 14. Annexation of territory in the future shall be effective upon the unanimous approval and election of the owner or owners of any such parcel at the time the parcel is annexed, and no further public hearings or additional proceedings will be required to accomplish such annexation.

PASSED, APPROVED and ADOPTED this 12th day of October, 2021, by the following roll call vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

ATTEST:

Rebecca D. Jones, Mayor
City of San Marcos

Phillip Scollick, City Clerk
City of San Marcos