

RESOLUTION NO. 2015 - ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, CERTIFYING THE RESULTS OF ELECTIONS AND ADDING PROPERTY TO COMMUNITY FACILITIES DISTRICT NO. 2011-01 (CONGESTION MANAGEMENT) OF THE CITY OF SAN MARCOS

(Annexation No. 7)

WHEREAS, the City Council of the City of San Marcos, California (the "City Council") has previously formed Community Facilities District No. 2011-01 (Congestion Management) of the City of San Marcos ("CFD No. 2011-01") pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), as amended, and the City of San Marcos Community Facilities District Procedural Ordinance enacted pursuant to the powers reserved by the City of San Marcos under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California (the "Ordinance") (the Act and the Ordinance may be referred to collectively as the "Community Facilities District Law") for the purpose of financing certain facilities and services; and,

WHEREAS, acting pursuant to the Community Facilities District Law, the City Council also authorized by the adoption of Resolution No. 2011-7534 (the "Resolution Authorizing Future Annexation") the annexation in the future of territory to CFD No. 2011-01, such territory designated as FUTURE ANNEXATION AREA, COMMUNITY FACILITIES DISTRICT NO. 2011-01 (CONGESTION MANAGEMENT) (the "Future Annexation Area"); and,

WHEREAS, at this time the unanimous consent to the annexation of certain territory located within the Future Annexation Area to CFD No. 2011-01 has been received from the property owner or owners of each of the parcels within such territory, and such territory has been designated as ANNEXATION NO. 7 (the "Annexed Area"); and,

WHEREAS, less than twelve (12) registered voters have resided within the territory of the Annexed Area for each of the ninety (90) days preceding the election date established for each parcel located within the Annexed Area, therefore, pursuant to the Act the qualified electors of each parcel located within the Annexed Area shall be the "landowners" of such parcel as such term is defined in Government Code Section 53317(f) and each such landowner who is the owner of record as of the applicable election date, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of the parcel of land that she or he owns within such Annexed Area; and,

WHEREAS, the time limit specified by the Act for conducting an election to submit the levy of the special taxes on each of the parcels within the Annexed Area to the qualified electors of each such parcel and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of all of the qualified electors of the Annexed Area; and,

WHEREAS, the City Clerk of the City of San Marcos has caused ballots to be distributed to the qualified electors of the Annexed Area, has received and canvassed such ballots and made a report to the City Council regarding the results of such canvas, a copy of which is attached as Exhibit A hereto and incorporated herein by this reference; and,

WHEREAS, at this time the measure has been voted upon and such measure did receive the favorable vote of each of the qualified electors of the Annexed Area, and the City Council desires to declare the results of each of the elections; and,

WHEREAS, a map showing the Annexed Area and designated as Annexation Map No. 7 (the "Annexation Map"), a copy of which is attached as Exhibit B hereto and incorporated herein by this reference, has been submitted to this legislative body.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Marcos, California, acting as the legislative body of Community Facilities District No. 2011-01 (Congestion Management), as follows:

Section 1. Recitals. The above recitals are true and correct.

Section 2. Findings. This legislative body does hereby further determine as follows:

- A. The unanimous consent as described in the recitals hereto to the annexation of each parcel located within the Annexed Area to CFD No. 2011-01 has been given by the owner(s) of each such parcel and such consent shall be kept on file in the Office of the City Clerk of the City.
- B. Less than twelve (12) registered voters have resided within the territory of the Annexed Area for each of the ninety (90) days preceding the election date established for each of the parcels located within the Annexed Area; therefore, pursuant to the Act the qualified electors for each such parcel located within the Annexed Area are the "landowners" of each such parcel as such term is defined in Government Code Section 53317(f).
- C. The qualified electors of each parcel located within the Annexed Area have voted in favor of the levy of special taxes on such parcel upon its annexation to CFD No. 2011-01.

Section 3. Annexed Area. The boundaries and parcels of territory within the Annexed Area and on which special taxes will be levied in order to pay for the costs and expenses of authorized public services and public facilities are shown on the Annexation Map as submitted to and hereby approved by this legislative body.

Section 4. Declaration of Annexation. This legislative body does hereby determine and declare that the Annexed Area, and each parcel therein, is now added to and becomes a part of CFD No. 2011-01. The City Council, acting as the legislative body of CFD No. 2011-01, is hereby empowered to levy the authorized special tax within the Annexed Area.

Section 5. Notice. Immediately upon adoption of this Resolution, notice shall be given as follows:

A. A copy of the Annexation Map as approved shall be filed in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.

B. An Amendment to the Notice of Special Tax Lien (Notice of Annexation) shall be recorded in the Office of the County Recorder no later than fifteen (15) days after the date of adoption of this Resolution.

Section 6. Effective Date. This Resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED by the Council of the City of San Marcos, California,
this 13th day of January, 2015, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

James M. Desmond, Mayor,
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk,
City of San Marcos

EXHIBIT "A"

**CERTIFICATE OF ELECTION OFFICIAL
AND STATEMENT OF VOTES CAST**

Exhibit "B"

Annexation Map