

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS ORDERING ACTION TO TRANSMIT TO SAN DIEGO COUNTY DOCUMENTS NECESSARY TO CREDIT THE SAN DIEGO COUNTY TAX COLLECTOR UPON THE TAX ROLL AND TO RELIEVE THE TAX COLLECTOR OF FURTHER DUTY THERETO IN COMMUNITY FACILITIES DISTRICT NO. 88-1, COMMUNITY FACILITIES DISTRICT NO. 91-01, COMMUNITY FACILITIES DISTRICT NO. 99-01, AND COMMUNITY FACILITIES DISTRICT NO. 2002-01; AND ORDERING FORECLOSURE ACTION TO FORECLOSE ON THE DELINQUENT SPECIAL TAXES

WHEREAS, the City Council of the City of San Marcos, California, did previously undertake proceedings to and did establish community facilities districts pursuant to the provisions of the Mello-Roos Community Facilities District Act of 1982, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"). Such community facilities districts are known and designated as Community Facilities District No. 88-1, Community Facilities District No. 91-01, Community Facilities District No. 99-01, and Community Facilities District No. 2002-01, (the "Districts"); and,

WHEREAS, the Districts did previously issue special tax bonds pursuant to the Act to finance public infrastructure construction; and,

WHEREAS, pursuant to the Act, the timely collection of the special taxes are necessary for the timely payment of all principal and interest on the special tax bonds and each special tax levy thereof and interest and penalties thereon constitute liens against the lots and parcels of land against which they are made, until the same are paid; and,

WHEREAS, certain special taxes have not been paid when due and certain special taxes may not be paid in the future; and,

WHEREAS, the City of San Marcos, through the Districts' proceedings, has covenanted with the owners of the special tax bonds to commence and diligently pursue foreclosure actions against those parcels of land subject to the delinquent payment of special taxes; and,

WHEREAS, under the provisions of Section 53356.1 of the Government Code of California, this City Council is authorized, not later than four years after the final maturity of the special tax bonds, to order the same to be collected by an action brought in the superior court to foreclose the liens of the delinquent special taxes; and,

WHEREAS, under the provisions of Section 53356.2 of the Government Code of California, when such foreclosure actions are ordered, the county tax collector is to be credited upon the tax roll with the amount charged against the tax collector on account of the delinquent special taxes to be sued on and to be relieved of further duty in regard thereto and a Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll is to be recorded with the county recorder's office in the county in which the real property is located.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Marcos as follows:

SECTION 1. The City of San Marcos hereby orders that the delinquent payments of special taxes with respect to those parcels identified on "Exhibit A" attached hereto and incorporated herein, and all subsequent delinquent special taxes with respect to those parcels which are not paid when due, be collected by action brought in the Superior Court of San Diego County to foreclose the liens thereof.

SECTION 2. The City Manager/Treasurer is hereby authorized and directed to institute or retain special legal counsel to institute such actions in the name of the City to foreclose the liens of all such delinquent special taxes.

SECTION 3. The City of San Marcos hereby orders that the City Manager or the City Manager's designee, in cooperation and in conjunction with special counsel, is authorized and directed to prepare and cause to be recorded with the County Recorder of San Diego County a Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll.

SECTION 4. The City of San Marcos hereby orders that the Treasurer, in cooperation and in conjunction with special counsel, is authorized and directed to transmit a certified copy of this Resolution to the Auditor/Controller's office of San Diego County, together with such other documents and the payment of such fees as is necessary or appropriate to credit the San Diego County Tax Collector upon the tax roll with the amounts charged against the Tax Collector on account of the delinquent special tax installments to be sued upon and to relieve the Tax Collector of further duty in regards thereto.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos at its regular meeting held the 28th day of October, 2014, by the following roll call vote:

AYES:COUNCIL MEMBERS:

NOES:COUNCIL MEMBERS:

ABSENT:COUNCIL MEMBERS:

James M. Desmond, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos