



ATTACHMENT 1

Resolution to Certify Elections and Annex Property to CFD No. 2011-01

RESOLUTION NO. 2023 - ____

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

(Annexation No. 28)

WHEREAS, the City Council of the City of San Marcos, California ("City Council") has previously formed the City of San Marcos Community Facilities District No. 2011-01 ("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, as amended, 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 are herein 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, by the adoption of Resolution No. 2011-7534 (the "Resolution Authorizing Future Annexation") on June 28, 2011, authorized the annexation in the future of territory to CFD No. 2011-01, such territory being designated as FUTURE ANNEXATION AREA, COMMUNITY FACILITIES DISTRICT NO. 2011-01 (CONGESTION MANAGEMENT) (the "Future Annexation Area"); and,

WHEREAS, on June 28, 2011, a public hearing, as required by the Act, was held regarding all matters in the Resolution Authorizing Future Annexation, including the annexation of the Future Annexation Area, at which the testimony of all interested persons was heard. Neither protests from 50 percent or more of the registered voters residing within the territory proposed to be included in CFD No. 2011-01 nor protests from the owners of one-half or more of the area of the land in the territory proposed to be included in CFD No. 2011-01 were received; and

WHEREAS, at this time the unanimous consent to the annexations 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 (each a separate annexation) known as Annexation of APN 219-152-34-00 and Annexation of APN 220-032-37-00, and together such territory has been designated for convenience as ANNEXATION NO. 28 (together, the "Annexed Area"); and

WHEREAS, the City Council, acting as the legislative body for CFD No. 2011-01, hereby ratifies the calling of special elections which were held on June 27, 2023 for Annexation of APN 219-152-34-00 and July 5, 2023 for Annexation of APN 220-032-37-00 on the propositions contained in the Official Ballots (the "Ballots"), the mailing of which is hereby ratified, regarding the levy of special taxes in the Annexed Area which have been provided to the landowners of the Annexed Area; and,

WHEREAS, as shown in certifications of the County Registrar of Voters, less than twelve (12) registered voters have resided within the territory of each annexation for each of the ninety (90) days preceding the election date established for each annexation located within the Annexed Area, and therefore, pursuant to the Act the qualified electors of each special election shall be the landowners of such territory 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 owned by such landowner within such Annexed Area not exempt from the special tax; and,

WHEREAS, the time limits 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 and the requirements for an impartial analysis and ballot arguments have been waived with the unanimous consent of all of the qualified electors of the applicable territory within the Annexed Area; and,

WHEREAS, the City Clerk of the City of San Marcos (the "City Clerk") has caused the Ballots to be distributed to the qualified electors of the Annexed Area, has received and canvassed such Ballots, and a copy of such canvass is attached as Exhibit A hereto and incorporated herein by this reference; and,

WHEREAS, at this time the Ballot measures have been voted upon and all votes voted in each election were in favor thereof, and the City Council now desires to declare the results of the elections; and,

WHEREAS, a map showing the Annexed Area and designated as Annexation Map No. 28 (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 CFD No. 2011-01, as follows:

Section 1. Recitals. The above recitals are true and correct and this legislative body does hereby find and determine.

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

- A. The unanimous consent as described in the recitals hereto for the annexations of each parcel located within the Annexed Area 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.
- B. As shown in certifications of the County Registrar of Voters, less than twelve (12) registered voters have resided within the territory of each separate annexation for each of the ninety (90) days preceding the election date established for each annexation; therefore, pursuant to the Act the qualified electors at the elections are the "landowners" of the territory of each such annexation, each being a separate annexation, as such term is defined in Government Code Section 53317(f).
- C. All votes voted by the qualified electors in each of the elections have been 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 police services and police 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 as a separate annexation, is now annexed 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 25th day of July 2023, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos