

RESOLUTION NO. 2017-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 98-02 (LIGHTING, LANDSCAPING, OPEN SPACE AND PRESERVE MAINTENANCE), CERTIFYING THE RESULTS OF ELECTIONS AND ADDING PROPERTY DESIGNATED AS ANNEXATION NO. 129 TO SUCH DISTRICT AND APPROVING BOUNDARY MAP.

WHEREAS, the City Council of the City of San Marcos, California, acting in its capacity as the legislative body (the "Legislative Body") of Community Facilities District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance) (the "District") has previously formed the District pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (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 Law, the Legislative Body has also established a procedure to allow and provide for future annexations to the District and the territory proposed to be so annexed in the future was designated as Community Facilities District No. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance) future annexation area (the "Future Annexation Area"); and

WHEREAS, at this time the unanimous consent of the property owner or owners of certain specific territory proposed to be annexed has been received and said territory has been designated as Annexation No. 129 (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, a map showing the Annexed Area designated as Annexation Map No. 129 (the "Annexation Map") 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. 98-02 (Lighting, Landscaping, Open Space and Preserve Maintenance), 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 the District 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 the District.

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 the District. The City Council, acting as the legislative body of the District, 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 11<sup>th</sup> day of July, 2017, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ATTEST:

\_\_\_\_\_  
Phillip Scollick, City Clerk,  
City of San Marcos

\_\_\_\_\_  
James M. Desmond, Mayor,  
City of San Marcos

**EXHIBIT "A"**

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

**Exhibit “B”**

**Annexation Map**