

RESOLUTION NO. 2018 -

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 17-I (WESTERN CHULA VISTA DIF FINANCING PROGRAM), CERTIFYING THE RESULTS OF A SPECIAL ELECTION IN THAT TERRITORY DESIGNATED AS COMMUNITY FACILITIES DISTRICT NO. 17-I (WESTERN CHULA VISTA DIF FINANCING PROGRAM), ANNEXATION NO. 2018-01, AND ADDING SUCH TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 17-I (WESTERN CHULA VISTA DIF FINANCING PROGRAM)

(Annexation No. 2018-01)

WHEREAS, the City Council of the City of Chula Vista, California (the "City Council") has previously formed Community Facilities District No. 17-I (Western Chula Vista DIF Financing Program) ("CFD No. 17-I") pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), as amended, and the City of Chula Vista Community Facilities District Ordinance enacted pursuant to the powers reserved by the City of Chula Vista 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 the payment of certain development impact fee obligations; and

WHEREAS, acting pursuant to the Community Facilities District Law, the City Council also authorized by the adoption of Resolution No. 2016-051 (the "Resolution Authorizing Future Annexation") the annexation in the future of territory to CFD No. 17-I, such territory designated as Future Annexation Area, Community Facilities District No. 17-I (the "Future Annexation Area"); and

WHEREAS, the owner of that property located at 260-270 Broadway which is within the Future Annexation Area made application pursuant to the Community Facilities District Law to annex such territory to CFD No. 17-I and such property has been designated as Annexation No. 2018-01 (the "Territory"); and

WHEREAS, at this time the unanimous consent to the annexation of the Territory to CFD No. 17-I has been received from the property owner of the Territory, and

WHEREAS, less than twelve (12) registered voters have resided within the territory of Territory for each of the ninety (90) days preceding the election date established for the Territory, therefore, pursuant to the Act the qualified elector of the Territory shall be the "landowner," as such term is defined in Government Code Section 53317(f), of such Territory and 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 landowner owns within such Territory; and

WHEREAS, the time limit specified by the Act for conducting an election to submit the levy of the special taxes on the Territory to the qualified elector thereof and the requirements for

impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified elector of the Territory; and

WHEREAS, the City Clerk of the City of Chula Vista has caused a ballot to be distributed to the qualified elector of the Territory, has received and canvassed such ballot and made a report to the City Council regarding the results of such canvass, a copy of which is attached as Exhibit A hereto and incorporated herein by this reference; and

WHEREAS, at this time the measure voted upon and such measure did receive the favorable vote of the qualified elector of the Territory, and the City Council desires to declare the results of the election; and

WHEREAS, a map showing the Territory and designated as Annexation Map No. 2018-01 (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, IT IS HEREBY RESOLVED by the City Council of the City of Chula Vista, California, acting as the legislative body of CFD No. 17-I, 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 the Territory to CFD No. 17-I has been given by the owner of the Territory and such consent shall be kept on file in the Office of the City Clerk of the City of Chula Vista.

B. Less than twelve (12) registered voters have resided within the Territory for each of the ninety (90) days preceding the election date established for each of the parcels located within the Territory, therefore, pursuant to the Act the qualified elector for the Territory shall be the "landowner" of the Territory as such term is defined in Government Code Section 53317(f).

C. The qualified elector of the Territory has voted in favor of the levy of special taxes on the Territory upon its annexation to CFD No. 17-I.

Section 3. Territory. The boundaries and parcels of property within the Territory and on which special taxes will be levied in order to finance the payment of development impact fees which will pay for 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 Territory, and each parcel therein, is now added to and becomes a part of CFD No. 17-I. The City Council, acting as the legislative body of CFD No. 17-I, is hereby empowered to levy the authorized special tax within the Territory.

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.

PREPARED BY:

APPROVED AS TO FORM BY:

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Eric Crockett,  
Director of Economic Development

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Glen R. Googins,  
City Attorney

EXHIBIT A  
CERTIFICATE OF ELECTION OFFICIAL  
AND STATEMENT OF VOTES CAST

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF SAN DIEGO         )

The undersigned, ELECTION OFFICIAL OF THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DOES HEREBY CERTIFY that pursuant to the provisions of Section 53326 of the Government Code and Division 12, commencing with Section 17000 of the Elections Code of the State of California, I did canvass the returns of the votes cast at the

COMMUNITY FACILITIES DISTRICT NO. 17-I  
(WESTERN CHULA VISTA DIF FINANCING PROGRAM)  
SPECIAL ELECTION  
ANNEXATION NO. 2018-01

held on the election date established for each parcel located within the territory included in Annexation No. 2018-01.

I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in the area proposed to be annexed to Community Facilities District No. 17-I (Western Chula Vista DIF Financing Program) for or against the Measure are full, true and correct.

VOTES CAST ON PROPOSITION 1:                           YES \_\_\_\_\_  
   NO     \_\_\_\_\_

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
CITY CLERK  
ELECTION OFFICIAL  
CITY OF CHULA VISTA  
OF THE STATE OF CALIFORNIA

EXHIBIT B  
ANNEXATION MAP