

RESOLUTION NO. 19157

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, MAKING CERTAIN PRELIMINARY FINDINGS, PASSING UPON PROTESTS AND APPROVING THE SPECIAL TAX REPORT FOR COMMUNITY FACILITIES DISTRICT NO. 97-1 (OPEN SPACE MAINTENANCE DISTRICT [OTAY RANCH - SPA ONE, VILLAGES 1 & 5])

WHEREAS, the City Council of the City of Chula Vista (the "City Council"), has previously declared its intention and ordered the preparation of a Special Tax Report relating to the initiation of proceedings to create a Community Facilities District pursuant to the terms and 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") 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). This Community Facilities District shall hereinafter be referred to as COMMUNITY FACILITIES DISTRICT NO. 97-1 (OPEN SPACE MAINTENANCE DISTRICT [OTAY RANCH - SPA ONE, VILLAGES 1 & 5]) (the "District"); and

WHEREAS, notice of a public hearing relating to the establishment of the District, the extent of the District, the furnishing of certain services and all other related matters has been given, and a Special Tax Report, as ordered by this City Council, has been presented to this City Council and has been made a part of the record of the hearing on the Resolution of Intention to establish said District; and

WHEREAS, all communications relating to the establishment of the District, the proposed services and the proposed rate and method of apportionment of special tax have been presented, and it has further been determined that a majority protest as defined by law has not been received against these proceedings; and

WHEREAS, the Special Tax Report as now submitted further containing changes and modifications to the proceedings, as applicable, is hereby approved; and

WHEREAS, inasmuch as there have been less than twelve (12) registered voters residing within the territory of the District for at least the preceding ninety (90) days, this legislative body is desirous to submit the levy of the required special tax to the landowners of the District, said landowners being the qualified electors as authorized by law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The above recitals are all true and correct.

SECTION 2. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Community Facilities District Law.

SECTION 3. The Special Tax Report, as now submitted, shall stand as the Special Tax Report for all future proceedings and all terms and contents are approved as set forth therein.

SECTION 4. It is hereby determined by this legislative body to proceed with the formation and establishment of the District, formally known and designated as "COMMUNITY FACILITIES DISTRICT NO. 97-1 (OPEN SPACE MAINTENANCE DISTRICT [OTAY RANCH - SPA ONE, VILLAGES 1 & 5])."

SECTION 5. It is hereby further determined by this legislative body that all proceedings prior hereto were valid and taken in conformity with the requirements of law, and specifically the provisions of the Community Facilities District Law, and this finding is made pursuant to the provisions and authorization of Section 53325.1 of the Government Code of the State of California. It is further determined by this legislative body that the District as proposed conforms with the City of Chula Vista Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts, as amended.


SECTION 6. It is determined by this legislative body that less than twelve (12) registered voters have resided within the territory of the District for each of the ninety (90) days preceding the close of the public hearing. Consequently this legislative body further determines that pursuant to the Community Facilities District Law the qualified electors shall be the landowners of the District and each landowner who is the owner of record as of the close of the public hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that she or he owns within the District.

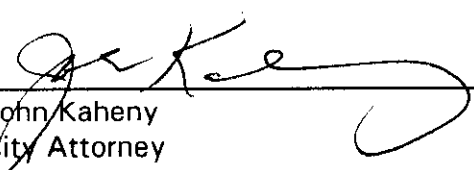
SECTION 7. It is determined by this legislative body that the time limit specified by the Community Facilities District Law for conducting an election to submit the levy of the special taxes to the qualified electors of the District and the requirements for impartial analysis and ballot arguments have been waived with the unanimous consent of the qualified electors of the District. It is further determined by this legislative body that the City Clerk, acting as the election official, has consented to conducting any required election on a date which is less than 125 days following the adoption of any resolution forming and establishing the District.

SECTION 8. It is hereby further determined by this legislative body that the proposed public services are necessary to meet increased demands placed upon the City as a result of development and/or rehabilitation occurring in the District.

Presented by

Approved as to form by

  
\_\_\_\_\_  
John P. Lippitt  
Public Works Director

  
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John Kaheny  
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 15<sup>th</sup> day of September, 1998, by the following vote:

AYES:	Councilmembers:	Padilla, Rindone, Salas and Horton
NAYS:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	Moot

  
\_\_\_\_\_  
Shirley Horton, Mayor

ATTEST:

  
\_\_\_\_\_  
Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF SAN DIEGO     )  
CITY OF CHULA VISTA        )

I, Beverly A. Authelet, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 19157 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 15<sup>th</sup> day of September, 1998.

Executed this 15<sup>th</sup> day of September, 1998.

  
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Beverly A. Authelet, City Clerk