

RESOLUTION NO. 19063

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 98-3 (OPEN SPACE MAINTENANCE DISTRICT NO. 35 [SUNBOW II]) AND TO AUTHORIZE THE LEVY A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES

WHEREAS, the CITY COUNCIL of the CITY OF CHULA VISTA, CALIFORNIA (the "City Council"), at this time is desirous to initiate 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. 98-3 (OPEN SPACE MAINTENANCE DISTRICT NO. 35 [SUNBOW II]) (hereinafter referred to as the "District"); and

WHEREAS, this City Council is now required to proceed to adopt its Resolution of Intention to initiate the proceedings for the establishment of such District, to set forth the boundaries for such District, to indicate the type of public services to be financed by such District, to indicate the rate and apportionment of a special tax sufficient to finance such services, to set a time and place for a public hearing relating to the establishment of such District; and

WHEREAS, a map of such District has been submitted showing the boundaries of the territory proposed for inclusion in the District including properties and parcels of land proposed to be subject to the levy of a special tax by the District.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

RECITALS

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

INITIATION OF PROCEEDINGS

SECTION 2. These proceedings are initiated by this City Council pursuant to the authorization of Section 53318 of the Government Code of the State of California.

BOUNDARIES OF DISTRICT

SECTION 3. It is the intention of this City Council to establish a Community Facilities District pursuant to the provisions of the Community Facilities District Law, and to determine the boundaries and parcels on which special taxes may be levied to finance certain services. A description of the boundaries of the territory proposed for inclusion in the District including

properties and parcels of land proposed to be subject to the levy of a special tax by the District is as follows:

All that property as shown on a map as previously approved by this City Council, such map designated by the name of this Community Facilities District, a copy of which is on file in the Office of the City Clerk and shall remain open for public inspection.

NAME OF DISTRICT

SECTION 4. The name of the proposed Community Facilities District to be established shall be known and designated as COMMUNITY FACILITIES DISTRICT NO. 98-3 (OPEN SPACE MAINTENANCE DISTRICT NO. 35 [SUNBOW II]).

DESCRIPTION OF SERVICES

SECTION 5. It is the further intention of this City Council to finance certain services that are in addition to those provided in or required for the territory within the District and will not be replacing services already available. A general description of the services to be provided is as follows:

Maintenance of medians, parkways, landscaped and irrigated slopes, natural non-irrigated open space, certain drainage channels, detention basins, walls and fences, trails and street trees, including furnishing of services and materials for the ordinary and usual operation, maintenance and servicing of any improvement or appurtenant facilities, including repair, removal or replacement of all or any part of the improvement or appurtenant facilities, providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste. Maintenance also means the furnishing of water for the irrigation of the landscaping, the installation of planting or landscaping, or the installation or construction of supplemental facilities including any facilities which are necessary or convenient for the maintenance of eligible facilities.

SPECIAL TAX

SECTION 6. It is hereby further proposed that, except where funds are otherwise available, a special tax sufficient to pay for such services and related incidental expenses authorized by the Community Facilities District Law, secured by recordation of a continuing lien against all non-exempt real property in the District, will be levied annually within the boundaries of such District. For further particulars as to the rate and method of apportionment of the proposed special tax, reference is made to the attached and incorporated Exhibit "A", which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within the proposed District to clearly estimate the maximum amount that such person will have to pay for such services.

The special taxes herein authorized, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes. Any special taxes that may not be collected on the County tax roll shall be collected through a direct billing procedure by the Treasurer.

PUBLIC HEARING

SECTION 7. NOTICE IS GIVEN THAT ON THE 28TH DAY OF JULY, 1998, AT THE HOUR OF SIX O'CLOCK P.M., IN THE REGULAR MEETING PLACE OF THE CITY COUNCIL BEING THE COUNCIL CHAMBERS, 276 FORTH AVENUE, CHULA VISTA, CALIFORNIA, A PUBLIC HEARING WILL BE HELD WHERE THIS CITY COUNCIL WILL CONSIDER THE ESTABLISHMENT OF THE PROPOSED COMMUNITY FACILITIES DISTRICT, THE PROPOSED METHOD AND APPORTIONMENT OF THE SPECIAL TAX, AND ALL OTHER MATTERS AS SET FORTH IN THIS RESOLUTION OF INTENTION. THAT AT THE ABOVE-MENTIONED TIME AND PLACE FOR PUBLIC HEARING ANY PERSONS INTERESTED, INCLUDING TAXPAYERS AND PROPERTY OWNERS MAY APPEAR AND BE HEARD, AND THAT THE TESTIMONY OF ALL INTERESTED PERSONS FOR OR AGAINST THE ESTABLISHMENT OF THE DISTRICT, THE EXTENT OF THE DISTRICT, OR THE FURNISHING OF THE SERVICES, WILL BE HEARD AND CONSIDERED. ANY PROTESTS MAY BE MADE ORALLY OR IN WRITING. HOWEVER, ANY PROTESTS PERTAINING TO THE REGULARITY OR SUFFICIENCY OF THE PROCEEDINGS SHALL BE IN WRITING AND CLEARLY SET FORTH THE IRREGULARITIES AND DEFECTS TO WHICH THE OBJECTION IS MADE. ALL WRITTEN PROTESTS SHALL BE FILED WITH THE CITY CLERK OF THE CITY COUNCIL ON OR BEFORE THE TIME FIXED FOR THE PUBLIC HEARING. WRITTEN PROTESTS MAY BE WITHDRAWN IN WRITING AT ANY TIME BEFORE THE CONCLUSION OF THE PUBLIC HEARING.

IF A WRITTEN MAJORITY PROTEST AGAINST THE ESTABLISHMENT OF THE DISTRICT IS FILED, THE PROCEEDINGS SHALL BE ABANDONED. IF SUCH MAJORITY PROTEST IS LIMITED TO CERTAIN SERVICES OR PORTIONS OF THE SPECIAL TAX, THOSE SERVICES OR THAT TAX SHALL BE ELIMINATED BY THE CITY COUNCIL.

ELECTION

SECTION 8. If, following the public hearing described in the Section above, the City Council determines to establish the District and proposes to levy a special tax within the District, the City Council shall then submit the levy of the special taxes to the qualified electors of the District. If at least twelve (12) persons, who need not necessarily be the same twelve (12) persons, have been registered to vote within the District for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters of the District, with each voter having one (1) vote. Otherwise, the vote shall be by the landowners of the District who were the owners of record at the close of the subject hearing, with each landowners or the authorized representative thereof, having one (1) vote for each acre or portion of an acre of land owned within the District.

A successful election relating to the special tax authorization shall, as applicable, establish and/or change the appropriations limit as authorized by Article XIII B of the California Constitution as it is applicable to this District.

NOTICE

SECTION 9. Notice of the time and place of the public hearing shall be given by the City Clerk in the following manner:

- A. Notice of Public Hearing shall be published in the legally designated newspaper of general circulation, such publication pursuant to Section 6061 of the

Government Code, with such publication to be completed at least seven (7) days prior to the date set for the public hearing.

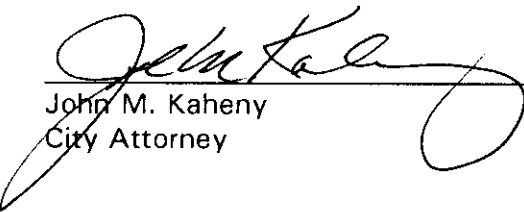
- B. A Notice of Public Hearing shall be mailed, postage prepaid, to each property owner within the boundaries of the proposed District; such mailing to the property owners shall be to the address as shown on the last equalized assessment roll. Such mailing shall be completed at least fifteen (15) days prior to the date set for the public hearing.

Presented by

Approved as to form by



John P. Lippitt
Public Works Director



John M. Kaheny
City Attorney

EXHIBIT A

COMMUNITY FACILITIES DISTRICT NO. 98-3
SUNBOW II OPEN SPACE MAINTENANCE DISTRICT

Facility Maintenance Costs and Spread Methodology

The estimated annual budget amounts for each of the types of facilities that will be maintained, operated, and managed and to which services will be furnished must be distributed to the parcels within the boundary of the District based on an equitable methodology. There are a number of different methods for apportioning the costs including size of parcel, number of people being served, traffic trips generated by parcel, etc. The method that most equitably distributes the costs taking into account the type of facility and how it serves the population is the method that is used.

In each case, the method that is used is converted to a basic unit called an Equivalent Dwelling Unit (EDU). The single family detached dwelling unit is one EDU and other land uses are a ration relating to this base measure. The value of an EDU is based on EDU factors for which support data is available from the City of Chula Vista and/or SANDAG.

For the Sunbow II Open Space District, two spread methods were utilized to distribute the costs of the services provided. For the Landscaped Medians and Parkways, the spread method utilized was the Trip Generation Method. For all other types of services, the Population Method was utilized.

Proposed Maximum Special Tax Rates

The rate of special tax levy broken down by land use for this District for a typical dwelling matrix is as follows:

Land Use	Cost/EDU/Year	Cost/Acre/Year
Single Family Detached	\$350	N/A
Multi-family	\$340	N/A
Commercial	N/A	\$3,040
Industrial	N/A	\$2,720
Undeveloped Land	N/A	\$2,470
Public Parcels - (EXEMPT)	N/A	N/A

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 23rd day of June, 1998, by the following vote:

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



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. 19063 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 23rd day of June, 1998.

Executed this 23rd day of June, 1998.



Beverly A. Authelet, City Clerk