

RESOLUTION NUMBER R-276930

ADOPTED ON NOVEMBER 27, 1990

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO LEVY A SPECIAL TAX TO PAY FOR CERTAIN PUBLIC FACILITIES WITHIN SAID COMMUNITY FACILITIES DISTRICT.

(Community Facilities District No. 1 [Miramar Ranch North])

WHEREAS, the City Council of The City of San Diego, California, (hereinafter referred to as the "legislative body of the local agency"), 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"). This Community Facilities District shall hereinafter be referred to as Community Facilities District No. 1 [Miramar Ranch North] (hereinafter referred to as the "District"); and

WHEREAS, this legislative body is now required to proceed to adopt its Resolution of Intention to initiate proceedings for the establishment of said District, to set forth boundaries for said District, indicate the type of public facilities to be provided, indicate the rate and apportionment of a special tax sufficient to pay for all such facilities, set a time and place for a public hearing relating to the establishment of said District, and describe the proposed voting procedure for any election

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pertaining to the levy of a special tax or issuance of bonds within the District; and

WHEREAS, at any time before or after the formation of the District, this legislative body may accept advances of funds and/or work in kind from any source; however, no reimbursement and/or repayment shall be made for said advances until expressly set forth by agreement and/or resolution of this legislative body setting forth the amount, terms and conditions for any reimbursement and/or repayment; and

WHEREAS, a map of said District has been submitted, which said map is hereby approved and a copy of said map shall be kept on file with the transcript of these proceedings; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of The City of San Diego, as follows:

RECITALS

1. That the above recitals are all true and correct.

INITIATION OF PROCEEDINGS

2. That these proceedings are initiated by this legislative body pursuant to the authorization of Section 53318 of the Government Code of the State of California.

BOUNDARIES OF DISTRICT

3. It is the intention of this legislative body to establish a Community Facilities District pursuant to the provisions of the Act, the boundaries and parcels being that area of land on which special taxes may be levied in order to pay the cost and expenses for said public facilities. A description of

the boundaries of territory proposed to be included in the District is as follows:

All that property to be served by the installation of the capital facilities, as said property is shown on a map as previously approved by this legislative body, said 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

4. The name of the proposed Community Facilities District to be established shall be known and designated as Community Facilities District No. 1 [Miramar Ranch North].

DESCRIPTION OF FACILITIES

5. That it is the intention of this legislative body to finance the fair share portion of certain authorized public capital facilities generally described as follows:

Major street improvements, as well as sewer, water and drainage improvements, and other public facilities, including parks, library, fire station and recreational buildings, together with appurtenances, all to benefit and serve Miramar Ranch North.

For a full and more complete description of said facilities, reference is made to the file entitled "Description of Facilities and Cost Estimate" which is hereby referenced and incorporated herein, a copy of which is on file in the office of the City Clerk and open for public inspection.

The facilities all have an estimated useful life of 5 years or longer, and are specifically authorized to be financed under these proceedings.

It is hereby further determined that the proposed facilities are necessary to meet increased demands placed upon this City as a result of development occurring within the District.

The cost of acquiring, constructing and installing the facilities includes incidental expenses consisting of the costs of planning and designing the facilities, including the costs of environmental evaluations thereof, all costs associated with the establishment of the District, the issuance of bonds, the determination of the amount of any special taxes to be levied, the costs of collecting any special taxes, and costs otherwise incurred in order to carry out the authorized purposes of the District, together with any other expenses incidental to the acquisition, construction, completion and inspection of the facilities.

#### SPECIAL TAX

6. That it is hereby further proposed that, except where funds are otherwise available, a special tax sufficient to pay for said facilities and related incidental expenses authorized by the Act will be levied annually within the boundaries of said District. For 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 probable annual amount and the maximum annual amount that said person will have to pay for said facilities.

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 other special taxes that cannot be collected on the County tax roll shall be collected through a direct billing procedure by the local Treasurer.

This legislative body hereby further authorizes and allows the early discharge and prepayment of any special tax, and specific terms and conditions relating to any early payment shall be set forth by resolution prior to the issuance and delivery of any bonds.

#### PUBLIC HEARING

7. Notice is given that on the 8th day of January 1991, at the hour of 7:00 o'clock p.m., in the Assembly Hall, St. Gregory The Great Church, 10650 Trenea Street, San Diego, California, a public hearing will be held where this legislative body 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, property owners and registered voters, 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 Facilities, 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 legislative body 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 said majority protest is limited to certain facilities or a portion of the special tax, those facilities or that tax shall be eliminated by the legislative body.

#### ELECTION

8. If, following the public hearing described in the Section immediately below, the legislative body determines to establish the District and proposes to levy a special tax within the District, the legislative body 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 subject 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 landowner 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.

NO PRIVATE CONTRACT

9. This legislative body hereby finds and determines that the public interest will not be served by allowing the property owners of 3/4's of the area to make an election to take over and perform any works of improvement pursuant to a contract awarded by this legislative body. This finding does not prohibit the property owners from directly entering into a contract to perform and construct certain of the works of improvement.

NOTICE

10. That notice of the time and place of the public hearing shall be given by the City Clerk in the following manner:

A. A Notice of Public Hearing shall be published in the legally designated newspaper of general circulation, being the DAILY TRANSCRIPT, said publication pursuant to Section 6061 of the Government Code, with said 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, to the address as shown on the last

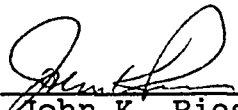


equalized assessment roll. Said mailing shall be completed at least fifteen (15) days prior to the date set for the public hearing.

ENVIRONMENTAL REVIEW

11. All environmental evaluation proceedings relating to the establishment of this District shall be completed prior to the date and time set for the public hearing.

APPROVED: JOHN W. WITT, City Attorney

By   
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John K. Riess  
Deputy City Attorney

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CITY OF SAN DIEGO

COMMUNITY FACILITIES DISTRICT NO. 1  
(MIRAMAR RANCH NORTH)

EXHIBIT "A"

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

The Resolution of Intention refers to this Exhibit for an explanation of the rate and apportionment of the special tax so as to allow each landowner or resident within the proposed district to estimate the annual maximum amount that would be required for payment.

Special taxes shall be annually levied on all DEVELOPED and UNDEVELOPED property within the boundaries of the District in accordance with the rate and method hereinafter set forth:

LAND USE CATEGORIES AND MAXIMUM TAX RATE

The following tax rates are applicable for the fiscal year commencing July 1, 1991.

MAXIMUM TAX RATE

DEVELOPED PROPERTY

Zoned Residential	\$1.15 per square foot of improvement
Zoned Commercial	\$15,000 per acre
Zoned Industrial	\$15,000 per acre
Other	\$15,000 per acre

UNDEVELOPED PROPERTY

\$20,000 per acre

EXEMPT PROPERTY

No Tax

TERM OF TAX

The term of the authorized special tax shall be as follows:

- A. Developed Property: Developed Property for which a building permit has been issued prior to March 2 of any fiscal year, and the tax shall not exceed a term of 25 years from the initial levy.
- B. Undeveloped Property: All property not classified as Developed, and the tax shall be levied as long as necessary to pay for the costs and expenses of the facilities, bond debt and related costs.

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ANNUAL TAX INCREASE

The Special Tax Rates are subject to annual increases to reflect increases in the cost of construction, appurtenances and incidental expenses not to exceed the maximum rates as hereinafter set forth:

DEVELOPED PROPERTY

Zoned Residential	\$1.60 per square foot of improvement
Zoned Commercial	\$21,000 per acre
Zoned Industrial	\$21,000 per acre
Other	\$21,000 per acre

UNDEVELOPED PROPERTY

\$22,000 per acre

Any changes and modifications shall be subject to certification by the City for final authorization.

Once the Maximum Special Tax Rate has been assigned to Developed Property, there shall be no further increase in the Special Tax. In cases of subdivision maps and/or parcel maps, the first building permit shall determine the maximum annual tax for the balance of the tract.

COLLECTION OF ANNUAL TAX

- FIRST: Determine monies necessary to make payment on bond debt service, replenish the reserve, pay City administrative costs and/or pay for authorized public capital facilities.
- SECOND: Levy annual maximum tax on all Developed Property.
- THIRD: To the extent additional funds are needed, levy tax proportionately on all Undeveloped Property, not to exceed authorized annual maximum.

\* \* \*

For further details and particulars as to definitions, implementation and procedure for the levy and collection of the special taxes, reference is made to the Report of the Special Tax Consultant to be kept on file in the Office of the City Clerk and approved prior to the establishment of the Community Facilities District

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Passed and adopted by the Council of The City of San Diego on NOV 27 1990  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By Ellen Board Deput.

Office of the City Clerk, San Diego, California

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