

RESOLUTION NUMBER R- 296009

ADOPTED ON JAN 28 2002

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2 (SANTALUZ) CERTIFYING THE RESULTS OF THE JANUARY 8, 2002 ELECTION AND CHANGING THE EXISTING RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX AND LIST OF ELIGIBLE FACILITIES WITHIN IMPROVEMENT AREA NO. 1 AND APPROVING THE FIRST AMENDMENT TO PURCHASE AND FINANCING AGREEMENT.

WHEREAS, an owner of more than 25% of the property within Improvement Area No. 1 [Improvement Area No. 1] of Community Facilities District No. 2 (Santaluz) [District] filed a written petition with the District requesting that the rate and method of apportionment of the special tax [Rate and Method], currently described in Ordinance No. 0-18788 adopted by the City Council acting as the legislative body of the District [City Council] on April 10, 2000 [Ordinance No. 0-18788] and approved by the qualified electors within Improvement Area No. 1 of the District at a special election held on March 14, 2000 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code [Act], should be changed as set forth in Exhibit A to Resolution R-295675 [Amended Rate and Method] and the list of eligible facilities should be amended to include the list set forth in Exhibit B to Resolution R-295675 [collectively, the Amendments]; and

WHEREAS, the boundaries of the District and Improvement Area No. 1 are as depicted on the boundary map recorded with the County Recorder in the book of maps of assessment and community facilities districts in Book 34, Page No. 9 on February 18, 2000 [Map]; and

WHEREAS, the City Council has determined in accordance with the requirements of Section 53331 of the Act that the public convenience and necessity require the District to consider the Amendments; and

WHEREAS, the City Council adopted Resolution No. 295675 [Resolution of Consideration] expressing its intention to consider the proposed Amendments and calling a public hearing on December 11, 2001 as required by Section 53338 of the Act; and

WHEREAS, on December 11, 2001, the City Council held a public hearing regarding the Amendments in accordance with the requirements of Section 53336 of the Act at the conclusion of which the City Council determined to submit the Amendments to a vote of the qualified electors of the District and adopted Resolution No. R-295881 calling an election on the Amendments; and

WHEREAS, the election on Proposition A regarding the Amendments was held on January 8, 2002, following which the City Clerk canvassed the election results and certified that more than two-thirds of the votes cast were in favor of Proposition A; and

WHEREAS, the City Council has now determined to adopt this resolution of change in accordance with Section 53338(b) of the Act; and

WHEREAS, the Amendments alter the list of eligible facilities to be financed by Improvement Area No. 1 and, in order to implement such change, the City Council desires to approve the execution of a First Amendment to Purchase and Financing Agreement [First Amendment]; NOW, THEREFORE,

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

1. That the above recitals are true and correct.

2. That a special election on the proposed Amendments was held for Improvement Area No. 1 of the District on January 8, 2002, at which election the following proposition was submitted to the qualified electors of the District:

PROPOSITION A: Shall the amended and restated rate and method of apportionment of special tax set forth in Resolution R-295675 of the City Council of the City of San Diego for Improvement Area No. 1 of Community Facilities District No. 2 replace the existing rate and method of apportionment for Improvement Area No. 1 and shall the list of facilities eligible to be financed by Improvement Area No. 1 be changed to include all of the facilities set forth in Resolution R-295675?

3. That the City Council finds and determines that the City Clerk has canvassed the results of the January 8, 2002 election, a copy of which is set forth in Exhibit A hereto, and the City Clerk has determined that more than two-thirds of the votes cast were in favor of the proposition set forth in 2. above.

4. That the City Council hereby determines that the Amendments are lawfully authorized and that the Rate and Method has been changed and the Amended Rate and Method is now in effect. The City Council further finds and determines that the apportionment of the special tax as set forth in the Amended Rate and Method is apportioned to each parcel in accordance with the requirements of Section 53325.3 of the Act and is not apportioned on or based upon the ownership or value of real property and that all proceedings with respect to the authorization of the Amendments were valid and in conformity with the requirements of the Act.

5. That the City Clerk is hereby directed to record in the Office of the County Recorder within fifteen days of the date hereof an amended notice of special tax lien with respect

to Improvement Area No. 1 of the District incorporating the changes to the Rate and Method as set forth in the Amended Rate and Method, which Bond Counsel to the District shall prepare in the form required by Streets and Highways Code Section 3117.5.

6. That the City Manager, or his designee, is hereby authorized and directed to execute the First Amendment which is on file with the City Clerk as Document No. ^{RC-}296009

7. That this Resolution shall be effective upon its adoption.

APPROVED: CASEY GWINN, City Attorney

By Kelly J. Salt
Kelly J. Salt
Deputy City Attorney

KJS:pev
1/15/02
Or.Dept.Fin.Svcs.
Aud.Cert:
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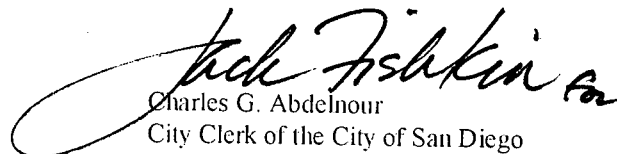
EXHIBIT A

CERTIFICATE OF CITY CLERK
AS TO THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS

I, Charles G. Abdelnour, City Clerk of the City of San Diego, do hereby certify that I have examined the returns of the Special Tax Election for Improvement Area No. 1 of Community Facilities District No. 2 (Santaluz) (the "District") on Proposition A. The election was a mailed ballot election conducted on January 8, 2002.

I further certify that Proposition A was unanimously approved by a vote of 2,224 to 0. The ballot tally is attached hereto.

Dated this 15th day of January, 2002.


Charles G. Abdelnour
City Clerk of the City of San Diego

**Community Facilities District No. 2
(Santaluz)**

BALLOT TALLY

Owner of record or authorized representative of landlord entitled	Yes	# Votes	#Votes	No
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McBride, Paul & Cheryl	X	2		
D.R. Horton San Diego	X	17		
PLC Santaluz	X	12		
Santaluz	X	2,109		
Taylor Woodrow Homes	X	77		
Santaluz Maintenance Association	X	7		
TOTAL	6	2,224	0	0

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