

(R-2003-65)

RESOLUTION NUMBER R- 296839

ADOPTED ON JUL 22 2002

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO ACTING AS THE LEGISLATIVE BODY OF
COMMUNITY FACILITIES DISTRICT NO. 2 (SANTALUZ)
AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN EACH
OF IMPROVEMENT AREA NO. 1 AND IMPROVEMENT AREA
NO. 3 FOR FISCAL YEAR 2002/2003.

WHEREAS, the City of San Diego previously established Community Facilities District No. 2 (Santaluz) [CFD No. 2] and designated Improvement Areas therein, pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California [the Act]; and

WHEREAS, the City Council of the City of San Diego, acting as the legislative body of CFD No. 2, is authorized, pursuant to Resolution No. R- 292869, adopted by the City of San Diego on March 14, 2000 and Ordinance No. O-18788,[Ordinance], adopted by the City of San Diego on April 10, 2000, as amended by Ordinance No. O- 19087, adopted on _____

AUG 05 2002, ~~2002~~, to levy a special tax sufficient to pay principal, interest and other periodic costs with respect to the bonds of Improvement Area No. 1 and Improvement Area No. 3 CFD No. 2, as well as administrative expenses and other amounts necessary to meet the Special Tax Requirement, as defined in the established Rate and Method of Apportionment of Special Taxes for each of Improvement Area No. 1 and Improvement Area No. 3 of CFD No. 2, referenced in the Ordinance.; and

WHEREAS, it is now necessary and appropriate that the City Council levy and collect the special taxes for Fiscal Year 2002/2003 by the adoption of a resolution as specified by the Act and the Ordinance; and

WHEREAS, the City Council of the City of San Diego, acting as the legislative body of CFD No. 2, has conducted proceedings which resulted in the approval of an Amended and Restated Rate and Method of Apportionment of Special Taxes for Improvement Area No. 1 of CFD No. 2 [Improvement Area No. 1 Amended Rate and Method], which was approved by the qualified electors of Improvement Area No. 1 at an election held on January 8, 2002; and

WHEREAS, there has been introduced before the City Council Ordinance No. O-_____ [Amending Ordinance] to authorize the levy of special taxes in Improvement Area No. 1 of CFD No. 2 according to the Improvement Area No. 1 Amended Rate and Method; and

WHEREAS, the City Council also wishes to authorize the levy of the special taxes for Improvement Area No. 1 of CFD No. 2 for Fiscal Year 2002/2003 in accordance with the at the tax rates set forth in the Improvement Area No. 1 Amended Rate and Method should the Amending Ordinance be enacted and become effective before tax bills are mailed by the County of San Diego Tax Collector for Fiscal Year 2002/2003; NOW, THEREFORE,

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

1. Each of the above recitals is true and correct.
2. There is hereby levied upon the parcels of land within each of Improvement Area No. 1 and Improvement Area No. 3 of CFD No. 2, the special taxes for Fiscal Year 2002/2003 in accordance with the Rate and Method of Apportionment of Special Taxes for Improvement Area No. 1 and Improvement Area No. 3, as reflected in the reports entitled "City Of San Diego Community Facilities District No. 2 Improvement Area No. 1 Administration Report - Fiscal

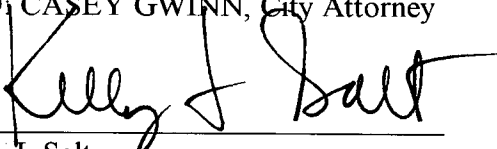
Year 2002-03” and “City of San Diego Community Facilities District No. 2 Improvement Area No. 3 Administration Report - Fiscal Year 2002-2003” on file in the office of the City Clerk.

3. In the event that the Amending Ordinance takes effect on or before the date that tax bills are mailed by the County of San Diego Tax Collector for parcels within Improvement Area No. 1 of CFD No. 2, the City Manager, or his designee, is authorized and directed to submit to the County of San Diego Tax Collector a corrected tax roll for Improvement Area No. 1 which levies no special tax on those parcels that would be taxed at a different rate under the Improvement Area No. 1 Amended Rate and Method than under the original Rate and Method of Apportionment for Improvement Area No. 1 of CFD No. 2, and to cause special taxes to be levied on such parcels in accordance with the Improvement Area No. 1 Amended Rate and Method through a bill mailed directly to the owners of such parcels. The rates at which the special tax shall be levied in Fiscal Year 2002/03 should the Amending Ordinance take effect as described above are set forth in the “City of San Diego Community Facilities District No. 2 Improvement Area No. 1 Administration Report – Fiscal Year 2002-03,” on file with the City Clerk.

4. This Resolution shall be effective upon its adoption.

APPROVED: CASEY GWINN, City Attorney

By:



Kelly J. Salt
Deputy City Attorney

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