

RESOLUTION NUMBER R- 296893

ADOPTED ON JUL 30 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. 4 (BLACK MOUNTAIN RANCH)
CERTIFYING THE RESULTS OF THE JULY 30, 2002
ELECTION AND CHANGING THE EXISTING RATE AND
METHOD OF APPORTIONMENT OF THE SPECIAL TAX
AND INCREASING THE AUTHORIZED BONDED
INDEBTEDNESS OF THE DISTRICT.

WHEREAS, the owners of more than 25% of the property within Community Facilities District No. 4 (Black Mountain Ranch Villages) [District], have 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. 0-18905 adopted by the City Council acting as the legislative body of the District [City Council] on December 5, 2000 [Ordinance No. 18905] and approved by the qualified electors within the District at a special election held on November 21, 2000 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code [Act], be changed and replaced by a new rate and method of apportionment as set forth in Exhibit A to Resolution No. R-296736 [Amended Rate and Method] and that the authorized indebtedness of the District be increased to \$30,000,000 [collectively, the Amendments]; and

WHEREAS, the boundaries of the District 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. 67 on October 25, 2000 [Map]; and

WHEREAS, the City Council has determined in accordance with the requirements of Sections 53331 and 53345 of the Act that the public convenience and necessity require the District to consider the Amendments; and

WHEREAS, the City Council took the initial steps necessary to consider the proposed Amendments by adopting Resolution No. R-296736 on June 25, 2002 pursuant to Sections 53334 and 53345 of the Act;

WHEREAS, on July 30, 2002, the City Council held a public hearing regarding the Amendments in accordance with the requirements of Sections 53336 and 53348 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-_____ calling an election on the Amendments; and

WHEREAS, the election on Propositions A and B regarding the Amendments was held on July 30, 2002, following which the City Clerk canvassed the election results and certified that more than two-thirds of the votes cast on each of Proposition A and B were in favor of such propositions; and

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

BE IT RESOLVED, by the City Council of the City of San Diego acting in its Capacity as the Legislative Body of Community Facilities District No. 4, as follows:

1. That the above recitals are true and correct.
2. That a special election on the proposed Amendments was held in the District on July 30, 2002, at which election the following propositions were 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 No. R-296736 adopted by the City Council of the City of San Diego as the legislative body of Community Facilities District No. 4 (Black Mountain Ranch Villages) [District] replace the existing rate and method of apportionment for the District and be levied for the purposes set forth in Resolution No. R-293975?

PROPOSITION B: Shall Community Facilities District No. 4 (Black Mountain Ranch Villages) incur an indebtedness and issue bonds in the maximum principal amount of \$30,000,000, with interest at a rate or rates not to exceed the maximum interest rate permitted by law, to finance the Facilities and the Incidental Expenses described in Resolution No. R-293975 of the City Council of the City of San Diego?

3. That the City Council finds and determines that the City Clerk has canvassed the results of the July 30, 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 propositions set forth in Section 2 above.

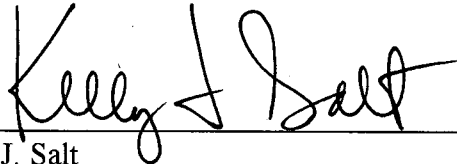
4. That the City Council hereby determines that the Amendments are lawfully authorized and that the Rate and Method has been changed and replaced by the Amended Rate and Method and that the authorized bonded indebtedness of the District has been increased to \$30,000,000. The City Council further finds and determines that 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. The special tax as set forth in the Amended Rate and Method shall be levied for the purposes set forth in Resolution No. R-293975.

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 for the District incorporating 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 this Resolution shall be effective upon its adoption.

APPROVED: CASEY GWINN, City Attorney

By 
Kelly J. Salt
Deputy City Attorney

KJS:pev
7/15/02
Or.Dept:Fin.Svcs.
R-2003-140
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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 and Bond Election for Community Facilities District No. 4 (Black Mountain Ranch) (the "District") on Propositions A and B. The election was held in the chambers of the City Council at 202 "C" Street, San Diego, California 92101, on July 30, 2002. I personally delivered a ballot to the authorized representative of each qualified elector. Two (2) ballots were returned.

I further certify that the results of said election and the number of votes cast for and against Propositions A and B are as follows:

PROPOSITION A

YES: 322

NO: 0

TOTAL: 322

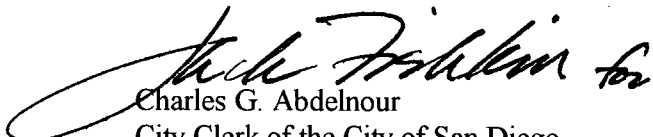
PROPOSITION B

YES: 322

NO: 0

TOTAL: 322

Dated this 30th day of July, 2002.


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

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