

RESOLUTION NUMBER R- 297632

ADOPTED ON FEB 11 2003

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2 (SANTALUZ), CALLING AN ELECTION REGARDING THE ANNEXATION OF CERTAIN LAND TO BE DESIGNATED AS IMPROVEMENT AREA NO. 4 OF COMMUNITY FACILITIES DISTRICT NO. 2 (SANTALUZ).

WHEREAS, the Council of the City of San Diego [Council], acting as the legislative body of Community Facilities District No. 2 (Santaluz) [Community Facilities District No. 2 (Santaluz) or the District], pursuant to the Mello-Roos Community Facilities Act of 1982, as amended [Act], has adopted its Resolution No. R-297517 calling for a public hearing to be held on February 11, 2003 to consider the annexation of certain territory to the District to be designated as Improvement Area No. 4 [Improvement Area No. 4], and the levy of a special tax therein as set forth in Resolution No. R-297517; and

WHEREAS, Improvement Area No. 4 is proposed to include the territory depicted on the map of such territory on file with the City Clerk and recorded in the Office of the County Recorder of the City of San Diego on January 10, 2003 as Instrument No. 2003-36061 at Book 37, Page 1 of the book of maps of assessment and community facilities districts; and

WHEREAS, pursuant to Resolution No. R-297517, notice of such public hearing was published one time in a newspaper of general circulation published in the area of the District, at least seven days before February 11, 2003 and was mailed by first class mail, postage prepaid, to

the landowners within proposed Improvement Area No. 4 at least fifteen days prior to February 11, 2003 in accordance with the Act; and

WHEREAS, there has been filed with the City Clerk the Certificate of the Registrar of Voters certifying that there are fewer than twelve registered voters within proposed Improvement Area No. 4; and

WHEREAS, at the February 11, 2003 public hearing, all persons desiring to be heard on all matters pertaining to the proposed annexation of the territory to be designated as Improvement Area No. 4 of the District and the proposed levy of a special tax therein were heard, written protests, if any, were received and a full and fair hearing was held; and

WHEREAS, at the public hearing, evidence was presented to the Council on the matters before it, and the Council at the conclusion of the hearing is fully advised as to all matters relating to the proposed annexation of the territory to be designated as Improvement Area No. 4 of the District and the proposed levy of the special tax therein; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, acting as the legislative body of the Community Facilities District No. 2 (Santaluz), as follows:

1. That each of the above recitals is true and correct.
2. That the public hearing has been conducted and closed. The proposed annexation described in Resolution No. R-297517 has not been protested by the owners of one-half or more of the area of land presently within the District or the owners of one-half or more of the area of land within the territory proposed to be annexed as Improvement Area No. 4, or by 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the District, or by any registered voters within the territory proposed to be annexed as Improvement Area No. 4.

3. That the rate and method of apportionment of special tax attached as Exhibit C to Resolution No. R-297517 [Rate and Method] is hereby amended to correct a typographical error in the definition of Purchase and Finance Agreement used therein by deleting the words "November 12, 2002" in such definition and substituting in their place the words "January 7, 2003." The proposition to be presented to the qualified electors shall be substantially in the form attached hereto as Exhibit A.

4. That the Council hereby determines to call a special election and to submit the proposition set forth in Exhibit A hereto to the qualified electors within the territory proposed to be annexed as Improvement Area No. 4.

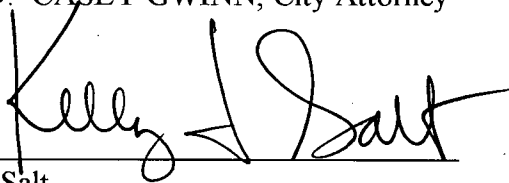
5. That the date of the special election shall be February 11, 2003, or such later date as is consented to by the City Clerk and the landowners within the territory proposed to be annexed as Improvement Area No. 4 to the District eligible to vote, and the polls shall be open for said election between the hours of 10:00 a.m. and 10:00 p.m. The election shall be conducted by the City Clerk. Except as otherwise provided by the Act, the election shall be conducted in accordance with the provisions of law regulating elections of the City of San Diego insofar as such provisions are determined by the City Clerk to be applicable. The City Clerk is authorized to conduct the election following the adoption of this resolution, and all ballots shall be received by, and the City Clerk shall close the election by 10:00 p.m. on the election days; provided the election shall be closed at such earlier time as all qualified electors have voted as provided in Section 53326(d) of the Act. It is hereby found, based on information provided by the Registrar of Voters of the County of San Diego, that there are fewer than twelve registered voters within the territory to be annexed as Improvement Area No. 4 of Community Facilities District No. 2 and, pursuant to Section 53326 of the Act, the ballots for the special election shall be distributed by the

City Clerk to the authorized representatives of the landowners of record within Improvement Area No. 4 of Community Facilities District No. 2 as of the close of the February 11, 2003 public hearing regarding the proposed annexation. Each landowner shall have one vote for each acre or portion thereof that it owns within Improvement Area No. 4 of Community Facilities District No. 2, as provided in Section 53326 of the Act. The territory proposed to be annexed as Improvement Area No. 4 shall constitute a single election precinct for the purpose of holding this election.

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

APPROVED: CASEY GWINN, City Attorney

By



Kelly J. Salt
Deputy City Attorney

KJS:pev
01/27/03
Or.Dept:Fin.Svcs.
R-2003-926
Form=r&t.frm

EXHIBIT A

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 2 (SANTALUZ)
ANNEXATION AND SPECIAL TAX ELECTION
FOR PROPOSED IMPROVEMENT AREA NO. 4

February 11, 2003

This ballot represents _____ votes.

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk and obtain another.

PROPOSITION NO. A: Shall the property described in Resolution No. R-297517 as proposed Improvement Area No. 4 be annexed into Community Facilities District No. 2 (Santaluz) as Improvement Area No. 4 and be made subject to the levy of a special tax as provided in Resolution No. R-297517 for the purposes described in Resolution No. R-297517?

YES _____

NO _____