

RESOLUTION NUMBER R- 297633

ADOPTED ON FEB 11 2003

RESOLUTION OF THE 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 FEBRUARY 11, 2003 ELECTION ANNEXING CERTAIN TERRITORY AS IMPROVEMENT AREA NO. 4 AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN.

WHEREAS, the owners of more than 25% of the property within proposed Improvement Area No. 4 [Improvement Area No. 4] of Community Facilities District No. 2 (Santaluz) [District] filed a written petition with the District requesting that such territory be annexed as Improvement Area No. 4 to the District and be made subject to the rate and method of apportionment of the special tax [Rate and Method], set forth in Exhibit C to Resolution No. R-297517 [Resolution of Intention] adopted by the Council of the City of San Diego [Council] acting as the legislative body of the District on January 7, 2003; and

WHEREAS, the boundaries of proposed Improvement Area No. 4 are as described in the Resolution of Intention and depicted on the boundary map on file with the City Clerk which has been recorded in the Office of the County Recorder of the County of San Diego on January 10, 2003 at Book 37, Page 1 of the book of maps of assessment and community facilities districts [Map]; and

WHEREAS, the Council has determined in accordance with the requirements of Section 53339.7 of the Mello-Roos Community Facilities Act of 1982 [Act] that the public convenience and necessity require the District to consider the proposed annexation; and

WHEREAS, on January 7, 2003, the Council adopted the Resolution of Intention expressing its intention to consider the proposed annexation of the territory within proposed Improvement Area No. 4 and the levy therein of the special tax described in the Rate and Method and calling a public hearing on February 11, 2003 as required by Section 53339.3 of the Act; and

WHEREAS, on February 11, 2003, the Council held a public hearing regarding the proposed annexation to the District of the territory designated on the Map as Improvement Area No. 4 and the levy therein of the special tax described in the Rate and Method in accordance with the requirements of Section 53339.7 of the Act, at the conclusion of which the Council adopted Resolution No. R- 297632 in which it determined to submit the proposed levy of the special tax to a vote of the qualified electors of proposed Improvement Area No. 4 and called an election on the proposed levy as set forth in Proposition A attached as Exhibit A to Resolution No.

R- 297632

WHEREAS, the election on Proposition A was held on February 11, 2003, 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 Council has now determined to adopt this resolution in accordance with Section 53339.8 of the Act to certify the results of the election and determine that the territory designated on the Map as Improvement Area No. 4 is added to the District; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, acting in its capacity as the legislative body of Community Facilities District No. 2, as follows:

1. That the above recitals are true and correct.
2. That a special election to annex certain territory to the District as Improvement Area No. 4 and to authorize the levy of a special tax therein was held on February 11, 2003, at which election the following proposition was submitted to the qualified electors within the proposed Improvement Area No. 4.

PROPOSITION 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?

3. That the Council finds and determines that the City Clerk has canvassed the results of the February 11, 2003 election, a copy of which certification 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 Section 2 above.

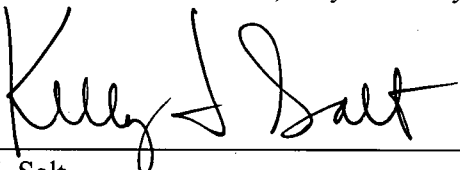
4. That the Council hereby determines that the territory proposed to be annexed to the District as Improvement Area No. 4 as described on the Map is added to and part of the District with full legal effect, and such territory shall be subject to the levy of the special tax set forth in the Rate and Method. In accordance with Section 53350 of the Act, the territory depicted on the Map as proposed Improvement Area No. 4 is hereby designated as Improvement Area No. 4 of the District. The Council further finds and determines that the apportionment of

the special tax as set forth in the Rate and Method is reasonable, that the special tax 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 special tax for Improvement Area No. 4 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 a notice of special tax lien with respect to Improvement Area No. 4 of the District incorporating the Rate and Method, which notice 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

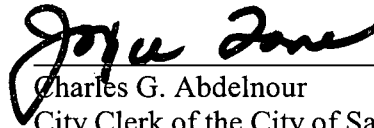
KJS:pev
01/27/03
Or.Dept:Fin.Svcs.
R-2003-929
Form=r&t.frm

PROP. B.

CERTIFICATE OF CITY CLERK

I, Charles G. Abdelnour, City Clerk of the City of San Diego, hereby certify that I have received a copy of Resolution No. 297517, a certified map of the boundaries of Improvement Area No. 4 of Community Facilities District No. 2 (Santaluz) (the "District") and a list of the Assessor's Parcel Numbers comprising the land within Improvement Area No. 4 of the District, as required by Government Code Section 53326. On the basis of such information, it has been determined that the owners of record at the close of the February 11, 2003 protest hearing are those owners listed on Exhibit A attached hereto. The unanimous consent of such qualified electors waiving all applicable time limits and requirements pertaining to the conduct of the election and consenting to the holding of the election on February 11, 2003 has been received and, accordingly, in accordance with Government Code Section 53326(a), the undersigned hereby concurs in the holding of an election within the District on February 11, 2003.

Dated: February 11, 2003



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

R- 297633

EXHIBIT A

PROPERTY OWNERS OF RECORD AS OF DECEMBER 11, 2001

<i>OWNER</i>	<i>ASSESSOR PARCEL NUMBERS</i>		<i>ACREAGE</i>
Pardee Homes	303-070-11		31.080
	303-070-09		
Santa Monica Homebuilding Company, LLC	303-220-01	303-220-27	25.167
	303-220-02	303-220-28	
	303-220-03	303-220-29	
	303-220-04	303-220-30	
	303-220-05	303-220-31	
	303-221-01	303-220-32	
	303-221-02	303-220-33	
	303-221-03	303-220-34	
	303-221-04	303-220-35	
	303-221-05	303-220-36	
	303-221-06	303-220-37	
	303-221-07	303-220-38	
	303-221-08	303-220-39	
	303-221-09	303-221-13	
	303-221-10	303-221-14	
	303-221-11	303-221-15	
	303-221-12	303-221-16	
	303-220-06	303-221-17	
	303-220-07	303-221-18	
	303-220-08	303-221-19	
	303-220-09	303-221-20	
	303-220-10	303-221-21	
	303-220-11	303-221-22	
	303-220-12	303-221-23	
	303-220-13	303-221-24	
	303-220-14	303-221-25	
	303-220-15	303-221-26	
	303-220-16	303-221-27	
	303-220-17	303-220-40	
	303-220-18	303-220-41	
	303-220-19	303-220-42	
	303-220-20	303-221-28	
	303-220-21	303-220-43	
	303-220-22	303-220-44	
	303-220-23	303-221-29	
	303-220-24	303-221-30	
	303-220-25	303-220-45	
	303-220-26	303-221-31	

OWNER	ASSESSOR PARCEL NUMBERS		ACREAGE
Western Pacific Housing, Inc.	303-200-01	303-210-07	59.361
	303-200-02	303-210-08	
	303-200-03	303-210-09	
	303-200-04	303-210-10	
	303-200-05	303-210-11	
	303-200-06	303-210-12	
	303-200-07	303-210-13	
	303-200-08	303-210-14	
	303-200-09	303-210-15	
	303-200-10	303-210-16	
	303-200-11	303-210-17	
	303-200-12	303-210-18	
	303-200-13	303-210-19	
	303-200-14	303-210-20	
	303-200-15	303-210-21	
	303-200-16	303-210-22	
	303-200-17	303-210-23	
	303-200-18	303-210-24	
	303-200-19	303-210-25	
	303-200-20	303-210-26	
	303-200-21	303-210-27	
	303-200-22	303-210-28	
	303-200-23	303-210-29	
	303-200-24	303-210-30	
	303-200-25	303-210-31	
	303-200-26	303-210-32	
	303-200-27	303-210-33	
	303-200-28	303-210-34	
	303-200-29	303-210-35	
	303-200-30	303-210-36	
	303-200-31	303-210-37	
	303-200-32	303-210-38	
	303-200-33	303-210-39	
	303-200-34	303-210-40	
	303-200-35	303-210-41	
	303-200-36	303-210-42	
	303-200-37	303-210-43	
	303-200-38	303-210-44	
	303-200-39	303-211-01	
	303-200-40	303-211-02	
	303-200-41	303-210-45	
	303-210-01	303-210-46	
	303-210-02	303-210-47	
	303-210-03	303-210-48	
	303-210-04	303-211-03	
	303-210-05	303-210-49	
	303-210-06	303-210-50	

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 Annexation and Special Tax Election for Improvement Area No. 4 of Community Facilities District No. 2 (Santaluz) (the "District") on Proposition A. The election was conducted on February 11, 2003, with ballots being personally delivered to the qualified electors by a representative of the City Clerk's office.

I further certify that Proposition A was approved by a vote of _____ to _____. The ballot tally is attached hereto.

Dated this 11th day of February, 2003.

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

**Community Facilities District No. 2
(Santaluz)
Proposed Annexation of Improvement Area No. 4**

BALLOT TALLY

Owner of record or authorized representative of landowner entitled	Yes	# Votes	#Votes	No
TOTAL				

R- 297633