

RESOLUTION NUMBER R- 301055

ADOPTED ON NOV 21 2005

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING THE JOINT COMMUNITY FACILITIES
AGREEMENT BETWEEN THE POWAY UNIFIED SCHOOL
DISTRICT AND BLACK MOUNTAIN RANCH, LLC.

WHEREAS, pursuant to the application of Black Mountain Ranch, LLC, the owner of certain properties located within the City commonly known as Black Mountain Ranch, the Board of Education of the Poway Unified School District (PUSD) has initiated proceedings to: 1) establish a community facilities district (CFD) to finance certain City facilities in addition to school facilities, and authorize the levy of special taxes; and

WHEREAS, the City facilities to be financed through the CFD are included in the Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, approved by the City Council on January 14, 2003 through Resolution No. R-297551; and

WHEREAS, the Mello-Roos Community Facilities Act of 1982 provides that the CFD may finance the City facilities only pursuant to a joint community facilities agreement between the parties, pursuant to Government Code section 53316.2; and

WHEREAS, the City is willing to enter into such agreement provided the owners agree to indemnify the City as provided for in the agreement and to warranty the construction of any City facility; and

WHEREAS, the PUSD and the City have determined that entering into a joint community facilities agreement to enable the CFD to finance the construction of the City facilities will be beneficial to the residents of each entity; NOW, THEREFORE,

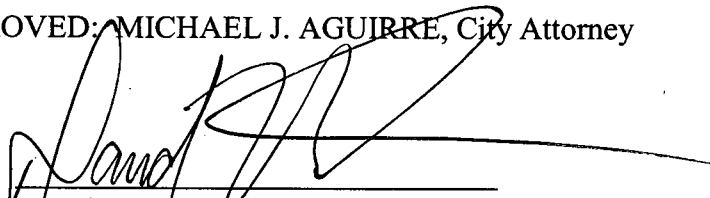
BET IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Council authorizes the City Manager to execute the Joint Community Facilities Agreement By and Among Poway Unified School District, the City of San Diego, and Black Mountain Ranch, LLC.

BE IT FURTHER RESOLVED, that this activity is not a "project" as defined by CEQA guidelines section 15378; thus, not subject to CEQA Review under section 15060(c)(2).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



David E. Miller
Deputy City Attorney

DEM:cfq
11/09/05
Or.Dept Planning
R-2006-478
MMS#2757

The agreement is on file
in the office of the City
Clerk as document number
RR-301055.