

2/27/06
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(R-2006-615)

RESOLUTION NUMBER R- 301254

ADOPTED ON MAR 14 2006

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ORDERING JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL TAXES AND SPECIAL ASSESSMENTS PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, THE IMPROVEMENT BOND ACT OF 1915 AND THE REFUNDING ACT OF 1984 FOR 1915 IMPROVEMENT ACT BONDS, ORDERING THAT THE TAX COLLECTOR BE CREDITED WITH THOSE INSTALLMENTS

WHEREAS, the City of San Diego, a California municipal corporation [City] has conducted special district proceedings from time to time, resulting in the issuance and sale of special tax and improvement bonds pursuant to the Mello-Roos Community Facilities Act of 1982 (California Government Code section 53311, *et seq*) [Mello-Roos Act], the Improvement Bond Act of 1915 (California Streets & Highways Code section 8500, *et seq*) [1915 Act], and refunding bonds pursuant to the Refunding Act of 1984 for 1915 Improvement Act Bonds (California Streets & Highways Code section 9500, *et seq.*) [1984 Act], and

WHEREAS, pursuant to the Mello-Roos Act, the 1915 Act and the 1984 Act, the City has duly and regularly issued and filed and recorded the unpaid special taxes, assessments and reassessments [taxes and assessments], which taxes and assessments and each installment thereof and interest and penalties thereon constitute a lien against the parcel of land against which it was made until the same are paid, and which liens secure Mello-Roos Act, 1915 Act or 1984 Act bonds [Bonds]; and

WHEREAS, certain installments of the taxes and assessments have not been paid when due, and certain installments of the taxes and assessments may not be paid in the future, and

WHEREAS, pursuant to section 53356 1(a) of the Mello-Roos Act, section 8830(a) of the 1915 Act, and section 9350 of the 1984 Act, the City is authorized to order the delinquent amounts collected by an action brought in the Superior Court to foreclose the liens thereof; and

WHEREAS, pursuant to section 53356.1(b) of the Mello-Roos Act and section 8830(b) of the 1915 Act, the City has covenanted for the benefit of owners of the Bonds to file such foreclosure actions in its own name on their behalf, and to order the County Auditor to credit delinquent installments upon the secured tax roll, thus relieving the County Tax Collector of further duty and regard thereto, and,

WHEREAS, the City has retained Sherman & Feller, a Law Corporation [Special Counsel], as special counsel to prosecute such judicial foreclosure actions, NOW THEREFORE,

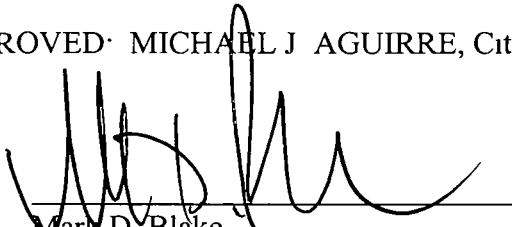
BE IT RESOLVED by the City Council of the City of San Diego [Council] as follows:

1. The Council finds that the Mello-Roos Act, the 1915 Act and the 1984 Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special tax special assessment installments, and hereby orders that the delinquent special tax and special assessment installments listed on Exhibit A attached hereto, and all future delinquent special tax and special assessment installments as to such parcels, be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.

2 The Council finds that the Mello-Roos Act, the 1915 Act and the 1984 Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits authorized by the Council, and hereby authorizes Special Counsel to require payment of all costs and all attorneys fees incurred in the applicable foreclosure lawsuit as a condition of such redemption.

3. City personnel in conjunction with Special Counsel and other City consultants are authorized and directed to: 1) record applicable notices of intent to remove the delinquent special tax and assessment installments from the tax rolls, and 2) request that the County Auditor remove current and future delinquent special tax and assessment installments from the tax rolls.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Mark D. Blake
Chief Deputy City Attorney

MDB at
01/10/06
Or. Dept City Treasurer
R-2006-615

APPROVED: VETOED: (*written objections attached*)



JERRY SANDERS, Mayor

Date: 3-11-06

EXHIBIT A

Assessor's Parcel No.	Tax Year	Delinquent Installment	Delinquent Amount (a)
<u>Community Facilities District No 2 (Santaluz) - Improvement Area No 1</u>			
303-121-09-00*	2005/2006	1st	\$ 3,969 81
303-121-02-00*	2003/2004	1st & 2nd	\$ 7,631 30
303-174-21-00	2005/2006	1st	\$ 4,904 74
	2004/2005	1st & 2nd	\$ 9,617 14
303-182-10-00	2005/2006	1st	\$ 3,969 81
	2004/2005	1st & 2nd	\$ 7,783 94
	2003/2004	2nd	\$ 3,815 65
<u>Reassessment District 1999-1 (Otay International Center - Ph 1)</u>			
646-160-01-00	2005/2006	1st	\$ 1,917 48
	2004/2005	1st & 2nd	\$ 3,616 62
	2003/2004	1st & 2nd	\$ 3,767 42
	2002/2003	1st & 2nd	\$ 3,880 00
<u>Assessment District 4030 (Otay Mesa Industrial Park)</u>			
646-250-11-00	2005/2006	1st	\$ 3,668 15
	2004/2005	1st & 2nd	\$ 7,337 66
<u>Community Facilities District No 2 (Santaluz) - Improvement Area No 3</u>			
306-240-20-00	2005/2006	1st	\$ 2,224 01
	2004/2005	1st & 2nd	\$ 4,360 80
	2003/2004	1st & 2nd	\$ 4,275 30

(a) Exclusive of Delinquency and Redemption Penalties

* The original APN # for this parcel was 303-121-02-00, APN # 303-121-09-00 reflects an amended APN # pertaining to the parcel

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