

103
1/23/07
MEET

RESOLUTION NUMBER R- 302303

DATE OF FINAL PASSAGE FEB 14 2007

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO, CALIFORNIA, ORDERING JUDICIAL
FORECLOSURE OF DELINQUENT SPECIAL TAXES
PURSUANT TO THE MELLO-ROOS COMMUNITY
FACILITIES ACT OF 1982 AND 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 bonds pursuant to the Mello-Roos Community Facilities Act Of 1982 (California Government Code section 53311, *et seq.*) [Mello-Roos Act]; and

WHEREAS, pursuant to the Mello-Roos Act, the City has duly and regularly issued and filed and recorded the unpaid special taxes, which special taxes 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 bonds [Bonds]; and

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

WHEREAS, pursuant to section 53356.1(a) of the Mello-Roos 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, 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 as follows:

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

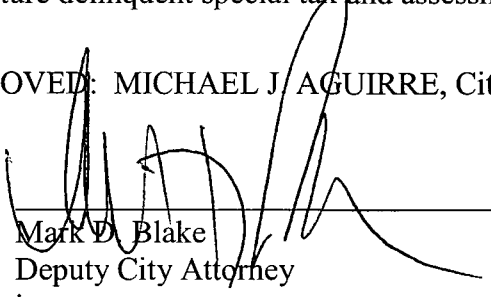
2. The Council finds that the Mello-Roos Act provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits authorized by the Council, and hereby authorizes Special Counsel to require payment of all costs and all attorneys fees incurred in the applicable foreclosure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

3. City personnel in conjunction with Special Counsel and other City consultants are authorized and directed to: a) record applicable notices of intent to remove the delinquent

special tax installments from the tax rolls, and b) 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
Deputy City Attorney

MDB:ai
12/20/06
01/03/07COR.COPY
Or.Dept:FIN.DM

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~JAN 23 2007~~

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved: 2.14.07
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R-302303

EXHIBIT A

Property Owner of Record	Assessor's Parcel No.	Tax Year	Delinquent Installment	Delinquent Amount (a)
<u>Community Facilities District No. 2 (Santaluz) - Improvement Area No. 1</u>				
8033 Run of the Knolls LLC	269-210-05-00	2005/2006	1st & 2nd	\$ 9,809.48
PO Box 723		2004/2005	1st & 2nd	\$ 4,116.86
Solana Beach, CA 92075				\$ 13,926.34
Swift Wendy	269-291-14-00	2005/2006	1st & 2nd	\$ 9,809.48
14396 Garden Trail		2004/2005	2nd	\$ 2,012.33
San Diego, CA 92127				\$ 11,821.81

(a) Exclusive of Delinquency and Redemption Penalties

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