

**RESOLUTION NO. 2011-153**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ORDERING THE COLLECTION OF DELINQUENT 2010-11 SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT 2005-1 (LAGUNA RIDGE) BY ACTION TO FORECLOSE THE LIEN OF SPECIAL TAX**

**WHEREAS**, on March 8, 2006, the City Council adopted Resolution No. 2006-62 establishing CFD 2005-1; and

**WHEREAS**, the City of Elk Grove and U.S. Bank National Association, as fiscal agent (the "Fiscal Agent"), entered into a Fiscal Agent Agreement (the "Agreement") which authorized the issuance of bonds in City of Elk Grove Community Facilities District 2005-1 ("Laguna Ridge" or the "District"); and

**WHEREAS**, the bond covenants within the Agreement associated with the debt issued within Laguna Ridge sets requirements for the City as it relates to delinquency management for property owners that become delinquent in property tax payments; and

**WHEREAS**, pursuant to the terms of the Agreement, the City is required to annually monitor special tax delinquencies in the District and take certain foreclosure actions if the aggregate amount delinquent is greater than the threshold established in the Agreement; and

**WHEREAS**, the Sacramento County Tax Collector reported on June 30, 2011 that the amount of delinquent special taxes in the District for Fiscal Year 2010-11 exceeds the threshold established in the Agreement; and

**WHEREAS**, the County's property tax administration policy requires that the City record a Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll, in accordance with Government Code section 53356.2(a)(1), with respect to the delinquent parcels prior to August 6; and

**WHEREAS**, Government Code section 53356.2(a) provides that recording of the Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll is to be preceded by the ordering of the foreclosure actions with respect to the delinquent parcels.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove that:

1) **Recitals.** The City Council so finds and determines that the foregoing recitals are true and correct.

2) **Authorization of Foreclosure Actions.** The City Council hereby orders the collection of all delinquent special taxes related to Fiscal Year 2009-10, in Community Facilities District 2005-1 (Laguna Ridge) by action to foreclose the lien of special tax, in accordance with the procedures of the Agreement and the Act, which include sending a notice of delinquency and demand for immediate payment thereof to

each owner of a parcel, as listed on the attached Exhibit A, with respect to which the special tax is delinquent.

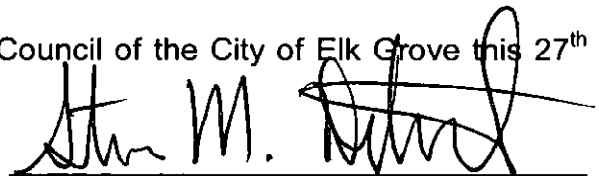
3) **General Authorization.** The City Council hereby authorizes and directs the officers of the City, and each of them, for and in the name of and on behalf of the city, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out the foreclosure proceedings required under the Agreements and to effect the purposes of this resolution. All actions heretofore taken by such officers that are in conformity with the purposes and intent of this resolution are hereby ratified, confirmed and approved in all respects.

4) **Collection Policy.** In accordance with the City's Delinquency Management Policy adopted in July of 2009, the City Council hereby orders that the City will only accept payment in full of all delinquent Fiscal Year 2010-11 special taxes. Partial payments will not be accepted nor payment arrangement made. Failure to pay will result in the City commencing foreclosure proceedings per the Agreement and the Act.

5) **County Assessed Penalties and Interest.** In accordance with the City's Delinquency Management Policy, the City Council hereby authorizes and accepts the collection of all previously assessed penalties and interest accrued during the administrative process by Sacramento County.


6) **City Penalty and Interest.** In accordance with the City's Delinquency Management Policy adopted in July of 2009, the City Council hereby authorizes the assessment of a onetime fee of \$35 per parcel to cover costs associated with production of the Demand Letter required by the Agreements and a continuing of the interest accrual initiated by Sacramento County at a rate of 1.5% per month, equivalent to the current interest rate charged by the County. The City assessed Penalty and Interest rate shall be applied to all outstanding 2007-08, 2008-09, 2009-10, and 2010-11 delinquencies.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 27<sup>th</sup> day of July 2011.



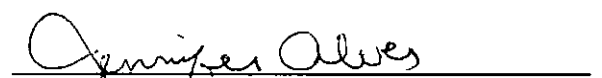
STEVEN M. DETRICK, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JENNIFER ALVES, ASSISTANT CITY  
ATTORNEY

# EXHIBIT A

REPORT NBR	RDMS112	COUNTY OF SACRAMENTO	PAGE							
PROGRAM NBR	RDMPB12	BONDS SUBJECT TO JUDICIAL FORECLOSURE	1							
RUN DATE	07/12/11	MULTIPLE DELINQUENCIES BY DISTRICT								
OWNER'S NAME AND MAILING ADDR	PARCEL NUMBER	ASSESS	YR BILL	D/L NBR	UNPAID D/L AMT	INSTALL-1	INSTALL-2	PENALTY-1	PENALTY-2	UNPAID DUE
CLOUD GARY/CLOUD NATALIE CARDI	132-2010-058-0000	100240939	10-237037	0018	811.82	.00	2,222.10	.00	237.21	2,459.31
6141 DE WILLE DR										
SAN JOSE	CA 95117									2,459.31
TOTAL DUE										
					811.82					2,459.31
GARDUQUE ALAN	132-1890-070-0000	100240015	10-359698	0018	1,623.64		3,384.63	338.46	353.46	7,461.18
9716 COLLIE WY										
ELK GROVE	CA 95758									
TOTAL DUE										
					1,623.64					7,461.18
KRINGER REVOCABLE LIVING TRUST	132-1950-042-0000	100240429	10-359759	0018	541.21		2,022.42	.00	217.24	2,239.66
7030 CHATSWORTH CR										
ELK GROVE	CA 95757									
TOTAL DUE										
					541.21					2,239.66
LAGUNA RIDGE 55 LLC	132-1890-001-0000	100239946	10-224111	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
C/O ATTN THOMAS BORGE										
975 FEE DR	CA 95815									
SACRAMENTO	132-1890-007-0000	100239952	10-224112	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-008-0000	100239953	10-224113	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-009-0000	100239954	10-224114	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-010-0000	100239955	10-224115	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-011-0000	100239956	10-224116	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-012-0000	100239957	10-224117	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-014-0000	100239958	10-224118	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-019-0000	100239964	10-224123	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-020-0000	100239965	10-224124	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-022-0000	100239967	10-224126	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59
	132-1890-023-0000	100239968	10-224127	0018	811.82	.00	1,310.54	146.05	.00	1,456.59
TOTAL DUE										
					811.82					1,456.59

REPORT NBR RDMR5112  
 PROGRAM NBR RDMR5112  
 RUN DATE 07/12/11

COUNTY OF SACRAMENTO  
 BONDS SUBJECT TO JUDICIAL FORECLOSURE  
 MULTIPLE DELINQUENCIES BY DISTRICT

OWNER'S NAME AND MAILING ADDR	PARCEL NUMBER	ASSESS	YR BILL	D/L NBR	UNPAID D/L AMT	INSTALL-1	INSTALL-2	PENALTY-1	PENALTY-2	UNPAID DUE
	132-1890-024-0000	100239969	10-224128	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-025-0000	100239970	10-224129	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-026-0000	100239971	10-224130	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-027-0000	100239972	10-224131	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-038-0000	100239983	10-224132	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-039-0000	100239984	10-224133	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-040-0000	100239985	10-224134	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-041-0000	100239986	10-224135	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-042-0000	100239987	10-224136	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-043-0000	100239988	10-224137	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-044-0000	100239989	10-224138	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-045-0000	100239990	10-224139	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-046-0000	100239991	10-224140	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-047-0000	100239992	10-224141	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-048-0000	100239993	10-224142	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-049-0000	100239994	10-224143	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-050-0000	100239995	10-224144	0018	811.82	.00	1,310.54	.00	146.05	1,456.59

REPORT NBR RDMR5112  
 PROGRAM NBR RDMR5112  
 RUN DATE 07/12/11

COUNTY OF SACRAMENTO  
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 MULTIPLE DELINQUENCIES BY DISTRICT

OWNER'S NAME AND MAILING ADDR	PARCEL NUMBER	ASSESS	YR BILL	D/L NBR	UNPAID D/L AMT	INSTALL-1	INSTALL-2	PENALTY-1	PENALTY-2	UNPAID DUE
	132-1890-051-0000	100239996	10-224145	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-052-0000	100239997	10-224146	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-053-0000	100239998	10-224147	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-062-0000	100240007	10-224148	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-063-0000	100240008	10-224149	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-064-0000	100240009	10-224150	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-065-0000	100240010	10-224151	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-066-0000	100240011	10-224152	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-067-0000	100240012	10-224153	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-068-0000	100240013	10-224154	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	132-1890-069-0000	100240014	10-224155	0018	811.82	.00	1,310.54	.00	146.05	1,456.59
	TOTAL DUE					32,472.80				58,263.60
LOCHAN VIJENDRA 9865 DIRUSSO CR ELK GROVE CA 95757	132-2000-066-0000	100240042	10-359902	0018	1,623.64	3,215.77	5,215.77	321.58	336.58	7,089.70
	TOTAL DUE					1,623.64				7,089.70
MUHAMMAD ALI B 9858 DIRUSSO CR ELK GROVE CA 95757	132-2000-073-0000	100240849	10-359906	0018	811.82	.00	2,811.90	.00	296.19	3,108.09
	TOTAL DUE					811.82				3,108.09
ORTIZ FERNANDO B/FERNANDO T OR 10070 WINKLE CR ELK GROVE CA 95757	132-2020-027-0000	100240981	10-359932	0018	811.82	.00	1,688.60	.00	183.86	1,872.46
	TOTAL DUE					811.82				1,872.46



REPORT NBR R0HR5112  
 PROGRAM NBR R0MP5112  
 RUN DATE 07/12/11

COUNTY OF SACRAMENTO  
 BONDS SUBJECT TO JUDICIAL FORECLOSURE  
 MULTIPLE DELINQUENCIES BY DISTRICT

OWNER'S NAME AND MAILING ADDR	PARCEL NUMBER	ASSESS	YR BILL	D/L NBR	UNPAID D/L AMT	INSTALL-1	INSTALL-2	PENALTY-1	PENALTY-2	UNPAID DUE
REYNE/BARDIS (LAGUNA RIDGE) L	132-0280-034-0000	100228473	10-355089	0018	696,836.90	338,534.81	338,534.81	33,853.48	33,853.48	744,791.58
C/O REYNAN & BARDIS CO						338,534.81	338,534.81	33,853.48	33,853.48	744,791.58
10650 MATHER BL H										
MATHER					696,836.90					
					TOTAL DUE					
WASSER PATRICK/ZONIA R	132-2100-026-0000	100241436	10-359976	0018	1,082.42	2,761.60	2,761.60	276.16	291.16	6,090.52
9812 WESTMINSTER WY										
ELK GROVE					1,082.42					6,090.52
					TOTAL DUE					
					0018 DIRECT LEVY TOTAL	833,376.10				833,376.10

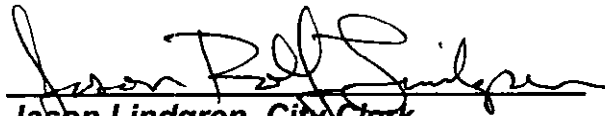
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**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2011-153**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 27, 2011 by the following vote:*

- AYES :**        **COUNCILMEMBERS:**    *Detrick, Cooper, Hume, Scherman*
- NOES:**       **COUNCILMEMBERS:**    *None*
- ABSTAIN :**   **COUNCILMEMBERS:**    *None*
- ABSENT:**     **COUNCILMEMBERS:**    *Davis*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**