RESOLUTION NO. 2012-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ORDERING THE COLLECTION OF DELINQUENT SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 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 No. 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, 2012 that the amount of delinquent special taxes in the District for Fiscal Year 2011-12 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 10; 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 by the City Council of the City of Elk Grove that:

- 1) <u>Recitals</u>. The City Council so finds and determines that the foregoing recitals are true and correct.
- 2) <u>Authorization of Foreclosure Actions</u>. The City Council hereby orders the collection of all delinquent special taxes related to Fiscal Year 2011-12, in Community Facilities District No. 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.

- **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. 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.
- Collection Policy. In accordance with the Citv'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 2011-12 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.
- County Assessed Penalties and Interest. In accordance with the City's 5) 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.
- 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 one-time 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 delinquencies.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of July 2012.

JAMES COOPER, MAYOR of the

CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

GÓNATHAN P. HOBBS.

CITY ATTORNEY

Internal Services

Department of Finance

Tax Collection and Licensing Division

Cynthia Gibbs, Assistant Tax Collector



County of Sacramento

Bradley J. Hudson, County Executive

David Villanueva, Chief Deputy County Executive

> Julie Valverde, Director of Finance

July 11, 2012

Rebecca Craig City of Elk Grove 8401 Laguna Palms Way Elk Grove, CA 95758

Subject: SPECIAL ASSESSMENTS SUBJECT TO JUDICIAL FORECLOSURE

Dear Ms. Craig:

The enclosed delinquent report lists, as of June 30, 2012, the delinquent assessments for your district after all payments have been processed.

We are requiring that all *Notices of Intent* be recorded and a copy provided to the Sacramento County Tax Collector by August 10, 2012, together with a listing of the assessments covered by the notices. We reserve the right not to process the *Notices of Intent* and strip the related special assessments from the redemption tax system after the deadline.

Upon receipt of the recorded *Notice of Intent* and the listing of assessments covered thereon, I will remove these assessments from the redemption file and return them to you for collection.

If you have any questions regarding this matter, please contact Jim Perman at the letterhead address or phone (916) 874-6297.

Sincerely,

Cynthia Gibbs

Assistant Tax Collector

/jp

Enclosures

cc: WILLDAN Financial Services

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	SHARMA SONILA B 19308 JENNY LYNN WY ELK GROVE 7014	132-0950-020-0000	110232822 1	.368296 DUE	0011	903.34 903.34	2,185,30	218.53	4.822.66 4.822.66
<u>्र य भः य य</u>	SINGH MAKHAN/KAHALJIT SODHI 3100 E SERVICE RD CA 96X117 CERES	132-1650-027-0000	110237907 1	-370342	0011	903.34	2,388.02 2,388.02	238.80 253.80	5,268.64
7 6 7 8 8 8 B B B B B B B B B B B B B B B B	TOT. SQLIMAN WALEED/SARA REBESHITY 132-1540 021 0000 1102370451 7208 ELVORA WY ELK GROVE	132-1540.021.0000	1010237045 111-	DUE 369979 DUE		903.34 451.67 451.67	90.611.2	16: 9 22 00	5,268.64 :2,345:97 2,345.97
	STOFFLE ROBERI/STOFFLE ELSA ES 132-1570-072-0000 110237349 11- 5521 JILSON WY ELK.GRÖVE **CA 95757 **TOTAL **SUDER HOLDINGS INCORRORATED & 132-1580-043-0400 110237397 11 **P 0 BOX 4135	132-1570-072-0000	110237349 1 707 110237397	370105 00E	0011	451.67 451.67 451.67	. 00 2.788.24 . 000 2,304.31	.00 293.82 000 245.43	3.082.06 3.082.06 2.549.74
2 ~4. 2 ~ 1			TOTAL	AL DUE		451.67			2,549.74
N M W ID W I	. 132-1580-054-0000 110237408 11 10333 BECKLEY WY CA 95757 ELK GROYE CA 95757	132-1580-054-0000	110237408 1	370129- DUE		451.67 451.67	2,304,43	555 50 50 50 50 50 50 50 50 50 50 50 50	2;549.87 2,549.87
7.00:00:00 7.00:00:00	VANDUKER NORMAN 6720 SALVATERRA CR	132-1560-045-0000 110237228 11	110237228 1	.370058	1100	903.34	2,298.34	229.83	5.071.34
a:→Nom vi u i.vi:ui.vi.vi v	ELN GROVE WALKER JOHN T JRYKIM'E 5109 GOLDEN GLORY WY F. K. GRONE	132 1670 061 0000	10238604	DUE.	1100 1100 1100 1100 1100 1100 1100 110	903.34	2,564,71	256.47	5,071.34 5,657.36
ni voja T. ur	מייים מיים מייים מ		TOTAL	AL DUE		903.34			5,657.36
20.0	WILSON JEFF/UKAU DUNGCA 132-1470-042-0000 110236536 11 10352 DANICHRIS WY EEK GROVE CA 95757	132-1470-042-0000	110236536 1 TOT	369789 DUE	0011	451.67	\$6. 869.5	.00 284.59	2:980:52 2:980:52
ั พ.ศ. ษ พ.ศ. พ.	ZAKHIR GEORGE/CANDACE 3505 MARSH CREEK WY CLIK COOM	132-1650-009-0000	110237689 1	370332	0011	903.34	2,172.21 2,172.21	217.22 232.22	4,793.86
2 C C C			ATOT	AL DUE		903.34			4,793.86
0 0 0 0 0 0									

CERTIFICATION ELK GROVE CITY COUNCIL RESOLUTION NO. 2012-132

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 25, 2012 by the following vote:

AYES: COUNCILMEMBERS: Cooper, Hume, Davis, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Detrick

Jason Lindgren, City Clerk
City of Elk Grove, California