

RESOLUTION NO. 2013-101

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DETERMINING THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES
DISTRICT NO. 2005-1 (LAGUNA RIDGE) AND LEVYING A SPECIAL TAX TO PAY
FOR CERTAIN FACILITIES AND SERVICES
(ANNEXATION NO. 3)**

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), the City Council (the "City Council") of the City of Elk Grove (the "City"), on November 9, 2005, approved Resolution No. 2005-346 declaring its intention to establish Community Facilities District No. 2005-1 (Laguna Ridge) (the "CFD") and to provide for future annexation of territory and calling a public hearing for December 14, 2005; and

WHEREAS, at the hearing, the testimony of all interested persons, including all taxpayers, property owners, and registered voters within the District and the territory proposed for future annexation, desiring to be heard on the establishment of the District, the extent thereof, the furnishing of specified types of services, the proposed special tax, the incurrence of bonded indebtedness, the establishment of an appropriations limit for the District, the future annexation of territory, or any other matters set forth in the Resolution of Intention was heard and a full and fair hearing was conducted thereon; and

WHEREAS, written protests against the proposed addition of territory to the CFD in the future were not filed by six registered voters residing within the territory proposed to be included in the District or the territory proposed for future annexation nor by the owners of one-half or more of the area of land in the territory proposed to be included in the District or the territory proposed for future annexation and not exempt from the special tax; and

WHEREAS, at the conclusion of the hearing, the City Council approved Resolution No. 2005-381, which provided that parcels within the territory proposed to be annexed in the future would be annexed with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, pursuant to Government Code section 53339.7; and

WHEREAS, the City Council, on March 8, 2006, approved Resolution No. 2006-62 establishing the CFD and calling a special election for March 8, 2006, at which the questions of levying a special tax and establishing an appropriations limit with respect to the CFD were submitted to the qualified electors within the CFD; and

WHEREAS, on March 8, 2006, the City Council adopted Resolution No. 2006-63 determining the results of the special election and finding that more than two-thirds (2/3) of all votes cast at the special election were cast in favor of the proposition presented, and such proposition passed; and

WHEREAS, each of the owners of the parcels listed in Exhibit A hereto, which parcels are within the territory proposed to be annexed to the CFD in the future, has submitted a written instrument approving the annexation of the parcel.

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

Section 1. Recitals. The City Council hereby determines that the foregoing recitals are true and correct.

Section 2. Determination of Annexation. The City Council hereby determines that the territory described in Exhibit A hereto and a map entitled "Annexation Map No. 3 of Community Facilities District No. 2005-1 (Laguna Ridge), City of Elk Grove, County of Sacramento" which is on file with the City Clerk, is added to and part of the CFD with full effect. The City Clerk is hereby authorized and directed to endorse the certificates set forth on the map and to record the map in accordance with the provisions of Section 3111 of the Streets and Highways Code of the State of California.

Section 3. Validity of Procedures. The City Council hereby finds and determines that all prior proceedings and actions taken by the City Council pursuant to the Act in connection with the annexation of territory to the CFD were and are valid and in conformity with the Act.

Section 4. Amendment to Notice of Special Tax Lien. The City Clerk is hereby directed to record an amendment to the Notice of Special Tax Lien with the Sacramento County Recorder, in accordance with the provisions of Sections 3114.5 and 3117.5 of the California Streets and Highways Code within fifteen (15) days of the adoption of this resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12th day of June 2013.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS
CITY ATTORNEY

EXHIBIT A

**ASSESSOR'S PARCEL NUMBERS AND OWNERS OF LAND
ANNEXED TO CITY OF ELK GROVE COMMUNITY FACILITIES DISTRICT No. 2005-1
(LAGUNA RIDGE)
(Annexation No. 3)**

ASSESSOR PARCEL NUMBER	OWNER'S NAME
132-0290-003-0000	Pappas Gateway LP and Pappas Arizona LP

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2013-101**

**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 June 12, 2013 by the following vote:

AYES : COUNCILMEMBERS: *Davis, Detrick, Cooper, Hume, Trigg*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*


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