

RESOLUTION NO. 2008-188

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ORDERING THE COLLECTION OF DELINQUENT SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICTS 2002-1 (EAST FRANKLIN), 2003-1 (POPPY RIDGE) AND 2005-1 (LAGUNA RIDGE) BY ACTION TO FORECLOSE THE LIEN OF SPECIAL TAX

WHEREAS, on May 15, 2002 the City Council adopted a resolution establishing CFD 2002-1; and

WHEREAS, on January 15, 2003 the City Council adopted a resolution establishing CFD 2003-1; and

WHEREAS, On March 8, 2006 the City Council adopted a resolution 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 Fiscal Agent Agreements which authorized the issuance of bonds in City of Elk Grove Community Facilities Districts 2002-1 (East Franklin), 2003-1 (Poppy Ridge), and 2005-1 (Laguna Ridge); and

WHEREAS, pursuant to the terms of the Fiscal Agent Agreement, the City is required to annually monitor special tax delinquencies in the District and take certain foreclosure actions if the amount delinquent is greater than five percent of the special tax levy; and

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

WHEREAS, the Sacramento County Tax Collector has reported that the amount of delinquent special taxes in the District for Fiscal Year 2007-08 exceeds five percent of the special tax levy; 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 8; 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. **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 2007-08, in Community Facilities Districts 2002-1 (East Franklin), 2003-1 (Poppy Ridge), and 2005-1 (Laguna Ridge) by action to foreclose the lien of special tax, in accordance with the procedures of the Fiscal Agent Agreements and the Act, which include sending a notice of delinquency and a demand for immediate payment thereof to each owner of a parcel 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 may deem necessary or advisable in order to carry out the foreclosure proceedings required under the Fiscal Agent Agreement 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.** The City Council hereby orders that the City will only accept payment in full of all delinquent Fiscal Year 2007-08 special taxes, including where applicable, and facilities and maintenance or public safety special tax levies. Parital payments will not be accepted and payments of only one type of levy will not be accepted. Failure to pay will result in the City commencing foreclosure proceedings per the Fiscal Agent Agreements and the Act.

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 on this 23rd day of July 2008.



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2008-188**

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

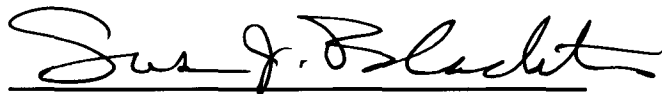
I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 23, 2008 by the following vote:

AYES : COUNCILMEMBERS: *Davis, Hume, Scherman, Cooper, Leary*

NOES: COUNCILMEMBERS: *None*

ABSTAIN : COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*



**Susan J. Blackston, City Clerk
City of Elk Grove, California**