

CITY OF ALAMEDA RESOLUTION NO. _____

OF FORMATION OF THE CITY OF ALAMEDA COMMUNITY FACILITIES DISTRICT NO. 17-1 (ALAMEDA POINT PUBLIC SERVICES DISTRICT), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT, AND SUBMITTING LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, on March 7, 2017, this City Council adopted a resolution “Declaring Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Therein – Alameda Point Public Services District” (the “Resolution of Intention”) stating its intention to form the City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District) (the “District”) pursuant to the City of Alameda Special Tax Financing Improvement Code, Alameda Municipal Code 3-70.1 et seq. (the “Law”); and

WHEREAS, the Resolution of Intention, incorporating by reference a map of the proposed boundaries of the District and describing the TDM Compliance Strategy and the municipal services (collectively, the “Services”) eligible to be financed by the District and the rate and method of apportionment of the special tax to be levied within the District to pay costs of the Services is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, the Resolution of Intention called for a public hearing on the District to be held on March 21, 2017, and notice of the public hearing was published as required by the Law; and

WHEREAS, on this date this City Council held the public hearing required by the Law and the Resolution of Intention relative to the proposed formation of the District; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the District, the Services to be funded by the District and the levy of the special tax on property in the District were heard and a full and fair hearing was held; and

WHEREAS, at the hearing evidence was presented to this City Council on the matters before it, including a report by the Acting Director of Public Works of the City (the “Report”) as to the Services to be provided by the District and the costs thereof, a copy of which was attached to the Staff Report for this matter, and this City Council at the conclusion of the hearing was fully advised regarding the District; and

WHEREAS, written protests with respect to the formation of the District and/or the provision of services by the District as described in the Report have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the District or property owners of one-half (1/2) or more of the area of land within the District and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the District to pay for costs of the Services as set forth in Exhibit B to the Resolution of Intention has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the District or the owners of one-half (1/2) or more of the area of land within the District and not exempt from the special tax.

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

1. The foregoing recitals are true and correct.
2. The proposed special tax to be levied within the District has not been precluded by majority protest pursuant to Section 3-70.30 of the Law.
3. All prior proceedings taken by this City Council in connection with the establishment of the District and the levy of the special tax in the District have been duly considered and are hereby found and determined to be valid and in substantial conformity with the Law.
4. The community facilities district designated "City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District)" is hereby established pursuant to the Law.
5. The boundaries of the District, as described in the Resolution of Intention and set forth in the boundary map of the District recorded on March 9, 2017 in the Alameda County Recorder's Office in Book 18 of Maps of Assessment and Community Facilities Districts at Pages 77-80 (instrument no. 2017058643), are hereby approved, are incorporated herein by this reference and shall be the boundaries of the District.
6. The types of services eligible to be funded by the District pursuant to the Law are as described in Exhibit A to the Resolution of Intention which Exhibit is by this reference incorporated herein.
7. A special tax sufficient to pay the costs of the Services, secured by recordation of a continuing lien against all non-exempt real property in the District, will be levied within the District and collected in the same manner as ordinary ad valorem property taxes or in such other manner as this City Council shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the special tax among the parcels of real property within the District, in sufficient detail to allow each landowner within the District to estimate the

maximum amount such owner will have to pay, are described in Exhibit B to the Resolution of Intention, which Exhibit is by this reference incorporated herein, and shall be the rate and method of apportionment of special taxes for the District. This City Council hereby finds that the basis for the levy and apportionment of the special tax, as set forth in said rate and method of apportionment of special taxes, is reasonable.

8. The office of the Finance Director of the City of Alameda, 2263 Santa Clara Avenue, Alameda, California 94501, telephone number (510) 747-4881, is the office of the City that will be responsible for preparing annually and whenever otherwise necessary a current roll of special tax levy obligations by assessor's parcel number and that will be responsible for estimating future special tax levies for the District pursuant to Sections 3-70.32 and 3-70.71 of the Law.

9. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code for the District, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District and this lien shall continue in force and effect until collection of the tax by the City Council ceases.

10. In accordance with Section 3-70.36 of the Alameda Municipal Code, the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the District is hereby preliminarily established at \$20,000,000 and said appropriations limit shall be submitted to the qualified electors of the District as provided below. The proposition establishing the appropriations limit for the District shall become effective if approved by the qualified electors of the District voting thereon and shall be adjusted in accordance with the applicable provisions of Section 3-70.36 of the Law.

11. Pursuant to the provisions of Section 3-70.37 of the Law, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the District at an election the time, place and conditions of which election shall be as specified by a separate resolution of this City Council.

12. The territory proposed for annexation to the District, as described in Section 11 of the Resolution of Intention and on the map of the District described in Section 5 above, may be annexed to the District from time to time upon the unanimous approval of the owner or owners of each parcel or parcels in the annexation area then to be annexed, without additional hearings, as permitted by Section 3.70-66 of the Law.

13. This Resolution shall take effect upon its adoption.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 21st day of March, 2017, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of March, 2017.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Janet C. Kern, City Attorney
City of Alameda