

CITY OF ALAMEDA RESOLUTION NO. _____

OF ANNEXATION OF TERRITORY TO THE CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 13-2 (ALAMEDA LANDING
MUNICIPAL SERVICES DISTRICT), AUTHORIZING THE LEVY OF A
SPECIAL TAX THEREIN AND SUBMITTING LEVY OF SPECIAL TAX
TO QUALIFIED ELECTORS

WHEREAS, on April 7, 2015, the City Council (the "City Council") of the City of Alameda (the "City"), adopted a Resolution of Intention to Annex Territory to the City of Alameda Community Facilities District No. 13-1 (Alameda Landing Municipal Services District) and to Authorize the Levy of Special Taxes Therein (the "Resolution of Intention") stating its intention to annex the territory to the City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) (the "District"), pursuant to the City of Alameda Special Tax Financing Improvement Code, constituting Section 3-70.1 et seq. of the Alameda Municipal Code (the "Law"); and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the District and describing the services eligible to be funded by the District and the rate and method of apportionment of the special tax to be levied within the District to pay for the services is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on the date hereof, this City Council held a noticed public hearing as required by the Law and the Resolution of Intention relative to the proposed annexation of territory to the District; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the closing of the hearing, no written or oral protests had been made against the proposed annexation of territory to the District by (i) any registered voter residing in the existing District, or (ii) any registered voter residing in the territory proposed to be annexed to the District, or (iii) any of the owners of land in the existing District, or (iv) any of the owners of land in the territory proposed to be annexed to the District; and

WHEREAS, Annexation Map No. 1 to the District has been filed with the County Recorder of the County of Alameda, which map shows the territory to be annexed in these proceedings, and a copy of the map is on file with the City Clerk.

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

1. All prior proceedings taken by this City Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Law, and the District has been validly established pursuant to the Law.

2. The boundaries of the territory to be annexed to the District, as described in Annexation Map No. 1 to the District on file with the City Clerk and heretofore recorded on April ____, 2015 at ____ a.m. in the Alameda County Recorder's Office in Book ____ at Page ____ of Maps of Assessment and Community Facilities Districts (Document No. _____), are hereby finally approved, are incorporated herein by this reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

3. The provisions of the Resolution of Intention, and of Resolution No. 14888, as heretofore adopted by this City Council on February 4, 2014, are by this reference incorporated herein, as if fully set forth herein.

4. Pursuant to the provisions of Section 3-70.63 of the Law, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the qualified electors of the area to be annexed to the District at an election called therefor as hereinafter provided.

5. This City Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this City Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 3-70.37b of the Law, this City Council finds that the qualified electors for purposes of the annexation election are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.

6. This City Council hereby calls a special election to consider the measure described in Section 4 above, which election shall be held in the City Council chambers immediately following adoption of this Resolution. The City Clerk is hereby designated as the official to conduct said election. It is hereby acknowledged that the City Clerk has on file the Resolution of Intention, a certified map of the proposed boundaries of the territory to be annexed to the District, and a sufficient description to allow the City Clerk to determine the boundaries of the territory to be annexed to the District.

The voted ballots shall be returned to the City Clerk no later than immediately following the adoption of this Resolution; and when all of the qualified voters have voted the election shall be closed.

7. Pursuant to Section 3-70.37d of the Law, the election shall be conducted by hand-delivered ballot.

8. This City Council acknowledges that the City Clerk has caused to be delivered to the each of the qualified electors of the District a ballot in the form set forth in Exhibit A hereto. Each ballot indicated the number of votes to be voted by the respective landowner. Each ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. An envelope to be used to return the ballot was enclosed with each ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

Analysis and arguments with respect to the ballot measure will be waived by each of the landowner voters, by means of the waiver contained in their voted ballots, as permitted by Section 3-70.38b of the Law.

9. The City Clerk shall accept the ballots of the qualified electors submitted immediately following or prior to the adoption of this Resolution, whether the ballots are personally delivered or were received by mail.

10. This City Council hereby further finds that the provision of Section 3-70.37a of the Law requiring a minimum of 5 days following the adoption of this Resolution to elapse before said special election may occur is for the protection of the qualified electors of the territory to be annexed to the District. The voted ballots of the qualified electors of the area to be annexed to the District each contain a waiver of any time limit pertaining to the conduct of the election and waivers of any requirement for ballot measure analysis and arguments in connection with the election. Accordingly, this City Council finds and determines that, to the extent that the qualified electors submit their ballots, the qualified electors will have been fully apprised of and will have agreed to the shortened time for the election and waiver of ballot measure analysis and arguments, and will have thereby been fully protected in these proceedings. This City Council also finds and determines that the City Clerk has concurred in the shortened time for the election.

11. This Resolution shall take effect upon its adoption.

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EXHIBIT A

CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 13-2
(ALAMEDA LANDING MUNICIPAL SERVICES DISTRICT)

OFFICIAL BALLOT

ANNEXATION NO. 1 ELECTION
(April 21, 2015)

This ballot is for the special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Alameda no later than immediately after adoption of the resolution of the City Council of the City calling said election, either by mail or in person.

To vote, mark a cross (X) in the voting line after the word "YES" or after the word "NO." All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Alameda and obtain another.

BALLOT MEASURE: Shall the City of Alameda, by and for its City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) (the "District"), be authorized to levy special taxes within the territory annexed to the District pursuant to and as described in the Resolution of Intention to Annex Territory to the City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) and to Authorize the Levy of Special Taxes Therein, adopted by the City Council of the City of Alameda on April 7, 2015?

YES: _____

NO: _____

By execution in the space provided below, you also confirm your waiver of any time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measure, as such waivers are described in and permitted by Sections 3-70.37 a. and 3-70.38 b. of the City of Alameda Municipal Code.

Number of Votes: _____

Property Owned by Property Owner: Alameda County Assessor's Parcel Nos. _____

Property Owner: _____

By: _____

Its: _____

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 April, 2015, 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 April, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM

Janet C. Kern, City Attorney
City of Alameda