

CITY OF ALAMEDA RESOLUTION NO. _____

DECLARING RESULTS OF SPECIAL ELECTION IN COMMUNITY FACILITIES DISTRICT NO. 17-1 (ALAMEDA POINT PUBLIC SERVICES DISTRICT), DETERMINING THAT ALTERATION OF THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES FOR THE DISTRICT IS LAWFULLY AUTHORIZED, AND DIRECTING RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

WHEREAS, in proceedings heretofore conducted by this City Council of the City of Alameda (this "City Council") 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"), on October 16, 2018, this City Council adopted a Resolution Calling Special Election Regarding Alteration of the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "Resolution Calling Election"), calling for a special election of the qualified electors within the City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election, which are by this reference incorporated herein, the special election was held on December 6, 2018, and the City Clerk has on file a Canvass and Statement of Results of Election, a copy of which is attached hereto as Attachment A; and

WHEREAS, this City Council has reviewed said canvass and hereby approves it.

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

1. The issue presented at the special election for the District was the alteration of the rate and method of apportionment of special taxes for the District, as described in the Resolution of Consideration referenced in the Resolution Calling Election.

2. The results of said special election are as set forth in said Canvass on file with the City Clerk, a copy of which is attached to this Resolution as Attachment A, which Canvass is incorporated herein by this reference. Pursuant to said Canvass, the issue presented at the special election was approved by more than two-thirds of the votes cast by the qualified electors of the District.

3. This City Council hereby determines that the alteration of the rate and method of apportionment of special taxes for the District, as described in the Resolution of Consideration referenced in the Resolution Calling Election, is lawfully authorized.

4. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Alameda an amendment to the notice of

special tax lien for the District, in substantially the form attached hereto as Attachment B, said recording to occur no later than ninety (90) days following adoption by this City Council of this Resolution.

5. It is hereby found that all prior proceedings and actions taken by this City Council with respect to the District, and the alteration of the rate and method of apportionment of special taxes for the District, were valid and in conformity with the Law.

6. This Resolution shall take effect upon its adoption.

ATTACHMENT A

CANVASS OF RETURNS AND STATEMENT OF RESULT OF ELECTION

CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 17-1
(ALAMEDA POINT PUBLIC SERVICES DISTRICT)

I hereby certify that on December 10, 2018, I canvassed the returns of the election held on December 6, 2018, in the City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District), and that the total number of votes cast for and against the ballot measure are as follows, and that the totals as shown for and against the measure are full, true and correct:

BALLOT MEASURE A: Shall the definitions of "Developed Property" and of "Non-Residential Property" in the rate and method of apportionment of special taxes for City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "District") be altered as described in the City Council Resolution adopted October 2, 2018, entitled "Resolution of Consideration to Alter the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 17-1 (Alameda Point Public Services District)"?

Qualified Eligible Votes	Votes Cast	YES	NO
608	486	479	7

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 10th day of December, 2018.

By: /s/ Lara Weisiger
Lara Weisiger, City Clerk
City of Alameda

ATTACHMENT B

FORM OF AMENDMENT TO
NOTICE OF SPECIAL TAX LIEN

RECORDING REQUESTED BY:

City Clerk, City of Alameda
263 Santa Clara Avenue, Room 380
Alameda, CA 94501

Recorded for the benefit of the City of
Alameda
pursuant to Government Code Section
27383

WHEN RECORDED MAIL TO:

City Clerk, City of Alameda
263 Santa Clara Avenue, Room 380
Alameda, CA 94501

(THIS SPACE FOR RECORDER'S USE ONLY)

AMENDMENT NO. ____ TO
NOTICE OF SPECIAL TAX LIEN

CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 17-1
(ALAMEDA POINT PUBLIC SERVICES DISTRICT)

AMENDMENT NO. ____ TO
NOTICE OF SPECIAL TAX LIEN

CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 17-1
(ALAMEDA POINT PUBLIC SERVICES DISTRICT)

Pursuant to the requirements of Section 3114.5 of the California Streets and Highways Code and the City of Alameda Special Tax Financing Improvement Code, constituting Section 3-70.1 et seq. of the Alameda Municipal Code (the "Law") a Notice of Special Tax Lien (the "Original Notice") with respect to the City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "District") was recorded in the Office of the County Recorder of the County of Alameda on March 22, 2017, as Document No. 2017067377.

This Amendment No. ____ to Notice of Special Tax Lien amends the Original Notice in order to reflect a change to the rate and method of apportionment of special taxes for the District as described in Exhibit B attached hereto and hereby made a part hereof.

The name(s) of the owner(s) of the land, and the assessor's tax parcel number(s) for, the real property which is included within the District and not exempt from the special tax are as set forth in Exhibit A attached hereto and hereby made a part hereof.

Reference is made to the boundary map of the District recorded on March 9, 2017 in Book 18 of Maps of Assessment and Community Facilities Districts at Pages 77-80, in the office of the County Recorder for the County of Alameda, State of California, and to the Annexation Map referred to above for territory added to the District.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property or interests therein subject to this special tax lien, interested persons should contact the Finance Director of the City of Alameda, 2263 Santa Clara Avenue, Alameda, California 94501, telephone number (510) 747-4888.

Dated: _____, 2019

By: _____
Lara Weisiger, City Clerk,
City of Alameda

EXHIBIT A

ASSESSOR'S PARCEL NUMBERS FOR, AND OWNERS OF
LAND WITHIN THE CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 17-1
(ALAMEDA POINT PUBLIC SERVICES DISTRICT)

Alameda County Assessor's Parcel Nos.	Owner of Parcels
074 -1375-003-00	707/9 WEST TOWER AVENUE LLC c/o SRMERNST DEVELOPMENT 2220 Livingston St #208 Oakland, CA 94606
074 -1375-006-00	800 WEST TOWER AVENUE LLC 800 W Tower Ave #40 Alameda, CA 94501
074 -1375-004-00	AP BUILDING 91 LLC c/o SRMERNST DEVELOPMENT 2220 Livingston St #208 Oakland, CA 94606

074 -0890-001- 28	074 -1367-031- 00
074 -0890-001- 36	074 -1368-001- 00
074 -0890-001- 37	074 -1368-003- 00
074 -0890-001- 38	074 -1368-009- 02
074 -1367-008- 02	074 -1368-018- 00
074 -1367-016- 02	074 -1375-001- 00
074 -1367-017- 02	074 -1375-002- 00
074 -1367-018- 00	074 -1375-007- 00
074 -1367-023- 01	074 -1375-008- 00
074 -1367-024- 00	074 -1376-001- 00
074 -1367-025- 00	074 -1376-003- 00
074 -1367-026- 00	074 -1376-004- 00
074 -1367-027- 00	074 -1378-001- 00
074 -1367-028- 00	074 -1378-002- 00
074 -1367-029- 00	074 -1378-004- 00
074 -1367-030- 00	074 -1378-005- 00

CITY OF ALAMEDA
2263 Santa Clara Ave
Alameda, CA 94501

074 -0890-001-47,
074 -1369-025-03

UNITED STATES OF AMERICA
c/o BRAC PMO West NAVFAC HQ,
Navy BRAC PMO
33000 Nixie Way, Bldg 50, Suite 207
San Diego, CA 92147

EXHIBIT B

CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 17-1
(ALAMEDA POINT PUBLIC SERVICES DISTRICT)

DESCRIPTION OF ALTERATION OF RATE AND METHOD OF
APPORTIONMENT OF SPECIAL TAXES FOR THE DISTRICT

The definition of “Developed Property” in the Rate and Method of Apportionment is to be amended and restated to be as follows:

“Developed Property” means, for each Fiscal Year: (i) all Taxable Property in Tax Zone 1 for which a building permit was issued after January 1, 2016 and on or before May 1 of the Fiscal Year preceding the Fiscal Year for which the Special Taxes are being levied; and (ii) all Taxable Property in Tax Zone 2 which has transferred from public ownership to private ownership and has been improved with any improvements that have or have had an improvement value on the County Assessor’s roll.

The definition of “Non-Residential Property” in the Rate and Method of Apportionment is to be amended and restated to be as follows:

“Non-Residential Property” means all Assessor’s Parcels of Developed Property that have been improved with vertical improvements other than one or more residential facilities, and includes Taxable Property Owner Association Property and Taxable Public Property.

* * * * *

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 15th day of January, 2019, 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 16h day of January, 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Michael Roush, Interim City Attorney
City of Alameda