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OAKLAND CITY COUNCIL

RESOLUTION NO. 77960 C.M.S.

RESOLUTION DECLARING ELECTION RESULTS

**Community Facilities District No. 2003-1
(Werner Court Vegetation Management)**

WHEREAS, this same date, at the time set for the public hearing in the matter of Community Facilities District No. 2003-1 (Werner Court Vegetation Management) (“CFD No. 2003-1”) by its Resolution of Intention, the City Council (the “Council”) conducted the public hearing as scheduled, and at the close of the public hearing, the Council determined that a majority protest under Section 53324 of the Government Code was not made at the hearing; and

WHEREAS, at the conclusion of the public hearing, the Council adopted its Resolution of Formation pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of CFD No. 2003-1; and

WHEREAS, in order to proceed with (1) the authorized maintenance services, (2) the levy of the authorized special tax and (3) establishment of the appropriations limitation for CFD No. 2003-1, as provided by the Resolution of Formation, the three matters were required to be submitted to an election of the qualified electors of CFD No. 2003-1; and

WHEREAS, by separate resolution adopted by the Council on this same date, the special mailed-ballot election has been called for this date;

WHEREAS, by said resolution calling the special mailed-ballot election, the three ballot questions just described were combined into a single ballot measure pursuant to Section 53353.5

of the Government Code, as provided in the form of special election ballot attached thereto as Exhibit A; and

WHEREAS, a Certificate of Clerk re Receipt of Property Owner Waiver and Consent Forms and Ballots and Declaring Election Results (the "Clerk's Certificate"), executed by the City Clerk (the "Clerk"), has been filed with this Council, certifying that a completed ballot has been returned to the Clerk for the sole landowner-voter eligible to cast a ballot in said special, with all votes cast as "Yes" votes in favor of the ballot measure, and further certifying on said basis that the ballot measure has passed; and

WHEREAS, the Council has received, reviewed and hereby accepts the Clerk's Certificate and wishes by this resolution to declare the results of the special mailed-ballot election;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakland as follows:

1. The Council finds and determines that the foregoing recitals are true and correct.
2. The Council hereby finds and determines and declares that the ballot measure submitted to the qualified electors of CFD No. 2003-1 has been passed and approved by those qualified electors in accordance with Sections 53328(a) and 53355 of the Government Code.
3. The Council hereby authorizes and directs the Clerk to cause the preparation and recordation with the Alameda County Recorder of a notice of special tax lien in accordance with the provisions of Section 3114.5 of the Streets and Highways Code and Section 53328.3 of the Government Code. Said notice shall be recorded in said County Recorder's office within fifteen days of today's date.

4. This resolution shall take effect from and after its adoption.

JUL 15 2003

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES: - BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, WAN AND PRESIDENT DE LA FUENTE -7

NOES - 0

ABSENT - Reid -1

ABSTENTION - 0

ATTEST: _____



CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California