

OFFICE :

OAKLAND CITY COUNCIL

2007 SEP - 6 PM 3

RESOLUTION No. 80833 C.M.S.

Introduced by Councilmember _____

**RESOLUTION OF FORMATION OF COMMUNITY FACILITIES DISTRICT
 NO. 2007-1 AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN**

WHEREAS, on June 19, 2007, the City Council of the City of Oakland (“**City**”) adopted Resolution No. 80642 C.M.S. entitled, “A Resolution of Intention of The City of Oakland to Establish Community Facilities District No. 2007-1 in the Wood Street Project Area Generally Bounded By 10th Street, Wood Street, West Grand Avenue and Frontage Road, Interstate-880, Levy a Special Tax to Finance Certain Public Services and Approving a Proposed Boundary Map For Community Facilities District No. 2007-1” (“**Resolution of Intention**”). In the Resolution of Intention, the Council declared its intention to establish a community facilities district to be known as “Community Facilities District No. 2007-1 (Wood Street Development District)” (“**CFD No. 2007-1**”, “**CFD**”, or “**District**”) and to levy a special tax to pay the costs of certain public services (“**Services**”) to be provided within CFD No. 2007-1 (“**Special Tax**”) under and pursuant to the Mello-Roos Community Facilities Act of 1982 (“**Act**”), California Government Code section 53311 *et seq.*; and

WHEREAS, the Resolution of Intention incorporated by reference a map of the proposed boundaries of CFD No. 2007-1 (attached as Exhibit C to the Resolution of Intention), described the public services and administrative costs eligible to be funded by CFD No. 2007-1 (collectively “**Services**”) (attached as Exhibit A to the Resolution of Intention), and the rate and apportionment of the Special Tax to be levied within CFD No. 2007-1 (“**Rate and Method**”) to pay for such public services (attached as Exhibit B to the Resolution of Intention). The Resolution of Intention and all of its attachments are on file with the City Clerk of the City of Oakland (“**City Clerk**”) and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

WHEREAS, the Resolution of Intention called for the City Council to hold a public hearing on CFD No. 2007-1. The Council thereafter held the public hearing on September 18, 2007, as required by the Act and by the Resolution of Intention, with respect to the proposed formation of CFD No. 2007-1; and

WHEREAS, all interested persons desiring to be heard on all matters pertaining to the formation of CFD No. 2007-1, the Services, and the levy of the Special Tax were heard at the public hearing and a full and fair hearing was held; and

WHEREAS, the City was fully advised at the public hearing regarding the formation of CFD No. 2007-1; and

WHEREAS, prior to the adoption of the Resolution of Intention landowners representing 100% of the qualified electors within CFD No. 2007-1 filed with the City Clerk a Waiver and Consent with Respect to Conduct of Public Hearings and Mail Ballot Election for Landowner Election for a Community Facilities District (“**Waiver and Consent**”), by which, among other things, the time limits and related requirements with respect to the formation of CFD No. 2007-1 and preparation and distribution of election materials are waived. The Waiver and Consent is attached to the Resolution of Intention as Exhibit D; and

WHEREAS, consistent with the Waiver and Consent, no written protests have been filed with the City Clerk with respect to the formation of CFD No. 2007-1 by fifty percent (50%) or more of the registered voters residing within the boundaries of CFD No. 2007-1 or by property owners that own fifty percent (50%) or more of the land area within CFD No. 2007-1 and not exempt from the Special Tax; and

WHEREAS, the Special Tax proposed to be levied by CFD No. 2007-1 to pay for the Services has not been eliminated by protest of fifty percent (50%) or more of the registered voters residing within the boundaries of CFD No. 2007-1 or by property owners that own fifty percent (50%) or more of the land area within CFD No. 2007-1 and not exempt from the Special Tax; now, therefore be it

RESOLVED: That the foregoing recitals are true and correct; and be it

FURTHER RESOLVED: That the proposed Special Tax to be levied within CFD No. 2007-1 has not been precluded by Section 53324 of the Act; and be it

FURTHER RESOLVED: That formation of CFD No. 2007-1 is in conformity with the Local Goals and Policies for Community Facilities Districts, adopted by Resolution No. 80641 C.M.S. on June 19, 2007; and be it

FURTHER RESOLVED: That the services and other administrative and incidental expenses that are proposed to be financed by CFD No. 2007-1, as set forth in Exhibit A of the Resolution of Intention, are hereby found to be necessary as the result of development occurring within CFD No. 2007-1; and be it

FURTHER RESOLVED: That the proposed rate and method of apportionment of the Special Tax among parcels of real property within CFD No. 2007-1, in sufficient detail to allow each parcel owner within the District to estimate the maximum amount each such owner will have to pay, as set forth in Exhibit B of the Resolution of Intention, are hereby found to be reasonable; and be it

FURTHER RESOLVED: That the Director of the Finance and Management Agency (“**Finance Director**”), One Frank Ogawa Plaza, Oakland, CA 94612, is the officer of the City that will be responsible for preparing annually a current roll of special tax levy obligations by assessor’s parcel number and who will be responsible for estimating future tax levies pursuant to Sections 53340.1 and 53340.2 of the Act; and be it

FURTHER RESOLVED: That upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in CFD No. 2007-1 and this lien shall continue in force and effect until the Special Tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the legislative body ceases; and be it

FURTHER RESOLVED: That the boundaries of CFD No. 2007-1, attached as Exhibit C to the Resolution of Intention, set forth in the boundary map of the District recorded in the Alameda County Recorder's Office at Book 16 of Maps at Page 80, are hereby approved, are incorporated herein by this reference and shall be the boundaries of CFD No. 2007-1; and be it

FURTHER RESOLVED: That all prior proceedings taken in connection with the establishment of CFD No. 2007-1 and the levy of the Special Tax have been duly considered by the City and are hereby found and determined to be valid and in conformity with the Act; and be it

FURTHER RESOLVED: That the community facilities district designated "Community Facilities District Number 2007-1 (Wood Street Development District), City of Oakland, County of Alameda" is hereby established pursuant to the Act; and be it

FURTHER RESOLVED: That pursuant to the provisions of the Act, the proposition of the levy of the Special Tax shall be submitted to the qualified electors of CFD No. 2007-1 at an election, the time, place and conditions of which election shall be as specified by a separate resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 18 2007, 2007

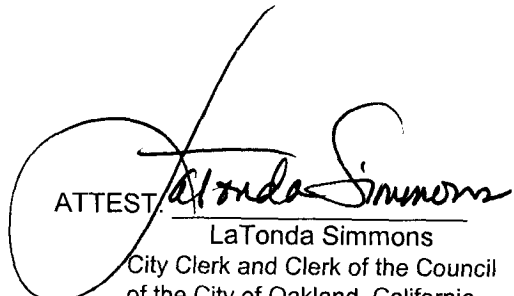
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST. 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California