

2023 JUN 30 AM 11:35

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89865 C.M.S.

A RESOLUTION OF THE CITY COUNCIL DETERMINING THAT, SUBJECT TO SPECIFIED CONDITIONS, THE SPECIAL TAX SHALL CEASE TO BE LEVIED ON CERTAIN PROPERTY IN THE CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES), AND DIRECTING RECORDATION OF A NOTICE OF CESSATION OF SPECIAL TAX

WHEREAS, the City Council of the City of Oakland (the "City") conducted proceedings under, and pursuant to, the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) (the "Act"), to form "City of Oakland Community Facilities District No. 2017-1 (Brooklyn Basin Public Services)" ("CFD No. 2017-1"), to authorize the levy of special taxes upon the land within CFD 2017-1 to pay for certain public services, all as described in those proceedings; and

WHEREAS, on December 13, 2017, the City Clerk caused to be recorded as Document No. 2017274055 in the official records of the County of Alameda (the "Official Records") a Notice of Special Tax Lien, pursuant to which notice was given that a lien to secure the payment of the special tax authorized to be levied in in CFD No. 2017-1 (the "CFD No. 2017-1 Special Tax") was imposed on taxable property in CFD No. 2017-1; and

WHEREAS, the owners of certain properties in CFD No. 2017-1 (the "Subject Parcels") have asked the City to include them in a new community facilities district to be established by the City to be known as "City of Oakland Community Facilities District No. 2023-1 (Brooklyn Basin Facilities and Services)" ("CFD No. 2023-1"); and

WHEREAS, the Subject Parcels are identified by the following Assessor's Parcel Numbers: 018-0430-001-14, 018-0460-004-11, 018-0465-002-30, 018-0465-015-00, 018-0465-016-00, 018-0465-017-00 and 018-0465-018-00; and

WHEREAS, upon completion of formation of CFD No. 2023-1 and recordation by the City Clerk of a notice of special tax lien for CFD No. 2023-1 that imposes a lien to secure payment of the special taxes to be levied in CFD No. 2023-1 on the Subject Parcels, the lien of the CFD No. 2017-1 Special Tax may be extinguished solely with respect to the Subject Parcels; and

WHEREAS, the remaining taxable property in CFD No. 2017-1 shall remain subject to the CFD No. 2017-1 Special Tax; now, therefore, be it

RESOLVED: That the City Council finds and determines that the foregoing recitals are true and correct; and be it

FURTHER RESOLVED: That this Resolution relates to the Subject Parcels only; and be it

FURTHER RESOLVED: That the City has not issued bonds for CFD No. 2017-1 and, therefore, extinguishment of the CFD 2017-1 lien on the Subject Parcels would not interfere with the timely retirement of bonds; and be it

FURTHER RESOLVED: That the City Council hereby orders that, upon completion of formation of CFD No. 2023-1 and recordation in the Official Records by the City Clerk of a notice of special tax lien for CFD No. 2023-1 that imposes a lien to secure payment of the special taxes to be levied in CFD No. 2023-1 on the Subject Parcels, the City Clerk shall record a Notice of Cessation of Special Tax that complies with the requirements of Section 53330.5 of the Act in the Official Records for the purpose of extinguishing the lien of the CFD No. 2017-1 Special Tax solely on the Subject Parcels. The remaining taxable property in CFD No. 2017-1 shall remain subject to the CFD No. 2017-1 Special Tax. The City Clerk is further authorized to take any and all actions consistent with the extinguishment of the lien of the CFD No. 2017-1 Special Tax on the Subject Parcels; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized and directed, for and in the name of and on behalf of the City, to do any and all things and take any and all actions, including execution and delivery of any and all documents, which they may deem necessary or advisable in order to accomplish the intent of this Resolution; and be it

FURTHER RESOLVED: That this Resolution shall become effective immediately upon passage.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

JUL 18 2023

AYES - FIFE, GALLO, JENKINS, KALB, ~~REID~~, RAMACHANDRAN, ~~REID~~ AND PRESIDENT FORTUNATO BAS - 6

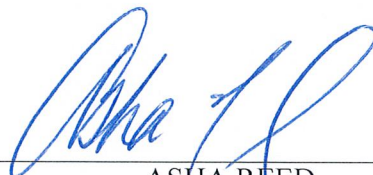
NOES

ABSENT

ABSTENTION

2 Excused- Kaplan and Reid

ATTEST:



ASHA REED

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