

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2007 OCT -5 AM 10:11

## OAKLAND CITY COUNCIL

ORDINANCE NO. 12830 C.M.S.

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### ORDINANCE LEVYING SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT NO. 2007-1 (WOOD STREET DEVELOPMENT DISTRICT)

**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 10<sup>th</sup> 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**”) wherein it 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**”) and to levy a special tax (“**Special Tax**”) to pay the costs of certain public services pursuant to the Mello-Roos Community Facilities Act of 1982, Government Code section 53311 *et seq.* (“**Act**”).

**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 of Apportionment**”) 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**, on September 18, 2007, the City Council conducted a public hearing on the formation of the CFD, determined that a majority protest under Section 53324 of the Government Code was not made at the hearing, and adopted Resolution No. 80833 C.M.S., a Resolution of Formation, pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of proposed CFD. The Resolution of Formation is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

**WHEREAS**, on September 18, 2007, following adoption of the Resolution of Formation, the Council adopted Resolution No. 80833 C.M.S. calling an election within CFD No. 2007-1 on the proposition of levying the Special Tax within CFD No. 2007-1; and

**WHEREAS**, on September 18, 2007 an election was held within CFD No. 2007-1 in which the eligible landowner electors unanimously approved the levy of the Special Tax; now, therefore,

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

1. The City Council hereby authorizes the levy of the Special Tax within CFD No. 2007-1, pursuant to the Act, in accordance with the Rate and Method of Apportionment incorporated by reference in Exhibit B of the Resolution of Intention and as approved by the Resolution of Formation.
2. The Special Tax is hereby levied commencing in the first fiscal year indicated in the Rate and Method of Apportionment and in each fiscal year thereafter, adjusted as provided for in the Rate and Method of Apportionment.
3. The Director of the Finance and Management Agency ("**Finance Director**") is hereby authorized and directed for each fiscal year to determine the Special Tax rate and amount to be levied for each parcel of real property within CFD No. 2007-1, in the manner and as provided in the Rate and Method of Apportionment.
4. Properties or entities of the State, federal or local government shall be exempt from any levy of the Special Tax to the extent set forth in the Rate and Method of Apportionment.
5. The Special Tax shall be used to pay for the costs of the Services, a description of which is incorporated in Exhibit A of the Resolution of Intention, including the costs of collecting the special taxes and administering CFD No. 2007-1.
6. The special taxes shall be collected from time to time as necessary to meet the financial obligations of CFD No. 2007-1 on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Government Code shall apply to delinquent special tax payments. The Treasurer is hereby authorized and directed to provide all necessary information to the auditor/tax collector of Alameda County and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of CFD No. 2007-1 in each fiscal year.

7. Notwithstanding the foregoing, the Finance Director may collect one or more installments of special taxes on any one or more parcels in CFD No. 2007-1 by means of direct billing by the City of the property owners of CFD No. 2007-1, if in the judgment of the Finance Director, such means of collection will reduce the administrative burden on the City in administering CFD No. 2007-1 or is otherwise appropriate.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 2 2007, 2007

PASSED BY THE FOLLOWING VOTE:

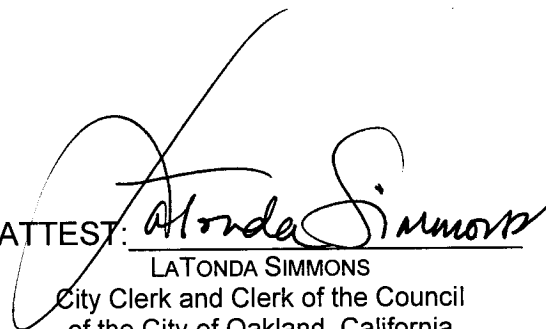
AYES--- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID and PRESIDENT DE LA FUENTE - 8

NOES--- 0

ABSENT--- 0

ABSTENTION--- 0

ATTEST:

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

Introduction Date: **SEP 18 2007**