

OAKLAND CITY COUNCIL

RESOLUTION NO. 77958

*B. P. B. B.*  
*RE*  
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
= C.M.S.  
2003 JUN 26 PM 2: 26

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**RESOLUTION OF FORMATION**

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

WHEREAS, reference is made to the Resolution of Intention, adopted by the City Council (the "Council") on this same date, and to the Hearing Report on file with the City Clerk (the "Clerk"), for the description of the authorized maintenance services and the special tax proposed to be authorized by these proceedings; and

WHEREAS, at the time set for the public hearing on this date, the Council conducted the public hearing, 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;

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. There is hereby formed a community facilities district by the City of Oakland (the "City") under the terms of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Division 2 of Title 5 of the California Government Code, commencing with Section 53311. The boundaries of the community facilities district are shown on the boundary map approved by the Resolution Approving Boundary Map, adopted by this Council on this same date. A copy of the approved boundary map is on file with the Clerk.

3. The name of the community facilities district is “Community Facilities District No. 2003-1 (Werner Court Vegetation Management), City of Oakland, County of Alameda, State of California” (“CFD No. 2003-1”).

4. The types of maintenance services authorized to be financed by CFD No. 2003-1 are described as maintenance services for an open space parcel situated immediately adjacent to and generally to the northeast of the boundary of CFD No. 2003-1, which services shall consist of weed abatement and vegetation management on a buffer strip approximately 50 feet wide between the boundary line of CFD No. 2003-1 and the balance of the open space parcel.

5. A special tax sufficient to pay for all such services and the authorized administrative expenses will be annually levied within CFD No. 2003-1. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property within CFD No. 2003-1, and this lien shall continue in force and effect in perpetuity or until this Council terminates the levy of the special tax by further legal proceedings not presently anticipated. The rate and method of apportionment of the special tax (the “Rate and Method”) is set forth in Exhibit A, attached hereto and by this reference incorporated herein.

6. The types of administrative expenses authorized to be paid from the proceeds of the special tax are described in the definition of “Administrative Expenses” set forth in the Rate and Method.

7. Advances of funds or contributions of work in kind from any lawful source, specifically including owners of property within CFD No. 2003-1, may be reimbursed from special tax revenue to the extent of the lesser of the value or cost of the contribution, but any agreement to do so shall not constitute a debt or liability of the City.

8. The Director of the Financial Services Agency of the City (the "Finance Director") is designated as the person responsible for annually preparing or causing the preparation of a current roll of special tax levy obligations by assessor's parcel number, for submitting said roll to the County of Alameda Auditor-Controller for inclusion on the property tax roll, and for responding to inquiries regarding estimates of future special tax levies. The City may contract with private consultants to provide this service in lieu of the Finance Director.

9. The special tax will be collected and enforced as a separate line item on the regular property tax bill. However, the Council reserves the right, under Section 53340, to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the City, including, but not limited to, direct billing by the City to the property owners and supplemental billing.

10. The Council hereby establishes the annual appropriations limit of CFD No. 2003-1 at \$10,000 for the 2003-2004 fiscal year.

11. Based upon the Certificate Re Land Ownership on file with the Clerk and presented to this Council, the qualified electors for the election to be held in these proceedings shall be Werner Development, LLC, the sole landowner of the taxable property within CFD No. 2003-1. The election will be conducted as a mailed-ballot election, and this Council hereby designates the Clerk as the official to conduct the mailed-ballot election.

12. The Council now finds and determines that all proceedings up to and including the adoption of this resolution were and are valid and in conformity with the requirements of the Mello-Roos Community Facilities Act. This determination and finding is final and conclusive in accordance with Government Code Section 53325.1(b).

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2003, 2003

**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