

RESOLUTION NO. 06-026

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES TO PROVIDE FOR THE FUTURE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT [CFD No. 2005-1 - PUBLIC SERVICES]

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WHEREAS, in accordance with the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code, Community Facilities District No. 2005-01 (Public Services District) (the "CFD") was created by City of the City of Paso Robles Resolution No. 05-063 on April 5, 2005. The boundaries of the CFD are as shown on the map on file with the City Clerk, recorded as Document No. 2005-016016 in Book 5 of Maps of Assessment and Community Facilities Districts at pages 7 and 8 of the County Recorder of San Luis Obispo County, and depicted on Exhibit A, attached hereto and incorporated by reference; and

WHEREAS, in accordance with the proceedings pursuant to Article 3.5 of the Act, the City also has provided for the future annexation of certain territory to the CFD. The boundaries of the Future Annexation Area are as shown on the map on file with the City Clerk, recorded as Document No. 2005-016017 in Book 5 of Maps of Assessment and Community Facilities Districts at pages 9 and 10 of the County Recorder of San Luis Obispo County, and depicted on Exhibit B, attached hereto and incorporated by reference; and

WHEREAS, the type of services currently financed by the CFD and pursuant to the Act consist of those items listed in the Description of Services Financed by the Community Facilities District on Exhibit C hereto and hereby incorporated herein; and

WHEREAS, under the Act, this Council is authorized to annex territory to an existing community facilities district and to act as the legislative body for such community facilities district; and

WHEREAS, the City Council of the City of El Paso Robles ("City"), has determined that public convenience and necessity require that territory be added to the existing CFD and may adopt a resolution of intention to provide for the future annexation of such territory (the "Future Annexation Area 2") to the CFD pursuant to the Act, for the purposes of paying the costs of services to be provided by the City for the additional services authorized to be financed pursuant to Sections 53313 and 53313.5 of the California Government Code, provided, however, that parcels within the Future Annexation Area 2 may be annexed only with the unanimous approval of the owner

or owners of each parcel or parcels at the time that parcel or those parcels are annexed to CFD No. 2005-01; and

WHEREAS, the City desires to adopt a resolution of intention to provide for the future annexation of the Future Annexation Area 2 to CFD No. 2005-01 in order to finance the costs of public infrastructure necessary or incidental to development of the Future Annexation Area 2;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Authority. This Council proposes to conduct proceedings to annex the Future Annexation Area 2 into the CFD pursuant to the Act.

SECTION 2. Boundaries Described. The proposed boundaries of the Future Annexation Area 2 are as shown on the map on file with the City Clerk and attached hereto as Exhibit D and incorporated by reference, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, said map of the boundaries of the Future Annexation Area 2 in the office of the County Recorder of San Luis Obispo County within fifteen days of the date of adoption of this Resolution, but in any event at least fifteen days prior to the public hearing specified in paragraph 10 below.

SECTION 3. Services. The type of services proposed to be provided to the Future Annexation Area 2 and pursuant to the Act shall consist of those items listed in the Description of Services Financed by the Community Facilities District on Exhibit C hereto and hereby incorporated herein.

SECTION 4. Special Tax. A special tax (the "Special Tax") sufficient to pay the costs of the Services provided to the Future Annexation Area 2, secured by recordation of a continuing lien against all nonexempt real property in the Annexation, will be levied annually within the Future Annexation Area 2, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as this Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within Future Annexation Area 2 shall be equal to any special tax levied to pay for the same services in the existing district, except that a higher or lower tax may be levied within the Future Annexation Area 2 to the extent that the actual cost of providing the services in that Future Annexation Area 2 is higher or lower than the cost of providing those services in the existing district.

SECTION 5. No Alteration of Special Tax Rate Within Existing CFD. As a result of the proposed Future Annexation Area 2, the special tax rate levied within the existing community facilities district will not be altered or increased.

SECTION 6. Exempt Property. Except as may otherwise be provided by law or by the rate and method of apportionment of the Special Tax for the Future Annexation Area 2, all lands owned by any public entity, including the United States, the State of California and the City, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax. In the event that a portion of the property within the Future Annexation Area 2 shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, this Council will, on behalf of the Future Annexation Area 2, increase the levy to the extent necessary upon the remaining property within the Future Annexation Area 2 which is not exempt in order to yield the required debt service payments and other annual expenses of the Future Annexation Area 2, if any, subject to the provisions of the rate and method of apportionment of the Special Tax.

SECTION 7. Public Hearing. On April 18, 2006, at 7:30 p.m., or as soon as possible thereafter, in the City Council Chambers, located at 1000 Spring Street, this Council, as legislative body for the CFD, will conduct a public hearing on the resolution to provide for future annexation of Future Annexation Area 2 to the CFD.

SECTION 8. Notice of Hearing. The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the Future Annexation Area 2. The publication shall be completed at least seven days before the date of the public hearing referenced in Section 7. The notice shall be substantially in the form specified in Section 53322 of the Act, with the form summarizing the provisions hereof hereby specifically approved.

ADOPTED by the City Council of the City of Paso Robles at a regular meeting of said Council held on the 7<sup>th</sup> day of March, 2006, by the following vote:

AYES: Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT: Heggarty

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Frank R. Mecham, Mayor

ATTEST:

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Cathy M. David, Deputy City Clerk

**PROPOSED BOUNDARIES OF  
CITY OF PASO ROBLES  
COMMUNITY FACILITIES DISTRICT NO. 2005-1  
(PUBLIC SERVICES)  
COUNTY OF SAN LUIS OBISPO  
STATE OF CALIFORNIA**

ASHWOOD PL.

**LEGEND**

— — — — —  
Proposed Boundaries of City of  
Paso Robles Community Facilities  
District No. 2005-1, San Luis  
Obispo County, California

Reference is hereby made to the Assessor maps of the  
County of San Luis Obispo for a description of the  
lines and dimensions of this parcel.



BEECHWOOD DRIVE

ORIOLE WAY

COOL VALLEY RD.

APN: 009-750-001

MEADOWLARK ROAD

# FUTURE ANNEXATION AREA OF CITY OF PASO ROBLES COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) COUNTY OF SAN LUIS OBISPO STATE OF CALIFORNIA

## LEGEND

Future Annexation Area of  
City of Paso Robles Community  
Facilities District No. 2005-1,  
San Luis Obispo County,  
California

Waterway

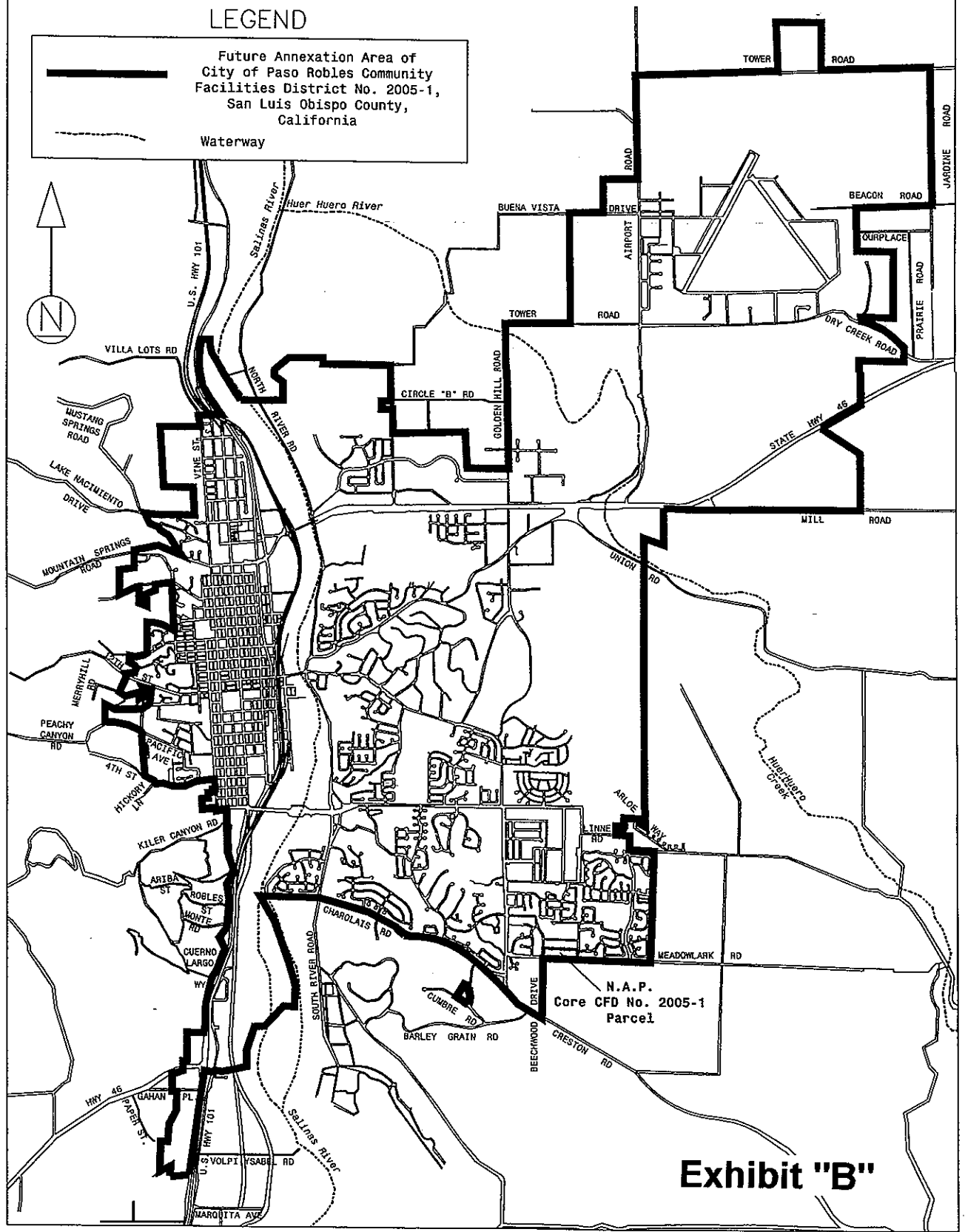


Exhibit "B"

## **Exhibit C**

### **DESCRIPTION OF SERVICES**

A community facilities district may finance any one or more of the following types of services: police protection services; fire protection and suppression services; ambulance and paramedic services; recreation program services, library services, maintenance services for elementary and secondary school sites and structures, operation and maintenance of museums and cultural facilities; maintenance of parks, parkways (including street lights), and open space; flood and storm protection services, including the operation and maintenance of storm drainage systems and sandstorm protection systems; services with respect to the removal or remedial action cleanup of hazardous substances. The authorized services may be financed only to the extent that such services are in addition to those services provided in the community facilities district prior to creation of the community facilities district. All of these public services are authorized by CFD No. 2005-1.

CFD No. 2005-1 shall only finance the above listed services only to the extent that they are in addition to existing public services provided within the boundaries of CFD No. 2005-1 before creation of the district and such authorized services may not supplant services already available within CFD No. 2005-1 at creation of said CFD. The Special Taxes required to finance the related annual costs of those public services will be apportioned as described in the Rate and Method of Apportionment of the Special Tax for CFD No. 2005-1.

AMENDED MAP OF  
FUTURE ANNEXATION AREA OF  
CITY OF PASO ROBLES  
COMMUNITY FACILITIES DISTRICT NO. 2005-1  
(PUBLIC SERVICES)  
COUNTY OF SAN LUIS OBISPO  
STATE OF CALIFORNIA

THE BOUNDARY OF THE FUTURE ANNEXATION AREA TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 IS CO-TERMINOUS WITH THE BOUNDARY OF THE CITY OF PASO ROBLES IN 2005.

REFERENCE IS HEREBY MADE TO THAT CERTAIN MAP ENTITLED "FUTURE ANNEXATION AREA OF PASO ROBLES COMMUNITY FACILITIES DISTRICT NO. 2005-1, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA", FILED THE 1ST DAY OF MARCH, 2005, AT THE HOUR OF 1:59 O'CLOCK P.M. IN BOOK 5 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGES 9-10, AND AS INSTRUMENT NUMBER 2005-0716017 IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, WHICH THIS ANNEXATION MAP AFFECTS.

REFERENCE IS HEREBY MADE TO THE ASSESSOR MAPS OF THE COUNTY OF SAN LUIS OBISPO FOR AN EXACT DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH LOT AND PARCEL.

1) FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF PASO ROBLES THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.

\_\_\_\_\_  
DENNIS FANSLER, PASO ROBLES CITY CLERK

2) I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE BOUNDARIES OF THE FUTURE ANNEXATION AREA TO CITY OF PASO ROBLES COMMUNITY FACILITIES DISTRICT NO. 2005-1, SAN LUIS OBISPO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF, HELD ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006, BY ITS RESOLUTION NO. \_\_\_\_\_.

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DENNIS FANSLER, PASO ROBLES CITY CLERK

3) FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006, AT THE HOUR OF \_\_\_\_ O'CLOCK \_\_\_\_ M. IN BOOK \_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_ AND AS INSTRUMENT NO. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER OF SAN LUIS OBISPO COUNTY, STATE OF CALIFORNIA.

FEE \_\_\_\_\_

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COUNTY RECORDER OF SAN LUIS OBISPO COUNTY

LEGEND

Future Annexation Area of  
City of Paso Robles Community  
Facilities District No. 2005-1,  
San Luis Obispo County,  
California

Waterway

