

RESOLUTION NO. 2019-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO DECLARING ELECTION RESULTS FOR ANNEXATION NO. 4 TO IMPROVEMENT AREA 5 OF COMMUNITY FACILITIES DISTRICT NO. 2003-3

WHEREAS, the City Council (the "City Council") of the City of Chino (the "City") has heretofore conducted proceedings in accordance with Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") for the annexation of approximately 9.98 acres of land within Assessor Parcel Nos. 1056-071-12-0000 and 1056-071-14-0000 to Improvement Area 5 ("Improvement Area 5") of Community Facilities District No. 2003-3 of the City of Chino (the "Community Facilities District"), including conducting a public hearing on July 2, 2019 pursuant to Section 53339.5 of the Act; and

WHEREAS, at the conclusion of said public hearing, the City Council adopted a resolution calling a special election for July 2, 2019 and submitting to the qualified electors of the territory to be annexed to Improvement Area 5 of the Community Facilities District the question of levying special taxes on parcels of taxable property therein for the purpose of providing certain services which are necessary to meet increased demands placed upon the City as a result of the development of said real property as provided in the form of special election ballot attached thereto as Exhibit A; and

WHEREAS, a Certificate of Election Results, dated July 2, 2019, executed by the City Clerk, has been filed with this City Council, certifying that a completed ballot has been returned to the Clerk for each landowner-voter(s) eligible to cast a ballot in said special election, with all votes cast as "Yes" votes in favor of the ballot measure, and further certifying on said basis that the special mailed-ballot election was closed; and

WHEREAS, this City Council has received, reviewed and hereby accepts the Clerk's Certificate of Election Results and wishes by this resolution to declare the results of the special mailed-ballot election;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHINO:

Section 1. Recitals. This City Council finds and determines that the foregoing recitals are true and correct.

Section 2. Ballot Measure. This City Council hereby finds, determines and declares that the ballot measure submitted to the qualified electors of the territory to be annexed (the "Annexed Territory") to Improvement Area 5 has been passed and approved by those qualified electors in accordance with Sections 53328 and 53329 of the Act.

Section 3. Declaration of Results. All votes voted in the special election on the proposition of the annual levy of special taxes within the Annexed Territory to pay the costs of the services to be provided by the Community Facilities District were voted in favor thereof, and such proposition carried.

Section 4. Annexation. This City Council hereby finds, determines and declares that pursuant to Section 53339.8 of the Act, the City Council is authorized to determine that the Annexed Territory has been added to and become a part of Improvement Area 5 of the Community Facilities District with full legal effect, and the City Council is also authorized, pursuant to said Section 53339.8 of the Act, to annually levy special taxes within the Annexed Territory to pay the costs of the services to be provided by the Community Facilities District as specified in Resolution No. 2019-018 adopted by the City Council on May 22, 2019 (the "Resolution of Intention to Annex"). The boundaries of the Annexed Territory are shown on the map entitled, "Annexation Map No. 4 Community Facilities District No. 2003-3 Improvement Area No. 5 of the City of Chino, County of San Bernardino, State of California," a copy of which was recorded in the office of the San Bernardino County Recorder.

Section 5. Notice of Special Tax Lien. Pursuant to Section 53339.8 of the Act and Section 3117.5 of the Streets and Highways Code, the City Clerk shall cause to be filed with the County Recorder of the County of San Bernardino an amendment of the notice of special tax lien and a map of the amended boundaries of the Community Facilities District reflecting the Annexed Territory.

Section 6. Effect. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED by the City Council at a regular meeting held on the 2nd day of July 2019.

CITY COUNCIL OF THE CITY OF CHINO

By: _____
Eunice M. Ulloa,
Mayor of the City of Chino

ATTEST:

Angela Robles
City Clerk of the City of Chino

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF CHINO)

I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Chino at a regular meeting held on the 2nd day of July 2019, by the following votes:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ANGELA ROBLES, CITY CLERK

Attachments: Exhibit A

EXHIBIT A

SAMPLE BALLOT

**SPECIAL TAX ELECTION
CITY OF CHINO**

**ANNEXATION OF TERRITORY TO
IMPROVEMENT AREA 5 OF
COMMUNITY FACILITIES DISTRICT NO. 2003-3
(ANNEXATION NO. 4)**

(July 2, 2019)

This ballot represents __ votes.

To vote, stamp a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear or deface this ballot, return it to the City Clerk of City of Chino and obtain another.

PROPOSITION: Shall the territory described in Exhibit B of Resolution No. 2019-037 of the City Council of the City of Chino (the "Resolution of Annexation") as the Amended Proposed Annexation Area be annexed to Improvement Area 5 of Community Facilities District No. 2003-3 of the City of Chino, and shall a special tax with a rate and method of apportionment as provided in Exhibit C to Resolution No. 2019-018 (the "Resolution of Intention to Annex") for Improvement Area 5 of Community Facilities District No. 2003-3 be levied in the Amended Proposed Annexation Area to pay for the Services and other purposes described in the Resolution of Intention to Annex?

YES_____

NO_____