

RESOLUTION NO. 2016-013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
DETERMINING TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT  
NO. 2005-1 (LAGUNA RIDGE) AND TO LEVY A SPECIAL TAX TO PAY FOR  
CERTAIN FACILITIES AND SERVICES (ANNEXATION NO. 5)**

**WHEREAS**, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), the City Council (the "City Council") of the City of Elk Grove (the "City"), on November 9, 2005, approved Resolution No. 2005-346 declaring its intention to establish Community Facilities District No. 2005-1 (Laguna Ridge) (the "CFD") and to provide for future annexation of territory and calling a public hearing for December 14, 2005; and

**WHEREAS**, at the hearing, the testimony of all interested persons, including all taxpayers, property owners, and registered voters within the District and the territory proposed for future annexation, desiring to be heard on the establishment of the District, the extent thereof, the furnishing of specified types of services, the proposed special tax, the incurrence of bonded indebtedness, the establishment of an appropriations limit for the District, the future annexation of territory, or any other matters set forth in the Resolution of Intention was heard and a full and fair hearing was conducted thereon; and

**WHEREAS**, written protests against the proposed addition of territory to the CFD in the future were not filed by the registered voters residing within the territory proposed to be included in the District or the territory proposed for future annexation nor by the owners of one-half or more of the area of land in the territory proposed to be included in the District or the territory proposed for future annexation and not exempt from the special tax; and

**WHEREAS**, at the conclusion of the hearing, the City Council approved Resolution No. 2005-381, which provided that parcels within the territory proposed to be annexed in the future would be annexed with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, pursuant to Government Code section 53339.7; and

**WHEREAS**, the City Council, on March 8, 2006, approved Resolution No. 2006-62 establishing the CFD and calling a special election for March 8, 2006, at which the questions of levying a special tax and establishing an appropriations limit with respect to the CFD were submitted to the qualified electors within the CFD; and

**WHEREAS**, on March 8, 2006, the City Council adopted Resolution No. 2006-63 determining the results of the special election and finding that more than two-thirds (2/3) of all votes cast at the special election were cast in favor of the proposition presented, and such proposition passed; and

**WHEREAS**, each of the owners of the parcels listed in Exhibit A hereto, which parcels are within the territory proposed to be annexed to the CFD in the future, has submitted a written instrument approving the annexation of the parcel, attached as Exhibit B.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Elk Grove that:

**Section 1. Recitals.** The City Council hereby determines that the foregoing recitals are true and correct.

**Section 2. Determination of Annexation.** The City Council hereby determines that the territory described in Exhibit A hereto and a map entitled "Annexation Map No. 5 of Community Facilities District No. 2005-1 (Laguna Ridge), City of Elk Grove, County of Sacramento" which is on file with the City Clerk, is added to and part of the CFD with full effect. The City Clerk is hereby authorized and directed to endorse the certificates set forth on the map and to record the map in accordance with the provisions of Section 3111 of the Streets and Highways Code of the State of California.

**Section 3. Validity of Procedures.** The City Council hereby finds and determines that all prior proceedings and actions taken by the City Council pursuant to the Act in connection with the annexation of territory to the CFD were and are valid and in conformity with the Act.

**Section 4. Amendment to Notice of Special Tax Lien.** The City Clerk is hereby directed to record an amendment to the Notice of Special Tax Lien with the Sacramento County Recorder, in accordance with the provisions of Sections 3114.5 and 3117.5 of the California Streets and Highways Code within fifteen (15) days of the adoption of this resolution.

**Section 5. Effective Date.** This Resolution shall take effect immediately upon its passage.

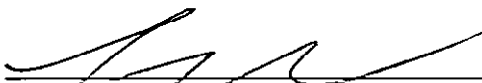
**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 27<sup>th</sup> day of January 2016.

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

**EXHIBIT A**

**ASSESSOR'S PARCEL NUMBERS AND  
OWNERS OF LAND ANNEXED TO  
CITY OF ELK GROVE  
COMMUNITY FACILITIES DISTRICT No. 2005-1  
(LAGUNA RIDGE)  
(Annexation No. 5)**

<b>ASSESSOR PARCEL NUMBER</b>	<b>OWNER'S NAME</b>
132-0050-034-0000	The Mesa Laguna Ridge, LP

WAIVER/CONSENTAND AGREEMENT TO ANNEX PROPERTY

by owner of property proposed to be included in  
Community Facilities District No. 2005-1 (Laguna Ridge)  
of the City of Elk Grove  
regarding certain time limits and procedural requirements  
with respect to annexation of property

To the Honorable City Council  
City of Elk Grove  
8401 Laguna Palms Way  
Elk Grove, CA 95758

Members of the City Council:

Pursuant to Government Code Sections 53339.3 and 53339.7 which allow for the annexation of property to an existing Mello-Roos community facilities district to occur upon the receipt of the unanimous consent of the qualified electors under the authority of the Mello-Roos Community Facilities District Act of 1982, Government Code Sections 53311-53365.7 (the "Mello-Roos Act"), the undersigned legal entity (the "Landowner") hereby declares and consents as follows:

1. Ownership. Landowner is the owner of the real property described below adjacent to its signature block by Sacramento County assessor's parcel number (the "real property"), which is proposed to be included in Community Facilities District No. 2005-1 (Laguna Ridge) of the City of Elk Grove (the "District").


2. Formation and Annexation Process. Landowner expressly waives any and all claims based on, and hereby consents to, any error, irregularity, or departure from the provisions of the Mello-Roos Community Facilities Act of 1982, Government Code Sections 53311-53365.7, and any and all laws incorporated therein, in the formation process and acknowledges that the formation of the District and the annexation of Landowner's property is valid and shall not be affected by any such error, irregularity, or departure.

3. Annexation. Landowner hereby consents to the annexation of the property to the District. Landowner acknowledges that because the subject property was already subject to a public hearing as authorized by Government Code sections 53339.2 and 53339.7, said annexation shall not be subject to a second public hearing or formal election.

The person executing this waiver and consent on behalf of the Landowner hereby certifies that he or she is authorized to execute this document on behalf of that legal entity.

Date: November 20, 2015

The Mesa Laguna Ridge, LP  
[Type or print name(s) in which record title to the land identified below is held]

Signed By:   
[Signature of individual signing on behalf of Landowner]

\_\_\_\_\_  
[Type or print name of individual signing on behalf of Landowner]

Manager of the General Partner  
[Type or print relationship to Landowner that gives individual authority to sign for Landowner (e.g., general partner or president of Landowner)]

Real Property:

Assessor's Parcel Nos.: 0132 - 0050 - 034  
\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

**CERTIFICATION  
ELK GROVE CITY COUNCIL RESOLUTION NO. 2016-013**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )     ss  
CITY OF ELK GROVE         )

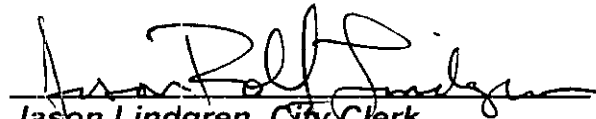
*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 27, 2016 by the following vote:*

**AYES :**        **COUNCILMEMBERS:**     *Davis, Ly, Detrick, Hume, Suen*

**NOES:**       **COUNCILMEMBERS:**     *None*

**ABSTAIN :**   **COUNCILMEMBERS:**     *None*

**ABSENT:**    **COUNCILMEMBERS:**     *None*

  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**