

RESOLUTION NO. 2023-34

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS RELATING TO ANNEXATION OF PROPERTY (ANNEXATION NO. 35) INTO CITY OF COACHELLA COMMUNITY FACILITIES DISTRICT NO. 2005-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES)

WHEREAS, the City Council (the “Council”) of the City of Coachella, California (the “City”), has heretofore adopted Resolution No. 2023-17 stating its intention to annex certain property, consisting of Tripoli Apartments– (“Annexation Area No. 35”), into City of Coachella Community Facilities District No. 2005-1 (Law Enforcement, Fire and Paramedic Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the “Act”); and

WHEREAS, a copy of Resolution No. 2023-17 incorporating a description and map of the proposed boundaries of Annexation Area No. 35, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within Annexation Area No. 35, which will be used to finance a portion of the cost of providing law enforcement, fire and paramedic services that are in addition to those provided in the territory within Annexation Area No. 35, prior to the annexation of Annexation Area No. 35, respectively, to the District and do not supplant services already available within the territory of proposed to be included in Annexation Area No. 35, are on file with the City Clerk and incorporated herein by reference; and

WHEREAS, Resolution No. 2023-17 set April 26, 2023 as the date of the public hearing on the annexation of Annexation Area No. 35 to the District and this Council held the said public hearing as required by law; and

WHEREAS, at said hearing all persons not exempt from the special tax desiring to be heard on all matters pertaining to the annexation of Annexation Area No. 35 to the District were heard and a full and fair hearing was held; and

WHEREAS, at said hearings evidence was presented to the Council on said matters before it, and this Council at the conclusion of said hearings is fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COACHELLA AS FOLLOWS:

Section 1. Pursuant to Section 53325.1(b) of the Government Code, the Council finds and determines that the proceedings prior hereto were valid and in conformity with the requirements of the Act.

Section 2. Annexation Area No. 35 is hereby annexed into the District.

Section 3. The description and map of the boundaries of Annexation Area No. 35 on file in the City Clerk’s office and as described in said Resolution No. 2023-19 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 35. The map of the proposed

boundaries of Annexation Area No. 35 has been recorded in the Office of the County Recorder of Riverside County, California in Book 70, page 95 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2007-0311095).

Section 4. Except where funds are otherwise available, there shall be levied annually in accordance with procedures contained in the Act, a special tax sufficient to finance a portion of the cost of providing law enforcement, fire and paramedic services that are in addition to those provided in the territory within Annexation Area No. 35 prior to the annexation thereof to the District and do not supplant services already available within the territory proposed to be included in Annexation Area No. 35. The rate and method of apportionment of the special tax and manner of collection is described in detail in Exhibit "A" attached hereto and incorporated herein by this reference. The special tax shall be utilized to pay for authorized services.

Section 5. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all real property in Annexation Area No. 35, and this lien shall continue in force and effect until the special tax obligation is canceled in accordance with law or until collection of the tax by the City ceases.

Section 6. Council finds that the proposed public services are necessary to meet the increased demand put upon the City as a result of the development within Annexation Area No. 35.

Section 7. The Council finds that there is not an ad valorem property tax currently being levied on property within Annexation Area No. 35 for the exclusive purpose of financing law enforcement, fire and paramedic services.

Section 8. Written protests against annexation of Annexation Area No. 35, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 35, have not been filed by fifty percent (50%) or more of the registered voters or property owners of one-half (1/2) or more of the area of land within Annexation Area No. 35.

Section 9. The Office of the City Manager, 1515 Sixth Street, Coachella, California 92236, (760) 398-3502, or its designee, is designated to be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and for estimating future special tax levies pursuant to Section 53340.1 of the Government Code.

Section 10. The City Clerk is directed to certify and attest to this Resolution and to take any and all necessary acts to call, hold, canvass and certify an election or elections on the levy of the special tax.

PASSED, APPROVED and ADOPTED this 24th day of May, 2023 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Hernandez, Mayor
City of
Coachella

ATTEST:

Delia Granados, Deputy City Clerk
City of Coachella

I hereby certify that the foregoing is a true and correct copy of a resolution, being Resolution No. 2023-34, duly passed and adopted at a meeting of the City Council of the City of Coachella, California, held on May 24, 2023.

Delia Granados, Deputy City Clerk
City of Coachella

APPROVED AS TO FORM:

Carlos L. Campos, City Attorney
City of Coachella

EXHIBIT A

RATE AND METHOD OF APPORTIONMENT
OF SPECIAL TAX