

RESOLUTION NO. 19-8775

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
APPROVING THE ANNEXATION OF PROPERTY LOCATED IN A
FUTURE ANNEXATION AREA: CITY OF SANTA CLARA
COMMUNITY FACILITIES DISTRICT No. 2010-1**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on May 11, 2010, the City Council (the "Council") of the City of Santa Clara (the "City") has adopted a resolution entitled "A Resolution of the City of Santa Clara, California, Formation of Community Facilities District: City of Santa Clara Community Facilities District No. 2010-1" (the "Resolution of Formation"), ordering the formation of (i) the City of Santa Clara Community Facilities District No. 2010-1 (the "CFD") and (ii) the City of Santa Clara Community Facilities District No. 2010-1 (Future Annexation Area) (the "Future Annexation Area"), defining the public facilities and public services to be provided by the CFD, authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act");

WHEREAS, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act;

WHEREAS, on May 11, 2010, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council;

WHEREAS, on May 14, 2010, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Santa Clara County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD;

WHEREAS, the owners (the "Property Owners") of certain hotel properties located within the Future Annexation Area (the "Hotel Parcels") have agreed to annex the Hotel Parcels into the CFD; and

WHEREAS, pursuant to the Act, each Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by that Property Owner in favor of the annexation of its respective Hotel Parcel to the CFD and of the levy of the Special Tax.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the foregoing recitals are true and correct.
2. That the City Council hereby determines that the Hotel Parcels are annexed into the CFD.
3. That the City Council hereby directs the Assistant City Clerk to execute and record an Amendment to Notice of Special Tax Lien evidencing the annexation of the hotel Parcels into the CFD, in the form on file with the City Clerk.
4. That the revised boundaries of the CFD including the Hotel Parcels are described in an amended boundary map, which this City Council hereby approves. The City Council hereby directs the Assistant City Clerk to execute and record with the amended boundary map with the Santa Clara County Recorder's office.

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5. That the officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 5TH DAY OF NOVEMBER, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS: Chahal, Davis, Hardy, Mahan, O'Neill, and Watanabe, and Mayor Gillmor

NOES: COUNCILORS: None

ABSENT: COUNCILORS: None

ABSTAINED: COUNCILORS: None

ATTEST: 
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None