Agenda Item No. 17

Agenda Report

DATE: April 20, 2010

TO: The Mayor and City Council

FROM: Sean P. Quinn, City Manager
Gene S. Cortright, Public Works Director
George R. Hicks, Assistant Public Works Director

SUBJECT: Public Hearing and Adopt Resolution Declaring Results of Special Annexation Election, Determining Validity of Prior Proceedings, and Directing Recording of Amended Notice of Special Tax Lien, City of Fairfield Community Facilities District No. 4-A (Fairfield Open Space) Annexation No. 14

Resolution of Annexation of Territory to Community Facilities District Authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, City Of Fairfield Community Facilities District No. 4-A (Fairfield Open Space) Annexation No. 14

RECOMMENDED ACTION

Hold public hearing and adopt resolutions.

STATEMENT OF ISSUE

In 1989, the City Council adopted a policy requiring that all new residential development join a Mello-Roos Open Space District to fund open space acquisition and maintenance. Community Facilities District 4-A (CFD 4-A) was established as the annexable district for compliance with the policy. The Garibaldi Ranch Unit 2 subdivision, located south of Gold Hill Road and west of Interstate 680, is proposed for annexation to CFD 4-A.

DISCUSSION

By Resolution No. 89-172, the City Council adopted a policy requiring all new residential development that occurred within the City to join a Mello Roos Open Space District. By Resolution No. 91-251, the City Council established CFD 4-A, a Mello Roos Open Space District with the intent that future residential development within the City would annex to this district. Special taxes collected from property owners within the district are to be used for the acquisition and maintenance of open space in the Fairfield area.

DATE: April 20, 2010
SUBJECT: Declaring Results of Special Annexation Election to Annex Territory to Community Facilities District 4-A and to Authorize the Levy of Special Taxes Therein (Fairfield Open Space) Annexation No. 14.

The development proposed to be annexed into CFD 4-A is known as Garibaldi Ranch Unit 2, located south of Gold Hill Road and west of Interstate 680. Preparation of the necessary resolutions and of the balloting procedures for the annexation is a specialty service which we have contracted out since 1995 on an individual consultant services basis for each development which required annexation to CFD 4-A.

The resolutions are the final step in the annexation process. Since the conditions of development require that the parcels annex into the CFD 4-A and the developer still controls the parcels, a majority protest is not anticipated.

Once the annexation is complete, the property owners of Garibaldi Ranch Unit 2 will be required to pay annual special assessments for CFD 4-A as itemized on their property tax bills, beginning in Fiscal Year 2010-2011. The annual assessment for FY 2010/2011 will be $120 per single-family residential lot. The assessment will increase by $2.50 per year thereafter.

FINANCIAL IMPACT
CFD 4-A provides funding for acquisition and maintenance of open space in the Fairfield area. These funds are collected through taxes and are made available for use by the City as necessary.

PUBLIC CONTACT/ADVISORY BODY RECOMMENDATION
N/A

ALTERNATIVE ACTION
If the City Council has any questions concerning the required annexation of Garibaldi Ranch Unit 2, the annexation can be rescheduled until the next Council meeting so staff can provide the necessary backup.

DOCUMENTS ATTACHED
Attachment 1: Boundary Map of Annexation No. 14
Attachment 2: Resolution Declaring Results, Validity and Directing Recording
Attachment 3: Resolution of Annexation of Territory

STAFF CONTACT
Thomas Martian, Landscape Maintenance Manager
707.428.7478
tmartian@fairfield.ca.gov

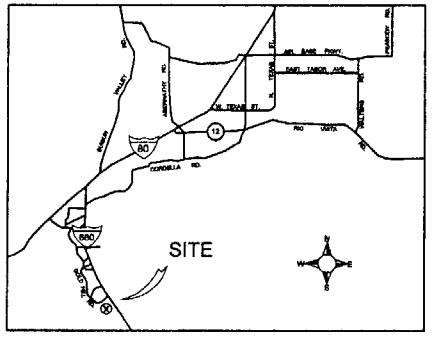
Coordinated with: N/A

Attachment 1

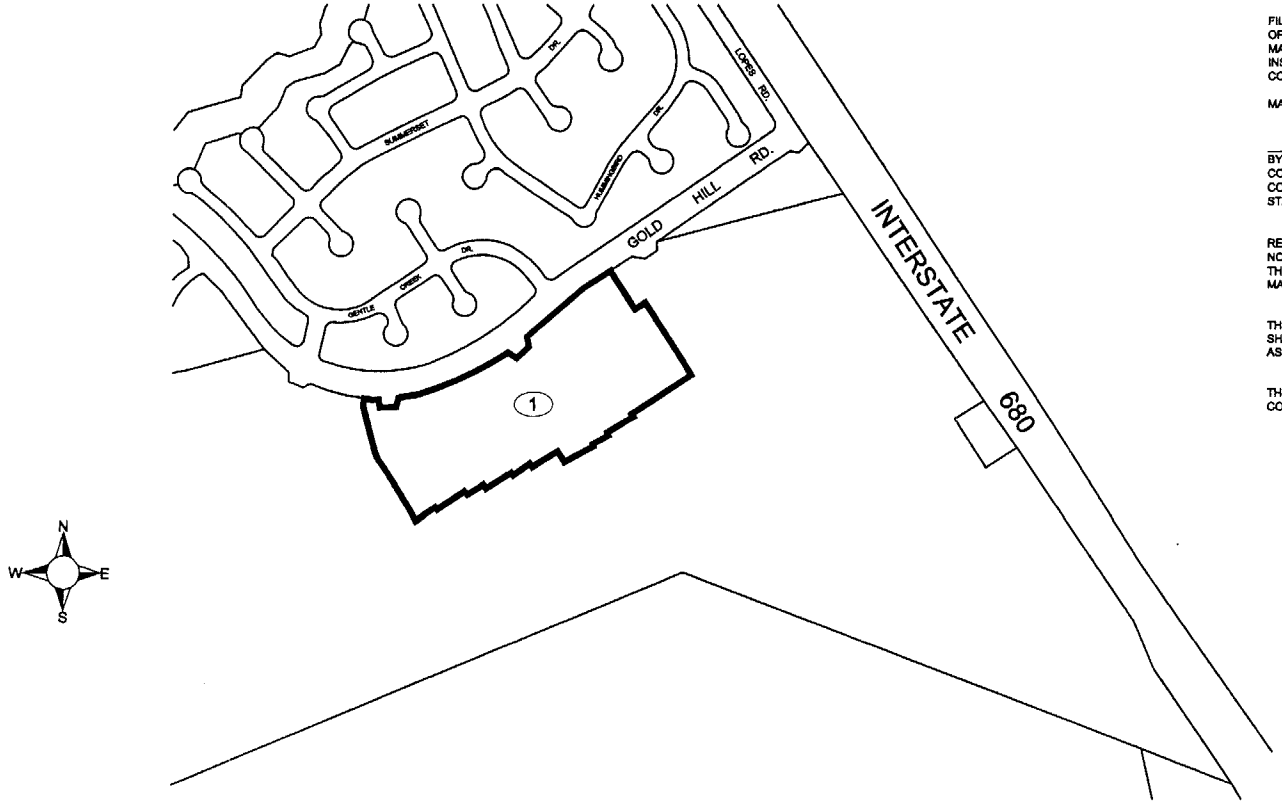
ANNEXATION MAP NO. 14 OF COMMUNITY FACILITIES DISTRICT NO. 4-A (FAIRFIELD OPEN SPACE)

CITY OF FAIRFIELD
COUNTY OF SOLANO
STATE OF CALIFORNIA

SHEET 1 OF 2



VICINITY MAP



FILED IN THE OFFICE OF THE CITY CLERK THIS _____ DAY OF _____ 2010.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION MAP NO. 14 OF COMMUNITY FACILITIES DISTRICT NO. 4-A (FAIRFIELD OPEN SPACE), CITY OF FAIRFIELD, COUNTY OF SOLANO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2010, BY ITS RESOLUTION NO. _____.

_____
CITY CLERK
CITY OF FAIRFIELD

FILED THIS _____ DAY OF _____, 2010, AT THE HOUR OF _____ O'CLOCK ____.M. IN BOOK _____ PAGE(S) _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SOLANO, STATE OF CALIFORNIA.

MARC C. TONNESEN, ASSESSOR/RECORDER

_____
BY DEPUTY
COUNTY RECORDER
COUNTY OF SOLANO
STATE OF CALIFORNIA

REFERENCE IS MADE TO THAT BOUNDARY MAP OF COMMUNITY FACILITIES DISTRICT NO. 4-A (FAIRFIELD OPEN SPACE) OF THE CITY OF FAIRFIELD RECORDED WITH THE SOLANO COUNTY RECORDER'S OFFICE ON JUNE 9, 1992, IN BOOK 8 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS ON PAGE 75.

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE SOLANO COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE SOLANO COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

LEGEND

ANNEXATION BOUNDARY

(1) MAP REFERENCE NUMBER

WILLDAN Financial Services

ANNEXATION MAP NO. 14 OF COMMUNITY FACILITIES DISTRICT NO. 4-A (FAIRFIELD OPEN SPACE)

CITY OF FAIRFIELD
COUNTY OF SOLANO
STATE OF CALIFORNIA

MAP REFERENCE NUMBER 1:

A PORTION OF ASSESSOR'S PARCEL NUMBER 0181-030-410, CONSISTING OF THE DEVELOPMENT KNOWN AS "GARIBALDI RANCH - UNIT 2", DESCRIBED AS:

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF FAIRFIELD, COUNTY OF SOLANO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO WEST COAST HOME BUILDERS, INC. RECORDED ON APRIL 4, 1997 UNDER RECORDERS SERIES NUMBER 1997-020459 IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 'A' AS SAID LOT IS SHOWN ON THE SUBDIVISION MAP ENTITLED "GARABALDI UNIT 1" RECORDED ON OCTOBER 23, 2009 IN BOOK 86 OF SUBDIVISION MAPS AT PAGE 07 IN THE OFFICE OF THE COUNTY RECORDER OF SOLANO COUNTY, STATE OF CALIFORNIA,
THENCE ALONG THE WESTERLY BOUNDARY OF SAID SUBVISION (86 SD 07) AND THE SOUTHERLY PROJECTION THEREOF SOUTH 34°07'30" EAST, 162.50 FEET;
THENCE NORTH 55°52'30" EAST, 44.00 FEET;
THENCE SOUTH 34°07'30" EAST, 338.00 FEET; THENCE LEAVING SAID WESTERLY BOUNDARY AND ALONG THE FOLLOWING COURSES:

SOUTH 55°52'30" WEST, 75.00 FEET;
THENCE SOUTH 34°07'30" EAST, 3.14 FEET; THENCE SOUTH 55°52'30" WEST, 208.00 FEET;
THENCE SOUTH 34°07'30" EAST, 10.59 FEET; THENCE SOUTH 55°52'30" WEST, 123.87 FEET;
THENCE SOUTH 29°39'46" EAST, 9.61 FEET; THENCE SOUTH 60°54'46" WEST, 73.34 FEET;
THENCE SOUTH 29°05'14" EAST, 7.72 FEET; THENCE SOUTH 60°54'46" WEST, 58.00 FEET;
THENCE SOUTH 56°48'27" WEST, 77.20 FEET; THENCE NORTH 29°05'14" WEST, 37.78 FEET;
THENCE NORTH 34°07'30" WEST, 17.03 FEET; THENCE SOUTH 55°52'30" WEST, 73.15 FEET;
THENCE SOUTH 57°09'10" WEST, 45.00 FEET;
THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 577.50 FEET, WHICH RADIUS POINT BEARS SOUTH 57°09'10" WEST, THROUGH A CENTRAL ANGLE OF 01°16'40", AND AN ARC DISTANCE OF 12.88 FEET;
THENCE NORTH 34°07'30" WEST, 0.20 FEET; THENCE SOUTH 55°52'30" WEST, 81.22 FEET;
THENCE NORTH 28°26'28" WEST, 12.39 FEET; THENCE SOUTH 55°44'48" WEST, 74.30 FEET;
THENCE SOUTH 59°47'07" WEST, 45.00 FEET;
THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 477.50 FEET, WHICH RADIUS POINT BEARS SOUTH 59°47'07" WEST, THROUGH A CENTRAL ANGLE OF 02°07'16", AND AN ARC DISTANCE OF 17.68 FEET;
THENCE SOUTH 58°29'57" WEST, 79.87 FEET; THENCE NORTH 34°22'58" WEST, 17.55 FEET;
THENCE SOUTH 55°37'03" WEST, 73.03 FEET; THENCE SOUTH 56°11'13" WEST, 58.00 FEET;
THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 471.00 FEET, WHICH RADIUS POINT BEARS SOUTH 56°11'13" WEST, THROUGH A CENTRAL ANGLE OF 00°34'11", AND AN ARC DISTANCE OF 4.68 FEET;
THENCE NORTH 34°22'58" WEST, 5.88 FEET;
THENCE SOUTH 55°37'02" WEST, 95.45 FEET; THENCE NORTH 28°41'59" WEST, 55.27 FEET;
THENCE NORTH 30°56'03" WEST, 55.10 FEET; THENCE NORTH 33°41'27" WEST, 55.00 FEET;
THENCE NORTH 34°22'58" WEST, 137.68 FEET; THENCE NORTH 15°11'48" WEST, 201.13 FEET;
THENCE NORTH 07°03'41" EAST, 35.95 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF GOLD HILL ROAD;
THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 654.00 FEET, WHICH RADIUS POINT BEARS NORTH 07°03'41" EAST, THROUGH A CENTRAL ANGLE OF 28°43'31", AND AN ARC DISTANCE OF 327.88 FEET;
THENCE, ALONG A COMPOUND CURVE TO THE LEFT WITH A RADIUS OF 1254.00 FEET, THROUGH A CENTRAL ANGLE OF 22°32'29", AND AN ARC DISTANCE OF 493.35 FEET;
THENCE, ALONG A REVERSE CURVE TO THE RIGHT WITH A RADIUS OF 1446.00 FEET, THROUGH A CENTRAL ANGLE OF 10°04'49", AND AN ARC DISTANCE OF 254.40 FEET;
THENCE NORTH 55°52'30" EAST, 61.96 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 566,415 SQUARE FEET OF LAND, MORE OR LESS.

WILLDAN Financial Services

Attachment 2

CITY OF FAIRFIELD

RESOLUTION NO. 2010-95

RESOLUTION DECLARING RESULTS OF SPECIAL ANNEXATION ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN, CITY OF FAIRFIELD COMMUNITY FACILITIES DISTRICT NO. 4-A (FAIRFIELD OPEN SPACE) ANNEXATION NO. 14

WHEREAS, in proceedings heretofore conducted by the Council pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), this Council has heretofore adopted a resolution calling a special election of the qualified landowner electors in the territory of land proposed to be annexed to Community Facilities District No. 4-A (Fairfield Open Space) (the "CFD");

WHEREAS, pursuant to the terms of the resolution which is hereby incorporated herein by this reference, the special election has been held and the City Clerk has filed a Canvass and Statement of Result of Election (the "Canvass"), a copy of which is attached hereto as Exhibit A; and,

WHEREAS, this Council has reviewed the Canvass and hereby approves it.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, THE LEGISLATIVE BODY FOR SAID DISTRICT, AS FOLLOWS:

Section 1: The issue presented at the special election was the levy of a special tax within the territory annexed to the CFD, to be levied in accordance with the formula heretofore approved by this Board as described in Resolution No. 2010-40, A Resolution of Annexation of Territory to Community Facilities District, Authorizing the Levy of a Special Tax and Submitting Levy of Tax to Qualified Electors, City of Fairfield Community Facilities District No. 4-A (Fairfield Open Space) Annexation No. 14, adopted April 20, 2010.

Section 2: Pursuant to the Canvass of file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the CFD by more than two-thirds of the landowners voting at the special election.

Section 3: Pursuant to the voter approval, said annexed territory to the CFD is hereby declared to be fully annexed to and part of the CFD and this Council may levy special taxes therein as heretofore provided in these proceedings.

Section 4: It is hereby found that all prior proceedings and actions, taken by this Council pursuant to the CFD and the territory annexed thereto were valid and in conformity with the Act.

Section 5: Within 15 days of the date hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of Solano, an amendment to the Notice of Special Tax Lien as required by Section 3117.5 of the California Streets and Highways Code.

PASSED, APPROVED, AND ADOPTED THIS 20th DAY OF APRIL 2010.

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

_____
MAYOR

ATTEST:

_____
CITY CLERK
pw

Attachment 3

CITY OF FAIRFIELD

RESOLUTION NO. 2010-96

RESOLUTION OF ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT AUTHORIZING THE LEVY OF A SPECIAL TAX AND SUBMITTING LEVY OF TAX TO QUALIFIED ELECTORS, CITY OF FAIRFIELD COMMUNITY FACILITIES DISTRICT NO. 4-A (FAIRFIELD OPEN SPACE) ANNEXATION NO. 14

WHEREAS, this Council, on March 2, 2010, adopted Resolution No. 2010-40 (the "Resolution of Intention") stating its intention to annex the territory to the City's Community Facilities District No. 4-A (Fairfield Open Space) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act");

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the CFD and stating the facilities to be provided and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the principal and interest on bonds issued for the CFD, is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein;

WHEREAS, on the 20th of April 2010, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the CFD;

WHEREAS, at said hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the CFD and the levy of said special taxes within the area proposed to be annexed were heard and a full and fair hearing was held;

WHEREAS, prior to the time fixed for said hearing, written protests had not been filed against the proposed annexation of territory to the CFD by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the existing CFD, or (ii) 50% or more of the registered voters, or six registered, whichever is more, residing in the territory proposed to be annexed to the CFD, or (iii) owners of one-half or more of the area of land in the existing CFD, or (iv) owners of one-half or more of the area of land in the territory proposed to be annexed to the CFD; and

WHEREAS, Annexation Map No. 14 to the CFD has been filed with the County Recorder of the County of Solano, which map shows the territory to be annexed in these proceedings, and a copy thereof is on files with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL OF THE CITY OF FAIRFIELD, THE LEGISLATIVE BODY FOR SAID DISTRICT, AS FOLLOWS:

Section 1: All prior proceedings taken by this Council with respect to the CFD and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the CFD has been validly established pursuant to the Act.

Section 2: The description and map of the boundaries of the territory to be annexed to CFD, as described in said Annexation Map No. 14 to the CFD on file with the City Clerk are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of the CFD, and said territory is hereby ordered annexed to the CFD, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

Section 3: The provisions of the Resolution of Intention and Resolution No. 91-251, of the City each as heretofore adopted by this Council are by this reference incorporated herein, as if fully set forth herein.

Section 4: Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the CFD shall be submitted to the voters of the area to be annexed to the CFD at an election called therefore as hereinafter provided.

Section 5: This Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the CFD for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the territory proposed to be annexed to the CFD and that the vote shall be by said landowners, each having one vote for each acre or each acre or portion thereof such landowner owns in the territory proposed to be annexed to the CFD.

Section 6: Pursuant to Section 53326 of the Act, the election shall be conducted by mail ballot under section 1340 of the California Elections Code. This Council hereby determines that paragraphs (a), (b), (c) (1), and (c) (3) of said Section 1340 are applicable to this election.

Section 7: The Council called a special election to consider the measure described in the ballot referred to in paragraph 8 below, which election will be held on April 20, 2010 ("Election Day") in the office of the City Clerk, at City Hall, 1000 Webster Street, Fairfield, California.

Section 8: The City Clerk will be the election official to conduct the election and caused to be provided to each landowner in the territory to be annexed to the CFD, a ballot in the form of Exhibit A attached hereto, which form is hereby approved.

Section 9: The City Clerk has accepted the ballots of the qualified electors received prior to 6 o'clock p.m. on Election Day, whether received by mail or by personal delivery.

Section 10: This Council hereby further finds that the provision of Section 53326 of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters, that the voters have waived such requirement and the date for the election hereinabove specified is established accordingly.

PASSED, APPROVED, AND ADOPTED THIS 20th DAY OF APRIL 2010.

AYES: COUNCILMEMBERS: _____

NOES: COUNCILMEMBERS: _____

ABSENT: COUNCILMEMBERS: _____

ABSTAIN: COUNCILMEMBERS: _____

_____
MAYOR

ATTEST:

_____
CITY CLERK
pw

Exhibit A

City of Fairfield
Community Facilities District No. 4-A
(Fairfield Open Space)
Annexation No. 14

OFFICIAL BALLOT

SPECIAL TAX ANNEXATION ELECTION

This ballot is for the special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Fairfield later than 6:00 o'clock p.m. on April 20, 2010 either by mail or in person. The City Clerk's office is located at City Hall, 1000 Webster Street, Fairfield, California, 94533.

To Vote, mark a cross (X) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden.

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

BALLOT MEASURE: Shall the City of Fairfield, by and for its Community Facilities District No. 4-A (Fairfield Open Space) (the "CFD"), be authorized to levy special taxes within the territory annexed to the CFD pursuant to and as described in Resolution No. 2010-40 of the City of Fairfield adopted by its Council on March 2, 2010.	YES: _____ NO: _____

By execution in the space provided below, you also confirm your waiver of the time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326 (a) and 53327 (b) of the California Government Code.

Acres Owned:

Number of Votes:

Property Owner:

By: _____

Address: