

DATE SUBMITTED April 24, 2019  
 SUBMITTED BY L Gutierrez  
 DATE ACTION REQUIRED April 23, 2019

COUNCIL ACTION (x)  
 PUBLIC HEARING REQUIRED ( )  
 RESOLUTION (x)  
 ORDINANCE 1<sup>ST</sup> READING ( )  
 ORDINANCE 2<sup>ND</sup> READING ( )  
 CITY CLERK'S INITIALS [Signature]

**IMPERIAL CITY COUNCIL  
 AGENDA ITEM**

SUBJECT: <b>DISCUSSION/ACTION: APPROVAL/DISAPPROVAL OF RESOLUTION 2019-15 FOR REMOVAL OF CFD SPECIAL TAX LIEN OF ALL PARCELS EAST OF LAGAKES AVENUE CFD NO. 2004-1 (VICTORIA RANCH).</b> 1. APPROVAL/DISAPPROVAL OF RESOLUTION NO. 2019-15 FOR REMOVAL OF CFD SPECIAL TAX LIEN OF ALL PARCELS EAST OF LAGAKES AVENUE CFD NO. 2004-1 (VICTORIA RANCH).	
DEPARTMENT INVOLVED:	<b>FINANCE DEPARTMENT</b>
BACKGROUND/SUMMARY: The City of Imperial received a request from Jim Lessley of Victoria Ranch for removal of CFD Special Tax Lien of all parcels East of Lagakes Avenue for CFD No. 2004-1 (Victoria Ranch). After review by CFD consultant Koppel & Gruber Public Finance, it was determined that the Victoria Ranch CFD and bond issue was only supposed to affect the West half of the project area, therefore the parcels East of Lagakes Avenue were not intended to be part of the CFD Special Tax Lien and were deemed as exempt from the CFD Special Taxes.	
FISCAL IMPACT:	F.O. INITIALS <u>[Signature]</u>
None	
STAFF RECOMMENDATION: Staff recommends that Council approve Resolution No. 2019-15 to remove CFD Special Tax Lien of all parcels East of Lagakes that are currently classified as exempt in CFD No. 2004-1 (Victoria Ranch).	
MANAGER'S RECOMMENDATION:	MANAGER'S INITIALS <u>[Signature]</u>
It is the City Manager's recommendation that Council approve Resolution No. 2019-15.	
MOTION: SECONDED: APPROVED ( ) REJECTED ( ) AYES: DISAPPROVED ( ) DEFERRED ( ) NAYES: ABSENT: REFERRED TO:	

**RESOLUTION NO. 2019-15**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2004-1 (VICTORIA RANCH) OF THE CITY OF IMPERIAL, DETERMINING THAT THE SPECIAL TAX ON CERTAIN PARCELS OF SAID COMMUNITY FACILITIES DISTRICT SHALL CEASE TO BE LEVIED AND AUTHORIZING AND DIRECTING THE RECORDATION OF A NOTICE OF CESSATION OF SPECIAL TAX**

**WHEREAS**, the City Council of the City of Imperial (the "City Council") has heretofore undertaken proceedings to form Community Facilities District No. 2004-1 (Victoria Ranch) (the "Community Facilities District"); and

**WHEREAS**, on October 6, 2004, the City Council, acting as the legislative body of the District, adopted an ordinance (the "Original Ordinance") which provided for the levy of the Special tax in accordance with the rate and method of apportionment. On June 1, 2005, the City Council adopted an Ordinance (together with the Original Ordinance, the "Ordinance") that amended the rate and method of apportionment (as amended, the "Rate and Method"). An Amended Notice of Special Tax Lien was recorded in the office of the Recorder of the County of Imperial (the "County") for the Community Facilities District on March 1, 2006, as Document No. 2006-010650 (the "Amended Notice of Special Tax Lien"); and

**WHEREAS**, in 2005, the Community Facilities District issued its City of Imperial Community Facilities District No. 2004-1 (Victoria Ranch) 2005 Special Tax Bonds, Series A in an aggregate principal amount of \$11,125,000 (the "2005 Bonds"); which were refunded by the Community Facilities District's City of Imperial Community Facilities District No. 2004-1 (Victoria Ranch) Special Tax Refunding Bonds, Series 2015A, issued in the aggregate principal amount of \$5,465,000 (the "2015 Bonds" and collectively, the "Bonds"); and

**WHEREAS**, the Rate and Method classifies as "Exempt Parcels," among others "all parcels which are currently owned and were owned prior to April 20, 2005 by Legakes, James G. & Kayren Dee," which property is comprised of Victoria Ranch Phase III and Victoria Ranch Phase IV, which lie in the easterly 160-acre portion of the District" (the "Exempt Parcels"); and

**WHEREAS**, the Exempt Parcels include Assessor Parcel Nos. ("APN(s)") 044-220-093 through 107 (Originally a Portion of APN 044-220-75-01); and

**WHEREAS**, although the Exempt Parcels lies within the boundaries of the Community Facilities District, such property is exempt from the levy of Special taxes in the Community Facilities District and no Special tax has been levied by the Community Facilities District on the Exempt Parcels, and Special taxes on the Exempt Parcels are not pledged to the repayment of the Bonds;

**WHEREAS**, the Community Facilities District has not issued bonds which are secured by the levy of Special taxes on the Exempt Parcels or otherwise pledged Special taxes on the Exempt

Parcels to secure payments and therefore has no financial need to be authorized to levy the Special tax on the Exempt Parcels; and

**WHEREAS**, the Board of Directors has determined that it no longer intends to incur debt in order to construct facilities, and that there are no costs and incidental expenses of services or of the construction of facilities for which the levy of special taxes is needed on the Exempt Parcels; and

**WHEREAS**, elimination of the special tax on the Exempt Parcels will not result in the loss of any benefits to the owners of property within the remaining parcels of the Community Facilities District; and

**WHEREAS**, the Board of Directors acting as the legislative body of the Community Facilities District desires to take action in accordance with Government Code Section 53330.5 to determine that the obligation of the Exempt Parcels to pay the special tax within the Community Facilities District has ceased and to extinguish the lien created by the Notice of Special Tax Lien on the Exempt Parcels; and

**NOW, THEREFORE**, the City Council, acting in its capacity as the legislative body of the Community Facilities District, does hereby resolve, determine and order as follows:

1. Each of the above recitals is true and correct, as is each of the findings and determinations set forth therein; and each of said recitals, findings and determinations is hereby adopted.

2. In accordance with Government Code Section 53330.5, the City Council acting as the legislative body of the Community Facilities District hereby determines that the obligation to pay the special tax on the Exempt Parcels within the Community Facilities District has ceased and hereby authorizes and directs the City Clerk to execute a Notice of Cessation of Special Tax for the Exempt Parcels and to cause it to be recorded with the County Recorder of the County of Imperial.

4. This Resolution shall be effective upon its adoption.

The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED and ADOPTED this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019.

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Robert Amparano, Mayor

ATTEST:

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Debra Jackson, City Clerk

**Recording Requested By and  
When Recorded Mail To:**

Stradling Yocca Carlson & Rauth  
660 Newport Center Drive, Suite 1600  
Newport Beach, California 92660  
Attn: Bradley R. Neal, Esq.

This document is exempt from the payment of a recording fee pursuant to Government Code Section 6103.

**NOTICE OF CANCELLATION OF SPECIAL TAX  
FOR CERTAIN PARCELS WITHIN CITY OF IMPERIAL  
COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(VICTORIA RANCH)**

NOTICE IS HEREBY GIVEN that, pursuant to Section 53330.5 of the Government Code and Resolution No. \_\_\_\_\_ adopted \_\_\_\_\_, 2019, the City Council of the City of Imperial, Imperial County, State of California (the "City"), acting as the legislative body of City of Imperial Community Facilities District No. 2004-1 (Victoria Ranch) (the "District" or "CFD No. 2004-1"), has determined that the special tax and lien imposed upon certain real property within the District more fully described in Exhibit A hereto (the "Property") and imposed by the Amended Notice of Special Tax Lien recorded on March 1, 2006 as Document No. 2006-010650 of the records of the County Recorder of Imperial County, State of California, has ceased and such lien is extinguished. The recordation of this notice shall have no effect upon the lien imposed upon other property, other than the Property.

Reference is made to the boundary map of the District recorded at Book No. 02 of Maps of Assessment and Community Facilities Districts at Page No. 24, recorded as Instrument No. 04-29391 in the office of the County Recorder for the County of Imperial, State of California, which map is the boundary map of the District.

Dated:

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City Clerk of the City of Imperial, Acting as the  
Legislative Body of City of Imperial Community  
Facilities District No. 2004-1 (Victoria Ranch)

**EXHIBIT A**

**OWNERSHIP AND APNS FOR CANCELLATION OF  
SPECIAL TAX LIEN FOR  
COMMUNITY FACILITIES DISTRICT NO 2004-1  
(VICTORIA RANCH)**

<u>Owners of Record</u>	<u>Assessor Parcel Numbers</u>
Legakes, James G. & Kayren Dee	044-220-093-000
	044-220-094-000
	044-220-095-000
	044-220-096-000
	044-220-097-000
	044-220-098-000
	044-220-099-000
	044-220-100-000
	044-220-101-000
	044-220-102-000
	044-220-103-000
	044-220-104-000
	044-220-105-000
	044-220-106-000
	044-220-107-000
	Originally a Portion of (044-220-75-01)