

RESOLUTION NO. 9041

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA DETERMINING THE VALIDITY OF PRIOR PROCEEDINGS RELATING TO ANNEXATION OF PROPERTY INTO CITY OF INDIO COMMUNITY FACILITIES DISTRICT NO. 2004-1 (LAW ENFORCEMENT, FIRE AND PARAMEDIC SERVICES)

WHEREAS, the City Council (the "Council") of the City of Indio, California (the "City"), has heretofore adopted Resolution No. 8995 stating its intention to annex certain properties, consisting of (Tract 32304 – Sun Desert Homes) ("Annexation Area No. 55"), (Tract 33014 – Villa La Jolla) ("Annexation Area No. 56"), (Tract 32411 – Barcelona) ("Annexation Area No. 57"), (Tract 33435 – Montana Del Oro) ("Annexation Area No. 58"), (Tract 33089 – Cameo Homes) ("Annexation Area No. 59"), (Trendwest Resorts) ("Annexation Area No. 60") and (Tract 32425 – Villa De Vinci) ("Annexation Area No. 61"), into City of Indio Community Facilities District No. 2004-1 (Law Enforcement, Fire and Paramedic Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, (the "Act"); and

WHEREAS, the Council has also heretofore adopted Resolution No. 9030 stating its intention to annex certain properties, consisting of (Tract 29714 – Dillon Lake Estates ("Annexation Area No. 62")), into the District pursuant to the Act; and

WHEREAS, a copy of Resolution No. 8995 incorporating a description and map of the proposed boundaries of Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, 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 Nos. 55, 56, 57, 58, 59, 60 and 61 prior to the annexation of Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, respectively, to the District and do not supplant services already available within the territory of proposed to be included in Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61, are on file with the City Clerk and incorporated herein by reference; and

WHEREAS, a copy of Resolution No. 9030 incorporating a description and map of the proposed boundaries of Annexation Area No. 62, and setting forth the rate and method of apportionment and manner of collection of the special tax to be levied within Annexation Area No. 62, 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. 62 prior to the annexation of Annexation Area No. 62 to the District and do not supplant services already available within the territory of proposed to be included in Annexation Area No. 62, are on file with the City Clerk and incorporated herein by reference; and

WHEREAS, Resolution No. 8995 set August 17, 2005 as the date of the public hearing on the annexation of Annexation Area Nos. 55, 56, 57, 58, 59, 60 and 61 to the District, Resolution No. 9032 rescheduled the date of such public hearing to September 7, 2005, and this Council held the said public hearing as required by law; and

WHEREAS, Resolution No. 9030 set September 7, 2005 as the date of the public hearing on the annexation of Annexation Area No. 62 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 Nos. 55, 56, 57, 58, 59, 60, 61 and 62 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 INDIO 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 Nos. 55, 56, 57, 58, 59, 60, 61 and 62 are hereby annexed into the District.

Section 3. The description and map of the boundaries of Annexation Area No. 55 on file in the City Clerk's office and as described in said Resolution No. 8995 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 55. The map of the proposed boundaries of Annexation Area No. 55 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 61 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0606709).

Section 4. The description and map of the boundaries of Annexation Area No. 56 on file in the City Clerk's office and as described in said Resolution No. 8995 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 56. The map of the proposed boundaries of Annexation Area No. 56 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 54 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0595003).

Section 5. The description and map of the boundaries of Annexation Area No. 57 on file in the City Clerk's office and as described in said Resolution No. 8995 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 57. The map of the proposed boundaries of Annexation Area No. 57 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 55 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0595004).

Section 6. The description and map of the boundaries of Annexation Area No. 58 on file in the City Clerk's office and as described in said Resolution No. 8995 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 58. The map of the proposed boundaries of Annexation Area No. 58 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 56 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0595005).

Section 7. The description and map of the boundaries of Annexation Area No. 59 on file in the City Clerk's office and as described in said Resolution No. 8995 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 59. The map of the proposed boundaries of Annexation Area No. 59 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 57 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0595006).

Section 8. The description and map of the boundaries of Annexation Area No. 60 on file in the City Clerk's office and as described in said Resolution No. 8995 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 60. The map of the proposed boundaries of Annexation Area No. 60 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 58 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0595007).

Section 9. The description and map of the boundaries of Annexation Area No. 61 on file in the City Clerk's office and as described in said Resolution No. 8995 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 61. The map of the proposed boundaries of Annexation Area No. 61 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 59 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0595008).

Section 10. The description and map of the boundaries of Annexation Area No. 62 on file in the City Clerk's office and as described in said Resolution No. 9030 and incorporated herein by reference, shall be the boundaries of Annexation Area No. 62. The map of the proposed boundaries of Annexation Area No. 62 has been recorded in the Office of the County Recorder of Riverside County, California in Book 63, page 72 of the Book of Maps of Assessments and Community Facilities Districts (Instrument Number 2005-0699565).

Section 11. 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 Nos. 55, 56, 57, 58, 59, 60, 61 and 62 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 Nos. 55, 56, 57, 58, 59, 60, 61 and 62. 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 12. 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 Nos. 55, 56, 57, 58, 59, 60, 61 and 62, 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 13. 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 Nos. 55, 56, 57, 58, 59, 60, 61 and 62.

Section 14. The Council finds that there is not an ad valorem property tax currently being levied on property within Annexation Area Nos. 55, 56, 57, 58, 59, 60, 61 and 62 for the exclusive purpose of financing law enforcement, fire and paramedic services.

Section 15. Written protests against annexation of Annexation Area No. 55, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 55, 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. 55.

Section 16. Written protests against annexation of Annexation Area No. 56, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 56, 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. 56.

Section 17. Written protests against annexation of Annexation Area No. 57, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 57, 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. 57.

Section 18. Written protests against annexation of Annexation Area No. 58, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 58, 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. 58.

Section 19. Written protests against annexation of Annexation Area No. 59, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 59, 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. 59.

Section 20. Written protests against annexation of Annexation Area No. 60, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 60, 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. 60.

Section 21. Written protests against annexation of Annexation Area No. 61, or against the furnishing of specified services or facilities or the levying of a specified special tax within Annexation Area No. 61, 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. 61.

Section 22. Written protests against annexation of Annexation Area No. 62, or against the furnishing of specified services or facilities or the levying of a specified special tax within

Annexation Area No. 62, 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. 62.

Section 23. The Office of the City Manager, 100 Civic Center Mall, Indio, California 92201, (760) 342-6580, 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 24. 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 7th day of September, 2005 by the following vote:

AYES: Gilbert, Godfrey, Ramos Watson, Wilson, Fesmire

NOES: None



MELANIE FESMIRE, MAYOR

ATTEST:



CYNTHIA HERNANDEZ, CMC
CITY CLERK