

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO. RES-08-0027

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH DECLARING RESULTS OF  
SPECIAL ELECTION IN COMMUNITY FACILITIES  
DISTRICT NO. 5 (LONG BEACH TOWNE CENTER),  
DETERMINING THAT ALTERATION OF THE FACILITIES  
TO BE FINANCED BY THE DISTRICT IS LAWFULLY  
AUTHORIZED, AND DIRECTING RECORDING OF AN  
AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

WHEREAS, in proceedings heretofore conducted by this City Council pursuant to the Long Beach Special Tax Financing Improvement Law, constituting Section 3.52.511 et seq. of the Long Beach Municipal Code (the "Law"), on this date this City Council adopted a resolution entitled "A Resolution of the City Council of the City of Long Beach Calling Special Election Regarding Alteration of the Facilities Authorized to be Financed by Community Facilities District No. 5 (Long Beach Towne Center)" (the "Resolution Calling Election"), calling for a special election of the qualified electors within Community Facilities District No. 5 (Long Beach Towne Center) of the City of Long Beach (the "District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election, which are by this reference incorporated herein, said special election was held on this date, and the City Clerk has on file a Canvass and Statement of Results of Election, a copy of which is attached hereto as Attachment A; and

WHEREAS, this City Council has reviewed said canvass and hereby approves it;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

1           Section 1.    The issue presented at said special election was the alterati  
2 of the facilities authorized to be financed by the District, as described in the Resolution  
3 Calling Election.

4           Section 2.    The results of said special election are as set forth in said  
5 Canvass on file with the City Clerk, and attached to this Resolution as Attachment A,  
6 which is incorporated herein by this reference. Pursuant to said Canvass on file with the  
7 City Clerk, the issue presented at said special election was approved by the sole qualified  
8 elector of the District.

9           Section 3.    This City Council hereby determines that the alteration of the  
10 facilities to be financed by the District, as described in the Resolution Calling Election, is  
11 lawfully authorized.

12           Section 4.    The City Clerk is hereby directed to execute and cause to be  
13 recorded in the office of the County Recorder of the County of Los Angeles a first  
14 amendment to the notice of special tax lien with respect to the District, in substantially the  
15 form attached hereto as Attachment B, said recording to occur no later than fifteen days  
16 following adoption by this City Council of this Resolution.

17           Section 5.    It is hereby found that all prior proceedings and actions taken  
18 by this City Council with respect to the District and the alteration of the facilities  
19 authorized to be financed by the District were valid and in conformity with the Law.

20           Section 6.    This resolution shall take effect immediately upon its adoption  
21 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

22           I hereby certify that the foregoing resolution was adopted by the City  
23 Council of the City of Long Beach at its meeting of March 11, 2008, by the

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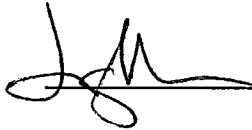
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following vote:

Ayes: Councilmembers: S. Lowenthal, DeLong, O'Donnell,  
Schipske, Gabelich.

Noes: Councilmembers: None.

Absent: Councilmembers: B. Lowenthal, Andrews,  
Reyes Uranga, Lerch.

  
\_\_\_\_\_  
City Clerk

HAM:fl  
2/7/08  
#A08-00517

ATTACHMENT A

CANVASS OF RETURNS AND STATEMENT OF RESULT OF ELECTION

COMMUNITY FACILITIES DISTRICT NO. 5  
(LONG BEACH TOWNE CENTER) OF THE CITY OF LONG BEACH

I hereby certify that on March 11, 2008, I canvassed the returns of the election held on March 11, 2008, in Community Facilities District No. 5 (Long Beach Towne Center) of the City of Long Beach, and that the total number of ballots cast in said District and the total number of votes cast for and against the measure are as follows, and that the totals as shown for and against the measure are full, true and correct:

	Qualified Eligible Votes	Votes Cast	YES	NO
Community Facilities District No. 5 (Long Beach Towne Center) of the City of Long Beach Special Election, March 11, 2008.	<u>82</u>	<u>82</u>	<u>82</u>	<u>0</u>

BALLOT MEASURE: Shall the facilities authorized to be financed by Community Facilities District No. 5 (Long Beach Towne Center) of the City of Long Beach (the "District") be altered as described in the resolution of the City Council of the City of Long Beach adopted February 19, 2008, entitled "A Resolution of the City Council of the City of Long Beach of Consideration to Alter the Facilities Authorized to be Financed By Community Facilities District No. 5 (Long Beach Towne Center)"?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 11<sup>th</sup> day of March, 2008.

By: Dee Hare  
City Clerk, City of Long Beach

ATTACHMENT B

RECORDED REQUESTED BY AND  
AFTER RECORDATION RETURN TO:

City Clerk  
City of Long Beach  
333 West Ocean Boulevard  
Long Beach, CA 90802

FIRST AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

Community Facilities District No. 5  
(Long Beach Towne Center)  
of the City of Long Beach

Pursuant to the requirements of Section 3114.5 of the Streets and Highways Code of California and the Long Beach Special Tax Financing Improvement Law, Division V of Chapter 3.52 of Title 3 of the Long Beach Municipal Code (the "Act"), on October 27, 1999, the City Clerk of the City of Long Beach, State of California, recorded a Notice of Special Tax Lien (the "Notice") with the County Recorder of the County of Los Angeles as Instrument No. 99-2020028, for Community Facilities District No. 5 (Long Beach Towne Center) of the City of Long Beach (the "District"), providing notice that a lien to secure payment of a special tax was thereby imposed by the City Council of the City of Long Beach, County of Los Angeles. The special tax secured by the lien was authorized to be levied for the purpose of (i) paying principal and interest on bonds, the proceeds of which were used to finance the acquisition and construction of facilities authorized to be financed by the District, and (ii) providing funds to pay costs of a portion of such facilities without bonds, as such facilities are described on Exhibit A attached to the Notice, which is by this reference made a part hereof.

The rate, method of apportionment, and manner of collection of the authorized special tax is as set forth in Exhibit B attached to the Notice, which is by this reference made a part hereof. Conditions under which the obligation to pay the special tax may be prepaid and permanently satisfied and the lien of the special tax canceled are as set forth in Exhibit B to the Notice.

This First Amendment to Notice of Special Tax Lien amends the Notice to add to the facilities authorized to be funded by the District (as set forth in Exhibit A to the Notice), those facilities identified in Exhibit A attached hereto, which is by this reference made a part hereof.

The name(s) of the owner(s) of the fee title to and of the leasehold interest, and the assessor's tax parcel number(s) for the fee title and the leasehold interest, that are included within this community facilities district and not exempt from the special tax are as set forth in Exhibit B attached hereto which is by this reference made a part hereof.

Reference is made to the boundary map of the District recorded as Instrument No. 99-1872729 at Book 186 of Maps of Assessment and Community Facilities Districts at Pages 6 and 7, in the office of the County Recorder for the County of Los Angeles, State of California, which map is the final boundary map of the District.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property or interests therein subject to the special tax lien, interested persons should contact the City Treasurer of the City of Long Beach, 333 West Ocean Boulevard, Long Beach, California 90802, telephone number (562) 570-6845.

Dated: 3-11, 2008.


By:   
City Clerk,  
City of Long Beach

EXHIBIT A

COMMUNITY FACILITIES DISTRICT NO. 5  
(LONG BEACH TOWNE CENTER)  
OF THE CITY OF LONG BEACH

ADDITIONAL FACILITIES ELIGIBLE FOR FINANCING BY THE DISTRICT

- Terminal drain: The acquisition and construction of a below grade storm drain mainline, six lateral drains, a low flow treatment pump station, catch basin screens and a new outlet drain into Marine Stadium, all within the City of Long Beach.
- Sidewalk improvements: Removal and replacement of sidewalks at various locations throughout the City of Long Beach.

The above-described public improvements may include the acquisition of any necessary land, the costs of design, engineering and planning, the costs of environmental and other studies, surveys or reports, any appurtenant landscaping and irrigation, soils testing, permits, plan check and inspection fees, insurance and other overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing.

EXHIBIT B

COMMUNITY FACILITIES DISTRICT NO. 5  
(LONG BEACH TOWNE CENTER)  
OF THE CITY OF LONG BEACH

ASSESSOR'S PARCEL NUMBERS FOR, AND OWNERS OF LAND AND  
LEASEHOLD INTERESTS IN LAND, WITHIN  
COMMUNITY FACILITIES DISTRICT NO. 5  
(LONG BEACH TOWNE CENTER)  
OF THE CITY OF LONG BEACH

Los Angeles County  
Assessor's Parcel Nos.

Name of Owner of Fee Title

7075-001-930,  
7075-001-931,  
7075-001-932,  
7075-001-933,  
7075-001-935,  
7075-001-937,  
7075-001-938,  
7075-001-939,  
7075-001-940,  
7075-001-941,  
7075-001-942,  
7075-001-943,  
7075-001-945,  
7075-001-947, and  
7075-001-948

City of Long Beach, California  
333 West Ocean Boulevard  
Long Beach, CA 90802  
Attn: City Treasurer

Los Angeles County  
Assessor's Parcel Nos.

Name of Owner of Leasehold Interest



8940-190-065,  
8940-190-066,  
8940-190-067,  
8940-190-068,  
8940-190-069,  
8940-190-070,  
8940-190-071,  
8940-190-072,  
8940-190-073,  
8940-190-074,  
8940-190-075,  
8940-190-076,  
8940-190-077,  
8940-190-078, and  
8940-190-082

CREA/PPC Long Beach Towne Center PO, LLC  
c/o Westar Property Management  
7575 Carson Boulevard  
Long Beach, CA 90808