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1 RESOLUTION NO. RES-07-0020

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3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH OF FORMATION OF
5 IMPROVEMENT AREAS A AND B OF THE CITY OF LONG
6 BEACH COMMUNITY FACILITIES DISTRICT NO. 2007-1
7 (DOUGLAS PARK – COMMERCIAL AREA), AUTHORIZING
8 THE LEVY OF A SPECIAL TAX WITHIN THE
9 IMPROVEMENT AREAS, PRELIMINARILY ESTABLISHING
10 APPROPRIATIONS LIMITS FOR THE IMPROVEMENT
11 AREAS, AND SUBMITTING LEVY OF THE SPECIAL TAX
12 AND THE ESTABLISHMENT OF THE APPROPRIATIONS
13 LIMITS TO THE QUALIFIED ELECTORS OF THE
14 IMPROVEMENT AREAS

15
16 WHEREAS, on January 23, 2007, this City Council adopted a resolution
17 entitled “A Resolution of the City Council of the City of Long Beach Declaring Intention
18 to Establish a Community Facilities District and to Authorize the Levy of Special Taxes
19 Therein – Douglas Park Commercial Area” (the “Resolution of Intention”) stating its
20 intention to form the City of Long Beach Community Facilities District No. 2007-1
21 (Douglas Park – Commercial Area) (the “District”) pursuant to the Long Beach Special
22 Tax Financing Improvement Law, Long Beach Municipal Code Section 3.52.511 et seq.
23 (the “Law”); and

24 WHEREAS, the Resolution of Intention designated a portion of the District
25 as “Improvement Area A of the City of Long Beach Community Facilities District No.
26 2007-1 (Douglas Park – Commercial Area)” (“Area A”), and a portion of the District as
27 “Improvement Area B of the City of Long Beach Community Facilities District No. 2007-
28 1 (Douglas Park – Commercial Area)” (“Area B”), as authorized by Section 3.52.565 of

1 the Law (Area A and Area B are sometimes referred to below individually as an
2 "improvement area" and collectively as the "improvement areas"); and

3 WHEREAS, the Resolution of Intention, incorporating by reference a map
4 of the proposed boundaries of Area A and Area B and describing the public
5 improvements (the "Facilities") and municipal services (the "Services") eligible to be
6 financed by Area A and Area B, the cost of financing the Facilities and the rate and
7 method of apportionment of the special tax to be levied within Area A and Area B to pay
8 costs of the Services, the Facilities and the principal and interest on bonds proposed to
9 be issued with respect to Area A and Area B to finance costs of the Facilities, is on file
10 with the City Clerk and the provisions thereof are incorporated herein by this reference
11 as if fully set forth herein; and

12 WHEREAS, the Resolution of Intention called for a public hearing on the
13 improvement areas of the District to be held on February 20, 2007, and notice of the
14 public hearing was published as required by the Law; and

15 WHEREAS, on this date this City Council held the public hearing as
16 required by the Law and the Resolution of Intention relative to the proposed formation
17 of Area A and of Area B; and

18 WHEREAS, at the hearing all interested persons desiring to be heard on
19 all matters pertaining to the formation of Area A and of Area B, the Services and the
20 Facilities eligible to be funded by each improvement area and the levy of the special tax
21 in each improvement area were heard and a full and fair hearing was held; and

22 WHEREAS, at the hearing evidence was presented to this City Council on
23 the matters before it, including a report by the Director of Financial Management of the
24 City (the "Report") as to the Services and the Facilities eligible to be funded by each
25 improvement area of the District and the costs thereof, a copy of which is on file with
26 the City Clerk, and this City Council at the conclusion of the hearing was fully advised
27 regarding each improvement area of the District; and

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1 WHEREAS, written protests with respect to the formation of Area A and/or
2 the furnishing of specified types of Services or Facilities by Area A as described in the
3 Report have not been filed with the City Clerk by fifty percent (50%) or more of the
4 registered voters residing within the territory of Area A or property owners of one-half
5 (1/2) or more of the area of land within Area A and not exempt from the special tax; and

6 WHEREAS, written protests with respect to the formation of Area B and/or
7 the furnishing of specified types of Services or Facilities by Area B as described in the
8 Report have not been filed with the City Clerk by fifty percent (50%) or more of the
9 registered voters residing within the territory of Area B or property owners of one-half
10 (1/2) or more of the area of land within Area B and not exempt from the special tax; and

11 WHEREAS, the special tax proposed to be levied in Area A to pay for a
12 portion of the costs of the Facilities and Services as set forth in Exhibit C to the
13 Resolution of Intention has not been eliminated by protest by fifty percent (50%) or
14 more of the registered voters residing within the territory of Area A or the owners of
15 one-half (1/2) or more of the area of land within Area A and not exempt from the special
16 tax; and

17 WHEREAS, the special tax proposed to be levied in Area B to pay for a
18 portion of the costs of the Facilities and Services as set forth in Exhibit D to the
19 Resolution of Intention has not been eliminated by protest by fifty percent (50%) or
20 more of the registered voters residing within the territory of Area B or the owners of
21 one-half (1/2) or more of the area of land within Area B and not exempt from the special
22 tax;

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

- 25 Section 1. The foregoing recitals are true and correct.
- 26 Sec. 2. The proposed special tax to be levied within Area A has not
27 been precluded by majority protest pursuant to Section 3.52.5210 of the Law. The
28 proposed special tax to be levied within Area B has not been precluded by majority

1 protest pursuant to Section 3.52.5210 of the Law.

2 Sec. 3. All prior proceedings taken by this City Council in connection
3 with the establishment of each of the improvement areas of the District and the levy of
4 the special tax in each improvement area have been duly considered and are hereby
5 found and determined to be valid and in substantial conformity with the Law. On
6 December 21, 1999, this City Council adopted Resolution No. C-27626 approving Local
7 Goals and Policies for Community Facilities Districts Related to Commercial
8 Development, and this City Council hereby finds and determines that each of the
9 improvement areas of the District is in conformity with said goals and policies.

10 Sec. 4. The community facilities district improvement areas
11 designated "Improvement Area A of the City of Long Beach Community Facilities
12 District No. 2007-1 (Douglas Park – Commercial Area)" and "Improvement Area B of
13 the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park –
14 Commercial Area)" are each hereby established pursuant to the Law.

15 Sec. 5. The boundaries of Area A and of Area B of the District, as
16 described in the Resolution of Intention and set forth in the boundary map of the District
17 recorded on February 2, 2007 in the Los Angeles County Recorder's Office at Book 192
18 of Maps of Assessment and Community Facilities Districts at Page 39 (instrument no.
19 2007 0234895), are hereby approved, are incorporated herein by this reference and
20 shall be the boundaries of Area A and of Area B of the District.

21 Sec. 6. The types of facilities and services eligible to be funded by
22 Area A and by Area B of the District pursuant to the Law are as described in Exhibits A
23 and B, respectively, to the Resolution of Intention which Exhibits are by this reference
24 incorporated herein.

25 Sec. 7. Except to the extent that funds are otherwise available to
26 Area A of the District to pay for the Services, the Facilities and/or to pay the principal
27 and interest as it becomes due on bonds of Area A of the District issued to finance the
28 Facilities, a special tax sufficient to pay the costs thereof, secured by recordation of a

1 continuing lien against all non-exempt real property in Area A of the District, will be
2 levied within Area A of the District and collected in the same manner as ordinary ad
3 valorem property taxes or in such other manner as this City Council shall determine,
4 including direct billing of the affected property owners. The proposed rate and method
5 of apportionment of the special tax among the parcels of real property within Area A of
6 the District, in sufficient detail to allow each landowner within Area A of the District to
7 estimate the maximum amount such owner will have to pay, are described in Exhibit C
8 to the Resolution of Intention, which Exhibit is by this reference incorporated herein,
9 and shall be the rate and method of apportionment of special taxes for Area A of the
10 District. This City Council hereby finds that the basis for the levy and apportionment of
11 the special tax, as set forth in said rate and method of apportionment of special taxes,
12 is reasonable.

13 Except to the extent that funds are otherwise available to Area B of the
14 District to pay for the Services, the Facilities and/or to pay the principal and interest as it
15 becomes due on bonds of Area B of the District issued to finance the Facilities, a
16 special tax sufficient to pay the costs thereof, secured by recordation of a continuing
17 lien against all non-exempt real property in Area B of the District, will be levied within
18 Area B of the District and collected in the same manner as ordinary ad valorem property
19 taxes or in such other manner as this City Council shall determine, including direct
20 billing of the affected property owners. The proposed rate and method of
21 apportionment of the special tax among the parcels of real property within Area B of the
22 District, in sufficient detail to allow each landowner within Area B of the District to
23 estimate the maximum amount such owner will have to pay, are described in Exhibit D
24 to the Resolution of Intention, which Exhibit is by this reference incorporated herein,
25 and shall be the rate and method of apportionment of special taxes for Area B of the
26 District. This City Council hereby finds that the basis for the levy and apportionment of
27 the special tax, as set forth in said rate and method of apportionment of special taxes,
28 is reasonable.

1 Sec. 8. The office of the Treasurer of the City of Long Beach, 333
2 West Ocean Boulevard, Long Beach, CA 92590, telephone number (562) 570-6845, is
3 the office of the City that will be responsible for preparing annually and whenever
4 otherwise necessary a current roll of special tax levy obligations by assessor's parcel
5 number and who will be responsible for estimating future special tax levies for each
6 improvement area of the District pursuant to Section 3.52.552 of the Law.

7 Sec. 9. Upon recordation of a notice of special tax lien pursuant to
8 Section 3114.5 of the California Streets and Highways Code for an improvement area,
9 a continuing lien to secure each levy of the special tax shall attach to all nonexempt real
10 property in the corresponding improvement area of the District and this lien shall
11 continue in force and effect until collection of the tax in the respective improvement
12 area by the City ceases.

13 Sec. 10. In accordance with Section 3.52.5216 of the Long Beach
14 Municipal Code, the appropriations limit, as defined by subdivision (h) of Section 8 of
15 Article XIII B of the California Constitution, of Area A of the District is hereby preliminarily
16 established at \$16,000,000 and said appropriations limit shall be submitted to the
17 voters of Area A of the District as provided below. The proposition establishing the
18 appropriations limit for Area A shall become effective if approved by the qualified
19 electors of Area A voting thereon and shall be adjusted in accordance with the
20 applicable provisions of Section 3.52.5216 of the Law.

21 In accordance with Section 3.52.5216 of the Long Beach Municipal Code,
22 the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the
23 California Constitution, of Area B of the District is hereby preliminarily established at
24 \$13,500,000 and said appropriations limit shall be submitted to the voters of Area B of
25 the District as provided below. The proposition establishing the appropriations limit for
26 Area B shall become effective if approved by the qualified electors of Area B voting
27 thereon and shall be adjusted in accordance with the applicable provisions of Section
28 3.52.5216 of the Law.

