



CITY OF MILPITAS

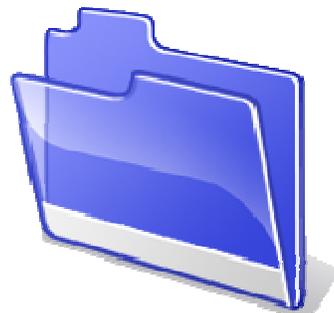
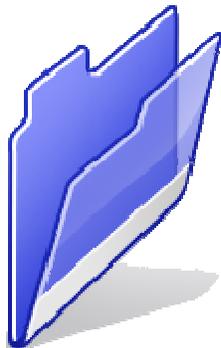
455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479
GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov

09/06/2016

Agenda Item No. 15



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS DECLARING ITS INTENTION TO ANNEX REAL PROPERTIES WITHIN TRACT NO. 10363 (CENTRE POINTE BY D. R. HORTON) INTO COMMUNITY FACILITIES DISTRICT NO. 2008-1, ANNEXATION NO. 10, TO LEVY AND COLLECT SPECIAL TAX FOR PUBLIC SERVICES, AND TO SET TIME AND PLACE FOR PUBLIC HEARING

WHEREAS, on January 6, 2009, the City Council adopted Resolution 7815 enabling the establishment of City of Milpitas Community Facilities District No. 2008-1 (the “CFD 2008”) for public services. The boundary map of the initial CFD 2008 is on file in the office of the City Clerk; and

WHEREAS, on January 15, 2009, the Notice of Special Tax Lien for the City of Milpitas CFD 2008 Formation (the “Notice of Special Tax Lien” attached hereto as **Exhibit 1**) was recorded as document no. 20102888 with the County of Santa Clara Recorder’s Office, to levy special tax for real properties within the initial CFD 2008; and

WHEREAS, Exhibit A of the Notice of Special Tax Lien provides descriptions of public services and Exhibit B of the Notice of Special Tax Lien provides descriptions of rate, method of apportionment and manner of collection of special tax; and

WHEREAS, pursuant to California Government Code Section 53339, territory may be annexed to an existing CFD if the City Council determines that public convenience and necessity require that territory be added to the existing CFD; and

WHEREAS, nine territories have been annexed to the CFD 2008; and

WHEREAS, on November 17, 2015, the City Council conditionally approved two Vesting Tentative Maps for a 241 total unit residential development project at 1463 and 1515 Centre Pointe Drive, located within the Transit Area Specific Plan (TASP) area, by Lyon Capital Ventures, LLC. The property was later sold to D. R. Horton, Inc. (the “Developer”). Project condition no. 23 requires that the Developer consent to annex its properties into CFD 2008 and pay the special taxes levied by CFD 2008 for public services (the “Annexation No. 10”) with boundary shown on **Exhibit 2**; and

WHEREAS, the public services provided for the proposed Annexation No. 10 are the same as those for the initial CFD 2008, as well as for the previous nine (9) annexations. The rate, method of apportionment and manner of collection of special tax for the proposed Annexation No. 10 are the same as those for the initial CFD 2008, as well as for the previous nine (9) annexations; and

WHEREAS, there is no alteration in the special tax rate to be levied within the initial CFD 2008 or within the nine (9) previously annexed territories as a result of the proposed Annexation No. 10. The maximum tax rate in the initial CFD 2008 and in the nine (9) previously annexed territories will not be increased as a result of the proposed Annexation No. 10.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas that:

1. The City Council hereby declares its intention to annex the real properties within Tract No. 10363 into the CFD 2008, and to levy and collect special tax for public services.
2. The City Council hereby fixes 7:00 p.m., or as soon thereafter as practicable, on October 18, 2016, at the regular meeting place of the City Council, City Hall Council Chambers, 455 East Calaveras Boulevard, Milpitas, California, as the time and place for a public hearing on item 1 above.
3. The City Council hereby directs the City Clerk to publish a notice of public hearing, in

substantially the form attached hereto as **Exhibit 3**, once not later than seven days prior to the date fixed for the hearing, in *The Milpitas Post*, a newspaper of general circulation published in the City of Milpitas.

4. The City Council hereby approves the boundary map of the Annexation No. 10, a copy of which is attached hereto as Exhibit 2.

PASSED AND ADOPTED this _____ day of _____ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

Orig w/ packet

SHEET 1 OF 1

Filed in the office of the City Clerk of the City of Milpitas this ____ day of _____, 2016.

City Clerk, City of Milpitas

I hereby certify Annexation Map No. 10 as shown within the boundaries of City of Milpitas Community Facilities District No. 2008-1 (Public Services) as originally recorded of maps of assessment and community Book 44 Page 30 Facilities District, O.R., County of Santa Clara, State of California, was approved by the City Council of the City of Milpitas at a regular meeting thereof, held on the ____ day of _____, 2016, by its Resolution No. _____.

Legend

- Location of Initial Formation (Assessor Parcel No. 08632033, 08632034, 08632035, 08632036)
- Boundary of CFD 2008-1
- Annexation No.

City Clerk, City of Milpitas

Filed this ____ day of _____, 2016, at the hour of ____ o'clock ____m., in Book ____ of Maps of Assessment and Community Facilities Districts at Page ____ in the office of the County Recorder in the County of Santa Clara, State of California.

County Recorder, Regina Alcomendras
County of Santa Clara

The boundary of Community Facilities District No. 2008-1 is co-terminous with the boundary of the City of Milpitas in _____, 2016.

Reference is hereby made to the Assessor maps of the County of Santa Clara for an exact description of the lines and dimensions of each lot and parcel.

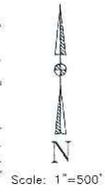
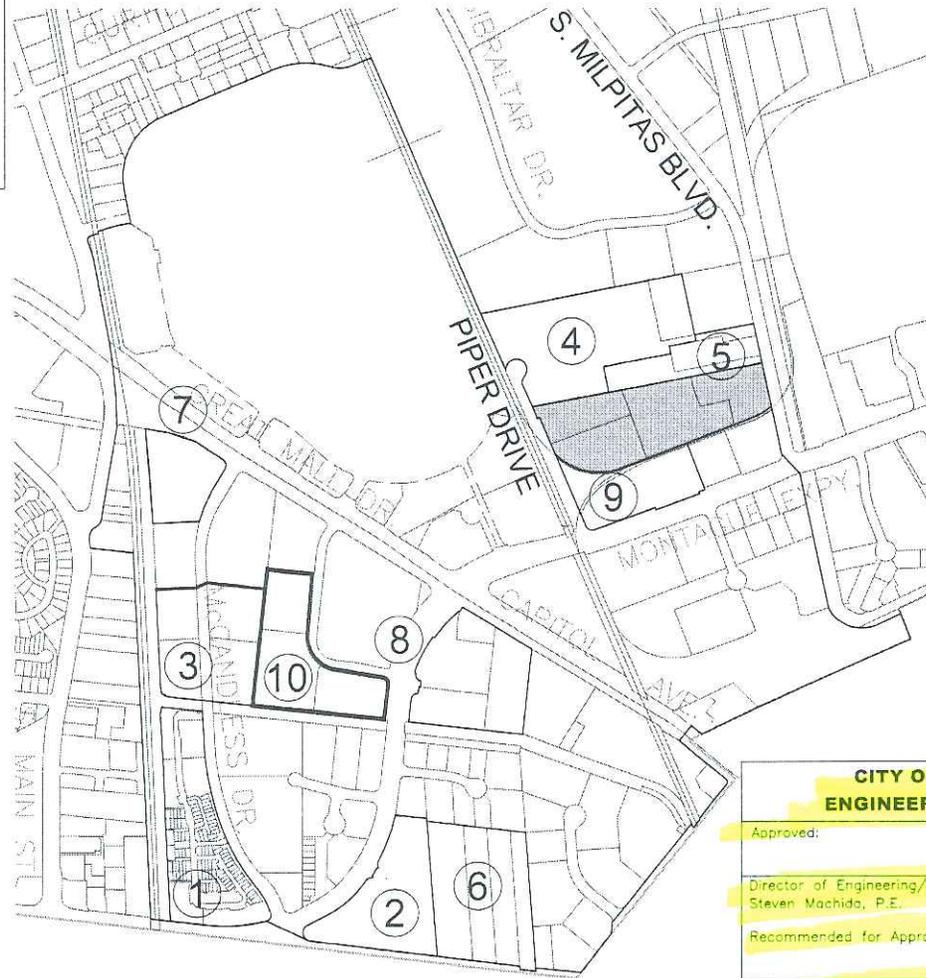
The territory included in the Community Facilities District shall include only Santa Clara County Assessor's for the following Annexation Maps:

- Initial formation CFD 2008-1 : 08632033, 08632034, 08632035, 0832036
- Map No. 1: 08641020, 08641021, 08641022
- Map No. 2: 08636043
- Map No. 3: 08633094, 08633095, 08633098, 08633099
- Map No. 4: 08632044
- Map No. 5: 08632039, 08632045, 08632046
- Map No. 6: 08636003, 08636004, 08636005, 08636006
- Map No. 7: 08633092
- Map No. 8: 08637004, 08637019, 08637020, 08637021
- Map No. 9: 08632026, 08632029
- Map No. 10: 08633087, 08633088, 08633089

and all publicly owned areas in the City of Milpitas landscaped or capable of being landscaped, such as parks, parkways, street medians, interchange areas, light rail areas, open space and all similar areas. All other areas depicted on this map indicate territory that may be annexed to the Community Facilities District in the future.

EXHIBIT 2

ANNEXATION MAP NO. 10 AND UPDATE OF ANNEXATION MAP NO. 9 OF CITY OF MILPITAS COMMUNITY FACILITIES DISTRICT NO. 2008-1 (PUBLIC SERVICES), COUNTY OF SANTA CLARA STATE OF CALIFORNIA AS RECORDED IN BOOK 44 PAGE 30 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, O.R., SANTA CLARA COUNTY



CITY OF MILPITAS
ENGINEERING DIVISION

Approved: _____
 Director of Engineering/City Engineer Date
 Steven Machida, P.E.
 Recommended for Approval: _____
 Judy Chu, P.E. Date
 Assistant City Engineer

Revised
9/2/16

SHEET 1 OF 1

Filed in the office of the City Clerk of the City of Milpitas this ___ day of ___, 2016.

City Clerk, City of Milpitas

I hereby certify that the within map showing proposed boundaries of Annexation Map No. 10 of City of Milpitas Community Facilities District No. 2008-1 (Public Services), City of Milpitas, County of Santa Clara, State of California, was approved by the City Council of the City of Milpitas at a regular meeting thereof, held on the ___ day of ___, 2016, by its Resolution No. _____.

City Clerk, City of Milpitas

Filed this ___ day of ___, 2016, at the hour of ___ o'clock __m., in Book ___ of Maps of Assessment and Community Facilities Districts at Page ___ in the office of the County Recorder in the County of Santa Clara, State of California.

County Recorder, Regina Alcomendras
County of Santa Clara

The boundary of Community Facilities District No. 2008-1 is co-terminous with the boundary of the City of Milpitas in ___, 2016.

Reference is hereby made to the Assessor maps of the County of Santa Clara for an exact description of the lines and dimensions of each lot and parcel.

The territory included in the Community Facilities District shall include only Santa Clara County Assessor's for the following Annexation Maps:

- Initial formation CFD 2008-1 : 08632033, 08632034, 08632035, 0832036
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- Map No. 5: 08632039, 08632045, 08632046
- Map No. 6: 08636003, 08636004, 08636005, 08636006
- Map No. 7: 08633092
- Map No. 8: 08637019, 08637037, 08637038
- Map No. 9: 08632029, 08632070
- Map No. 10: 08633089, 08633107, 08633108

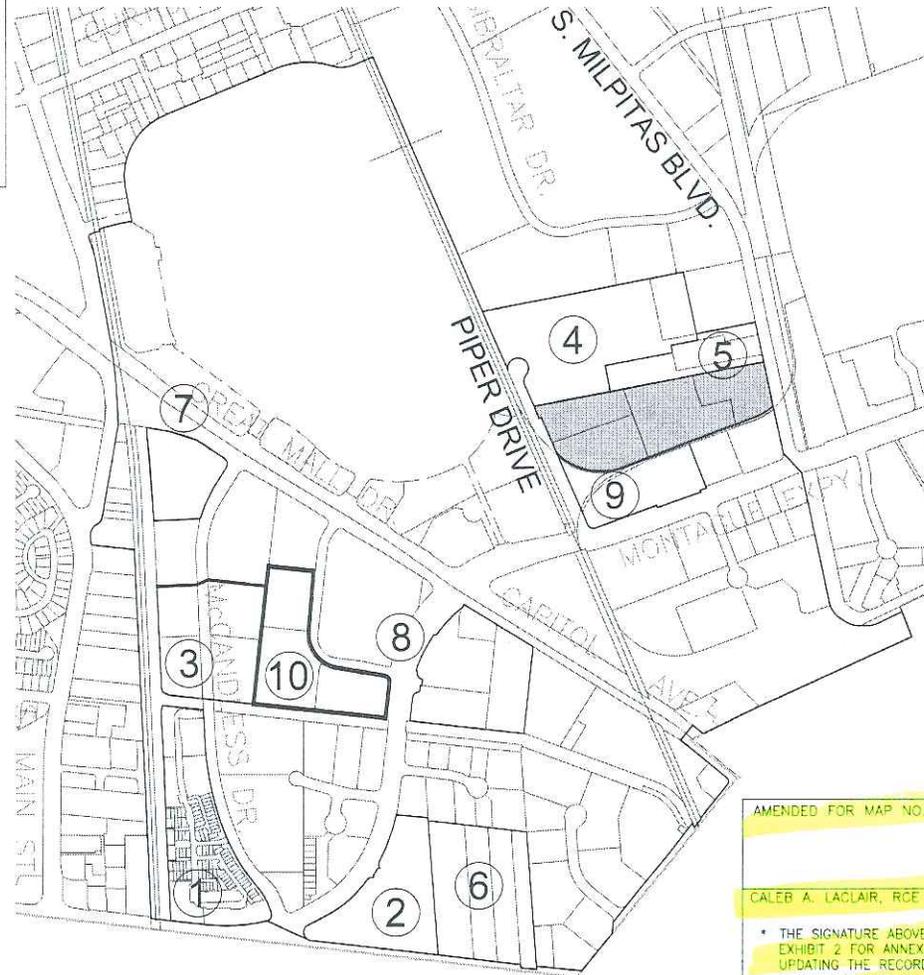
and all publicly owned areas in the City of Milpitas landscaped or capable of being landscaped, such as parks, parkways, street medians, interchange areas, light rail areas, open space and all similar areas. All other areas depicted on this map indicate territory that may be annexed to the Community Facilities District in the future.

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Legend

- Location of Initial Formation (Assessor Parcel No. 08632033, 08632034, 08632035, 08632036)
- Boundary of CFD 2008-1
- Annexation No.



AMENDED FOR MAP NO. 10 ANNEXATION

CALEB A. LACLAIR, RCE #75163 Date

* THE SIGNATURE ABOVE IS ONLY FOR THE UPDATE TO EXHIBIT 2 FOR ANNEXATION MAP NO. 10 AND IS UPDATING THE RECORDED ANNEXATION MAP NO. 9 OF CITY OF MILPITAS COMMUNITY FACILITIES DISTRICT NO. 2008-1

Drawn By: C.Z. File No. CFD 2008-1 Sheet 1 of 1