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STAFF REPORT

MEETING

DATE: May 8, 2007

TO: City Council

FROM: Mary Neilan, Assistant City Manager

SUBJECT: **ANNEXATION TO HAMILTON COMMUNITY FACILITIES DISTRICT**

THE CITY OF
NOVATO
CALIFORNIA

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REQUEST

Consider adopting a resolution of intention to annex territory to the Hamilton Community Facilities District, to authorize the levy of special taxes therein and set public hearing for June 12, 2007.

RECOMMENDATION

Adopt resolution and set public hearing.

DISCUSSION

Approval of the Hangar Ave. Subdivision was conditioned on the property owner agreeing to annex the property into the Hamilton Community Facilities District and share in the annual assessment for infrastructure and maintenance within the District. This Resolution of Intention defines that annexation and sets a public hearing on the matter for June 12, 2007.

FISCAL IMPACT

None. All costs associated with the annexation are borne by the property owner.

ALTERNATIVES

Do not approve the Resolution; do not annex the property to the CFD.

ATTACHMENTS

1. Resolution

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1.

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. _____

RESOLUTION OF INTENTION TO ANNEX TERRITORY TO
HAMILTON COMMUNITY FACILITIES DISTRICT,
AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN AND
SET PUBLIC HEARING

CITY OF NOVATO
Community Facilities District No. 1994-1
(Hamilton Field)
Hangar Avenue Annexation

RESOLVED by the City Council (the "Council") of the City of Novato (the "City"),
County of Marin, State of California, that:

WHEREAS, this Council has conducted proceedings to establish Community Facilities
District No. 1994-1 (Hamilton Field) (the "CFD") pursuant to the Mello-Roos Community
Facilities Act of 1982, as amended (the "Act"), Chapter 2.5 of Part 1 of Division 2 of Title 5,
commencing at Section 53311, of the California Government Code; and

WHEREAS, under the Act, this Council, as the legislative body for the CFD, is
empowered with the authority to annex territory to the CFD, and now desires to undertake
proceedings to annex territory to the CFD; and

WHEREAS, there is on file with the City a written petition (the "Petition") executed by
all of the owners of the territory proposed to be annexed seeking such annexation and submitting
waivers to expedite the process of annexation.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. **Findings.** This Council hereby finds and determines that public convenience and
necessity require that territory be added to the CFD.
2. **Name of CFD.** The name of the existing CFD is "Community Facilities District
No. 1994-1 (Hamilton Field)".
3. **Territory.** The territory included in the existing CFD is as shown on the map
thereof filed on April 25, 1995 in Book 4 of Maps of Assessment and Community
Facilities Districts at Page 8, in the Office of the County Recorder, County of
Marin, State of California, to which map reference is hereby made. The territory
in the CFD has been expanded through annexations of additional territory to the
CFD since the date of recording such map. The territory now proposed to be
annexed to the CFD is as shown on the Hangar Avenue Annexation Map, on file

with the Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The City Clerk is hereby directed cause to be recorded said the Hangar Avenue Annexation Map, showing the territory to be annexed, in the office of the County Recorder of the County of Marin within fifteen days of the date of adoption of this resolution.

4. **Facilities.** The types of public facilities financed by the CFD and pursuant to the Act consist of those facilities (the "Facilities") described in Exhibit A to Resolution No. 79-95, adopted by the Council on June 27, 1995 (the "Resolution of Formation"). It is presently intended that the Facilities (and the Services) will be shared, without preference or priority, by the existing territory in the CFD and the territory proposed to be annexed to the CFD.
5. **Special Tax.** Except to the extent that funds are otherwise available to the CFD to pay for the Facilities and/or the principal and interest as it becomes due on bonds of the CFD issued to finance the Facilities, a special tax sufficient to pay the costs thereof is intended to be levied annually within the CFD, and collected in the same manner as ordinary ad valorem property taxes. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, as now in existence and following the annexation proposed herein, in sufficient detail to allow each landowner within the territory proposed to be annexed to the CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit B attached to the Resolution of Formation, which by this reference is incorporated herein.
6. **Public Hearing.** Tuesday, June 12, 2007, at 6:30 o'clock p.m., at the regular meeting place of this Council for such date at the Novato Unified School District Education Center Board Room, 1015 Seventh Street, Novato, California, are hereby appointed and fixed as the time and place when and where this Council, as legislative body for the CFD, will conduct a public hearing on the annexation of territory to the CFD and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD and the levy of said special tax therein.
7. **Notices of Hearing.** The City Clerk is hereby directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of the CFD. The publication shall be completed at least seven days before the date of the public hearing specified above. The City Clerk shall also cause notice of the hearing to be given to each property owner within the CFD by first class mail, postage prepaid, to each such owner's addresses as it appears on the most recent tax records of Marin County or as otherwise known to the City Clerk to be correct. Such mailing shall be completed not less than fifteen days before the date of the public hearing. Each of the notices shall be substantially in the form

specified in Section 53322 of the Act, with a form summarizing the provisions hereof hereby specifically approved.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the ____ day of _____, by the following vote, to wit:

AYES: Councilmembers
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato