

RESOLUTION NO. 09-106

RESOLUTION OF CITY COUNCIL OF THE CITY OF
LANCASTER, CALIFORNIA, ACTING AS THE
LEGISLATIVE BODY OF COMMUNITY FACILITIES
DISTRICT NO. 89-1 OF THE CITY OF LANCASTER
ORDERING JUDICIAL FORECLOSURE OF DELINQUENT
SPECIAL TAXES PURSUANT TO THE MELLO-ROOS
COMMUNITY FACILITIES ACT OF 1982, AND ORDERING
THAT THE TAX COLLECTOR BE CREDITED WITH THOSE
SPECIAL TAXES

WHEREAS, Community Facilities District No. 89-1 of the City of Lancaster (“CFD No. 89-1”) has incurred bonded indebtedness and levied special taxes for the payment of bonds pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (commencing with Section 53311 of Part 1 of division 2 of Title 5 of the Government Code) (the “Mello-Roos Act”); and

WHEREAS, pursuant to the Mello-Roos Act, CFD No. 89-1 has duly and regularly levied and recorded the unpaid special taxes, which special taxes and each installment thereof and interest and penalties thereon constitute liens against the lots and parcels of land against which they are made, until the same are paid; and

WHEREAS, certain special tax installments have not been paid when due, and certain installments of those special taxes may not be paid in the future; and

WHEREAS, under the provisions of Section 53356.1 of the Government Code of the State of California, this City Council acting in its capacity as the legislative body of CFD No. 89-1 is authorized, not later than four (4) years after the due date of the last installment of principal, to order the same to be collected by an action brought in the superior court to foreclose the lien of those special taxes; and

WHEREAS, pursuant to the provisions of Section 53356.1(b) of the Mello Roos Act, CFD No. 89-1 is required by covenant with the bondholders to institute judicial foreclosure proceedings; and

WHEREAS, the City Council acting in its capacity as the legislative body of CFD No. 89-1 has determined that the public convenience and necessity require prompt action, at the City Attorney’s discretion, to initiate foreclosure proceedings; and

WHEREAS, under the provisions of Section 53356.2 of the Mello Roos Act, when such foreclosure action is ordered, the county tax collector shall be credited upon the current tax roll with the amount charged on account of the delinquent special taxes to be sued on, including applicable penalties, interest and costs and to be relieved of further duty in regard thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lancaster acting in its capacity as the legislative body of Community Facilities District No. 89-1 of the City of Lancaster as follows:

SECTION 1. The delinquent special taxes on parcels listed on Exhibit A attached hereto and incorporated herein, and all future installments of special taxes which are not paid when due, shall be collected by action brought in the Superior Court of Los Angeles County to foreclose the liens thereof.

SECTION 2. CFD No. 89-1 is hereby authorized and directed to have the City Attorney institute such actions in the name of CFD No. 89-1 and the City of Lancaster to foreclose the liens of all such delinquent special taxes.

SECTION 3. The Director of Finance of the City of Lancaster, in cooperation and in conjunction with the City Attorney, is authorized and directed to transmit a certified copy of this resolution to the Auditor/Controller's office of the County of Los Angeles with a letter that shall state that:

a. The City Council has ordered that the delinquent special tax installments be collected by action brought in the Superior Court of Los Angeles County to foreclose the liens thereof;

b. Pursuant to Government Code Section 53356.2, the Los Angeles County tax collector is to be credited upon the current tax roll with the amount charged on account of the delinquent special taxes to be sued on, including applicable penalties, interest and costs and to be relieved of further duty in regard thereto; and

c. All inquiries regarding payment of the delinquent special taxes shall be forwarded to the City Attorney.

SECTION 4. This resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED THIS ____ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R.REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
CITY OF LANCASTER

I, _____, _____ City of Lancaster, California,
do hereby certify that this is a true and correct copy of the original Resolution No. 09-106, for
which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this
_____ day of _____, _____.

(seal)

EXHIBIT A

List of Delinquent Parcels
Community Facilities District No. 89-1

Assessor Parcel Numbers

3170-054-022-9
3170-054-007-8
3170-053-029-4
3170-040-004-0
3170-008-003-5
3150-067-006-5
3150-067-003-8
3150-059-006-2
3150-051-084-4
3150-051-021-0
3147-038-013-3
3147-037-025-1
3114-017-065-3
3114-018-040-1
3114-016-063-7
3150-051-067-5