

RESOLUTION NO. 10-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF ASSESSMENT DISTRICT NO. 93-3 OF THE CITY OF LANCASTER ORDERING JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL ASSESSMENTS PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915 AND THE MUNICIPAL IMPROVEMENT ACT OF 1913 AND ORDERING THAT THE TAX COLLECTOR BE CREDITED WITH THOSE SPECIAL ASSESSMENTS

WHEREAS, Assessment District No. 93-3 of the City of Lancaster (“AD No. 93-3”) has incurred bonded indebtedness and levied special assessments for the payment of bonds pursuant to the provisions of the Improvement Bond Act of 1915 (commencing with Section 8500) of Part 1 of Division 10 of the California Streets and Highway Code (the “Improvement Bond Act”) and the Municipal Improvement Act of 1913 (commencing with Section 10,000) of Part 1 of Division 12 of the California Streets and Highway Code (the “Municipal Improvement Act”); and

WHEREAS, pursuant to the Improvement Bond Act and the Municipal Improvement Act, AD No. 93-3 has duly levied and recorded the unpaid special assessments, which special assessments 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 assessment installments have not been paid when due, and certain installments of those special assessments may not be paid in the future; and

WHEREAS, under the provisions of Section 8834 of the Streets and Highways Code of the State of California, the City Council acting in its capacity as the legislative body of AD No. 93-3 is authorized and may order that a foreclosure action be brought to collect the delinquent special assessments due against the properties within AD No. 93-3 not later than four (4) years after the date of delinquency of the last installment due; and

WHEREAS, the City has covenanted to bondholders to institute judicial foreclosure proceedings pursuant to the provisions of Section 8830 et seq. of the Streets and Highways Code of the State of California

WHEREAS, the City Council acting in its capacity as the legislative body of AD No. 93-3 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 8833 of the Streets and Highways Code of the State of California, 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 assessments 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 AND ORDERED by the City Council of the City of Lancaster acting in its capacity as the legislative body of Assessment District No. 93-3 of the City of Lancaster as follows that:

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

Section 2. AD No. 93-3 is hereby authorized and directed to have the City Attorney institute such actions in the name of AD No. 93-3 and the City of Lancaster to foreclose delinquent special assessments.

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 assessment installments be collected by action brought in the Superior Court of Los Angeles County to foreclose the delinquent special assessments
- b. Pursuant to Section 8833 of the Streets and Highway Code of the State of California, 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 assessments 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 assessments 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 _____, 2010, 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 COUNCIL

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 10-18, 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 Property by Assessor's Parcel Number - Assessment District No. 93-3