

1 [Determining Annexation of Property to City and County of San Francisco Community
2 Facilities District No. 2014-1 (Transbay Transit Center) and Determining and Confirming
Annexation Process]

3

4 **Resolution confirming that property is annexed to the City and County of San**
5 **Francisco Community Facilities District No. 2014-1 (Transbay Transit Center), and**
6 **determining and confirming the process for properties to annex into the District.**

7

8 WHEREAS, The Board of Supervisors has adopted a Resolution entitled "Resolution of
9 formation of City and County of San Francisco Community Facilities District No. 2014-1
10 (Transbay Transit Center) and determining other matters in connection therewith" ("Resolution
11 of Formation"), ordering the formation of the "City and County of San Francisco Community
12 Facilities District No. 2014-1 (Transbay Transit Center)" ("CFD") and a "City and County of
13 San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) (Future
14 Annexation Area)" ("Future Annexation Area"), authorizing the levy of a special tax on
15 property within the CFD and preliminarily establishing an appropriations limit for the CFD, all
16 pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, constituting
17 Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California
18 Government Code ("Mello-Roos Act"); and

19 WHEREAS, The Board of Supervisors has also adopted a Resolution entitled
20 "Resolution determining necessity to incur bonded indebtedness for City and County of San
21 Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) and determining
22 other matters in connection therewith" ("Resolution of Necessity"), determining the necessity
23 to incur bonded indebtedness and other debt (as defined in the Mello-Roos Act) in the
24 maximum aggregate principal amount of \$1,400,000,000 upon the security of the special tax
25 to be levied within the CFD pursuant to the Mello-Roos Act; and

1 WHEREAS, Under the provisions of the Resolution of Formation and the Resolution of
2 Necessity and pursuant to a “Resolution calling special election in City and County of San
3 Francisco Community Facilities District No. 2014-1 (Transbay Transit Center)” (“Election
4 Resolution”) heretofore adopted by the Board of Supervisors, the propositions of the levy of
5 the special tax, the establishment of the appropriations limit, and the incurring of bonded
6 indebtedness and other debt were submitted to the qualified electors of the CFD as required
7 by the provisions of the Mello-Roos Act and more than two-thirds of the votes cast at the
8 election were in favor of the propositions; and

9 WHEREAS, In Ordinance No. 1-15 heretofore adopted by the Board of Supervisors
10 (“Special Tax Ordinance”), the Board of Supervisors authorized and levied special taxes
11 within the CFD pursuant to the Mello-Roos Act, at the rate and in accordance with the rate
12 and method of apportionment of special tax (“Rate and Method”) set forth in the Resolution of
13 Formation, and further ordered that the provisions of the Special Tax Ordinance shall apply
14 not only to the initial territory included in the CFD but also to parcels included in the Future
15 Annexation Area that are annexed to the CFD at the rate or rates to be approved unanimously
16 by the owner or owners of each parcel or parcels to be annexed to the CFD; and

17 WHEREAS, Section 53339.8 of the Mello-Roos Act provides that upon a determination
18 by the legislative body that the area proposed to be annexed is added to the existing
19 community facilities district, the clerk of the legislative body shall record notice of the
20 annexation pursuant to Section 3117.5 of the Streets and Highways Code; and

21 WHEREAS, In the Resolution of Formation, the Board of Supervisors resolved that
22 parcels within the Future Annexation Area shall be annexed to the CFD only with the
23 unanimous approval (each, “Unanimous Approval”) of the owner or owners of each parcel or
24 parcels at the time that parcel or those parcels are annexed, without any requirement for
25 further public hearings or additional proceedings; and

1 WHEREAS, The Board of Supervisors has been provided with a Unanimous Approval
2 executed by the owner of certain property in the Future Annexation Area, namely Assessor's
3 Parcel Block Nos. 3741-045 ("Annexation Property"), and an Amendment to Notice of Special
4 Tax Lien ("Notice") was recorded in the office of the Assessor-Recorder for the City and
5 County of San Francisco as Document No. 2020K946978 on June 30, 2020; and

6 WHEREAS, The Board of Supervisors wishes to confirm that the Annexation Property
7 is added to the CFD; and

8 WHEREAS, The Board of Supervisors further wishes to determine and confirm the
9 process for annexing properties into the CFD; now, therefore, be it

10 RESOLVED, That the foregoing recitals are all true and correct; and, be it

11 FURTHER RESOLVED, That the Board of Supervisors hereby confirms that the
12 Annexation Property is added to the CFD and ratifies the recordation of the Notice; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors determines and confirms that
14 the process for annexing properties into the CFD as approved by the Board of Supervisors in
15 the Resolution of Formation is set forth below:

16 (a) the Office of Public Finance shall work with the City Attorney's office, bond
17 counsel and special tax consultant to prepare the Unanimous Approval to be executed by
18 property owners wishing to annex into the CFD;

19 (b) upon delivery of the executed Unanimous Approval to the Office of Public
20 Finance, the annexing property shall be added to and part of the CFD with full legal effect;

21 (c) upon receipt of an executed Unanimous Approval, the Office of Public Finance
22 shall work with the City Attorney's office, bond counsel and special tax consultant to prepare,
23 and the Clerk of the Board of Supervisors shall execute and record in the office of the
24 Assessor-Recorder for the City and County of San Francisco, a notice of special tax lien for

25 ///

1 the annexing property pursuant to Section 3117.5 of the California Streets and Highways
2 Code; and

3 (d) no further public hearings or additional proceedings shall be required; and, be it
4 FURTHER RESOLVED, That this Resolution shall take effect upon its adoption.

5

6 APPROVED AS TO FORM:
7 DAVID CHIU, City Attorney

8 By: MARK D. BLAKE
9 MARK D. BLAKE
Deputy City Attorney

10

11

n:\financlas2021\1300516\01570716.docx

12

13

14

15

16

17

18

19

20

21

22

23

24

25