

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

3 **Resolution determining that certain property in the future annexation area, namely**
4 **Assessor’s Parcel Block No. 3721, Lot No. 019, Block No. 3721, Lot No. 020, and Block**
5 **No. 3721, Lot No. 029, is annexed to the City and County of San Francisco Community**
6 **Facilities District No. 2014-1 (Transbay Transit Center).**

7
8 WHEREAS, This 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” (the
11 “Resolution of Formation”), ordering the formation of the "City and County of San Francisco
12 Community Facilities District No. 2014-1 (Transbay Transit Center)" (the “CFD”) and a "City
13 and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit
14 Center) (Future Annexation Area)," authorizing the levy of a special tax on property within the
15 CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the
16 Mello-Roos Community Facilities Act of 1982, as amended, constituting Chapter 2.5 of Part 1
17 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code
18 (the “Mello-Roos Act”); and

19 WHEREAS, This 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” (the “Resolution of Necessity”), determining the
23 necessity to incur bonded indebtedness and other debt (as defined in the Mello-Roos Act) in
24 the maximum aggregate principal amount of \$1,400,000,000 upon the security of the special
25 tax 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)” (the “Election
4 Resolution”) heretofore adopted by this 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 the Resolution of Formation, this Board of Supervisors resolved that
10 parcels within the Future Annexation Area shall be annexed to the CFD only with the
11 unanimous approval (each, a “Unanimous Approval”) of the owner or owners of each parcel or
12 parcels at the time that parcel or those parcels are annexed, without any requirement for
13 further public hearings or additional proceedings; and

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

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

1 WHEREAS, This 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 No. 3721, Lot No. 019, Block No. 3721, Lot No. 020, and Block No. 3721, Lot
4 No. 029 (the "Annexation Property"); and

5 WHEREAS, The owner of the Annexation Property, Transbay Joint Powers Authority
6 ("Transbay"), represented and warranted in the Unanimous Approval that (i) the Annexation
7 Property is in the Future Annexation Area, (ii) all or a portion of the Annexation Property is
8 intended to be transferred to private ownership, (iii) the Annexation Property will be subject to
9 the Special Tax on the same basis as private property within the CFD and (iv) Transbay
10 affirmatively waives any defense based on the fact of public ownership, to any action to
11 foreclose on the Annexation Property in the event of nonpayment of the Special Tax; and

12 WHEREAS, In order to comply with Section 53339.8 of the Mello-Roos Act, this Board
13 of Supervisors wishes to determine that the Annexation Property is added to the CFD; now,
14 therefore, be it

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

16 FURTHER RESOLVED, That this Board of Supervisors hereby determines that the
17 Annexation Property is added to the CFD and the Clerk of the Board of Supervisors is hereby
18 ordered and directed to record notice of the annexation pursuant to Section 3117.5 of the
19 Streets and Highways Code; and, be it

1 FURTHER RESOLVED, That this Resolution shall take effect immediately upon its
2 adoption.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

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7 By: _____
8 Mark D. Blake
9 Deputy City Attorney
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