

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA**

ORDINANCE NO. 16-020

**AN ORDINANCE OF THE COUNTY OF FRESNO DISSOLVING COMMUNITY FACILITIES
DISTRICT NO. 2005-02 (POLICE PROTECTION SERVICES) OF THE COUNTY OF FRESNO
AND ORDERING THE RECORDATION OF AN ADDENDUM TO THE NOTICE OF SPECIAL
TAX LIEN AND NOTICE OF CESSATION OF SPECIAL TAX**

WHEREAS, in 2005, the Board of Supervisors of the County of Fresno (Board) initiated proceedings under Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at section 53311, of the California Government Code, commonly known as the Mello-Roos Community Facilities Act of 1982 (Act), to form Community Facilities District No. 2005-02 (Police Protection Services) of the County of Fresno (CFD 2005-02, also known as Bretz Mountain);

WHEREAS, the CFD 2005-02 contains a total of 38.08 acres of land located in an unincorporated area of the County of Fresno (County) as more fully shown on the map recorded May 16, 2005, at the Office of the County Recorder in the County of Fresno in Book 41 of Maps of Assessment and Community Facilities Districts at Page 14 and as Instrument No. 2005-0108059 in the Office of the County Recorder in the County of Fresno;

WHEREAS, section 53313, subdivision (a), of the Act provides that police protection services are among the services that may be provided and financed by a community facilities district pursuant to the Act;

WHEREAS, on May 3, 2005, the Board adopted Resolution No. 05-215 (Resolution of Intention to Form the District) to declare its intention to establish CFD 2005-02 and to authorize the levy of a special tax to finance police protection services;

WHEREAS, on June 7, 2005, the Board, following a publicly-noticed protest hearing in which there was no majority protest, adopted Resolution No. 05-302 (Resolution of Formation) establishing CFD 2005-02, authorizing the levy of a special tax within CFD 2005-02, approving an initial appropriations limit for CFD 2005-02, and calling a special election for the purpose of submitting the levy of the special tax, and the establishment of an initial appropriations limit, to a vote of the qualified electors within CFD 2005-02;

WHEREAS, pursuant to the Resolution of Formation, on June 7, 2005, the Clerk to the Board held the special election of the qualified electors of CFD 2005-02, as a landowner election, where 100 percent of the qualified electors of CFD 2005-02 voted in favor of the combined proposition of the special tax levy and establishment of an initial appropriation limit for CFD 2005-02;

WHEREAS, on June 7, 2005, the Board adopted Resolution No. 05-303 (Resolution Declaring Election Results) to declare the results stated above and direct recordation of the Notice of Special Tax Lien;

WHEREAS, on July 19, 2005, the Board enacted Ordinance No. 05-017 to levy the special tax (Levying Ordinance);

WHEREAS, the Notice of the Special Tax lien for CFD 2005-02 was recorded as Document No. 2005-0133928 in the office of the County Recorder;

WHEREAS, the District is not obligated to pay any outstanding debt, and the Board may make a determination that the District is no longer authorized to levy any special tax and dissolve the District under Section 53338.5 of the Government Code;

WHEREAS, on October 11, 2016, the Board directed staff to prepare all necessary documents to proceed with the dissolution process for CFD 2005-02; and

WHEREAS, before dissolving CFD 2005-02, Government Code section 53330.7 requires the Board, after conducting a public hearing, to eliminate the services specified in the Resolution of Formation;

WHEREAS, by Resolution No. 16-454, adopted after public hearing on November 15, 2016, the Board determined that CFD 2005-02 is not obligated to pay any outstanding debt and has no authorization to levy any further special tax, and eliminated the services specified in the Resolution of Formation; and

WHEREAS, upon dissolving CFD 2005-02, Government Code section 53338.5, subdivision (b), requires the Board to cause the recordation of an addendum to the Notice of Special Tax lien for CFD 2005-02, which must state that CFD 2005-02 and all associated liens, if any, have been dissolved;

NOW THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DOES HEREBY FIND, DETERMINE AND ORDAIN AS FOLLOWS:

Section 1. All of the foregoing recitals are true and correct.

Section 2. The Board hereby dissolves CFD 2005-02 pursuant to Government Code Section 53338.5.

Section 3. The Levying Ordinance is repealed.

Section 4. The Clerk to the Board of Supervisors is authorized and directed to record or cause to be recorded the Addendum to the Notice of Special Tax Lien and Notice of Cessation of Special Tax in the form of the addendum and notice that is attached as Exhibit A to this resolution, with the number of this ordinance as enacted filled in.

Section 5. This ordinance is effective immediately upon final passage by this Board, as provided in Government Code section 25123, subdivision (c).

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THE FOREGOING WAS PASSED and ADOPTED by the BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO this 13th day of December 2016, by the following vote, to-wit:

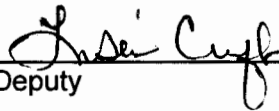
AYES: Supervisors Pacheco, Perea, Poochigian

NOES: Supervisors Borgeas, Mendes

ABSENT: None


ERNEST BUDDY MENDES, CHAIRMAN
Board of Supervisors

ATTEST:
Bernice Seidel, Clerk
Board of Supervisors

By: 
Deputy

Recorded by and for the benefit of,
And when recorded return to:
COUNTY OF FRESNO
Sebastian Artal, Senior Engineer
County of Fresno
Department of Public Works and Planning
2220 Tulare Street, Suite 700
Fresno, California 93721

(space above for Recorder's use)

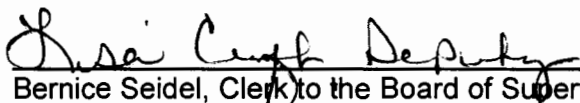
ADDENDUM TO NOTICE OF SPECIAL TAX LIEN AND NOTICE OF CESSATION OF SPECIAL TAX

**Community Facilities District No. 2005-02
(Police Protection Services)
County of Fresno**

The Clerk to the Board of Supervisors of the County of Fresno, State of California, the legislative body of Community Facilities District No. 2005-02 (Police Protection Services) County of Fresno, State of California (District), hereby gives notice in accordance with Government Code Sections 53330.5 and 53338.5 as follows:

1. On November 15, 2016, the Board of Supervisors adopted Resolution No. 16-454 eliminating services, and determining that the District is not obligated to pay any outstanding debt and has no authorization to levy any special tax
2. On December 13, 2016, the Board of Supervisors enacted Ordinance No. 16-020 dissolving the District and ordering the recordation of an addendum to the Notice of Special Tax Lien and a notice of cessation of special tax.
3. The District and all associated liens are dissolved. The obligation to pay the special tax has ceased and the lien imposed by the Notice of Special Tax Lien recorded on June 16, 2005, as Document No. 2005-0133928 in the records of the County Recorder of Fresno County, State of California, is extinguished.
4. The map of the boundaries of the District was recorded on May 16, 2005, in Book 41 of Maps of Assessment and Community Facilities Districts at Page 14 (Instrument No. 2005-0108059) in the office of the County Recorder of Fresno County, State of California.

By:



Bernice Seidel, Clerk to the Board of Supervisors
of the County of Fresno, State of California,
the legislative body of Community Facilities
District No. 2005-02 (Police Protection
Services) County of Fresno

Date:

December 13, 2016