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

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

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

WHEREAS, The Board of Supervisors has also adopted a Resolution entitled "Resolution determining necessity to incur bonded indebtedness for City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) and determining other matters in connection therewith" ("Resolution of Necessity"), determining the necessity to incur bonded indebtedness and other debt (as defined in the Mello-Roos Act) in the maximum aggregate principal amount of $1,400,000,000 upon the security of the special tax to be levied within the CFD pursuant to the Mello-Roos Act; and
WHEREAS, Under the provisions of the Resolution of Formation and the Resolution of Necessity and pursuant to a “Resolution calling special election in City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center)” (“Election Resolution”) heretofore adopted by the Board of Supervisors, the propositions of the levy of the special tax, the establishment of the appropriations limit, and the incurring of bonded indebtedness and other debt were submitted to the qualified electors of the CFD as required by the provisions of the Mello-Roos Act and more than two-thirds of the votes cast at the election were in favor of the propositions; and

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

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

WHEREAS, In the Resolution of Formation, the Board of Supervisors resolved that parcels within the Future Annexation Area shall be annexed to the CFD only with the unanimous approval (each, “Unanimous Approval”) of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings; and
WHEREAS, The Board of Supervisors has been provided with a Unanimous Approval executed by the owner of certain property in the Future Annexation Area, namely Assessor’s Parcel Block Nos. 3741-045 (“Annexation Property”), and an Amendment to Notice of Special Tax Lien (“Notice”) was recorded in the office of the Assessor-Recorder for the City and County of San Francisco as Document No. 2020K946978 on June 30, 2020; and

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

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

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

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

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

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

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

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

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

(d) no further public hearings or additional proceedings shall be required; and, be it

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: MARK D. BLAKE
MARK D. BLAKE
Deputy City Attorney
Resolution confirming that property is annexed to the City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center), and determining and confirming the process for properties to annex into the District.

February 17, 2022 Government Audit and Oversight Committee - RECOMMENDED

March 01, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Resolution was ADOPTED on 3/1/2022 by the Board of Supervisors of the City and County of San Francisco.

London N. Breed
Mayor

Date Approved

3/1/22