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

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

WHEREAS, This 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" (the "Resolution of Formation"), ordering the formation of the "City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center)" (the "CFD") and a "City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center) (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 (the "Mello-Roos Act"); and

WHEREAS, This 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" (the "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)” (the “Election Resolution”) heretofore adopted by this 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 the Resolution of Formation, this Board of Supervisors resolved that parcels within the Future Annexation Area shall be annexed to the CFD only with the unanimous approval (each, a “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, In Ordinance No. 1-15 heretofore adopted by this Board of Supervisors (the “Special Tax Ordinance”), this 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 (the "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, This 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 No. 3721, Lot No. 019, Block No. 3721, Lot No. 020, and Block No. 3721, Lot
No. 029 (the “Annexation Property”); and

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

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

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

FURTHER RESOLVED, That this Board of Supervisors hereby determines that the
Annexation Property is added to the CFD and the Clerk of the Board of Supervisors is hereby
ordered and directed to record notice of the annexation pursuant to Section 3117.5 of the
Streets and Highways Code; and, be it
FURTHER RESOLVED, That this Resolution shall take effect immediately upon its adoption.

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

By:  [Signature]
Mark D. Blake
Deputy City Attorney
Resolution determining that certain property in the future annexation area, namely Assessor's Parcel Block No. 3721, Lot No. 019, Block No. 3721, Lot No. 020, and Block No. 3721, Lot No. 029, is Annexed to the City and County of San Francisco Community Facilities District No. 2014-1 (Transbay Transit Center).

April 27, 2016 Budget and Finance Committee - RECOMMENDED

May 03, 2016 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee
Noes: 1 - Peskin

I hereby certify that the foregoing Resolution was ADOPTED on 5/3/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

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