

RESOLUTION NO. 2024-\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING THE RESULTS OF THE CONSOLIDATED SPECIAL ELECTIONS WITHIN COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CITRUS BAY) OF THE CITY OF CHULA VISTA

WHEREAS, on July 16, 2024, the City Council (the “City Council”) of the City of Chula Vista (the “City”) adopted a resolution determining the necessity for Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista, County of San Diego, State of California (the “CFD No. 2024-1”), to incur a bonded indebtedness for CFD No. 2024-1 for the purposes of providing certain public facilities and calling a special election for CFD No. 2024-1 on the proposition for incurring such bonded indebtedness for July 16, 2024, and providing for the consolidation of said election with the election on the propositions with respect to (i) the annual levy of special taxes on taxable property within CFD No. 2024-1 to pay principal of and interest on such bonds, and (ii) establishing an appropriations limit for CFD No. 2024-1; and

WHEREAS, on July 16, 2024, the City Council also adopted a resolution calling a special election for July 16, 2024, for submitting to the qualified electors of CFD No. 2024-1 the proposition with respect to the annual levy of special taxes on taxable property within CFD No. 2024-1 to pay the principal of and interest on the bonds thereof and the proposition with respect to establishing an appropriations limit for CFD No. 2024-1, and providing for the consolidation of that election with the election on the proposition of CFD No. 2024-1 incurring a bonded indebtedness (the “Election Resolution”); and

WHEREAS, the City Council has received a statement from the City Clerk (the “City Clerk”), who pursuant to the Election Resolution was authorized to conduct the consolidated special elections for CFD No. 2024-1 and act as the election official therefor, with respect to the canvass of the ballots returned and the results of the consolidated special elections, certifying that more than two-thirds of the votes cast upon the propositions submitted to the voters in the consolidated special elections in CFD No. 2024-1 were cast in favor of all such propositions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that the above recitals are all true and correct.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it is necessary that bonded indebtedness be incurred by and for CFD No. 2024-1, in an aggregate principal amount not to exceed \$10,000,000 for the purpose of financing the facilities as described in the Resolution No. 2024-114, adopted by the City Council of the City of Chula Vista on June 11, 2024.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that (i) there were no persons registered to vote within the boundaries of CFD No. 2024-1 at the time of the close of the protest hearing on July 16, 2024, and pursuant to Section 53326 of the California Government Code (“Section 53326”) the vote in the consolidated special elections for CFD No. 2024-1 was, therefore, to be by the landowners owning land within CFD No. 2024-1, with each landowner having one vote for each acre or portion of an acre of land that he or she owned within CFD No. 2024-1 which would have been subject to the special tax if levied at the time of the consolidated special elections; (ii) pursuant to Section 53326 and the Election Resolution, the City Clerk distributed the ballot for the consolidated special elections to CWC BROADWAY CV 256 LLC, a Delaware limited liability company, the owner of all of the taxable property included within the boundaries of CFD No. 2024-1 (the “Property Owner”) by mail or personal delivery; (iii) the Property Owner waived the time limits for holding the consolidated special elections and the election dates specified in Section 53326, and consented to the calling and holding of the consolidated special elections on July 16, 2024; (iv) the consolidated special elections have been properly conducted in accordance with all statutory requirements and the provisions of the Election Resolution; (v) pursuant to Section 53326, the Property Owner, which owns approximately 12.607 acres in CFD No. 2024-1, was entitled to a total of 13 votes; (vi) the ballot was returned by the Property Owner to the City Clerk prior to the hour on the date of the election specified by the City Council for the return of voted ballots; (vii) the ballot returned to the City Clerk by the Property Owner voted all votes to which it was entitled in favor of all propositions set forth therein; (viii) more than two-thirds of the votes cast in the consolidated special elections in CFD No. 2024-1, on each such proposition were cast in favor thereof, and pursuant to Sections 53328, 53329 and 53355 of the California Government Code, all such propositions carried; (ix) the City Council, as the legislative body of CFD No. 2024-1, is therefore authorized to take the necessary action to have CFD No. 2024-1 incur a bonded indebtedness in an amount not to exceed \$10,000,000, to annually levy special taxes on taxable property within CFD No. 2024-1, in an amount sufficient to pay the principal of and interest on such bonds, and (x) an appropriations limit for CFD No. 2024-1 has been established in the amount of \$10,000,000.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that all votes voted in the consolidated special elections on the propositions with respect to (i) CFD No. 2024-1 incurring bonded indebtedness in one or more series in a maximum aggregate amount not to exceed \$10,000,000; (ii) the annual levy of special taxes on taxable property within CFD No. 2024-1 to pay the principal of and interest on the bonds of CFD No. 2024-1; and (iii) establishing an appropriations limit for CFD No. 2024-1 in the amount of \$10,000,000 were voted in favor thereof, and all such propositions carried. The aggregate principal amount of the bonded indebtedness to be incurred by CFD No. 2024-1 shall not exceed \$10,000,000

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the effect of the results of the consolidated special elections is that the City Council, as the legislative body of CFD No. 2024-1, is authorized (i) to have CFD No. 2024-1 incur a bonded indebtedness in and for the purposes set forth in the Official Ballot for the consolidated special elections for CFD No. 2024-1; (ii) to annually levy special taxes on taxable property within CFD No. 2024-1

in an amount sufficient to pay the principal of and interest on such bonds at the special tax rates and pursuant to the methodology for determining and apportioning such special taxes which are set forth in Exhibit C to the Resolution No. 2024-114 adopted by the City Council of the City of Chula Vista on June 11, 2024; and (iii) an appropriations limit has been established for CFD No. 2024-1 in the amount of \$10,000,000.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that the City Clerk shall record a notice of special tax lien pursuant to Section 53328.3 of the California Government Code and Section 3114.5 of the California Streets and Highways Code.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that this Resolution is and shall be effective from the date of its adoption.

Presented by

Approved as to form by

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Laura C. Black, AICP  
Director of Development Services

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Marco A. Verdugo  
City Attorney