

RESOLUTION NO. 2024-XX

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 5, TO LEVY A SPECIAL TAX IN SUCH TERRITORY AND TO SET A DATE OF APRIL 9, 2024, FOR THE PUBLIC HEARING.

(Annexation #15)

WHEREAS, the City Council of the City of Brentwood (the "City Council") has determined that the public convenience and necessity require the annexation of additional parcels of land to Community Facilities District No. 5, City of Brentwood, County of Contra Costa, State of California ("CFD No. 5"); and

WHEREAS, the parcels of land proposed to be annexed are as listed in Exhibit "A" attached hereto and are included within the boundaries shown on Annexation #15 Boundary Map approved by the City Council's Resolution No. _____, adopted February 27th, 2024, copies of which map and resolution are available for inspection at the office of the City Clerk; and

WHEREAS, the City Council finds that this annexation is to the advantage of the City of Brentwood and the owners of property within CFD No. 5.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Brentwood does hereby find and declare that:

Section 1. The foregoing recitals are true.

Section 2. The facilities and services authorized to be financed by CFD No. 5 are not proposed to be expanded or diminished by this annexation. The description of Authorized Facilities and Services are contained in the Resolution of Formation No. 2007-152, adopted by the City Council on June 26, 2007. A summary of the Authorized Facilities and Services that may be funded include:

Facilities: The acquisition or construction of public protection and safety facilities, governmental and community facilities, flood and storm drainage facilities, roadways, and the undergrounding of utility transmission and distribution facilities.

Services: The maintenance and operation of public improvements and the services associated with public protection and safety services, joint use school site services, and flood and storm drainage services.

Section 3. The area proposed to be annexed to CFD No. 5 (the "Territory") shall be subject to a special tax, from the time of its inclusion in CFD No. 5, under the rate and method of apportionment of the special tax contained in the Resolution of Formation No. 2007-152, adopted by the City Council on June 26, 2007. This

special tax will be secured by the recordation of a continuing lien against all non-exempt real property in the Territory.

Section 4. No alteration of the rate and method of apportionment of the special tax within CFD No. 5 is contemplated by these proceedings either as it pertains to the area already within CFD No. 5 or as it pertains to the Territory. The CFD No. 5 rate and method of apportionment is contained in the Resolution of Formation No. 2007-152, adopted by the City Council on June 26, 2007.

Section 5. The City Council hereby sets Tuesday, April 9, 2024, at 7:00 p.m., or as soon thereafter as the City Council may reach the matter, in the City Council Chambers of the City of Brentwood, 150 City Park Way, Brentwood, CA 94513, as the time and place for the Public Hearing. At that hearing, the testimony of all interested persons for or against the proposed annexation of the Territory to CFD No. 5 or the proposed levy of special taxes within the Territory will be heard. Written protests must be filed with the City Clerk of the City of Brentwood prior to the time set for the hearing or personally submitted during the hearing. Interested persons may submit or withdrawal written protests by appearing at the City Council Chamber during the course of the hearing of this agenda item. If 50 percent or more of the registered voters or six (6) registered voters, whichever is more, residing within the existing CFD No. 5, or if 50 percent or more of the registered voters or six (6) registered voters, whichever is more, residing within the Territory or if the owners of one-half (1/2) or more of the area of land within the existing CFD No. 5, or if the owners of one-half (1/2) or more of the area of land within the Territory, file written protests against the proposed annexation of the Territory to CFD No. 5 and such protests are not withdrawn so as to reduce the protests to less than a majority, then no further proceedings to annex the Territory to CFD No. 5 as proposed in this Resolution of Intention shall be undertaken for a period of one (1) year from the date of the decision by the City Council on the issues discussed at such Public Hearing. At the conclusion of such Public Hearing, the City Council may abandon the proceedings to annex the Territory to CFD No. 5 or may, after passing upon all protests, determine to proceed to call an election to submit to the qualified electors of the Territory the question of annexing the Territory to CFD No. 5 and authorizing the levy of special taxes of CFD No. 5 within the Territory; and if the City Council determines at the conclusion of such Public Hearing to call such an election, the voting procedure at such election shall be by landowners in the Territory voting in accordance with the Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"). If such protests are directed only against certain elements of the proposed improvements, services or proposed special tax, only those elements shall be deleted from the proceedings.

Section 6. In the event an election is held in these annexation proceedings, it is anticipated that, in accordance with the Act, the voters will be the owners of land within the area proposed to be annexed which will be subject to the special tax, with each landowner eligible to cast one vote for each acre or portion of, for each acre owned therein.

Section 7. The City Clerk is hereby directed to arrange for publication of a Notice of Public Hearing on this resolution one time in a newspaper of general circulation within CFD No. 5 and the Territory not less than 7 days prior to the Public Hearing.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Brentwood at a regular meeting held on the 27th day of February 2024 by the following vote:

EXHIBIT "A"

**LIST OF PARCELS TO BE ANNEXED TO COMMUNITY
FACILITIES DISTRICT NO. 5, CITY OF BRENTWOOD, COUNTY
OF CONTRA COSTA, STATE OF CALIFORNIA**

ANNEXATION #15

Assessor's Parcel Nos.

Project #	Project	APN	Total Acreage	Number of Votes
9535	Orchard Grove	016-040-005	16.61	17
			1.72	2
9435	Inez Estates	018-080-022 018-080-025	1.07	2