

## **RESOLUTION NO. HFPD 2017-10**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HESPERIA FIRE PROTECTION DISTRICT, HESPERIA, CALIFORNIA, CERTIFYING AND ADDING PROPERTY TO AN EXISTING COMMUNITY FACILITIES DISTRICT (CFD 94-01, FUTURE ANNEXATION AREA II, ANNEXATION NO. 186)**

**WHEREAS**, the Board of Directors of the Hesperia Fire Protection District, California, (hereinafter referred to as the "legislative body"), has previously formed a Community Facilities District pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, said Article 3.5 thereof. The existing Community Facilities District being designated as COMMUNITY FACILITIES DISTRICT NO. 94-01, Future Annexation Area II, (hereinafter referred to as the "District"); and

**WHEREAS**, the legislative body has also established a procedure to allow and provide for future annexations to the District, and the territory proposed to be so annexed in the future was designated as COMMUNITY FACILITIES DISTRICT NO. 94-01, FUTURE ANNEXATION AREA II, NO. 186; and

**WHEREAS**, at this time the unanimous consent of the property owner or owners of certain specific territory proposed to be annexed has been received, and said territory has been designated as ANNEXATION NO.186 (hereinafter referred to as the "Annexed Area"); and

**WHEREAS**, a map showing the Annexed Area and designated as Community Facilities District 94-01, Future Annexation Area II, Annexation No. 186 has been submitted to this legislative body; and

**WHEREAS**, The land referred to herein below is situated in the City of Hesperia in the County of San Bernardino, State of California, and is described as follows: Lot 5, Tract No. 5375, in the City of Hesperia, County of San Bernardino, State of California, as per plat recorded in Book 64 of Maps, Pages 85 and 86. Records of said County. Excepting therefrom that portion of said land, conveyed to southern California Edison Company, a corporation, by deed recorded, December 28, 1970 in Book 7579, Page 993, official records. Also excepting therefrom an undivided one-half interest in and to all minerals, oils, gas and other hydrocarbon substances lying and being more than 500 feet below the respective present surface elevations of the above described property, provided however, that such excepted ownership of such one-half be construed to include any right of entry upon any part of the surface of the herein described property for the purpose of exploration development, drilling, storage or other activity and ancillary to the removal of such oil, gas or minerals, as reserved by Clyde E. Bower. et al., in the deed recorded June 14, 1956 in Book 3962, Page 293. Official records, in the office of the County Recorder of said County.

Also excepting unto said Southern Surplus Realty Company, its successors or assigns, the remaining interest in and to all minerals, oil, gas and other hydrocarbon substances which may be produced from that portion of the hereinbefore described land which lies below a plane parallel to and 500 feet below the present surface of said company, its successors or assigns, shall have no right to enter upon the surface of said land, or to use said land or any portion thereof, to a depth of 500 feet, for any purpose whatsoever.

(APN 0405-194-36-0000)

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HESPERIA FIRE PROTECTION DISTRICT AS FOLLOWS:**

Section 1. In all respects as set forth above, this resolution is true and correct.

Section 2. Findings

- a. That the unanimous consent and election to the annexation of the Annexed Area to the District has been given by the owner of the Annexed Area and such consent and election shall be kept on file in the Office of the Secretary of the Fire Protection District.
- b. The legislative body is authorized to levy the authorized special taxes within the Annexed Area to pay for the authorized services.

Section 3. Annexed Area

- a. That the boundaries and parcels of territory within the Annexed Area and on which special taxes will be levied in order to pay for the costs and expenses of authorized services are described as follows:
  - (1) The property annexed to the District as said territory is shown on a map as submitted to and hereby approved by this legislative body, said map designated by the number of the annexation and the name of the district, a copy of which is on file and shall remain open for public inspection.

Section 4. Declaration of Annexation

- a. That this legislative body does hereby determine and declare that the Annexed Area is now added to and becomes a part of the District.

Section 5. Notice

- a. That immediately upon adoption of this Resolution, notice shall be given as follows:
  - (1) A copy of the annexation map as approved shall be immediately, and no later than ten (10) days after the date of this Resolution, filed in the Office of the County Recorder.
  - (2) An amendment to the Notice of Special Tax Lien (Notice of Annexation) shall be recorded in the Office of the County Recorder on or before June 30, 2017.

Section 6. Severability

- a. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this Resolution and each and every section, subsection, clause or phrase not declared invalid, without regard to any preemptive legislation.

Section 7. That the Secretary to the Board of Directors shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**ADOPTED AND APPROVED** this 20th day of June 2017.

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Paul Russ, Chair

ATTEST:

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Melinda Sayre, Secretary to the Board