

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Ron Ahlers, Finance Director 

DATE: September 8, 2011 (Council Special meeting of September 14, 2011)

SUBJECT: Consider A Resolution of the City Council in its Capacity as the Legislative Body of the Community Facilities District No. 2004-1 (Moorpark Highlands) Ordering that Delinquent Special Tax Installments for Specified Properties be Removed from the Tax Roll and Forwarded to Foreclosure Counsel

BACKGROUND

The City of Moorpark acts as the legislative body of the Community Facilities District No. 2004-1 (Moorpark Highlands), which requires that the City adhere to certain covenants contained in the Loan agreement for the bonds, including the covenant to file a judicial foreclosure action against each delinquent property that reaches a certain threshold. Currently, there are three (3) properties that have reached the foreclosure threshold and require an immediate judicial foreclosure action to be filed in Ventura Superior Court.

DISCUSSION

At the time the special tax bonds were issued for the facilities to be utilized by all parcels in the district, the City contracted to file a judicial foreclosure action against any delinquent property within a certain specified time period upon reaching the foreclosure threshold.

Currently, Ventura County Assessor's Parcel Nos. 5130100335, 5130120145, and 5130120235 are delinquent for tax years 2008/09, 2009/10 and 2010/11 in the principal amount of \$3,591, \$7,690, and \$23,282, respectively. Therefore, these delinquent special tax installments should be removed from the tax roll and forwarded to foreclosure counsel for the filing of a foreclosure action against each parcel.

The proposed Resolution authorizing this action is attached hereto, along with the requisite "Notice of Intent to Remove Delinquent Special Tax Installments from Tax Roll" which, once recorded, will authorize the County Tax Collector to remove the delinquent special tax installments for these parcels.

At the beginning of August, 2011, the Finance Director directed Willdan (consultant) to contact the County to remove these delinquent special taxes from the tax roll. Staff did not realize that City Council action was required in order to remove these delinquent special taxes from the tax roll. Willdan made the request to the County and the County has subsequently removed these delinquent special taxes from the tax roll. The next step is to forward this data to foreclosure counsel.

FISCAL IMPACT

This item does not require an expenditure of funds. All costs expended by the District will be recouped through the foreclosure actions.

STAFF RECOMMENDATION

Adopt a Resolution No. 2011-_____ of the City Council in its Capacity as the Legislative Body of the Community Facilities District No. 2004-1 (Moorpark Highlands) Ordering that Delinquent Special Tax Installments for Specified Properties be Removed from the Tax Roll and Forwarded to Foreclosure Counsel, which authorizes the following:

1. The immediate recording of the "Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll" in the Office of the Ventura County Recorder;
2. The subsequent removal of delinquent special tax installments for the above listed parcels from the Ventura County Tax Roll and forwarding to foreclosure counsel.

ATTACHMENTS

1. A Resolution of the City Council in its Capacity as the Legislative Body of the Community Facilities District No. 2004-1 (Moorpark Highlands) Ordering that Delinquent Special Tax Installments for Specified Properties be Removed from the Tax Roll and Forwarded to Foreclosure Counsel
2. The attached Exhibit "A", "Notice of Intent to Remove Delinquent Special Tax Installments from the Tax Roll".

RESOLUTION NO. 2011-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2004-1 (MOORPARK HIGHLANDS) ORDERING THAT DELINQUENT SPECIAL TAX INSTALLMENTS FOR SPECIFIED PROPERTIES BE REMOVED FROM THE TAX ROLL AND FORWARDED TO FORECLOSURE COUNSEL

WHEREAS, the City Council of the City of Moorpark acts as the legislative body of the Community Facilities District No. 2004-1 (Moorpark Highlands), which was duly formed on or about September 15, 2004, by the adoption of Resolution No.2004-2239; and

WHEREAS, the City Council has covenanted with and for the benefit of the owners of the City of Moorpark Community Facilities District No. 2004-1 (Moorpark Highlands) Special Tax Bonds Series 2006 that it will order and cause to be commenced, and thereafter diligently prosecute an action in the superior court to foreclose the lien of certain delinquent special taxes; and

WHEREAS, the special taxes for Ventura County Assessor's Parcel Numbers ("APNs") 5130100335, 5130120145, and 5130120235 are delinquent for tax years 2008/09, 2009/10 and 2010/11 in the principal amount of \$3,591, \$7,690, and \$23,282, respectively, requiring that these installments be removed and foreclosure actions on behalf of the Series 2006 bondholders be filed in the Ventura Superior Court and diligently prosecuted.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The City Council of the City of Moorpark is acting as the legislative body of the Community Facilities District No. 2004-1 (Moorpark Highlands).

SECTION 2: Immediately upon adoption of this Resolution, notice shall be given as follows:

A. The "Notice of Intent to Remove Delinquent Special Tax Installments From Tax Roll", which form is attached hereto as Exhibit "A", shall be recorded in the Office of the Ventura County Recorder.

B. The delinquent special tax installments for the above listed APNs shall be removed from the Ventura County Tax Roll and forwarded to foreclosure counsel for foreclosure actions to be filed on behalf of the Series 2006 bondholders.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 14th day of September, 2011.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

ATTACHMENT 2

<p>Recording Requested By: City of Moorpark When Recorded Mail to: Willdan Financial Services 27368 Via Industria, Suite 110 Temecula, CA 92590</p>	<p>This Space for Recorder's Use Only</p>
<p>Notice of Intent to Remove Delinquent Special Tax Installments from Tax Roll</p> <hr/> <p><i>Document Title</i></p>	

**NOTICE OF INTENT TO REMOVE DELINQUENT
SPECIAL TAX INSTALLMENTS FROM TAX ROLL**

In accordance with *Section 53356.2 of the California Government Code, as amended*, please **TAKE NOTICE THAT:**

1. The **City of Moorpark** (the "Agency") has ordered and is responsible for a foreclosure action against the following described parcel(s) of real property located in Ventura County (the "County"), for the purpose of collecting delinquent special tax installments existing with respect to such parcel(s) pursuant to *Section 53356.2 of the California Government Code, as amended*.
2. The parcel(s) which is (are) the subject of this Notice are described by County Assessor's Parcel Number(s) on **EXHIBIT A** attached hereto and by this reference incorporated herein (the "Parcel(s)").
3. Upon presentation of written proof of the recordation of this Notice with the County Recorder's Office, the Agency shall request the County tax collector to remove from the County tax roll, the delinquent special tax installments levied against the Parcel(s) during certain tax years, as the same are more particularly described on **EXHIBIT A**.
4. The name(s) of the owner(s) of the Parcel(s) as shown on the last equalized County tax roll is (are) described on **EXHIBIT A**.
5. Willdan Financial Services, Inc., a California corporation is a contractor for the Agency and is authorized to execute, acknowledge and record this Notice on behalf of the Agency.
6. For questions concerning the delinquent special tax installment(s) amounts covered by this Notice, please contact:

**Stacey Reynolds, Project Manager
Willdan Financial Services
27368 Via Industria, Suite 110
Temecula, CA 92590
(951) 587-3500**

DATED: _____

8/5/2011

City of Moorpark

By Willdan Financial Services, Agent

By: _____

Stacey Reynolds, Project Manager

DATED: _____

8/5/2011

APPROVED FOR RECORDING

City of Moorpark

By Willdan Financial Services, Agent

By: _____

Stacey Reynolds, Project Manager

State of California

County of Riverside

On August 5, 2011, before me, Pamela Hargesheimer Notary Public, personally appeared Stacce Reynolds who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Pamela Hargesheimer (Seal)
Notary Public

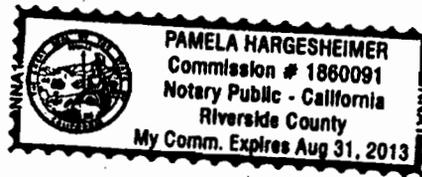


EXHIBIT A

Parcel	Owner's Name	District	Tax Year	Installments
5130100335	MCGEE MARK R & JENNIFER ABTR	CFD 2004-1	2010/11	1st & 2nd
5130120145	HOLLINGER JOHN D & LANNITA A	CFD 2004-1	2009/10	2nd
5130120145	HOLLINGER JOHN D & LANNITA A	CFD 2004-1	2010/11	1st & 2nd
5130120235	YOUNG LAURIE A	CFD 2004-1	2007/08	2nd
5130120235	YOUNG LAURIE A	CFD 2004-1	2008/09	1st & 2nd
5130120235	YOUNG LAURIE A	CFD 2004-1	2009/10	1st & 2nd
5130120235	YOUNG LAURIE A	CFD 2004-1	2010/11	2nd