



CITY OF ATASCADERO

COMMUNITY DEVELOPMENT DEPARTMENT

April 12, 2007

Darlene Brainard
934 Sycamore Canyon Road
Paso Robles, CA 93446

**RE: 1155 El Camino Real, APN: 049-042-018
CFD annexation process**

Dear Ms. Brainard:

Your project located at 1155 El Camino Real for a 62 unit Planned Development is required per condition CUP 18 to cover all emergency services and facility maintenance costs associated with the project through a Community Facilities District. Your project was scheduled for a public hearing on February 27, 2007, at which votes were counted related to the annexation of your project into the district. At that meeting, the votes received by the City Clerk were in opposition to annexation into the district. Failure to annex into the district means the project does not meet the required condition of approval.

Annexation into the City's Community Facilities District is required for your project to move forward. The annexation is required prior to recordation of the final map and issuance of building permits.

As a result of the "No" vote on the Special Tax, there are now statutory limitations to when actions may be taken again to annex this property to CFD No. 2005-1. The Mello-Roos Act clearly states that no action may be taken in regards to annexing "The Village at Oak Haven" for at least one year from the date of the election:

(Government Code Section 53339.9)

After the canvass of returns of any election conducted in accordance with Section 53339.7, the legislative body shall take no further action on annexing the territory proposed to be annexed to the community facilities district for a period of one year from the date of the election if less than two-thirds of the votes cast on the proposition are in favor of levying the special tax.



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Per the Mello-Roos Act, this limitation applies to the current and any future owners of the project. Once the year time limit is up, you may re-apply to be annexed into the Community Facilities District. In order for staff to assist you, it would be helpful if you could provide a letter clarifying your intentions on moving forward with the project.

If you have any questions regarding this letter, please do not hesitate to contact me at 461-5000.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren Frace", followed by a horizontal line.

Warren Frace
Community Development Director

cc: D. Edelman
W. McKinney
M. Torgerson
K. Gleason
S. McHarris
P. Enright
J. McGuire (MuniFinancial)