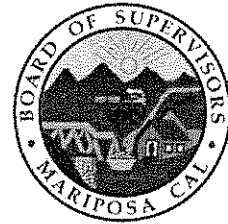




# MARIPOSA COUNTY

Treasurer-Tax Collector-County Clerk ·



## RESOLUTION - ACTION REQUESTED 2013-174

MEETING: May 7, 2013 ·

TO: The Board of Supervisors

FROM: Keith Williams, Treasurer/Tax Collector

RE: Lake Don Pedro Delinquent Bond Foreclosure

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### RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Authorizing the Treasurer - Tax Collector to proceed with Foreclosure on the Delinquent Bonds in the Mariposa Assessment District No. 05-1 (known as the Lake Don Pedro Sewer Bonds).

See Staff Report

### BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board approved the Lake Don Pedro Sewer Bonds in 2006.

### ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The County is bound by the bond covenants to pursue foreclosure on behalf of the bond holders. Failure to follow the covenants could cause the County to be responsible for the any deficiencies in the bond payments.

### ATTACHMENTS:

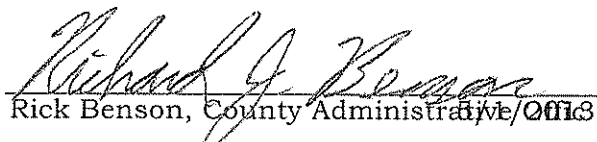
Staff Report 4-24-13 (DOC)

Article V (DOC)

DOCSOC-#1527747-v2-Resolution\_authorizing\_Foreclosure\_-\_Mariposa\_County  
(DOC)

### CAO RECOMMENDATION

Requested Action Recommended

  
Rick Benson, County Administrative Officer

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Merlin Jones, District II Supervisor  
**SECONDER:** Janet Bibby, District III Supervisor  
**AYES:** Stetson, Jones, Bibby, Cann, Carrier

**MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 13-174**

**A RESOLUTION AUTHORIZING AND HEREBY ORDERING  
JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL  
ASSESSMENTS AND ORDERING THAT THE TAX  
COLLECTOR BE CREDITED WITH THOSE DELINQUENT  
SPECIAL ASSESSMENTS**

**COUNTY OF MARIPOSA ASSESSMENT DISTRICT NO. 05-1  
(Wastewater Facilities Project for Lake Don Pedro County  
Service Area 1-M, Sewer Zone No. 1)**

**WHEREAS**, on December 6, 2005, this Board adopted its Resolution No. 05-575, entitled “A Resolution of Intention to Make Acquisitions and Improvements” (the “Resolution of Intention”) under the Municipal Improvement Act of 1913, Division 12 of the Streets and Highways Code of California, (the “Act”) to initiate proceedings under the Act in and for the County of Mariposa Assessment District No. 05-1 (Wastewater Facilities Project for Lake Don Pedro County Service Area 1-M, Sewer Zone No. 1) (the “Assessment District”) for the making of certain public improvements as described in the Resolution of Intention. By the Resolution of Intention, the Board provided that improvement bonds would be issued thereunder pursuant to the provisions of the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California (the “Bond Law”) and reference to the Resolution of Intention is hereby expressly made for further particulars.

**WHEREAS**, the County has incurred bonded indebtedness and levied special assessments (“Special Assessments”) pursuant to the provisions of the Bond Law on behalf of the Assessment District.

**WHEREAS**, pursuant to the Bond Law the County Treasurer-Tax Collector has duly and regularly levied and recorded the Special Assessments, which Special Assessments, and interest and

penalties thereon, constitute liens against the lots and parcels of land against which they are made, until the same are paid; and

**WHEREAS**, certain Special Assessments have not been paid when due, and certain Special Assessments may not be paid in the future; and

**WHEREAS**, under the provisions of the Bond Law, this Board acting in its capacity is authorized, not later than four (4) years after the due date of the last Special Assessment of principal, to order the same to be collected by an action brought in the superior court to foreclose the lien of those Special Assessment; and

**WHEREAS**, pursuant to the provisions of the Bond Law, the County is required by covenant to institute judicial foreclosure proceedings; and

**WHEREAS**, the Board acting in its capacity as the legislative body of the Assessment District has determined that the public convenience and necessity require prompt action, at the County Treasurer-Tax Collector's discretion, to initiate foreclosure proceedings; and

**WHEREAS**, under the provisions of the Bond Law, when such foreclosure action is ordered, the County Treasurer-Tax Collector shall be credited upon the current tax roll with the amount charged on account of the delinquent special taxes to be sued on, including applicable penalties, interest and costs and to be relieved of further duty in regard thereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors as follows:

**SECTION 1.** The delinquent Special Assessments on said parcels listed in Exhibit A attached hereto and incorporated herein, and all future Special Assessments which are not paid when due, shall be collected by action brought in the Superior Court of Mariposa County to foreclose the liens thereof.

**SECTION 2.** Mariposa County and the County Treasurer-Tax Collector are hereby authorized and directed to have the law firm of Stradling Yocca Carlson & Rauth, 660 Newport Center Drive, Suite 1600, Newport Beach, California 92660, institute such actions in the name of the County to foreclose the liens of all such delinquent special taxes.

**SECTION 3.** The Treasurer-Tax Collector of Mariposa County, in cooperation and in conjunction with the County, is authorized and directed to transmit a certified copy of this resolution to the Auditor's and/or Tax Collector's office of the County of Mariposa with a letter that shall state that:

- a. The Board of Supervisors has ordered that the delinquent Special Assessments be collected by action brought in the Superior Court of Mariposa County to foreclose the liens thereof;
- b. Pursuant to the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, the Mariposa County Treasurer-Tax Collector is to be credited upon the current tax roll with the amount charged on account of the delinquent Special Assessments to be sued on, including applicable penalties, interest and costs and to be relieved of further duty in regard thereto; and
- c. All inquiries regarding payment of the delinquent Special Assessments shall be forwarded to Stradling Yocca Carlson & Rauth c/o Allison E. Burns, Esq., 660 Newport Center Drive, Suite 1600, Newport Beach, California 92660.

**SECTION 4.** This resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of May, 2013 by the following vote:

AYES: STETSON, JONES, BIBBY, CANN, CARRIER

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE

**COUNTY OF MARIPOSA**



Lee Stetson, Board of Supervisors Chair

**ATTEST:**



Réne' LaRoche, Clerk of the Board

**APPROVED AS TO FORM:**



Steven W. Dahlem, County Counsel

**EXHIBIT "A"**

<b>ACCOUNT ID</b>	<b>Parcel Number</b>	<b>OWNER NAME</b>	<b>Fee Type</b>	<b>INSTALLMENT AMOUNT</b>
156684	021-150-0070	Ponticelli, Stephen	BOND	4,689.41
156684	021-150-0070	Ponticelli, Stephen	ADMIN	307.66
157228	021-240-0110	Dela Cuadra, Roberto / Sandra	BOND	5,344.44
157228	021-240-0110	Dela Cuadra, Roberto / Sandra	ADMIN	195.24
157256	021-250-0010	Solatan, Sandra	BOND	2,811.60
157256	021-250-0010	Solatan, Sandra	ADMIN	92.04
157266	021-250-0060	Grbavac, Jake	BOND	1,121.80
157266	021-250-0060	Grbavac, Jake	ADMIN	27.44
157286	021-250-0160	Kulcsar, Teresita Payumo	BOND	2,409.82
157286	021-250-0160	Kulcsar, Teresita Payumo	ADMIN	57.62
157288	021-250-0170	Viloria, Florentino / Lilia	BOND	8,456.37
157288	021-250-0170	Viloria, Florentino / Lilia	ADMIN	376.24
157302	021-250-0240	Arquero, Arnulfo / Pilar	BOND	4,617.00
157302	021-250-0240	Arquero, Arnulfo / Pilar	ADMIN	178.03
157322	021-260-0090	Noble, Remigio / Ermelinda	BOND	1,760.28
157322	021-260-0090	Noble, Remigio / Ermelinda	ADMIN	47.39
157330	021-260-0130	Muros, Roman / Carmelita	BOND	560.90
157330	021-260-0130	Muros, Roman / Carmelita	ADMIN	13.72