

Heber Meadows CFD 2005-1

Report to the Board of Directors

MEETING DATE: September 20, 2018

FROM: Laura Fischer, General Manager

SUBJECT: Adopt Resolution 2018-11 Authorizing the General Manager to Execute the Certificate of Acceptance for Real Property Know as APN Number 054-605-009 Heber Meadows Retention Basin

ISSUE:

Shall the Heber Public Utility Board of Directors adopt Resolution 2018-11 authorizing the General Manager to execute the Certificate of Acceptance for Real Property know as APN # 054-605-009?

GENERAL MANAGER RECOMMENDATION:

Adopt Resolution 2018-11.

FISCAL IMPACT:

Ongoing cost of maintenance and operation of the retention basin at Heber Meadows subdivision. Funding for the ongoing cost to operate and maintain both the retention basin and Jiggs Johnson Parks is recovered from the administrative portion of the CFD and subsidized through a portion of property tax funds allocated to HPUD.

DISCUSSION:

The retention basin was not finished before the developer went bankrupt and abandoned the project. About six years ago, the County of Imperial took legal action to ensure that the retention basin was finished and that it is in working order. The County Public Works Department worked with the default developer's insurance company and the HPUD to get the work completed to our satisfaction. You may recall, that the insurance company refused to pay our engineer fees, and after several attempts to negotiate with them, we discounted our costs and we agreed to accept 80% of the total cost.

After the construction was complete and the insurance company paid HPUD, the County legal department worked to get the property transferred title to the Heber Meadows CFD 2005-01. This was difficult as the LLC property owners were no longer together. The County filed paperwork with the courts to have the courts appoint a person to execute the property transfer on behalf of the LLC. On June 21, 2018 the Heber Meadows CFD Board authorized the General Manager to execute a Declaration in Support of the County's request to the court. That request was granted, and the property is ready to transfer.

CONCLUSION:

Adopting Resolution 2018-11 authorizing the General Manager to execute the certificate of Acceptance will complete the property transfer. It is recommended that the Heber Meadows CFD Board adopt Resolution 2018-11.

ALTERNATIVES:

- 1) Do not adopt Resolution 2018-11 authorizing the General Manager to execute the certificate of acceptance. This action will delay the property transfer from the bankrupt LLC to the Heber Meadows CFD, and will result in the basin not being maintained.
- 2) Direct staff to make changes to the Resolution or Certificate of Acceptance prior to adopting.
- 3) Provide alternate direction to staff.

Respectfully Submitted,

Laura Fischer, General Manager

Attachments: Certificate of Acceptance
Resolution 2018-11

RESOLUTION NO. 2018-11

A RESOLUTION OF THE HEBER PUBLIC UTILITY DISTRICT COMMUNITY FACILITIES DISTRICT 2005-01 (HEBER MEADOWS) AUTHORIZING THE GENERAL MANAGER TO EXECUTE THE PUBLIC AGENCY CERTIFICATE OF ACCEPTANCE

WHEREAS, on June 21, 2018, at the regularly scheduled Board Meeting the Heber Meadows Community Facilities District 2005-01 authorized the General Manager to execute a Declaration in Support of Request for Entry of Default Judgment for Appointment of Elisor to Execute Deed for property located in the Heber Meadows Subdivision described as APN number 054-605-009; and

WHEREAS, the Grant Deed must be accepted and recorded to transfer ownership of Property from the Heber Meadows I, LLC to the Heber Public Utility District Community Facilities District No. 2005-01 by executing documents necessary to recordation of the transaction; and

NOW, THEREFORE BE IT RESOLVED that the Heber Public Utility District Community Facilities District authorizes the General Manager to accept a Grant Deed hereby transferring real property generally identified as the property described in EXHIBIT "A" incorporated in and attached to this Resolution from the Heber Meadows I, LLC to the Heber Public Utility District Community Facilities District No. 2005-01 and to execute any other documents as may be needed to complete the transfer.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Heber Public Utility District Community Facilities District held on the 20th day of September 2018.

AYES: _____

NOES: _____

ABSENT: _____

Martin Nolasco, Jr., Board President

ATTEST:

I, RAQUEL R. CARRILLO, Secretary of the Board of the Heber Public Utility District Community Facilities District, County of Imperial, State of California, DO HEREBY CERTIFY that the foregoing resolution was dully passed, approved and adopted by the Board of Directors of the Heber Public Utility District Community Facilities District 2005-01 at its regularly scheduled meeting held on the 20th day of September 20, 2018.

By _____
Raquel R. Carrillo, Secretary of the Board

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property known as APN Number 054-605-009-000, Heber, California, conveyed by the deed or grant dated _____ from Heber Meadows I, LLC to Heber Public Utility District Community Facilities District No. 2005-01 (Heber Meadows), a governmental entity formed pursuant to the Mello- Roos Community Facilities Act of 1982 ("CFD 2005-01"), is hereby accepted by order of the Board of Directors of the Heber Public Utility District which serves as the Board of CFD 2005-01, by the undersigned officer or agent on behalf of CFD 2005-01, pursuant to authority conferred by the District and the grantee consents to recordation thereof by its duly authorized officer.

This offer was accepted at a regularly scheduled meeting of the Board of Directors of the Heber Public Utility District, which serves as the Board of CFD 2005-01, on _____, 2018.

Dated: _____

Laura Fischer, General Manager Heber Public Utility District