

***Foothill Ranch Hoa***  
***History of Ancestry***

*File: FHR20231108-A*

**REPORT**

**FOOTHILL RANCH  
MAINTENANCE CORPORATION**

**ACCOUNTABILITY, CLARIFICATION  
&  
DOCUMENTATION**

**TITLE  
ANNEXATION**

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### 1.0 CA99-30 FOOTHILL RANCH CERTIFICATE OF COMPLETION

Instrument # 2000238089, 05/08/00 As recorded in Official records, County of Orange.  
The Certificate of Completion provides the terms and conditions of the Annexation, responsibilities, land legal description and boundaries.

#### 1.1 **Resolution No. 2000-33**

The Resolution to determine based on Annexation “Opposition” the city finding a Insufficient number of votes of Opposition “Ordered the Territory (Foothill Ranch) be annexed to the City of Lake Forest.

### 2.0 DETERMINING INSUFFICIENT PROTEST

Whereas, the City Council, acting as the conducting authority, on May 2, 2000, at 7:00 p.m. Wherein this City Council finds and determines that insufficient protests, protest by less than 25% of the registered voters within the area to be annex, of less than 50% of the landowners owning more than 50% of the assessed value of the property within the territory subject to this annexation, were received during the protest period.

The City of Lake Forest stating Government Code Section §57078 is the instrument for the stated overruling the protest.

Government Code Section §57078 whereas the code refers to “Uninhabited Territory”

.

### 3.0 CoLF ORDINANCE No. 96, Document #: 1262

The Ordinance clearly defines Foothill Ranch Community Development to include the Foothill Ranch Planned Community & Supplemental Text, and Portola Hills community Development to include the Portola Hills Planned Community & Supplemental Text, as both community developments being two separate entities.

#### 3.1 **SECTION 6 of ORD 96**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be Invalid or Unconstitutional by the decision of any court of competent Jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance, The city council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, Irrespective of the fact that any one or more section,

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subsection, subdivision, sentence, clause, phrase, or portions thereof be declared Invalid or Unconstitutional.

#### 4.0 CERTIFICATE OF COMPLETION / RESOLUTION NO. 2000-33

Part 5, of the Certificate of Completion clearly states that the territory is “Inhabited”

WHEREAS Section 1 of Resolution No 2000-33 clearly states insufficient protest pursuant to Government Code Section §57078

#### 5.0 CONCLUSION

5.1 Whereas Government Code Section §57078 Uninhabited Territory  
This Section changes the percentage from 50% to 25%

5.2 Whereas Government Code Section §57091 (1) For Inhabited Territory  
This Section changes the percentage from 50% to 25%

As such, Section §57078, of *less than 50% of the landowners owning more than 50% of the assessed value of the property within the territory*

As stated by Section §57091, of *less than 50% of the landowners owning at least 25% of the assessed value of the property within the territory*

It is the opinion that Government Code Section §57078 does not reflect the description or the language as stated in Resolution 2000-33 whereas the correct code section applicable to the stated “Territory Inhabited” would actually be Government Code Section §57091.

The Annexation CA99-30 is now in question.

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### References:

GOVERNMENT CODE SECTION §5708 Prior to Amendment.

*In the case of any reorganization or change of organization, a majority protest shall be deemed to exist and the proposed change of organization or reorganization shall be ~~abandoned~~terminated if the commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent any of the following:*

- (a) In the case of uninhabited territory, landowners owning 50 percent or more of the assessed value of the land within the territory.*
- (b) In the case of inhabited territory, 50 percent or more of the voters residing in the territory.*
- (c) In the case of a landowner-voter district, 50 percent or more of the voting power of the voters entitled to vote as a result of owning land within the district.*

GOVERNMENT CODE SECTION §57091 Prior to Amendment.

*(a) For purposes of Section 57075, relating to annexations, detachments, and latent powers, in the case of registered voter districts or cities:*

*(1) For inhabited territory, the commission shall take one of the following actions:*

*(A) Terminate proceedings if a majority protest exists in accordance with Section 57078.*

*(B) Order the change of organization or reorganization subject to confirmation by the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:*

*(i) At least 25 percent, but less than 50 percent, of the registered voters residing in the affected territory.*

*~~(a)(ii) Except as otherwise provided in subdivision (b), if proceedings are terminated by failure of a majority of voters to confirm a resolution ordering merger or establishment of a subsidiary district, no new proposal for a merger or establishment of a subsidiary district involving the same district may be filed with the commission within two years of the date of the certification adopted by the commission, pursuant to Section 57179. At least 25 percent of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory.~~*

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(C) Order the change of organization or reorganization without an election if subparagraphs (A) and (B) of this paragraph do not apply.

(2) For uninhabited territory, the commission shall take either of the following actions:

(A) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(B) Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

(b) ~~The commission may waive the requirements of subdivision (a) if it finds these requirements are detrimental to the public interest.~~ For purposes of Section 57075, in the case of landowner-voter districts, the commission shall take one of the following actions:

(1) Terminate proceedings if a majority protest exists in accordance with Section 57078.

(2) Order the change of organization or reorganization subject to an election within the affected territory if written protests that have been filed and not withdrawn represent either of the following:

(A) Twenty-five percent or more of the number of owners of land who also own 25 percent or more of the assessed value of land within the affected territory.

(B) Twenty-five percent or more of the voting power of landowner voters entitled to vote as a result of owning property within the affected territory.

(3) Order the change of organization or reorganization without an election if written protests have been filed and not withdrawn by less than 25 percent of the number of owners of land who own less than 25 percent of the assessed value of land within the affected territory.