

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, OF THE INTENTION TO ANNEX TERRITORY ASSOCIATED WITH THE CONDITIONAL USE PERMIT NO. 2015-191 DEVELOPMENT, AS ANNEXATION NO. 15 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

WHEREAS, the City of Fresno ("City") is a charter city and municipal corporation duly created and existing under the Constitution and laws of the State of California; and

WHEREAS, under the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law"), the Council of the City of Fresno ("Council"), as the legislative body for the community facilities district and any annexation thereto, has the authority to establish a community facilities district and annex property to the community facilities district; and

WHEREAS, on December 16, 2008, the Council adopted Council Resolution No. 2008-351, establishing the City of Fresno Community Facilities District No. 9 ("CFD No. 9"); and

WHEREAS, the original boundaries of CFD No. 9 are as shown on the Boundary Map of City of Fresno Community Facilities District No. 9, recorded December 4, 2008, at Book 42, Page 100 of Assessment and Community Facilities Districts in the Office of the Recorder, County of Fresno, California, a copy of which is on file in the Office of the City Clerk of the City of Fresno ("City Clerk"); and

WHEREAS, the territory encompassing the existing CFD No. 9 is attached hereto as Exhibit A and incorporated herein by this reference; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

SGM

Resolution No.

WHEREAS, the landowner of the territory associated with the Conditional Use Permit No. 2015-191 Development has formally petitioned the City to annex that territory to CFD No. 9, and the area proposed for annexation to CFD No. 9 is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the types of Services provided in the existing CFD No. 9 (“Services”) are specified in the document attached hereto as Exhibit C, Page C-1 and incorporated herein by this reference; and

WHEREAS, the types of Services to be provided to Annexation No. 15 are specified in the document attached hereto as Exhibit C, Pages C-2 and C-3 and incorporated herein by this reference; and

WHEREAS, CFD No. 9 and Annexation No. 15 will share costs proportionately for Services provided by the City; and

WHEREAS, the territory within the boundaries of Annexation No. 15 is located entirely within the limits of the City of Fresno; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. **Recitals.** The forgoing recitals are true and correct.
2. **Proposed Annexation No. 15 Boundaries.** The proposed boundaries of Annexation No. 15 are as shown on the map (copy attached as Exhibit B) on file in the Office of the City Clerk of the City of Fresno (“City Clerk”). The boundaries, shown in Annexation Map No. 15, for the territory proposed to be annexed, are preliminarily approved. The City Clerk is directed to record Annexation Map No. 15, or cause it to be

recorded, in the Office of the Recorder, Fresno County, California within ten days after the adoption date of this resolution.

3. **Services.** The Services proposed to be financed in Annexation No. 15 are listed on Pages C-2 and C-3 of Exhibit C, which is attached to and made part of this resolution.

4. **Special Taxes.** Except to the extent that funds are otherwise available to CFD No. 9 to pay for the Services in Annexation No. 15, a special tax sufficient to pay the costs (“Special Tax”) thereof, secured by recording a continuing lien against all nonexempt real property in Annexation No. 15, will be levied annually within Annexation No. 15, and collected in the same manner as ordinary ad valorem property taxes, or in any other manner as this Council or its designee shall determine, including direct billing of the effected property owners. The proposed Rate and Method of Apportionment of the Special Tax among the real property parcels within Annexation No. 15, in sufficient detail for each landowner within Annexation No. 15 to estimate the maximum amount each owner will have to pay, are described in Exhibit D, attached and incorporated herein by reference.

5. **District Annexation Report.** The Director of Public Works Department, as the officer having charge and control of the services in and for CFD No. 9, or his designee, is directed to study the proposed Services and to make, or cause to be made, and filed with the City Clerk a report of the study for Annexation No. 15 in writing (“District Report”) presenting the following:

- a. A description of the Services required to adequately meet the needs of CFD No. 9, Annexation No. 15.

b. An estimate of the fair and reasonable cost of the Services including the cost of acquiring land, rights-of-way and easements, costs of any physical services required in conjunction therewith, and incidental expenses in connection therewith.

c. Describe any plan for Services that will be provided in common with the existing district and/or any territory that may be annexed.

d. If the Special Tax levied within the territory proposed to be annexed is higher or lower than the existing CFD No. 9, identify the extent and reasons why the costs to provide Services in that territory are higher or lower than those provided in the existing CFD No. 9. Specify any alteration in the Special Tax rate levied within the existing community facilities district because of the proposed annexation.

e. The District Report shall be made a part of the record of the public hearing specified below.

6. **Single Ballot.** The propositions to set the appropriations limit and to approve the levy of the Special Tax shall be combined into a single ballot and submitted to the voters pursuant to City Law.

7. **Annexation Hearing.** Thursday, April 13, 2017, at 10:00 a.m., is fixed as the date and time, in the City Council Chambers, 2600 Fresno Street, Fresno, California, this Council, that this legislative body for CFD No. 9, will conduct a public hearing on Annexation No. 15 and will consider and finally determine whether the public interest, convenience and necessity require the annexation and the levy of the Special Tax.

8. **Public Notice.** The City Clerk is directed to cause notice of the public hearing to be given by publication once in a newspaper of general circulation published in the area of CFD No. 9. The publication shall be complete at least seven days before the hearing date set herein. The notice shall be in the form specified by Sections 53339.4 and 53322 of Chapter 2.5 of the California Government Code.

**Attachments:**

- Exhibit A: Original Boundaries of CFD No. 9
- Exhibit B: Annexation Map No. 15
- Exhibit C: Description of Services
- Exhibit D: Rate and Method of Apportionment of Special Tax

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Seth Mehrten / Deputy City Attorney