

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, RECEIVING AND APPROVING THE MODIFIED DISTRICT REPORT AND MODIFYING COUNCIL RESOLUTION NO. 2017-200 FOR ANNEXATION NO. 17 OF COMMUNITY FACILITIES DISTRICT NO. 9

COMMUNITY FACILITIES DISTRICT NO. 9

ANNEXATION NO. 17

WHEREAS, on August 3, 2017, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2017-200 to annex the territory associated with the development of Assessor's Parcel Number 313-280-73 and 313-280-75, Conditional Use Permit No. 2014-057, as Annexation No. 17 to the City of Fresno, Community Facilities District No. 9 ("CFD No. 9") and to authorize the levy of special taxes ("Resolution of Intention"), pursuant to the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law"); and

WHEREAS, a copy of Council Resolution No. 2017-200 is on attached is attached as Exhibit A, the original is on file with the City Clerk, and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, Council Resolution No. 2017-200 states the Services to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within Annexation No. 17 of CFD No. 9 to finance the Services with respect to Annexation No. 17 of CFD No. 9; and

WHEREAS, the Modified District Report shows that the landscaped area to be maintained has decreased and results in a decreased probable special tax to be paid by the property owners; and

WHEREAS, "Services" as defined in Exhibit C of Council Resolution No. 2017-200, of have not been modified; and

WHEREAS, Government Code section 53325 permits the Council to modify Council Resolution No. 2017-200 to decrease the probable special tax by directing that a report that describing and analyzing the impact of the proposed modification upon the probable special tax to be paid by the property owners within Annexation No. 17, and

WHEREAS, on this date the Council, subject to receipt and consideration of a Modified District Report, proposed to modify Council Resolution No. 2017-200 to reflect the decreased costs for providing the Services that will result in decreased probable special taxes; and

WHEREAS, on this date the Council directed the Director of the Public Works Department, as the officer having charge and control of the Services in and for CFD No. 9, or his designee, to prepare and file with the City Clerk, and to present to the Council for consideration and approval, a modified written report (Modified District Report for Annexation No. 17) that will be made a part of the record of the public hearing on Annexation No. 17, and that:

a. Includes the following elements that were directed in Council Resolution No. 2017-200 to be in the report: (i) a description of the Services by type required to adequately meet the needs of CFD No. 9, Annexation No. 17; (ii) 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; and (iii) 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, and specify any alteration in the Special Tax rate levied within the existing community facilities district because of the proposed annexation; and

b. Includes a brief analysis of the impact of the proposed modifications on the probable special tax to be paid by the owners of territory within Annexation No. 17.

WHEREAS, the Director of the Public Works Department has prepared the Modified District Report, a Copy of which is attached as Exhibit B and a copy of which is on file with the City Clerk; and

WHEREAS, Council has considered the Modified District Report and the proposed modification to Council Resolution No. 2017-200 that will result in decreased probable special taxes to be paid by the property owner of the territory within Annexation No. 17.

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

1. **Recitals.** The foregoing recitals are true and correct.
2. **Modified District Report Approved.** Council has received and considered the Modified District Report for Annexation No. 17 and approves the report.
3. **Council Resolution No. 2017-200 Approved.** Council now modifies and amends Council Resolution No. 2017-200 to reflect the changes set forth in the attached Modified District Report that include the modified estimated costs, appropriations limit, and rate and method.

4. **Direction to the City Clerk.** For a record of the modification, the City Clerk is directed to affix a copy of this resolution to the original Council Resolution No. 2017-200 on file with the City Clerk.

5. **Effective Date.** This Resolution shall take effect upon its adoption.

Attachments:

Exhibit A – Council Resolution No. 2017-200

Exhibit B – Modified District Report for Annexation No. 17

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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:

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Seth Mehrten / Deputy City Attorney