

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, OF INTENTION TO ANNEX FINAL TRACT MAP NO. 6299 AS ANNEXATION NO. LS003 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 17 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

**Community Facilities District No. 17
Sewer Lift Station Maintenance District**

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), this 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 May 21, 2020, the Council of the City of Fresno (Council) adopted Council Resolution No. 2020-113 establishing the City of Fresno Community Facilities District No. 17 (CFD No. 17); and

WHEREAS, the original boundaries of CFD No. 17 are shown on the Boundary Map of City of Fresno Community Facilities District No. 17, recorded April 27, 2020, at Book 46, pages 2 and 3 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

1 of 6

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: HJ

Resolution No.

WHEREAS, the territory encompassing the existing CFD No. 17 is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Landowner of Final Tract Map No. 6299 has formally petitioned the City to annex Final Tract Map No. 6299 to CFD No. 17, and the area proposed for annexation to CFD No. 17 is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the types of public services provided in the existing CFD No. 17 (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. LS003 by CFD No. 17, are specified in the document attached hereto as Exhibit C, Page C-2, and incorporated herein by this reference; and

WHEREAS, Annexation No. LS003, Final Tract Map No. 6299 is located entirely within the limits of the City of Fresno; and

WHEREAS, CFD No. 17 and Annexation No. LS003 will share costs proportionately for Services provided by the City; 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. LS003 Boundaries.** The proposed boundaries of Annexation No. LS003 are as shown on the map (copy attached as Exhibit B) on file with the City Clerk. The boundaries, shown in Annexation Map No. LS003, for the territory proposed to be annexed, are preliminarily approved. The City Clerk is directed to record

Annexation Map No. LS003, 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 operation and reserves for maintenance (Services) proposed to be financed in Annexation No. LS003 are listed on page C-2 in Exhibit C, attached hereto and incorporated herein by reference.

4. **Special Taxes.** Except to the extent that funds are otherwise available to CFD No. 17 to pay for the Services in Annexation No. LS003, 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. LS003 will be levied annually within Annexation No. LS003, 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 affected property owners. The proposed rate and method of apportionment of the Special Tax among the real property parcels within Annexation No. LS003 are described in sufficient detail for each landowner within Annexation No. LS003 to estimate the maximum amount each owner will have to pay, in Exhibit D, attached hereto and incorporated herein by this 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. 17, or 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 CFD NO. 17, Annexation No. LS003 (District Report), in writing presenting the following:

- a. A description of the Services by type required to adequately meet the needs of CFD No. 17, Annexation No. LS003

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. LS003, 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. 17. Specify any alteration in the special tax rate levied within the existing CFD No. 17 because of the proposed annexation.

e. The CFD No. 17, Annexation No. LS003 District Report shall be made a part of the record of the public hearing specified below.

6. **Single Ballot.** The proposition 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. **Public Hearing.** Thursday, March 30, 2023 at 10:05 a.m., is fixed as the date and time, in the City Council Chambers, 2600 Fresno Street, Fresno, California, that this Council, the legislative body for CFD No. 17, will conduct a public hearing on the annexation of Final Tract Map No. 6299 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. 17. 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.

9. **Effective Date.** This resolution shall be effective upon final approval.

Attachments:

- Exhibit A: Original Boundaries of CFD No. 17
- Exhibit B: Annexation Map No. LS003
- 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, TODD STERMER, 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 _____ 2023.

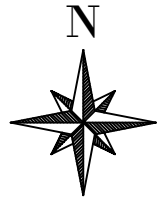
AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

BY: Heather Thomas 1/12/2023
Heather Thomas Date
Deputy City Attorney



NOT TO SCALE
 December 29, 2022

COMMUNITY FACILITIES DISTRICT NO. 17

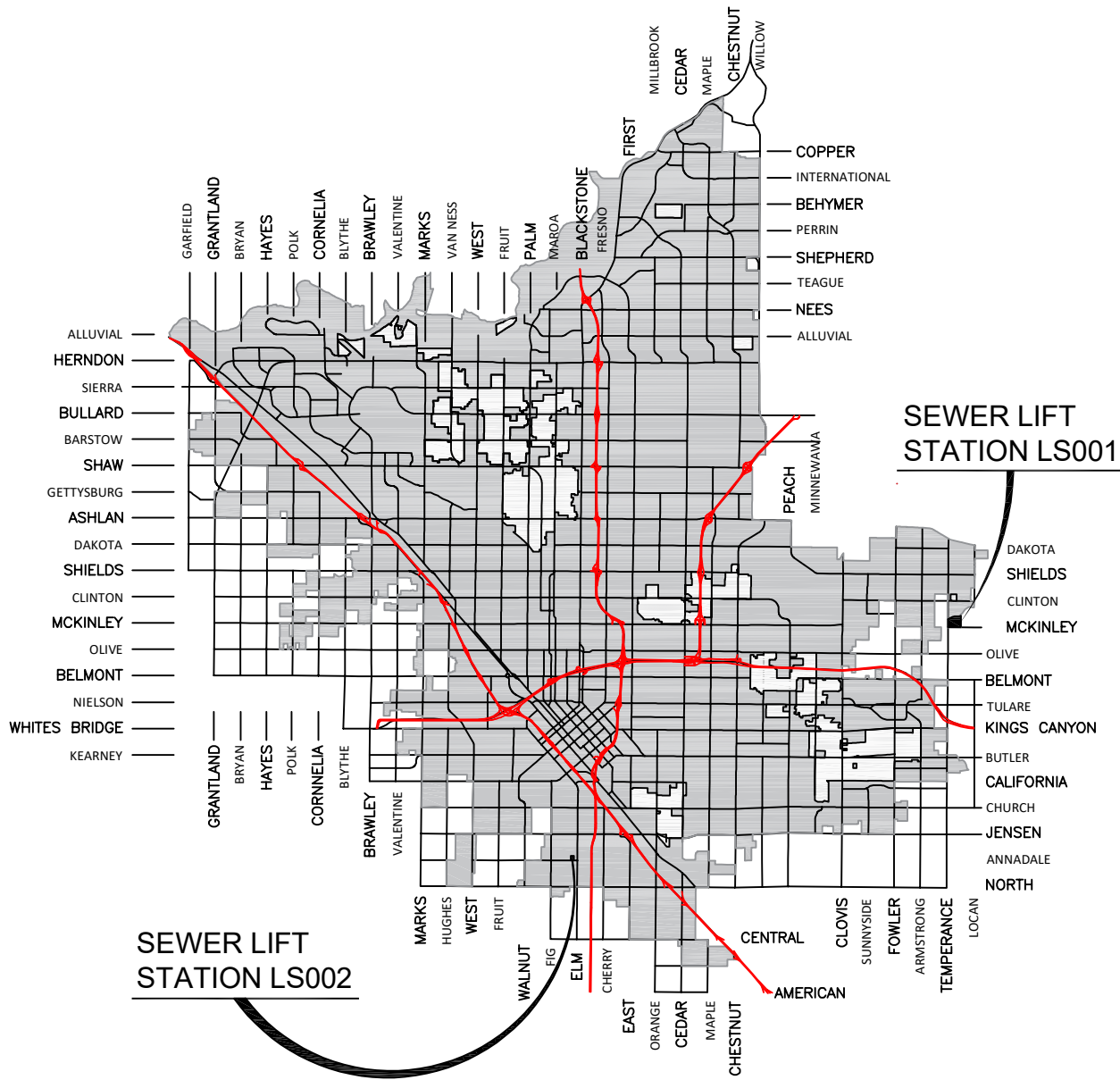
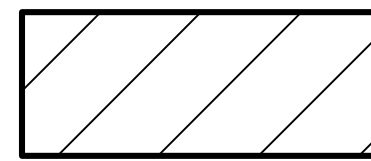


EXHIBIT A

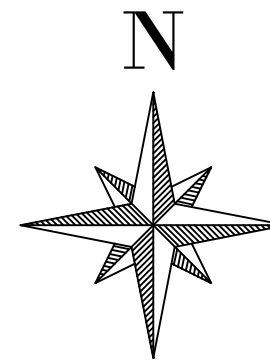
EXHIBIT B



TERRITORY TO BE ANNEXED
TO THE CITY CFD NO. 17



BOUNDARY LINE OF NEW
TERRITORY



NOT TO SCALE

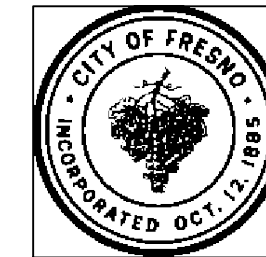


DOC. _____

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF FRESNO THIS ____ DAY
OF _____, 2023.

ATTEST:

TODD STERMER, CMC
CITY CLERK OF THE CITY OF FRESNO



BY: _____
DEPUTY

I HEREBY CERTIFY THAT THE ANNEXATION MAP NO. LS003 OF THE
COMMUNITY FACILITIES DISTRICT NO. 17, CITY OF FRESNO, COUNTY OF
FRESNO, STATE OF CALIFORNIA WAS ADOPTED BY THE COUNCIL OF THE CITY
OF FRESNO BY RESOLUTION NO. 2023- ____ ON _____, 2023.

ATTEST:

TODD STERMER, CMC
CITY CLERK OF THE CITY OF FRESNO



BY: _____
DEPUTY

THIS ANNEXATION MAP NO. LS003 OF THE CITY OF FRESNO COMMUNITY
FACILITIES DISTRICT NO. 17, WAS FILED THIS ____ DAY OF _____, 2023
AT THE HOUR OF ____ O'CLOCK __ M AT BOOK 46, PAGE ____ OF MAPS OF
ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE
COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

PAUL DICTOS, C.P.A.
COUNTY RECORDER OF THE COUNTY OF FRESNO

BY: _____

EXEMPT FROM SB2 FEES PER GOVERNMENT CODE SECTION 27388.1(a)(2)(D)

REFERENCE: BOUNDARY MAP OF CITY OF FRESNO COMMUNITY FACILITIES
DISTRICT NO. 17, RECORDED APRIL 27, 2020 AT BOOK 46, PAGES 2 & 3 OF
ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE
RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

NOTE: FOR PARCEL DIMENSIONS, SEE ASSESSOR'S MAP BOOK PAGES

FUND/ORG NO 30517-189901
PROJECT NO PM00355
PW FILE NO 12739
SOURCE NO 76299

CITY OF FRESNO - Public Works Department

ANNEXATION MAP NO. LS003 OF
COMMUNITY FACILITIES DISTRICT NO. 17
OF THE CITY OF FRESNO, FRESNO COUNTY,
CALIFORNIA

REVIEWED:
OFFICE ENG. _____ CITY ENG. _____
DR. BY: A. Gonzalez SHEET NO. 1
CH. BY: _____ OF 1 SHEETS
DATE: 12/30/22
SCALE: _____ **1-P-1478**

EXHIBIT C

CITY OF FRESNO

Community Facilities District No. 17 Sewer Lift Station Maintenance District Formation

Description of Services to be financed by Community Facilities District No. 17

The services (Services) that are to be financed by Community Facilities District No. 17 (CFD No. 17) are described below and are permitted by City of Fresno Special Tax Financing Law (Chapter 8, Division 1, Article 3 of the Fresno Municipal Code) and the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 commencing with Section 53311, of Part 1, Division 2, Title 5 of the California Government Code.)

- I. Services may include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing all operational equipment and infrastructure (including reserves for replacement) pertaining to a sewer lift station servicing properties within CFD No. 17.
- II. General maintenance will include, without limitation, repairing and replacing pumps, motors, belts, hardware, etc.

Maintenance costs will also include a proportionate share of all other expenses that the City of Fresno (City) may incur in administering CFD No. 17.

All Services shall be provided by the City, with its own forces or by contract with third parties, or any combination thereof, to be determined entirely by the City.

Nothing in this Exhibit B or any other exhibit or provision of this resolution shall be construed as committing the City or CFD No. 17 to provide all of the authorized Services or to provide for the payment of or reimbursement for all of the authorized incidental expenses. The provision of Services and/or payment or reimbursement of incidental expenses shall be subject to the continued existence of CFD No. 17 and the availability of sufficient proceeds of special taxes within CFD No. 17.

EXHIBIT C

CITY OF FRESNO

Community Facilities District No. 17 Sewer Lift-Station No. LS003

Description of Services to be Financed by Community Facilities District No. 17 for Final Tract Map No. 6299

The operations and reserves for the maintenance of certain required improvements (Services) that are to be financed by Community Facilities District No. 17 (CFD No. 17) for Final Tract Map No. 6299 are generally as described below.

The Services to be financed for Final Tract Map No. 6299 by CFD No. 17 shall include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing all operational equipment and infrastructure (including reserves for replacement) pertaining to the sewer lift station servicing Final Tract Map No. 6299 and its corresponding pressure main.

General maintenance will include, without limitation, repairing and replacing pumps, motors, belts, hardware, etc.

The sewer lift station and its maintenance and operation costs have the potential to be shared by other tracts that use this facility and would thereby annex into CFD No. 17.

Maintenance costs will include a proportionate share of all other expenses that the City of Fresno (City) may incur in administering CFD No. 17.

All Services shall be provided by the City, with its own forces or by contract with third parties, or any combination thereof, to be determined entirely by the City.

Nothing in this exhibit or any other exhibit or provision of the Resolution shall be construed as committing the City or CFD No. 17 to provide all of the authorized Services or to provide for the payment of or reimbursement of incidental expenses. The provision of Services and/or payment or reimbursement of incidental expenses shall be subject to the successful formation of CFD No. 17 and the availability of sufficient proceeds of Special Taxes within the District.

EXHIBIT D

CITY OF FRESNO

**Community Facilities District No. 17
Annexation No. LS003**

Rate and Method of Apportionment of Special Tax

ANNUAL MAINTENANCE COST ESTIMATE FOR SEWER LIFT-STATION

The estimate breaks down the costs of providing one-year's Service for FY 2022-2023.

ITEM	DESCRIPTION	ESTIMATED ANNUAL COST
1	Lift Station Operational Costs	\$8,200.00
2	Lift Station Operational Energy Costs	\$2,000.00
3	Reserve for Replacement	\$5,624.00
4	Incidental Expenses	\$2,445.00
Total:		<u>\$18,269.00</u>

Subdivision Appropriation Limit

FINAL TRACT MAP NO.	MAX. SPECIAL TAX PER RESIDENTIAL UNIT	TOTAL TAXABLE UNITS	APPROPRIATION LIMIT	SUBDIVIDER
6299	\$83.80	218	\$500,000.00	KB Homes

EXHIBIT D

CITY OF FRESNO

Community Facilities District No. 17 Annexation No. LS003

Rate and Method of Apportionment of Special Tax

A Special Tax applicable to each assessor's parcel in Community Facilities District No. 17 (CFD No. 17) shall be levied and collected according to the tax liability determined by the City Council of the City of Fresno, through the application of the appropriate amount or rate for taxable property, as described below. All of the property in CFD No. 17, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD NO. 17 unless, a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an assessor's parcel map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Fresno designating parcels by assessor's parcel number.

"City" means the City of Fresno.

"City Law" means the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code.

"Commercial/Industrial Subdivision" means subdivisions zoned for commercial or industrial uses.

"Council" means the City Council of the City of Fresno, acting as the legislative body of CFD No. 17.

"Developable Lot" means a lot that is anticipated development of residential or nonresidential uses, and which is not an outlot, remainder parcel or other parcel which is not intended to be developed or which must be further subdivided before being developed.

"Development" means any assessor's parcel within the City of Fresno which is being developed for Industrial, Commercial, or Multi-Family purposes and requires a Building Permit.

EXHIBIT D

"Excluded Parcels" means those assessor's parcels identified as ineligible for inclusion in CFD No. 17 as shown in "Attachment 1" of this Rate and Method of Apportionment of Special Tax.

"Final Map" means a final map, or portion thereof, approved by the Council of the City of Fresno pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual developable lots for which building permits may be issued. The term "Final Map" shall not include any assessor's parcel map or subdivision map or portion thereof that does not create individual developable lots for which a building permit may be issued, including assessor's parcels that are designated as remainder parcels.

"Fiscal Year" means the period starting April 1 and ending on the following March 31.

"Incidental Expenses" means the expenses incurred in the proposed legal proceedings for formation of, or annexation into CFD No. 17 and implementation of the authorized Services from time to time, and will be payable directly from the proceeds of the special tax, includable in each annual special tax levy.

"Maximum Special Tax" means the maximum special tax, determined in accordance with Section C, which can be levied in any Fiscal Year.

"Public Property" means any property within the boundaries of CFD No. 17 that is owned by the federal government, the State of California, or other local governments or public agencies.

"Reserve for Replacement" means a reasonable reserve pursuant to Fresno Municipal Code 8-1-303(e) (4), as a service cost or expense and not as payment for public facilities under Government Code Section 53321(d).

"Residential Unit" means a residential dwelling unit and shall include single-family unattached homes, condominiums, town homes, duplex, triplex and fourplex units, and individual apartment units in a multi-family building. For purposes of the levy of special taxes pursuant to Section C below, "Residential Units" shall include dwelling units already built on taxable property in CFD No. 17, as well as dwelling units planned, but not yet built, when the special tax is levied each fiscal year.

"Special Tax" means any special tax to be levied each fiscal year on assessor's parcels of taxable property to fund the Special Tax Requirement as defined below.

"Special Tax Requirement" means the amount necessary in any fiscal year to (i) pay authorized maintenance and improvement expenses, (ii) pay authorized reserve amounts (iii) pay administrative expenses of CFD No. 17, and (iv) cure any delinquencies in the payment of special taxes levied in prior fiscal years or (based on delinquencies in the payment of special taxes which have already taken place) are expected to occur in the fiscal year in which the tax will be collected.

EXHIBIT D

"Subdivision" means generally improved or unimproved land that is divided for the purpose of sale, lease, or financing in a final map, or portion thereof, approved by the Council pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates individual Developable Lots for which building permits may be issued. This includes Final Tract Maps, Final Parcel Maps, and also includes any development or project created by a document that permits construction of Commercial, Industrial, or Multi-Family improvements by but not limited to Final Tract Maps, Final Parcel Maps, Conditional Use Permits and Site Plans. "Subdivision" includes a condominium project, as defined in Section 4125 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code.

"Taxable Property" means all of the assessor's parcels within the boundaries of CFD No. 17 which are not exempt from the special tax pursuant to law or Section F below.

"Tract" means an area of land within a subdivision identified by a particular tract number on a Final Map approved for the subdivision.

B. CALCULATIONS

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS OR SUBDIVISIONS

On or about April 1 of each fiscal year, the City of Fresno (City) or its designee shall determine how many square feet of taxable area are in each assessor's parcel within each commercial or industrial development or subdivision of CFD No. 17.

For commercial or industrial developments or subdivisions, the area to be taxed is the total area within each assessor's parcel of the subdivision or development not designated as public right-of-way and is not to exceed the Maximum Special Tax identified for the development or subdivision in Section C, Table 1 below.

RESIDENTIAL DEVELOPMENTS OR SUBDIVISIONS

On or about April 1 of each fiscal year, the City or its designee shall determine how many residential units are built or allowed to be built, on assessor's parcels within CFD No. 17.

For parcels of undeveloped property zoned for development of single-family units attached or multi-family units, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan, or by assigning the maximum allowable units permitted based on the underlying zoning for the parcel. Once a single-family building or multi-family building or buildings have been built on an assessor's parcel, and the special tax levied against the parcel in the next fiscal year shall be calculated by dividing the Special Tax Requirement by the actual number of residential units, not to exceed the Maximum Special Tax per residential unit identified for the final map in Section C, Table 1 below.

EXHIBIT D

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax (MST) applicable to each assessor's parcel in CFD No. 17 shall be specific to each development, subdivision, or portion thereof within CFD No. 17. When additional property is annexed to CFD No. 17, the rate and method adopted for the annexed property shall reflect the MST for the development, subdivision, or portion thereof then annexed.

The MST applicable to each development, subdivision, subdivisions, or portion thereof in CFD No. 17 shall be the rate that is created at the time of CFD No. 17 annexation expressly for the individual development, subdivision, subdivisions, or portion thereof being annexed to CFD No. 17 at that time. Beginning in January of each year, the MST may be adjusted upward annually at the discretion of the City with a limit of 3% plus the rise, if any, in the Construction Cost Index (CCI) for the San Francisco Region for the prior 12-month period (December through December) as published in the Engineering News Record, or published in a comparable index if the Engineering News Record is discontinued or otherwise not available. Each annual adjustment of the MST shall become effective on the subsequent July 1.

Subject to the maximum limit set by the MST, the Special Tax for the commercial, industrial or multi-family developments or subdivision assessor's parcels is calculated by spreading the Special Tax Requirement to the total taxable square footage of the development or subdivision and then apportioned proportionately by area to the individual assessor's parcels within the development or subdivision or by the number of residential units, as applicable.

Subject to the maximum limit set by the MST, the Special Tax for Residential Subdivision parcels is calculated by spreading the Special Tax Requirement to the total number of Residential Units, establishing a unit rate that is apportioned back to the individual parcels.

The Maximum Special Tax for Fiscal Year 2022-2023 for each residential unit in the Sewer Lift-Station No. LS003 boundaries for Final Tract Map No. 6299 is identified in Table 1 below:

EXHIBIT D

Table 1	
Maximum Special Tax (Fiscal Year 2022-2023)*	
<i>Final Tract Map Number**</i>	<i>Maximum Special Tax</i>
6299	\$83.80 per Residential Unit
<p>* Beginning in January of each year, the MST may be adjusted upward annually at the discretion of the City with a limit of 3% plus the rise, if any, in the Construction Cost Index (CCI) for the San Francisco Region for the prior 12-month period (December through December) as published in the <u>Engineering News Record</u>, or published in a comparable index if the <u>Engineering News Record</u> is discontinued or otherwise not available. Each annual adjustment of the MST shall become effective on the subsequent July 1.</p> <p>** A Special Tax shall be levied on all parcels within an identified final map except excluded parcels as identified in Attachment 1.</p>	

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Commencing with Fiscal year 2022-2023, the Special Tax shall be levied on all taxable parcels as follows:

Step 1: Determine the Special Tax Requirement (as defined in Section A above) for the fiscal year in which the Special Tax will be collected;

Step 2: Calculate the total special tax revenues that could be collected from taxable property within CFD NO. 17 based on applying the Maximum Special Tax rates determined pursuant to Section C above to the number of residential units on each parcel of taxable property in CFD No. 17;

If the amount determined in Step 1 is greater than or equal to the amount calculated in Step 2, levy the Maximum Special Tax set forth in Table 3 or 4 above on all parcels of taxable property in CFD No. 17;

If the amount determined in Step 1 is less than the amount calculated in Step 2, levy the Special Tax proportionately against all parcels of taxable property up to 100% of the Maximum Special Tax Requirement for that Fiscal Year.

The Special Tax for CFD No. 17 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 17 may (under the authority of Government code 53340), in any particular case, bill the taxes

EXHIBIT D

directly to the property owner off of the County of Fresno tax roll, and the Special Taxes will be equally subject to penalties and foreclosure if delinquent.

E. EXEMPTIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on parcels that have been conveyed to a public agency, except as otherwise provided in City Law, and properties receiving a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code. In addition, no Special Tax shall be levied on excluded parcels or parcels that are determined not to be developable lots.

EXHIBIT D

ATTACHMENT 1

City of Fresno

Community Facilities District No. 17
Annexation No. LS003

Excluded Parcels

**THERE ARE NO EXCLUDED PARCELS IN
FINAL TRACT MAP NO. 6299**