

RESOLUTION NO. _____


A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, RECEIVING AND APPROVING
THE MODIFIED DISTRICT REPORT AND MODIFYING
RESOLUTION NO. 2017-320 FOR ANNEXATION NO. 85

WHEREAS, on December 7, 2017, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2017-320 to Annex Final Tract Map No. 5538 to the City of Fresno, Community Facilities District No. 11 ("CFD No. 11") and to Authorize the Levy of Special Taxes, 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. 2017-320 is attached as Exhibit A, the original is on file with the City Clerk, and the provisions of it are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, Council Resolution No. 2017-320, incorporating a map of the area proposed for annexation to CFD No. 11, and stating the Services (as hereafter defined) 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. 85 of CFD No. 11 to pay for the Services with respect to Annexation No. 85 of CFD No. 11, is on file with the City Clerk of the City of Fresno ("City Clerk"), and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, the Modified District Report shows that the unit quantities for certain facilities has decreased the costs for Services for Annexation No. 85 provided by CFD No. 11 and basing the estimated maximum special tax on the decreased costs for

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: 

Resolution No.

Services will result 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. 2017-320, have not been modified; and

WHEREAS, Section 53325 of the California Government Code provides procedures for the Council to modify Council Resolution No 2017-320 to decrease the probable special tax by directing that a Modified District Report describing and analyzing the impact of the proposed modification on the probable special tax to be paid by the owners of lots or parcels within the area proposed annexation area be prepared; and

WHEREAS, on this date the Council, subject to receipt and consideration of a Modified District Report, proposed to modify Council Resolution No. 2017-320 to reflect the decreased costs for providing the Services that will result in decreased probable taxes; and

WHEREAS, on this date, the Council directed the Director of the Public Works Department (“Director”), as the officer having charge and control of the services in and for CFD No. 11, or his designee, to prepare and file with the City Clerk, and present to the Council for consideration and approval, a modified written report (Modified District Report for Annexation No. 85) that will be made part of the record of the public hearing on Annexation No. 85, and that:

a. includes the following elements that were directed in Council Resolution No. 2017-320 to be in the report,

(i) a description of the services by type required to adequately meet the needs of CFD No. 11, Annexation No. 85; and

(ii) an estimate of the fair and reasonable cost of the Services including the cost of acquiring land, rights-of-way and easements, cost 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. 11, 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. 11. 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 lots or parcels in the territory to be annexed to CFD No. 11.

WHEREAS, the Director 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. 2017-320 that will result in increased probable special taxes to be paid by the owner of any lot or parcel within the annexation territory.

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. 85 and approves the Modified District Report.

3. **Council Resolution No. 2017-320 Modified.** The Council now modifies and amends Council Resolution No. 2017-320 to reflect the changes set forth in the attached Modified District Report that include the modified estimated costs, appropriations limit, and the rate and method of apportionment of the special tax.

4. **Direction to 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. 2017-320 on file with the City Clerk.

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

Attachments:

Exhibit A – Council Resolution No. 2017-320

Exhibit B – Modified District Report for Annexation No. 85

* * * * *

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 _____, 2018.

AYES:
NOES:
ABSENT:
ABSTAIN:

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
John Hastrup / Deputy City Attorney

EXHIBIT A



RESOLUTION NO. 2017-320

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, OF INTENTION TO ANNEX FINAL TRACT MAP NO. 5538 AS ANNEXATION NO. 85 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 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"), 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 November 15, 2005, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2005-490 establishing the City of Fresno Community Facilities District No. 11 ("CFD No. 11"); and

WHEREAS, the original boundaries of CFD No. 11 are shown on the Boundary Map of City of Fresno Community Facilities District No. 11, recorded November 8, 2005, at Book 41, Page 61 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. 11 is attached hereto as Exhibit A and incorporated herein by this reference; and

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Date Adopted: 12/07/2017
Date Approved: 12/07/2017
Effective Date: 12/07/2017

Resolution No. 2017-320



WHEREAS, the landowner of Final Tract Map No. 5538 has formally petitioned the City to annex Final Tract Map No. 5538 to CFD No. 11, and the area proposed for annexation to CFD No. 11 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. 11 ("Services") are specified in the document attached hereto as Exhibit C, Page C-2, and incorporated herein by this reference; and

WHEREAS, the types of Services to be provided to Annexation No. 85 by CFD No. 11, are specified in the document attached hereto as Exhibit C, Page C-1, and incorporated herein by this reference; and

WHEREAS, Annexation No. 85, Final Tract Map No. 5538 is located entirely within the limits of the City of Fresno; and

WHEREAS, CFD No. 11 and Annexation No. 85 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. 85 Boundaries.** The proposed boundaries of Annexation No. 85 are as shown on the map (copy attached as Exhibit B) on file with the City Clerk. The boundaries, shown in Annexation Map No. 85, for the territory proposed to be annexed, are preliminarily approved. The City Clerk is directed to record Annexation Map No. 85, 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. 85 are listed on Page C-1 of Exhibit C, attached hereto and incorporated herein by this reference.

4. **Special Taxes.** Except to the extent that funds are otherwise available to CFD No. 11 to pay for the Services in Annexation No. 85, 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. 85 will be levied annually within Annexation No. 85, 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. 85 are described in sufficient detail for each landowner within Annexation No. 85 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. 11, 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 CFD NO. 11, Annexation No. 85 ("District Report"), in writing presenting the following:

- a. A description of the Services by type required to adequately meet the needs of CFD No. 11, Annexation No. 85.
- 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. 11, 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. 11. Specify any alteration in the special tax rate levied within the existing CFD No. 11 because of the proposed annexation.

e. The CFD No. 11, Annexation No. 85 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. **Public Hearing.** Thursday, January 11, 2018, 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. 11, will conduct a public hearing on the annexation of Final Tract Map No. 5538 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. 11. 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. 11**
- Exhibit B: Annexation Map No. 85**
- 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 7th day of December, 2017.

AYES: Baines, Brandau, Bredefeld, Caprioglio, Chavez, Soria, Olivier
NOES: None
ABSENT: None
ABSTAIN: None

YVONNE SPENCE, MMC
City Clerk

BY: *Yvonne Spence*
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: *Raj Singh* 12-14-17
Raj Singh Badhesha / Deputy City Attorney

CITY OF FRESNO MAINTENANCE CFD11 ANNEXATION

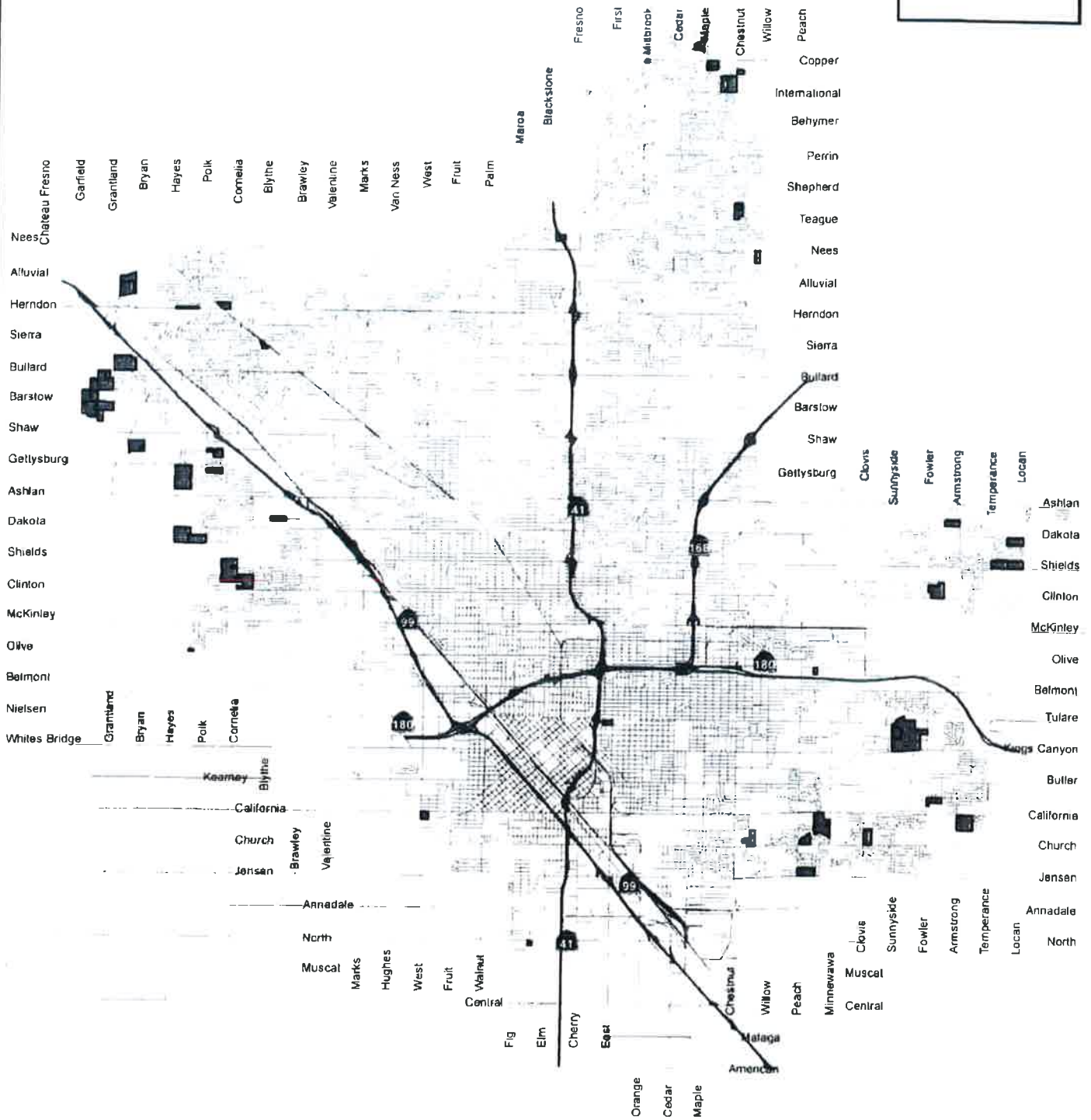


Exhibit A

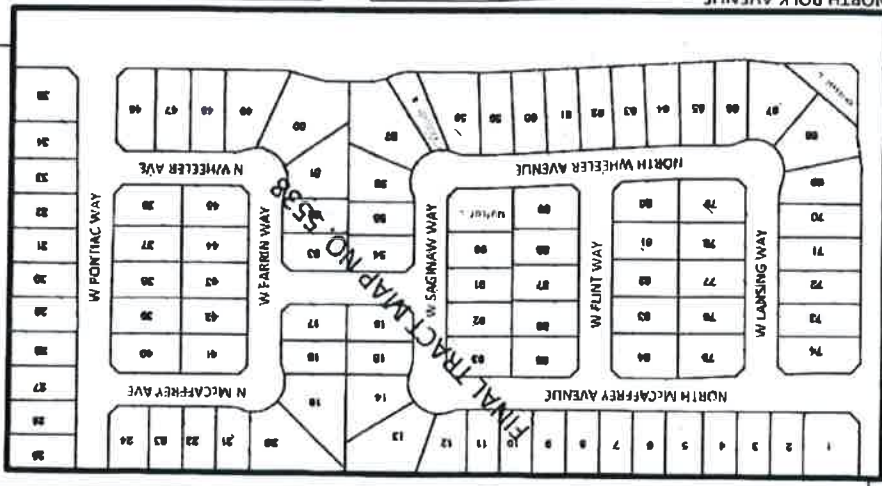
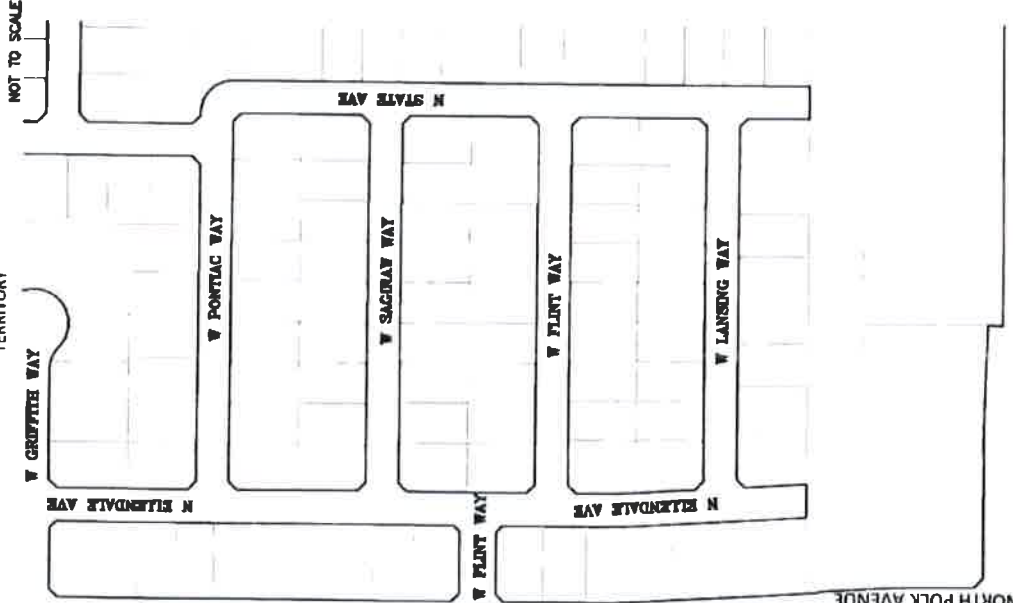
Date: 3/13/2015

EXHIBIT B



TERRITORY TO BE ANNEXED TO THE CITY CFD NO. 11

BOUNDARY LINE OF NEW TERRITORY



DOC. _____ FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF FRESNO THIS ____ DAY OF _____, 2017.

ATTEST:



YVONNE SPENCE, CMC
CITY CLERK OF THE CITY OF FRESNO

BY: _____ DEPUTY

I HEREBY CERTIFY THAT THE ANNEXATION MAP NO. 85 OF THE COMMUNITY FACILITIES DISTRICT NO. 11, CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA WAS ADOPTED BY THE COUNCIL OF THE CITY OF FRESNO BY RESOLUTION NO. 2017-__ ON _____, 2017.

ATTEST:



YVONNE SPENCE, CMC
CITY CLERK OF THE CITY OF FRESNO

BY: _____ DEPUTY

THIS ANNEXATION MAP NO. 85 OF THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, WAS FILED THIS ____ DAY OF _____ AT THE HOUR OF ____ O'CLOCK __ M AT BOOK __, 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: _____

REFERENCE: BOUNDARY MAP OF CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, RECORDED NOVEMBER 8, 2005 AT BOOK 41, PAGE 61, 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

CITY OF FRESNO - Public Works Department	
ANNEXATION MAP NO. 85	OF COMMUNITY FACILITIES DISTRICT NO. 11 OF THE CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA



WEST DAKOTA AVENUE

NORTH POLK AVENUE

EXHIBIT C

CITY OF FRESNO

**Community Facilities District No. 11
Annexation No. 85**



**Description of Services to be Financed by Community Facilities District No. 11
for Annexation No. 85 (Final Tract Map No. 5538)**

The operations and reserves for the maintenance of certain required improvements ("Services") that are to be financed by Community Facilities District No. 11 ("CFD No. 11") for Final Tract Map No. 5538, Annexation No. 85 are generally as described below.

The Services will include all costs (including reserves for replacement) attributable to maintaining, servicing, cleaning, repairing and/or replacing landscaped areas and trees in public street rights-of-way, public landscape easements, and other similar landscaped areas officially dedicated for public use.

General maintenance will include, without limitation, mowing, edging, fertilizing, aerating and watering grass areas, repairing and replacing irrigation systems as necessary; staking, pruning, replacing and spraying of trees and shrubs; removing litter, debris, and garbage.

Services shall include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing all ground level infrastructure (including reserves for replacement) within public easements and open spaces. Such facilities include, without limitation, concrete curbs and gutters, major street median hardscaping, entrance median curbs and hardscaping, valley gutters, curb ramps and sidewalks, street name signage and street lighting, and local street paving associated with this subdivision. Such facilities also include, without limitation, the concrete hardscaping for the mid-block bus bay fronting North Polk Avenue.

Services shall include all costs attributable to street lighting services.

Maintenance costs will include a proportionate share of all other expenses that the City of Fresno ("City") may incur in administering CFD No. 11.

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 this Resolution shall be construed as committing the City or CFD No. 11 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 successful annexation of Annexation No. 85 to CFD No. 11 and the availability of sufficient proceeds of Special Taxes within CFD No. 11.

CITY OF FRESNO

EXHIBIT C



Community Facilities District No. 11 Formation

Description of Services currently financed by Community Facilities District No. 11

The services that are to be financed ("Services") by Community Facilities District No. 11 ("CFD No. 11") are any and all Services defined 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 facilities, including hardscaping, in landscaped areas (may include reserves for replacement) in public street rights-of-way, public landscape easements, public trail areas, parkways, and other similar landscaped areas officially dedicated for public use.
- II. General maintenance will include, without limitation, mowing, edging, fertilizing, seeding, aerating, and watering grass areas; repairing and replacing irrigation systems as necessary; staking, pruning, replacing and spraying of trees and shrubs; repairing and replacing paths, walkways and trails; removing litter, debris, and garbage.
- II. Services may include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing all local ground level street infrastructure (may include reserves for replacement) within local street rights-of-way. Such facilities may include, without limitation, street paving, curbs and gutters, sidewalks, street lighting, hydrants, inlets, street trees and street furniture.
- III. Services may include costs attributable to police, fire, traffic control, street lighting and recreational services.

Maintenance costs will also include a proportionate share of all other expenses that the City of Fresno ("City") may incur in administering the CFD No. 11.

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 this resolution shall be construed as committing the City or CFD No. 11 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. 11 and the availability of sufficient proceeds of special taxes within the CFD No. 11.

EXHIBIT D



CITY OF FRESNO

Community Facilities District No. 11 Annexation No. 85

Rate and Method of Apportionment of Special Tax

Cost Estimate

The estimate breaks down the costs of providing 1 year's service for FY 2017-2018 for Final Tract Map No. 5538.

ITEM	DESCRIPTION	ESTIMATED COST
1	Landscape Operational Costs	\$31,907.00
2	Other Operational Costs	\$782.00
3	Reserve for Replacement	\$27,835.00
4	Incidental Expenses	\$1,395.00
	Total	\$61,919.00

Subdivision Appropriation Limit

FINAL TRACT MAP NO.	MAX. SPECIAL TAX PER RESIDENTIAL UNIT	TOTAL TAXABLE UNITS	APPROPRIATION LIMIT	SUBDIVIDER
5538	\$665.80	93	\$500,000.00	D.R.Horton

City of Fresno

EXHIBIT D



Community Facilities District No. 11 Annexation No. 85

Rate and Method of Apportionment of Special Tax

A Special Tax applicable to each assessor's parcel in Community Facilities District No. 11 ("CFD No. 11") 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. 11, 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. 11 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.

"Council" means the City Council of the City of Fresno, acting as the legislative body of CFD No. 11.

"Developable Lot" means a lot that is anticipated development of residential or non-residential 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.

"Excluded Parcels" means those assessor's parcels identified as ineligible for inclusion in CFD No. 11 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

EXHIBIT D



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.

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

"Proportionately" means, in any fiscal year, that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all assessor's parcels in CFD No. 11.

"Public Property" means any property within the boundaries of CFD No. 11 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. 11, as well as dwelling units planned, but not yet built, when the special tax is levied each fiscal year.

"Shared Services" means the costs of services are paid equally by the property owners of two or more subdivisions.

"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 administrative expenses of CFD No. 11, and (iii) 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.

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1351 of the Civil Code, a community apartment project, as defined in Section 1351 of the Civil Code.

EXHIBIT D



“**Taxable Property**” means all of the assessor’s parcels within the boundaries of CFD No. 11 which are not exempt from the special tax pursuant to law or Section E below.

B. CALCULATION OF RESIDENTIAL UNITS

On April 1 of each fiscal year, the City of Fresno (“City”) or its designee shall determine how many residential units are built, or allowed to be built, on assessor’s parcels within CFD No. 11. For parcels of undeveloped property zoned for development of single-family units attached, 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 attached building or buildings have been built on an assessor’s parcel, the City or its designee shall determine the actual number of residential units contained within the building or buildings, 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.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax (MST) applicable to each assessor’s parcel in CFD No. 11 shall be specific to each final map within CFD No. 11. When additional property is annexed to CFD No. 11, the rate and method adopted for the annexed property shall reflect the MST for the final map or final maps then annexed. The Maximum Special Tax for Fiscal Year 2017-2018 for a residential unit within Final Tract Map No. 5538 is identified in Table 1 below:

Table 1 Maximum Special Tax (Fiscal Year 2017-2018)*	
<i>Final Tract Map Number**</i>	<i>Maximum Special Tax</i>
5538	\$665.80 per Residential Unit
<p>*Beginning in January of each year, the MST shall be adjusted upward annually by 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

EXHIBIT D



Commencing with Fiscal Year 2017-2018, 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. 11 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. 11;

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 1 above on all parcels of taxable property in CFD No. 11;

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 for each subdivision as identified in Table 1, until the amount of the Special Tax levy equals the Special Tax Requirement for that fiscal year.

The Special Tax for CFD No. 11 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 11 may (under the authority of Government Code 53340), in any particular case, bill the taxes 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. 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. 11
Annexation 85**

Excluded Parcels

**THERE ARE NO EXCLUDED PARCELS IN
FINAL TRACT MAP NO. 5538**

EXHIBIT B

REC'D DEC 12 '17 4:10:41
FRESNO CITY CLERK

**MODIFIED
DISTRICT REPORT**

City of Fresno

Community Facilities District No. 11

Annexation No. 85

Final Tract Map No. 5538

**CITY OF FRESNO
Community Facilities District No. 11
Annexation No. 85**

COMMUNITY FACILITIES DISTRICT REPORT

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- A. Description of Services
- B. Proposed Boundaries of the Community Facilities District
- C. Modified Cost Estimate and Analysis of Modification
- D. Description of Facilities
- E. Description of the Proposed Shared Facilities

EXHIBIT A – Description of the Proposed Services

EXHIBIT B – Modified Cost Estimate and Analysis

EXHIBIT C – Proposed Facilities to be Added by Annexation No. 85

CITY OF FRESNO
Community Facilities District No. 11
Annexation No. 85

INTRODUCTION

The City Council of the City of Fresno ("City") did, pursuant to the provision of the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law"), on December 7, 2017, adopt Council Resolution No. 2017-320 entitled "Resolution of Intention to Annex Final Tract Map No. 5538 as Annexation No. 85 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes therein and preliminarily establishing an appropriations limit". In Council Resolution No. 2017-320 the City expressly ordered the preparation of a written Community Facilities District Report ("District Report"), for the proposed Annexation No. 85, City of Fresno Community Facilities District No. 11 ("CFD No. 11").

The Council Resolution No. 2017-320 ordering the District Report directed that the District Report generally contain the following:

1. A description of the services by type which will be required to adequately meet the needs of CFD No. 11; and
2. An estimate of the fair and reasonable cost of the services including therewith.

For particulars, reference is made to Council Resolution No. 2017-320 for Annexation No. 85 of CFD No. 11, as previously approved and adopted by the City.

The City did, pursuant to the "City Law", on January 11, 2018, adopt Council Resolution No. 2018 - ____, ordering preparation of a Modified Engineer's Report to analyze the reduced costs for the Services due to the revisions in the quantities to the landscaping and concrete work.

NOW, THEREFORE, I, the Public Works Director of the City of Fresno, do hereby submit the following data:

A. **DESCRIPTION OF SERVICES.** A general description of the proposed services are as shown hereto attached as Exhibit A and incorporated herein by this reference.

B. **PROPOSED ANNEXATION MAP NO. 85 BOUNDARIES.** The boundaries, shown on Annexation Map No. 85, are those properties and parcels in which special taxes may be levied to pay for the costs and expenses of the facilities and services. The proposed boundaries are described on Annexation Map No. 85 on file with the City Clerk of the City of Fresno, to which reference is hereby made.

C. MODIFIED COST ESTIMATE AND ANALYSIS. The cost estimate for the facilities for Annexation No. 85 is set forth hereto attached as Exhibit B and incorporated herein by this reference.

D. DESCRIPTION OF FACILITIES. A description and general map of the proposed facilities for Annexation No. 85 is set forth hereto attached as Exhibit C and incorporated herein by this reference.

E. SHARED MAINTENANCE AND SERVICES. There are no shared services within Annexation No. 85, Final Tract Map No. 5538, of CFD No. 11.

Dated as of 12-8-2017

By: 
Andrew J. Benelli, P.E., City Engineer, Assistant Director
Public Works Department

EXHIBIT A

CITY OF FRESNO

Community Facilities District No. 11 Annexation No. 85

Description of Services to be Financed by Community Facilities District No. 11 for Annexation No. 85 (Final Tract Map No. 5538)

The operations and reserves for the maintenance of certain required improvements ("Services") that are to be financed by Community Facilities District No. 11 ("CFD No. 11") for Final Tract Map No. 5538, Annexation No. 85 are generally as described below.

The Services will include all costs (including reserves for replacement) attributable to maintaining, servicing, cleaning, repairing and/or replacing landscaped areas and trees in public street rights-of-way, public landscape easements, and other similar landscaped areas officially dedicated for public use.

General maintenance will include, without limitation, mowing, edging, fertilizing, aerating and watering grass areas, repairing and replacing irrigation systems as necessary; staking, pruning, replacing and spraying of trees and shrubs; removing litter, debris, and garbage.

Services shall include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing all ground level infrastructure (including reserves for replacement) within public easements and open spaces. Such facilities include, without limitation, concrete curbs and gutters, major street median hardscaping, entrance median curbs and hardscaping, valley gutters, curb ramps and sidewalks, street name signage and street lighting, and local street paving associated with this subdivision. Such facilities also include, without limitation, the concrete hardscaping for the mid-block bus bay fronting North Polk Avenue.

Services shall include all costs attributable to street lighting services.

Maintenance costs will include a proportionate share of all other expenses that the City of Fresno ("City") may incur in administering CFD No. 11.

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 this Resolution shall be construed as committing the City or CFD No. 11 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 successful annexation of Annexation No. 85 to CFD No. 11 and the availability of sufficient proceeds of Special Taxes within CFD No. 11.

EXHIBIT A

CITY OF FRESNO

Community Facilities District No. 11 Formation

Description of Services currently financed by Community Facilities District No. 11

The services that are to be financed ("Services") by Community Facilities District No. 11 ("CFD No. 11") are any and all Services defined 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 facilities, including hardscaping, in landscaped areas (may include reserves for replacement) in public street rights-of-way, public landscape easements, public trail areas, parkways, and other similar landscaped areas officially dedicated for public use.
- II. General maintenance will include, without limitation, mowing, edging, fertilizing, seeding, aerating, and watering grass areas; repairing and replacing irrigation systems as necessary; staking, pruning, replacing and spraying of trees and shrubs; repairing and replacing paths, walkways and trails; removing litter, debris, and garbage.
- II. Services may include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing all local ground level street infrastructure (may include reserves for replacement) within local street rights-of-way. Such facilities may include, without limitation, street paving, curbs and gutters, sidewalks, street lighting, hydrants, inlets, street trees and street furniture.
- III. Services may include costs attributable to police, fire, traffic control, street lighting and recreational services.

Maintenance costs will also include a proportionate share of all other expenses that the City of Fresno ("City") may incur in administering the CFD No. 11.

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 this resolution shall be construed as committing the City or CFD No. 11 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. 11 and the availability of sufficient proceeds of special taxes within the CFD No. 11.

EXHIBIT B

CITY OF FRESNO

Community Facilities District No. 11 Annexation No. 85

Rate and Method of Apportionment of Special Tax Impact Analysis of Modifications

The revision to landscaping and concrete work reduced the maintenance costs per lot annually within Final Tract Map No. 5538. The types of Services for Final Tract Map No. 5538 remain the same.

Modified Cost Estimate

The estimate breaks down the costs of providing 1 year's service for FY 2017-2018 for Final Tract Map No. 5538.

ITEM	DESCRIPTION	ESTIMATED COST
1	Landscape Operational Costs	\$31,427.00
2	Other Operational Costs	\$782.00
3	Reserve for Replacement	\$27,697.00
4	Incidental Expenses	\$1,395.00
	Total	\$61,301.00

Subdivision Appropriation Limit

FINAL TRACT MAP NO.	MAX. SPECIAL TAX PER RESIDENTIAL UNIT	TOTAL TAXABLE UNITS	APPROPRIATION LIMIT	SUBDIVIDER
5538	\$659.16	93	\$500,000.00	D.R.Horton

EXHIBIT B

City of Fresno

Community Facilities District No. 11 Annexation No. 85

Rate and Method of Apportionment of Special Tax

A Special Tax applicable to each assessor's parcel in Community Facilities District No. 11 ("CFD No. 11") 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. 11, 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. 11 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.

"Council" means the City Council of the City of Fresno, acting as the legislative body of CFD No. 11.

"Developable Lot" means a lot that is anticipated development of residential or non-residential 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.

"Excluded Parcels" means those assessor's parcels identified as ineligible for inclusion in CFD No. 11 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

EXHIBIT B

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.

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

"Proportionately" means, in any fiscal year, that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all assessor's parcels in CFD No. 11.

"Public Property" means any property within the boundaries of CFD No. 11 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. 11, as well as dwelling units planned, but not yet built, when the special tax is levied each fiscal year.

"Shared Services" means the costs of services are paid equally by the property owners of two or more subdivisions.

"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 administrative expenses of CFD No. 11, and (iii) 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.

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way.

EXHIBIT B

"Subdivision" includes a condominium project, as defined in Section 1351 of the Civil Code, a community apartment project, as defined in Section 1351 of the Civil Code.

"**Taxable Property**" means all of the assessor's parcels within the boundaries of CFD No. 11 which are not exempt from the special tax pursuant to law or Section E below.

B. CALCULATION OF RESIDENTIAL UNITS

On April 1 of each fiscal year, the City of Fresno ("City") or its designee shall determine how many residential units are built, or allowed to be built, on assessor's parcels within CFD No. 11. For parcels of undeveloped property zoned for development of single-family units attached, 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 attached building or buildings have been built on an assessor's parcel, the City or its designee shall determine the actual number of residential units contained within the building or buildings, 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.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax (MST) applicable to each assessor's parcel in CFD No. 11 shall be specific to each final map within CFD No. 11. When additional property is annexed to CFD No. 11, the rate and method adopted for the annexed property shall reflect the MST for the final map or final maps then annexed. The Maximum Special Tax for Fiscal Year 2017-2018 for a residential unit within Final Tract Map No. 5538 is identified in Table 1 below:

Table 1 Maximum Special Tax (Fiscal Year 2017-2018)*	
<i>Final Tract Map Number**</i>	<i>Maximum Special Tax</i>
5538	\$659.16 per Residential Unit
<p>*Beginning in January of each year, the MST shall be adjusted upward annually by 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>	

EXHIBIT B

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Commencing with Fiscal Year 2017-2018, 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. 11 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. 11;

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 1 above on all parcels of taxable property in CFD No. 11;

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 for each subdivision as identified in Table 1, until the amount of the Special Tax levy equals the Special Tax Requirement for that fiscal year.

The Special Tax for CFD No. 11 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 11 may (under the authority of Government Code 53340), in any particular case, bill the taxes 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. In addition, no Special Tax shall be levied on excluded parcels or parcels that are determined not to be developable lots.

EXHIBIT B

ATTACHMENT "1"

City of Fresno

Community Facilities District No. 11
Annexation 85

Excluded Parcels

**THERE ARE NO EXCLUDED PARCELS IN
FINAL TRACT MAP NO. 5538**

EXHIBIT C

CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 AND ANNEXATION NO. 85

Description of Facilities to be added by Annexation No. 85 and maintained by Community Facilities District No. 11.

The proposed facilities to be maintained shall consist of:

1. The landscaping, trees, and irrigation systems located within the public easements and Outlots A, B, and C, including the one-half of the Polk median island, within and adjacent to this subdivision.
2. The concrete curbs and gutters, valley gutters, curb ramps, sidewalks, major street median maintenance band, entrance median curbs and hardscaping, local street paving, street name signage and street lighting within and adjacent to this subdivision.

These facilities are generally located as shown on the attached Feature Map (page C-2.)

Plans and specifications for the existing improvements are filed herewith and are incorporated herein by reference to the items as listed and enumerated in the documents as described below:

All facilities to be maintained are as shown on the Street, Street Light and Landscaping and Irrigation Construction Plans as approved by and on file with the City of Fresno, Public Works Department for Final Tract Map No. 5538.



**CITY OF
FRESNO**
PUBLIC WORKS DEPARTMENT
TRAFFIC AND ENGINEERING SERVICES DIVISION
FEATURES TO BE ADDED BY ANNEXATION NO. 85
COMMUNITY FACILITIES DISTRICT NO. 11

FINAL TRACT MAP NO. 5538
"NO PHASES"



NOT TO SCALE
October 31, 2017

LANDSCAPE AND IRRIGATION:



OUTLOT "C" = 6,710 SF TURF



TREES AND SHRUBS

1/2 MEDIAN = 4,281 SF

BUFFERS/PARKWAYS/OUTLOTS = 40,044 SF

SMALL TREES = 73 EA

LARGE TREES = 77 EA

CONCRETE IMPROVEMENTS:



CURB & GUTTER = 8,936 LF

VALLEY GUTTER = 2,373 SF

SIDEWALK & CURB RAMPS = 49,419 SF

MEDIAN CURB = 881 LF

MEDIAN CAP = 1,835 SF

REINFORCED BUS BAY = 1,641 SF

STREET LIGHTS:



TOTAL = 33 EACH



INTERIOR PAVEMENT:

TOTAL AREA = 126,252 SF



NORTH POLK AVENUE

C-2