

# EXHIBIT D

## CITY OF FRESNO

### Community Facilities District No. 9 Annexation No. 13

#### Rate and Method of Apportionment of Special Tax

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#### Cost Estimate

The estimate breaks down the shared costs of providing 1 year's Service for FY 2016-2017 for the public improvements of East Spruce Avenue as associated with the development of Assessor's Parcel Number 404-083-44, 45, 42 and 404-090-47 for the following:

#### East Spruce Avenue improvements:

ITEM	DESCRIPTION	ESTIMATED COST
1	Other Operational Costs	\$61.00
2	Reserve for Replacement	\$5,133.00
3	Incidental Expenses	\$60.00
Estimated Lump Sum Total		<u>\$5,254.00</u>

**Table A**

The following assessor's parcel numbers are to share equally at twenty-five percent (25%) of the above estimated lump sum total:

Assessor's Parcel Numbers:	25% of Estimated Lump Sum Total	Appropriation Limit	Landowner
404-083-44	\$1,313.50	\$500,000.00	Spruce Avenue Apartments, LLC
404-083-45	\$1,313.50	"	Spruce Avenue Apartments II, LLC
404-083-42	\$1,313.50	"	Karen Donaghy Trustees
404-090-47	\$1,313.50	"	Willow Avenue North Limited Partnership

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The estimate breaks down the costs of providing 1 year's Service for FY 2016-2017 for the public improvements associated with the development of Assessor's Parcel Number 404-083-44 and 45 (Site Plan Review Application No. 2015-1115) for the following:

**East Fir & Herndon Avenue improvements:**

ITEM	DESCRIPTION	ESTIMATED COST
1	Landscape Operational Costs	\$6,268.00
2	Other Operational Costs	\$20.00
3	Reserve for Replacement	\$3,633.00
Estimated Lump Sum Total		\$9,921.00

**Table B**

The following assessor's parcel numbers are to share equally at fifty percent (50%) of the above estimated lump sum total:

Assessor's Parcel Numbers:	50% of Estimated Lump Sum Total	Appropriation Limit	Landowner
404-083-44	\$4,960.50	\$500,000.00	Spruce Avenue Apartments, LLC
404-083-45	\$4,960.50	"	Spruce Avenue Apartments II, LLC

**Table C**

**Maximum Special Tax**

The following table shows the Maximum Special Tax for each assessor's parcel within the boundaries of Annexation No. 13:

Assessor's Parcel Numbers:	Maximum Special Tax per Parcel	Landowner
404-083-44	\$6,274.00	Spruce Avenue Apartments, LLC
404-083-45	\$6,274.00	Spruce Avenue Apartments II, LLC
404-083-42	\$1,313.50	Karen Donaghy Trustees
404-090-47	\$1,313.50	Willow Avenue North Limited Partnership
<b>Total Maximum Special Tax</b>	<b>\$15,175.00</b>	

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## City of Fresno

### Community Facilities District No. 9 Annexation No. 13

#### Rate and Method of Apportionment of Special Tax

A special tax applicable to each assessor's parcel in Community Facilities District No. 9 ("CFD No. 9") 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. 9, 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. 9 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 or Industrial Developments or Subdivisions"** means developments or 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. 9.

**"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.

**"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.

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**“Excluded Parcels”** means those assessor’s parcels identified as ineligible for inclusion in CFD No. 9 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 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.

**“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. 9 that is owned by the federal government, 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 Development or Subdivision”** means developments or subdivisions zoned for residential multi-family uses.

**“Residential Unit”** means a multi-family residential dwelling unit and shall include condominiums, town homes, duplex, triplex and fourplex units, and individual apartment units in a multi-family subdivision. For purposes of the levy of special taxes pursuant to Section B below, “Residential Units” shall include dwelling units already built on taxable property in CFD No. 9, 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. 9, 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.

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**“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.

**“Taxable Property”** means all of the assessor’s parcels within the boundaries of CFD No. 9 which are not exempt from the special tax pursuant to law or Section E below.

### B. CALCULATIONS

#### COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY DEVELOPMENTS

On or about April 1 of each fiscal year, the City of Fresno (“City”) or its designee shall determine the operational and maintenance costs for Services of the improvements and facilities associated with Annexation No. 13 of CFD No. 9. Apportionment for each assessor’s parcel number shall be by percentage of the estimated lump sum totals as shown in Table A, B, and C of this exhibit.

For commercial, industrial and multi-family developments, the area to be taxed is the total area within each assessor’s parcels 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.

### C. MAXIMUM SPECIAL TAX

The Maximum Special Tax (“MST”) applicable to each assessor’s parcel in CFD No. 9 shall be specific to each development, subdivision, subdivisions, or portion thereof within CFD No. 9. When additional property is annexed into CFD No. 9, the rate and method adopted for the annexed property shall reflect the MST for the development, subdivision, subdivisions, or respective portion thereof then annexed.

The MST applicable to each development, subdivision, subdivisions, or portion thereof in CFD No. 9 shall be the rate that is created at the time of CFD No. 9 annexation expressly for the individual development, subdivision, subdivisions, or portion thereof being annexed to CFD No. 9 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.

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The Maximum Special Tax for Fiscal Year 2016-2017 for each assessor's parcel within the boundaries of Annexation No. 13 is identified in Table 1 below:

<b>Table 1 Maximum Special Tax (Fiscal Year 2016-2017)*</b>		
Assessor's Parcel Numbers:	<b>Maximum Special Tax per Parcel</b>	Landowner
404-083-44	\$6,274.00	Spruce Avenue Apartments, LLC
404-083-45	\$6,274.00	Spruce Avenue Apartments II, LLC
404-083-42	\$1,313.50	Karen Donaghy Trustees
404-090-47	\$1,313.50	Willow Avenue North Limited Partnership
<b>Total Maximum Special Tax</b>	<b>\$15,175.00</b>	
<p>**A Special Tax shall be levied on all assessor's parcels within an identified development or subdivision except excluded parcels as identified in Attachment 1.</p>		

### D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Commencing with Fiscal Year 2016-2017, the Special Tax shall be levied on all parcels of taxable property 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. 9 based on applying the Maximum Special Tax rates determined pursuant to Section C above to each parcel of taxable property in CFD No. 9;

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. 9;

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

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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. 9 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 9 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.

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**ATTACHMENT “1”**

City of Fresno

Community Facilities District No. 9  
Annexation 13

Excluded Parcels

**THERE ARE NO EXCLUDED PARCELS  
WITHIN THE BOUNDARIES OF ANNEXATION NO. 13**