

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ANNEXING TERRITORY TO  
COMMUNITY FACILITIES DISTRICT NO. 9 AND  
AUTHORIZING THE LEVY OF A SPECIAL TAX

COMMUNITY FACILITIES DISTRICT NO. 9

ANNEXATION NO. 11

WHEREAS, on January 12, 2017, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2017-02 to Annex Parcel "A" of Parcel Map No. 2016-04, Development Permit Application No. 2016-086, to the City of Fresno, Community Facilities District No. 9 ("CFD No. 9") 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, Council Resolution No. 2017-02, incorporating a map of the area proposed for annexation to CFD No. 9, and stating the Services to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within Annexation No. 11 of CFD No. 9 to finance the Services with respect to Annexation No. 11 of CFD No. 9, 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, on this date, this Council held a noticed public hearing, as required by City Law and Council Resolution No. 2017-02, concerning the annexation of territory to CFD No. 9; and

WHEREAS, at the hearing all interested persons desiring to be heard on the annexation of territory to CFD No. 9, the Services to be provided therein and the levy of said special tax were heard and a full fair hearing was held; and

WHEREAS, at the hearing evidence was presented to this Council on the proposed annexation before it, including a report by the Public Works Director ("District Report") as to the Services to be provided through CFD No. 9 and the costs thereof, and a copy of the District Report is on file with the City Clerk; and

WHEREAS, the City Clerk or designee did not receive written protests with respect to the proposed annexation, the types of Services, or the rate and method of apportionment of the special taxes filed by 50 percent (50%) or more of the registered voters residing within the territory proposed to be annexed or the owners of one-half ( $\frac{1}{2}$ ) or more of the area of land within the territory proposed to be annexed and not exempt from the Special Tax; and

WHEREAS, the Special Tax proposed to be levied upon the territory proposed for annexation, to pay for the proposed Services to be financed therein, as set forth in Exhibit A Page A-2 and A-3 hereto, have not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory proposed for annexation or the owners of one-half ( $\frac{1}{2}$ ) or more of the area of land within the proposed annexation and not exempt from the special tax.

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. **No Majority Protest.** The proposed special tax to be levied within the proposed annexation has not been precluded by majority protest pursuant to City Law.

3. **Prior Proceedings.** The Council duly considered all prior proceedings for the proposed annexation and the levy of the special tax therein, and finds and determines that the proceedings are valid and conform to the requirements of City Law. This Council hereby finds and determines that the proposed annexation conforms to the Goals and Policies that this Council adopted respecting the formation of CFD No. 9.

4. **Boundaries Described.** The boundaries of the proposed annexation, set forth in the map of the area proposed for annexation to CFD No. 9, recorded in the Fresno County Recorder's Office in Book 44 at page 75 of Maps of Assessment and Community Facilities Districts, are approved, incorporated herein by reference, and shall be the boundaries of Annexation No. 11.

5. **Services.** The types of Services proposed to be financed by Annexation No. 11 of CFD No. 9 and pursuant to City Law shall consist of those items listed as Services on Exhibit A and Exhibit C in the District Report on file with the City Clerk (the "Services"), which also are attached hereto and incorporated herein by this reference.

6. **Special Taxes.** Except to the extent that funds are otherwise available to CFD No. 9 to pay for the services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in CFD No. 9, will be levied annually within CFD No. 9, 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 apportioning the special tax among the parcels of real property within the

territory of the proposed annexation, in sufficient detail to allow each landowner within the territory of the proposed annexation to estimate the probable maximum amount such owner will have to pay, are described in the District Report on file with the City Clerk and attached hereto as Exhibit B and incorporated herein by this reference.

7. **Tax Collection Authority.** The Public Works Director of the City of Fresno, 2600 Fresno Street, Fresno, California 93721 telephone number (559) 621-1492 is the officer who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and estimating future special tax levies pursuant to City Law.

8. **Tax Lien.** Upon recordation of a Notice of Special Tax Lien, pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in the proposed annexation area. This lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City of Fresno ceases.

9. **Appropriations Limit.** In accordance with City Law, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the proposed annexation, is hereby preliminarily established at \$500,000.00 and said appropriations limit shall be submitted to the voters of the proposed annexation as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of City Law.

10. **Election.** Pursuant to the provisions of City Law, the levy of the special tax and the proposition to establish the appropriations limit specified above shall be submitted to the qualified electors of the proposed annexation at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

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

Attachments:

Exhibit A - Description of Services and Operations to be Financed by Community Facilities District No. 9

Exhibit B - 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 ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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

YVONNE SPENCE, CMC  
City Clerk

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

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

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