

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DIRECTING PREPARATION OF A MODIFIED DISTRICT REPORT ANALYZING IMPACT OF THE PROPOSED CHANGE IN SERVICES AND INCREASE IN THE PROBABLE SPECIAL TAX FOR PROPOSED MODIFICATION OF COUNCIL RESOLUTION NO. 2018 - 267 (TO ANNEX TRACT NO. 6165 AS ANNEXATION NO. 90 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 AND TO AUTHORIZE LEVY OF A SPECIAL TAX)

WHEREAS, on November 29, 2018, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2018-267 to Annex Final Tract Map No. 6165 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, Council Resolution No. 2018-267 is on file with the City Clerk, and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, Council Resolution No. 2018-267 states the services to be provided, the estimated maximum cost of providing the services, and the rate and method of apportioning the special tax to be levied within Annexation No. 90 of CFD No. 11 to pay for the services within Annexation No. 90 of CFD No. 11; and

WHEREAS, the quantity of facilities to be maintained has increased and additional types of services have been added, and basing the estimated

Date Adopted:  
Date Approved:  
Effective Date:



maximum tax on the increase and additions of facilities to be maintained will result in an increased probable special tax to be paid by the property owners; and

WHEREAS, on this date, this Council held a noticed public hearing, as required by City Law and Council Resolution No. 2018-267, concerning the annexation of territory to the CFD No. 11; and

WHEREAS, Section 53325 of the California Government Code permits the Council to modify Resolution No. 2018-267 to decrease the probable special tax if it first directs that a Modified District Report be prepared that describes and analyzes the impact of the proposed modification upon the probable special tax to be paid by the owners of lots or parcels within the area proposed for annexation, and then considers the Modified District Report in determining to modify Resolution No. 201-267.

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. Proposal to Modify Resolution of Intention. The Council proposes to modify Council Resolution No. 2018-267 to increase the probable special tax to reflect the increased quantity of services and the additional types of services to be maintained and resulting in increased costs for services, subject to receipt and consideration of a Modified District Report.
3. Direction to Prepare a Modification of the district Report. The Director of the 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 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. 90) that will be made a part of the record of the public hearing on Annexation No. 90, and that:

a. Includes the following elements that were directed in Council Resolution No. 2018-267,

- (i) a description of the services by type required to adequately meet the needs of CFD No. 11, Annexation No. 90; and
- (ii) an estimate of the fair and reasonable cost of the services including the cost of acquiring land, rights-of-way and easements, costs of any physical services required in conjunction therewith, and incidental expenses in connection therewith; and
- (iii) if the Special Tax levied within the territory proposed to be annexed is higher or lower than the existing CFD No. 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.

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

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

YVONNE SPENCE, MMC CRM  
City Clerk

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

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
John Hastrup / Deputy City Attorney