

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO OF CONSIDERATION TO CHANGE THE TYPES OF SERVICES, CHANGE THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX, AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR THE AMENDED BOUNDARIES OF FINAL TRACT MAP NO. 5717 OF THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9

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"), the Council of the City of Fresno ("Council") is the legislative body for the community facilities district with the authority to establish a community facilities district, to annex property to the community facilities district, require any change in the types of authorized public facilities or services, change the rate and method of apportioning the Special Tax, and establish a new Maximum Special Tax within the community facilities district; and

WHEREAS, on December 16, 2008, the Council adopted Resolution 2008-351 establishing the City of Fresno Community Facilities District No. 9 ("CFD No. 9"), annexing the territory within Final Tract Map No. 5717 as the initial CFD No. 9 boundaries, and authorizing the levy of a Special Tax; and

WHEREAS, Resolution No. 2008-351 established certain public Services to be provided for Final Tract Map No. 5717 pursuant City Law as shown on Page A-1 of Exhibit A (Existing), attached and incorporated herein by reference; and

1 of 6

Resolution No.

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: SCM

WHEREAS, Council Resolution No. 2008-351 established a rate and method for determining the Maximum Special Tax, and annual increases thereto, and established the initial Maximum Special Tax for certain public Services to be provided for Final Tract Map No. 5717, pursuant to Exhibit B (Existing), attached and incorporated herein by reference; and

WHEREAS, the amended CFD No. 9 boundaries for Final Tract Map No. 5717, removing lots 8 and 9, have been preliminarily approved by Council, as shown on Exhibit C, attached and incorporated herein by reference, and as filed with the City Clerk; and

WHEREAS, the owner of 25 percent or more of the land within the amended boundaries for Final Tract Map No. 5717 not exempt from the Special Tax, has requested the Council commence with proceedings to change the types of public Services to be financed by CFD No. 9, the rate and method of apportioning the Special Tax and to levy a new Special Tax, pursuant Section 53332 of the California Government Code; and

WHEREAS, the Council may make a determination that the public convenience and necessity require any change in the types of public Services which should be financed by CFD No. 9, that the rate and method of apportionment of the Special Tax be changed, and that a new Special Tax should be proposed, pursuant Section 53331 of the California Government Code; and

WHEREAS, the proposed change to the types of public Services to be provided for Final Tract Map No. 5717 of CFD No. 9, are as shown on Page D-1 of Exhibit D (Revised), attached and incorporated herein by reference; and

WHEREAS, the proposed changes to the rate and method of apportioning the Special Tax, and annual increases thereto, and establishing the revised Maximum

Special Tax for Final Tract Map No. 5717 of CFD No. 9, are listed in Exhibit E, attached and incorporated herein by reference; and

WHEREAS, all parcels within the amended boundaries of Final Tract Map No. 5717 of CFD No. 9 will share costs proportionately for the public Services provided by the City; and

WHEREAS, Final Tract Map No. 5717 of CFD No. 9, is located entirely within the limits of the City of Fresno; 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 Change of Services.** The revised Services proposed to be financed for Final Tract Map No. 5717 of CFD No. 9 are listed on Page D-1 of Exhibit D, which is attached hereto and incorporated herein by this reference.
3. **Proposed Change of Special Taxes.** Except to the extent that funds are otherwise available to CFD No. 9 to pay for the Services, a new Special Tax ("Special Tax") sufficient to pay the costs thereof, secured by recording a continuing lien against all nonexempt real property in the amended boundaries for Final Tract Map No. 5717, will be levied annually, 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 revised rate and method of apportionment of the Special Tax among the real property parcels within the amended boundaries of Final Tract Map No. 5717 are described in sufficient detail for each landowner within the amended boundaries of Final Tract Map No. 5717 of CFD

No. 9 to estimate the maximum amount each owner will have to pay, in Exhibit E, attached and incorporated herein by this reference.

4. **Amended District Report.** The Director of Public Works Department, as the officer having charge and control of the Services in and for CFD No. 9, or his designee, is directed to study the proposed changes to the Services and to make, or cause to be made, and filed with the City Clerk a report superseding the previous report filed for the Final Tract Map No. 5717 of CFD No. 9 ("Amended District Report"), in writing presenting the following:

a. A description of the revised Services by type required to adequately meet the needs of Final Tract Map No. 5717 of CFD No. 9.

b. An estimate of the fair and reasonable cost of the revised 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 the revised 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. 9, identify the extent and reasons why the costs to provide the revised Services in that territory are higher or lower than those provided in the existing CFD No. 9. Specify any alteration in the special tax rate levied within the existing CFD No. 9 because of the proposed annexation.

e. The CFD No. 9, Final Tract Map No. 5717 Amended District Report shall be made a part of the record of the public hearing specified below.

5. **Single Ballot.** The propositions to set the appropriations limit and to approve the levy of the revised Special Tax shall be combined into a single ballot and submitted to the voters pursuant to City Law.

6. **Public Hearing.** Thursday, August 24, 2017, 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. 9, will conduct a public hearing on the revisions for Final Tract Map No. 5717 of CFD No. 9 and will consider and finally determine whether the public interest, convenience and necessity require the amended annexation and the levy of the revised Special Tax.

7. **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. 9. 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 53335 of Chapter 2.5 of the California Government Code.

Attachments:

Exhibit A: Existing Description of Services
Exhibit B: Existing Rate and Method of Apportionment of Special Tax
Exhibit C: Amended Boundaries for Final Tract Map No. 5717
Exhibit D: Revised Description of Services
Exhibit E: Revised 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 _____ day of _____, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Seth Mehrten / Deputy City Attorney

EXHIBIT A
CITY OF FRESNO



EXISTING

**Community Facilities District No. 9
Formation**

**Description of Services to be financed by Community Facilities District No. 9
for Final Tract No. 5717**

The services described below ("Services") to be financed by Community Facilities District No. 9 ("CFD No. 9") for Final Tract No. 5717 are generally as to features located on the map attached hereto as page B-2.

The Services that are to be financed for Final Tract 5717 by Community Facilities District No. 9 (CFD No. 9) will include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing certain facilities (including reserves for replacement) within street rights-of-way. Such facilities include, without limitation, street paving, curbs and gutters, sidewalks, street lighting, hydrants, inlets, hardscaping, and street signage.

Services shall include costs attributable to street lighting services.

Maintenance costs will also include a proportionate share of all other expenses that the City may incur in administering the CFD No. 9.

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

Nothing in this Exhibit C or any other exhibit or provision of this Resolution shall be construed as committing the City or CFD No. 9 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 formation of CFD No. 9 and the availability of sufficient proceeds of special taxes within the District.



EXHIBIT A

CITY OF FRESNO Community Facilities District No. 9 Formation

Description of Services to be Financed by Community Facilities District No. 9

The services (the "Services") that are to be financed by Community Facilities District No. 9 ("CFD No. 9") 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 landscaping facilities (including reserves), including stamped concrete paving in medians and landscaped areas in public street rights-of-way, public trails, and, in instances where a required sound wall abuts a local City street, public landscape easements officially dedicated for public use.

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; repairing and replacing stamped concrete paving and 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 (including reserves) within local street rights-of-way. Such facilities may include, without limitation, street paving, curbs and gutters, sidewalks, street lighting, hydrants, inlets, street trees, street signage and street furniture.

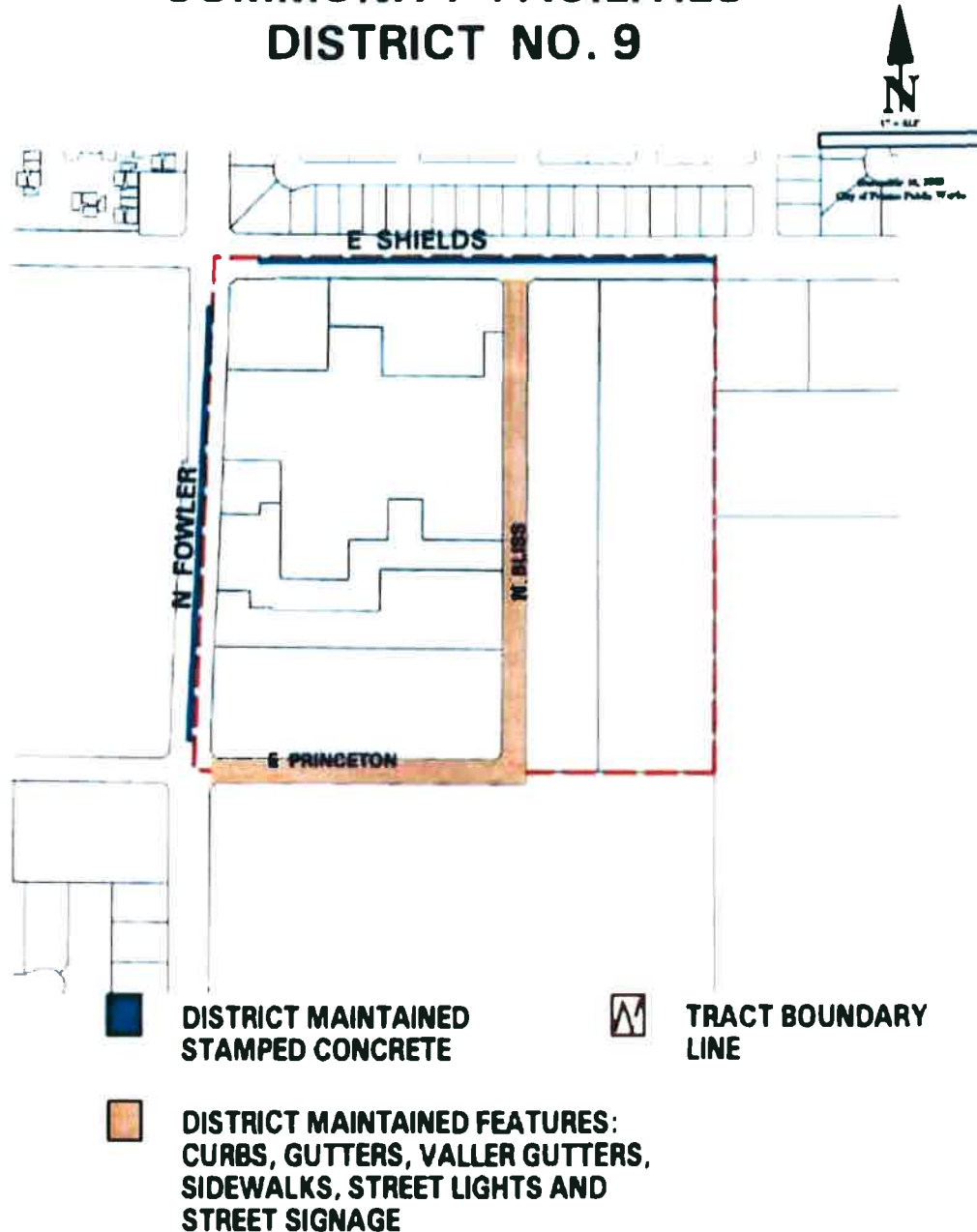
Maintenance costs will also include a proportionate share of all other expenses that the City may incur in administering the CFD No. 9.

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

Nothing in this Exhibit B or any other exhibit or provision of this Resolution shall be construed as committing the City or CFD No. 9 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 formation of CFD No. 9 and the availability of sufficient proceeds of special taxes within the District.

EXHIBIT A

FEATURES TO BE MAINTAINED BY COMMUNITY FACILITIES DISTRICT NO. 9



No Phases

TRACT 5717

PUBLIC WORKS DEPT. / Technical Services



FILE: 2016/10/17/TRACT 5717



EXHIBIT B

EXISTING

CITY OF FRESNO

Community Facilities District No. 9
Formation

Rate and Method of Apportionment of Special Tax

Cost Estimate

The estimate breaks down the costs of providing 1 year's service for FY 08-09

| ITEM | DESCRIPTION | ESTIMATED COST |
|------|-------------------------|----------------|
| 1 | Landscape Maintenance | \$ 00.00 |
| 2 | Feature Maintenance | 2,030.00 |
| 3 | Reserve for Replacement | 3,906.47 |
| 4 | Incidental Expenses | |
| a. | Engineering | 488.00 |
| b. | Legal Services | <u>54.53</u> |
| | Total | \$ 6,479.00 |

Subdivision Appropriation Limit

| FINAL TRACT | MAX TAX PER SQ. FT. | TAXABLE SQ. FEET | APPROPRIATION LIMIT | Subdivider |
|-------------|---------------------|------------------|---------------------|-------------------------|
| 5717 | \$ 0.00402320 | 1,610,409 | \$500,000.00 | Locans Investments, LLC |



EXHIBIT B

City of Fresno

Community Facilities District No. 9 Formation

Rate and Method of Apportionment of Special Tax

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 9 (herein "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 F 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/Industrial Subdivisions" 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. 9.

"Developable Lot" means, within any Final Map approved in the CFD, a lot that is anticipated for 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 the CFD 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



EXHIBIT B

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. 9 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 D, that can be levied in any Fiscal Year.

"Public Property" means any property within the boundaries of the 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 Subdivision" means 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 building. For purposes of the levy of Special Taxes pursuant to Section E below, "Residential Units" shall include dwelling units already built on Taxable Property in the CFD, 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 Incidental Expenses of CFD No. 9, 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.

"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



EXHIBIT B

construction of a Commercial, Industrial or Multi-Family improvements by but not limited to Final Tract Maps, Final Parcel Maps, Conditional Use Permits and Site Plans.

"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 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. CALCULATION OF SQUARE FOOTAGE (COMMERCIAL/INDUSTRIAL SUBDIVISIONS)

On April 1 of each Fiscal Year, the City or its designee shall determine how many square feet of taxable area are on Assessor's Parcels within each Commercial/Industrial Subdivision of the CFD.

For Commercial and Industrial Subdivisions, the area to be taxed is the total area within the subdivision not designated as street right-of-way.

C. CALCULATION OF RESIDENTIAL UNITS (RESIDENTIAL SUBDIVISIONS)

On 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 each Residential Subdivision of the CFD. For Parcels of undeveloped property zoned for development of 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 multi-family building or buildings have been built on the 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 Tract in Section D, Table 1 below.

D. MAXIMUM SPECIAL TAX

The Maximum Special Tax (MST) applicable to each Assessor's Parcel in CFD No. 9 shall be specific to each subdivision/portion thereof within the CFD. When additional property is annexed into CFD No. 9, the rate and method adopted for the annexed property shall reflect the Maximum Special Tax for the subdivision or subdivisions or respective portions thereof then annexed.

The Maximum Special Tax (MST) applicable to each Assessor's Parcel in CFD No. 9 shall be the rate that is created at the time of district formation or annexation expressly for the individual subdivisions/portions thereof going in to the district at that time. Beginning in January 2009, 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 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 Maximum Special Tax shall become effective on the subsequent July 1.



EXHIBIT B

Subject to the maximum limit set by the MST, the Special Tax for Commercial and Industrial Subdivision parcels is calculated by spreading the Special Tax Requirement to the total taxable square footage of the Subdivision, apportioned back to the individual parcels.

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 2008-2009 for Tract 5717 is identified in Table 1 below:

| Table 1 Maximum Special Tax (Fiscal Year 2008-2009)* | |
|---|---|
| <i>Commercial Tract Number*</i> | <i>Maximum Special Tax per Sq. Ft.</i> |
| 5717 | \$ 0.00402320 |

* A Special Tax shall be levied on all parcels within an identified Subdivision except Excluded Parcels as identified in Attachment 1.



EXHIBIT B

The estimated Special Taxes for the parcels within Final Tract 5717 for FY08-09 are:

| Tract 5717 | SQ FT** | MAXIMUM TAX PER SF FT | ASSIGNED TAX |
|---------------|------------|--------------------------|-----------------|
| Lot 1 | 60,054.63 | 0.00402320 | \$241.61 |
| Lot 2 | 107,737.07 | 0.00402320 | \$433.45 |
| Lot 3 | 304,921.96 | 0.00402320 | \$1,226.76 |
| Lot 4 | 19,005.82 | 0.00402320 | \$76.46 |
| Lot 5 | 98,757.52 | 0.00402320 | \$397.32 |
| Lot 6 | 110,584.01 | 0.00402320 | \$444.90 |
| Lot 7 | 236,298.43 | 0.00402320 | \$950.68 |
| Lot 8 | 292,918.00 | 0.00402320 | \$1,178.47 |
| Lot 9 | 380,131.99 | 0.00402320 | \$1,529.35 |
| <hr/> | | | |
| Total | 1,610,409 | | |
| | | Annual Tax | \$6,479.00 |

** Lot areas supplied by Applicant's Engineer

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Commencing with Fiscal Year 2008-2009, 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 the CFD based on applying the Maximum Special Tax rates determined pursuant to Section D above to each Parcel of Taxable Property in the CFD;

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 the CFD.

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 Tract as identified in Table 1, until the amount of the Special Tax levy equals the Special Tax Requirement for that Fiscal Year.



EXHIBIT B

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 Section 53340), in any particular case, bill the taxes directly to the property owner off the County tax roll, and the Special Taxes will be equally subject to penalties and foreclosure if delinquent.

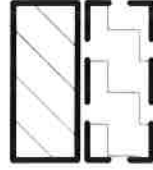
F. EXEMPTIONS

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 C

ASSESSOR'S PARCELS TO REMAIN IN DISTRICT

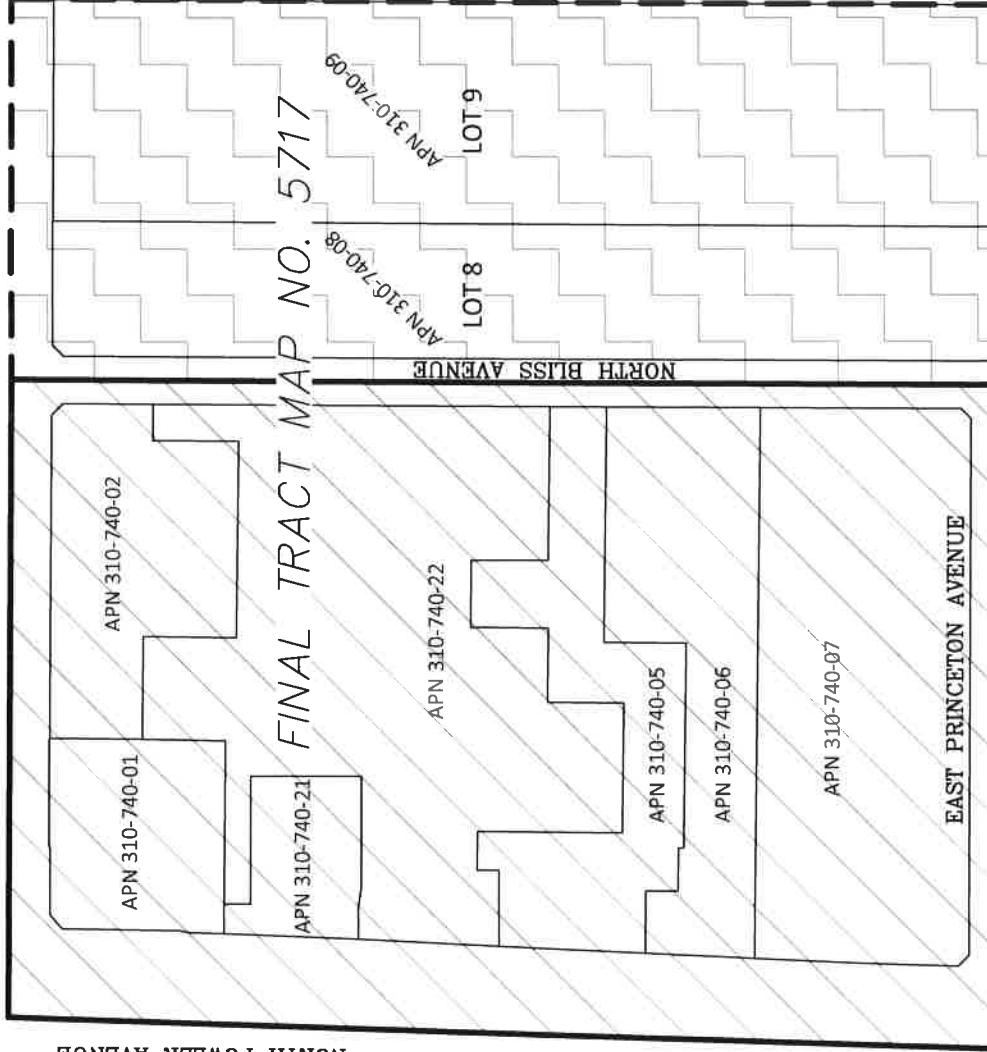
- 310-740-01
- 310-740-02
- 310-740-05
- 310-740-06
- 310-740-07
- 310-740-21
- 310-740-22



AMENDED BOUNDARY OF FINAL TRACT MAP NO. 5717 OF COMMUNITY FACILITIES DISTRICT NO. 9

LOT 8 AND 9 OF FINAL TRACT MAP NO. 5717 REMOVED FROM COMMUNITY FACILITIES DISTRICT NO. 9

EAST SHIELDS AVENUE



NOT TO SCALE



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 AMENDED BOUNDARIES OF FINAL TRACT MAP NO. 5717 OF COMMUNITY FACILITIES DISTRICT NO. 9, 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 AMENDED BOUNDARY MAP FOR FINAL TRACT MAP NO. 5717 OF THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9, WAS FILED THIS _____ DAY OF _____, 2017 AT THE HOUR OF _____ O'CLOCK _____ M AT BOOK 44, 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. 9, RECORDED DECEMBER 4, 2008 AT BOOK 42, PAGE 100 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 | |
| AMENDED BOUNDARY MAP OF FINAL TRACT MAP NO. 5717 OF COMMUNITY FACILITIES DISTRICT NO. 9 OF THE CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA | COUNTY: FRESNO CITY: FRESNO DATE: JAN 15, 2017 SCALE: 1"=100' SHEET NO. 1 OF 1 |

NOTE: THIS MAP SUPERCEDES THE BOUNDARY MAP OF CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9, RECORDED DECEMBER 4, 2008 AT BOOK 42, PAGE 100 OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

EXHIBIT D

CITY OF FRESNO

Community Facilities District No. 9 REVISED FORMATION

Description of Services to be Financed by Community Facilities District No. 9 for Final Tract Map No. 5717

The services and operations that are to be financed ("Services") by Community Facilities District No. 9 ("CFD No. 9") for Final Tract Map No. 5717, are generally as described below and herewith Exhibit C, page C-3.

The Services that are to be financed for Final Tract Map No. 5717 will include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing landscaped areas (including reserves for replacement) in public street rights-of-way and other similar landscaped areas officially dedicated for public use w.

General maintenance will include, without limitation, 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 certain facilities (including reserves for replacement) within public street rights-of-way. Such facilities include, without limitation, local street concrete curbs and gutters, valley gutters, and sidewalks, street lighting and paving associated with the subdivision. Such facilities also include, without limitation, median island concrete maintenance band and capping.

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. 9.

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. 9 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 amendment for Final Tract Map No. 5717 to CFD No. 9 and the availability of sufficient proceeds of Special Taxes within CFD No. 9.

EXHIBIT D

CITY OF FRESNO

Community Facilities District No. 9 Formation

Description of Services currently financed by Community Facilities District No. 9

The services that are to be financed ("Services") by Community Facilities District No. 9 ("CFD No. 9") 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 5339, 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. 9.

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. 9 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. 9 and the availability of sufficient proceeds of special taxes within the CFD No. 9.

EXHIBIT E

CITY OF FRESNO

Community Facilities District No. 9

REVISED Formation

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 Final Tract Map No. 5717.

| ITEM | DESCRIPTION | ESTIMATED COST |
|-------|-----------------------------|----------------|
| 1 | Landscape Operational Costs | \$2,032.00 |
| 2 | Other Operational Costs | \$394.00 |
| 3 | Reserve for Replacement | \$7,467.00 |
| 4 | Incidental Expenses | \$105.00 |
| Total | | \$9,998.00 |

Subdivision or Development Appropriation Limit

| Final Tract Map No. | Total Maximum Special Tax for Services | Appropriation Limit | Subdivider |
|---------------------|--|---------------------|-----------------------|
| 5717 | \$9,998.00 | \$500,000.00 | Granville Homes, Inc. |

EXHIBIT E

City of Fresno

Community Facilities District No. 9

Formation

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.

EXHIBIT E

“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.

“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

EXHIBIT E

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.

“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 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 parcels within each commercial or industrial development or subdivision of CFD No. 9.

For commercial or industrial developments or subdivisions, 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

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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 development 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.

The total Maximum Special Tax for Fiscal Year 2017-2018 for the subdivision is identified in Table 1 below:

| Table 1 Maximum Special Tax (Fiscal Year 2017-2018)* | |
|--|---|
| <i>Commercial/Industrial Subdivision Number**</i> | <i>Total Maximum Special Tax</i> |
| Final Tract Map No. 5717 | \$9,998.00 |
| **A Special Tax shall be levied on all assessor's parcels within an identified subdivision except excluded parcels as identified in Attachment 1. | |

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Commencing with Fiscal Year 2017-2018, 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.

EXHIBIT E

ATTACHMENT “1”

City of Fresno

Community Facilities District No. 9
FORMATION

Excluded Parcels

LOTS 8 AND 9 OF FINAL TRACT MAP NO. 5717 BOUNDARIES