

RESOLUTION No. 2015 - _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO OF FORMATION OF COMMUNITY FACILITIES
DISTRICT NO. 15, AUTHORIZING THE LEVY OF A
SPECIAL TAX THEREIN AND PRELIMINARILY
ESTABLISHING AN APPROPRIATION LIMIT THEREON

COMMUNITY FACILITIES DISTRICT No. 15

WHEREAS, on October 29, 2015, the Council of the City of Fresno adopted its Resolution of Intention to establish a Community Facilities District and to authorize the levy of special taxes (Resolution of Intention) stating its intention to form the City of Fresno Community Facilities District No. 15 (East Copper River Ranch Maintenance District) ("CFD No. 15"), pursuant to the City of Fresno Special Tax Financing Law, Chapter 8, Article 1, Division 3 of the Fresno Municipal Code ("City Law"); and

WHEREAS, the Resolution of Intention incorporating a map of the proposed boundaries of CFD No. 15 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 CFD No. 15 to pay for the Services (as hereafter defined) with respect to CFD No. 15, 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, on this date, Council held a noticed public hearing as required by City Law and the Resolution of Intention relative to the proposed formation of CFD No. 15 and all aspects thereof; and

WHEREAS, at said hearing all interested persons desiring to be heard on all matters pertaining to the formation of CFD No. 15, the Services to be provided therein

1 of 6

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the Public Works Director (District Report) as to the Services to be provided through CFD No. 15 and the costs thereof, a copy of which is on file with the City Clerk, and this Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of CFD No. 15, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of CFD No. 15 or property owners of one-half (1/2) or more of the area of land within CFD No. 15 and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in CFD No. 15 to pay for the proposed Services to be provided therein, as set forth in Exhibits A and B hereto, have not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of CFD No. 15 or the owners of one-half (1/2) or more of the area of land within CFD No. 15 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 CFD No. 15 has not been precluded by majority protest pursuant to City Law.

3. Prior Proceedings. All prior proceedings taken by this Council in connection with the establishment of CFD No. 15 and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of City Law. This Council hereby finds and determines that the proposed formation is in conformity with the goals and policies heretofore adopted by this Council with respect to the formation of CFD No. 15.

4. CFD No. 15 Established. The community facilities district designated "City of Fresno. Community Facilities District No. 15 is hereby established pursuant to City Law.

5. Boundaries Described. The boundaries of CFD No. 15, as set forth in the boundary map of CFD No. 15 heretofore recorded in the Fresno County Recorder's Office in Book 44 at page 49 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundary of CFD No. 15.

6. Services. The type of public services proposed to be financed by CFD No. 15 and pursuant to City Law shall consist of those items listed as services on Exhibits A and B in the report on file with the City Clerk, copies of which are attached hereto and by this reference incorporated herein ("Services").

7. Special Taxes. Except to the extent that funds are otherwise available to CFD No. 15 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. 15, will be levied annually within CFD No. 15, and collected in the same manner as ordinary ad valorem property taxes or in such other manner as this Council or its designee shall

determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the special tax among the parcels of real property within CFD No. 15, in sufficient detail to allow each landowner within CFD No. 15 to estimate the probable maximum amount such owner will have to pay, are described in the report on file with the City Clerk and on attached Exhibit C which is by this reference incorporated herein.

8. 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 assessor's parcel number and which will be responsible for estimating future special tax levies pursuant to City Law.

9. 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 nonexempt real property in CFD No. 15, and 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 ceases.

10. Appropriations Limit. In accordance with City Law, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XII I B of the California Constitution, of CFO No. 15, is hereby preliminarily established at **\$1,710,000.00** 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.

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

Site Location:

CFD No. 15 is located generally north of East Copper Avenue, south of Silaxo Lane, west of North Willow Avenue, and 1.25 miles east of Friant Road.

* * * * *

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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Laurie Avedisian-Favini [Date]
Supervising Deputy City Attorney

Attachments:

1. Exhibit A - Description of Services for CFD No. 15
2. Exhibit B - Description of Incidental Expenses
3. Exhibit C - Rate and Method of Apportionment

LAF:ns [69699ns/laf]- 11/18/15

EXHIBIT A

CITY OF FRESNO

Community Facilities District No. 15 East Copper River Ranch Maintenance District Formation

Description of Services to be Financed by Community Facilities District No. 15

The maintenance and operations for certain public improvements ("Services") that are to be financed by Community Facilities District No. 15 ("CFD No. 15") are described below and are 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.)

The Services may include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing, without limitation, (a) landscaped areas, trees and irrigation systems, (b) public trails, hardscaping and amenities, (c) traffic calming structures, (d) decorative stamped concrete, (e) local street paving, (f) project entry features, (g) pedestrian access connections to public trails, (h) public parks, hardscaping, equipment and amenities (i) concrete curbs and gutters, valley gutters, curb ramps and sidewalks, street name signage, (k) street lighting, (l) street signs, (m) monument signs (n) median island curbs, capping and maintenance band, (o) storm water management ponds, and (p) traffic signals and any special items as approved by the Public Works Department. Maintenance services and areas that are designated as part of CFD 15 are shown on the attached Exhibit B1.1 Features Map and Exhibits B1.2 to B1.5 Features Map Cross Sections.

The Services may also include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing, without limitation, the following:

1. Median island improvements and landscaping in; (a) East Copper Avenue, from North Friant Road to North Willow Avenue; and (b) North Willow Avenue, from East Copper Avenue to East Silaxo Lane.
2. Fresno Metropolitan Flood Control District Basin DE Park Area is located at the northeast corner of East Copper Avenue and North Cedar Avenue. (Boundaries are as shown on Exhibit A and Exhibit B1.1). CFD No. 15 will provide Services to maintain the Park Equipment, Surfacing, Landscaping, Irrigation, Lighting costs and any other park amenities as approved by the Public Works Department.

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

EXHIBIT A

shrubs; repairing and replacing paths, walkways and trails; removing litter, debris, and garbage.

Maintenance costs will also include a proportionate share of all other expenses that the City of Fresno ("City") may incur in administering CFD No. 15.

All Services shall be provided by the City of Fresno, with its own forces or by contract with third parties, or landowner(s)/agents thereof 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. 15 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. 15 and the availability of sufficient proceeds of special taxes within the District.

Attachments

Exhibit A1.1: Features Map

Exhibit A1.2 to A1.5 Features Map Cross Sections

Exhibit A1.6 Features Map – Roundabout Plan View Design