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**Title:** RESOLUTION - Of Intention to annex territory associated with the Conditional Use Permit No. 2015-191 Development, Annexation No. 15, to City of Fresno Community Facilities District No. 9 (southeast corner of North Brawley and West Herndon Avenues); and setting the public hearing for April 13, 2017 at 10:00 a.m. (Council District 2)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. C2015-191 Annex15 Location Map.pdf, 2. C2015-191 Annex15 ROI Resolution.pdf, 3. C2015-191 Annex15 ROI EXHIBIT A.pdf, 4. C2015-191 Annex15 ROI EXHIBIT B.pdf, 5. C2015-191 Annex15 ROI EXHIBIT C Descrip Services.pdf, 6. C2015-191 Annex15 ROI Exhibit C, C-3 .pdf, 7. C2015-191 Annex15 ROI EXHIBIT D RMA.pdf

Date	Ver.	Action By	Action	Result
3/16/2017	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**March 16, 2017**

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Public Works Department

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**SUBJECT**

**RESOLUTION** - Of Intention to annex territory associated with the Conditional Use Permit No. 2015-191 Development, Annexation No. 15, to City of Fresno Community Facilities District No. 9 (southeast corner of North Brawley and West Herndon Avenues); and setting the public hearing for April 13, 2017 at 10:00 a.m. (Council District 2)

**RECOMMENDATION**

Adopt Resolution of Intention to annex territory associated with the Conditional Use Permit No. 2015-

191 Development to City of Fresno Community Facilities District No. 9 (“CFD No. 9”).

## **EXECUTIVE SUMMARY**

The landowner has petitioned the City of Fresno (“City”) to have the territory associated with the Conditional Use Permit No. 2015-191 Development annexed to CFD No. 9 to provide funding for the operation and reserves for maintenance (“Services”) pertaining to the landscaping, trees and irrigation systems within the public street and trail easements, including the concrete curbs and gutters, valley gutter, sidewalks and curb ramps, asphalt concrete trail, expressway barrier fence, Brawley entrance traffic signal and street lighting as associated with this development. The cost for Services for these improvements totals \$11,109.00 annually for fiscal year 2016-2017. Annexation No. 15 is located entirely in the Fresno City Limits. The Resolution of Intention begins the process, sets the required public hearing for April 13, 2017, at 10:00 a.m., and defines the steps required to complete the annexation. (Reference attached location map.)

## **BACKGROUND**

New commercial, industrial, and multi-family subdivisions and parcel maps have different needs and standards than those of a standard single-family residential subdivision. Commercial, industrial and multi-family subdivisions are traditionally self-maintained with different proprietary requirements for landscaping, signage and general designs. CFD No. 9 is designed to accommodate these requirements by providing funding for services for certain required public improvements along the perimeters of these developments. On December 16, 2008, the Council of the City of Fresno adopted Council Resolution No. 2008-351, forming CFD No. 9 to provide funding for the Services for certain public improvements located within and adjacent to public streets on the perimeter of commercial, industrial and multi-family subdivisions as described and permitted pursuant the Goals and Policies for CFD No. 9 and the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code (“City Law”) 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 landowner has petitioned the City to have the territory associated with the Conditional Use Permit No. 2015-191 Development annexed to CFD No. 9 to provide funding for the Services pertaining to the landscaping, trees and irrigation systems within the public street and trail easements, including the concrete curbs and gutters, valley gutter, sidewalks and curb ramps, asphalt concrete trail, expressway barrier fence, Brawley entrance traffic signal and street lighting as associated with this development. (Reference attached location map.)

The attached Resolution initiates the annexation process, sets the public hearing for April 13, 2017, at 10:00 a.m., sets the Maximum Special Tax at a total of \$11,109.00 to be apportioned proportionately for each assessor’s parcel within the territory associated with the Conditional Use Permit No. 2015-191 Development annually for FY2016-17, and that the maximum special tax may be adjusted annually at the discretion of the City at +3% plus the increase, if any, in the Construction Cost Index for the San Francisco Region.

Annexations to existing community facilities districts are permitted under City Law. The legislative body must follow certain prescribed procedures as outlined below:

- Adoption of a Resolution of Intention to Annex to CFD No. 9

- Required 7-day minimum Notice of Public Hearing
- Public hearing on Annexation and Levy of Special Tax
- Call a Special Mailed-Ballot Election on the proposed Special Tax
- Declare the Results of the Election
- Formal Adoption of Special Tax Levy (if election passes)

The attached Resolution has been approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this hearing does not qualify as a "project" and is therefore exempt from the California Environmental Quality Act requirements.

## **LOCAL PREFERENCE**

Local preference was not considered since this item does not include a bid or award of a construction or services contract.

## **FISCAL IMPACT**

No City funds will be involved. All costs will be borne by the landowner as set by Exhibit D of the Resolution of Intention attached herein.

## **Attachments:**

Location Map  
Resolution