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Title: RESOLUTION - Of Intention to annex territory associated with the development of Assessor's Parcel Numbers 404-083-44, 45, 42 and 404-090-47, Annexation No. 13, to City of Fresno Community Facilities District No. 9 (northwest corner of East Herndon and North Willow Avenues) (Council District 6)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. S15-115 Annex13 Location Map.pdf, 2. S2015-115 Annex13 ROI Reso AP.pdf, 3. S2015-115 Annex13 ROI EXHIBIT A.pdf, 4. S2015-115 Annex13 ROI Exhibit B.pdf, 5. S2015-115 Annex13 ROI EXHIBIT C Descrip Services.pdf, 6. C2015-104 Annex12 ROI Exhibit C, C-3.pdf, 7. S2015-115 Annex13 ROI EXHIBIT D RMA.pdf

Date	Ver.	Action By	Action	Result
1/12/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

January 12, 2017

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

THROUGH: ANDREW J. BENELLI, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division

BY: ANN LILLIE, Senior Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT

RESOLUTION - Of Intention to annex territory associated with the development of Assessor's Parcel Numbers 404-083-44, 45, 42 and 404-090-47, Annexation No. 13, to City of Fresno Community Facilities District No. 9 (northwest corner of East Herndon and North Willow Avenues) (Council District 6)

RECOMMENDATION

Adopt Resolution of Intention to annex territory associated with the development of Assessor's Parcel

Numbers 404-083-44, 45, 42 and 404-090-47 to City of Fresno Community Facilities District No. 9 ("CFD No. 9").

EXECUTIVE SUMMARY

The landowners have petitioned the City of Fresno ("City") to have Assessor's Parcel Number 404-083-44, 45, 42 and 404-090-47 annexed to CFD No. 9 to provide funding for the operation and reserves for maintenance ("Services") pertaining to certain public improvements in the street frontages of Fir, Herndon and Spruce Avenues. These Services will include concrete curb and gutter, valley gutter, curb ramps and sidewalks, street lighting, and local street paving associated with this development. The cost for Services for these improvements totals \$15,175 annually for fiscal year 2016-2017. Annexation No. 13 is located entirely in the Fresno City Limits. The Resolution of Intention begins the process, sets the required public hearing for February 9, 2017, at 10:10 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 landowners of Spruce Avenue Apartments, LLC and Spruce Avenue Apartments II, LLC development have petitioned the City to have Assessor's Parcel Number 404-083-44, 45, 42 and 404-090-47 annexed to CFD No. 9 to provide funding for the Services pertaining to certain public improvements in the street frontages of Fir, Herndon and Spruce Avenues. These Services will include concrete curb and gutter, valley gutter, curb ramps and sidewalks, street lighting, and local street paving associated with this development. (Reference attached location map.)

The attached Resolution initiates the annexation process, sets the public hearing for February 9, 2017, at 10:10 a.m., sets the Maximum Special Tax at a lump sum total of \$15,175, annually for FY2016-17, to be apportioned as set in Exhibit D attached to the Resolution herein, 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