

AGENDA ITEM NO.	16
COUNCIL MEETING	10/3/13
APPROVED BY	
	
DEPARTMENT DIRECTOR	
CITY MANAGER 	

September 26, 2013

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division 

^{AL}
ANN LILLIE, Senior Engineering Technician
Public Works Department, Traffic and Engineering Services Division

SUBJECT: ADOPT ORDINANCE DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 14 (FINAL TRACT MAP NO. 5350/RUNNING HORSE) AND THE LEVY OF THE SPECIAL TAX AND ORDERING THE RECORDATION OF AN ADDENDUM TO THE NOTICE OF TAX LIEN (COUNCIL DISTRICT 3) (PROPERTY SURROUNDED BY WEST KEARNEY BOULEVARD, WEST WHITES BRIDGE AVENUE, SOUTH MARKS AND HUGHES AVENUES)

RECOMMENDATION

Adopt Ordinance Dissolving Community Facilities District No. 14 (Final Tract Map No. 5350/Running Horse) and Ordering the Recordation of an Addendum to the Notice of Special Tax Lien.

EXECUTIVE SUMMARY

A Noticed Public Hearing was held on September 27, 2005, where Council adopted Resolutions No. 2005-422, 423, and 424 forming CFD No. 14, T5350/Running Horse, and authorizing the levy of a special tax to pay for the Services associated to CFD No. 14 as described therein, on file in the City of Fresno Clerk's Office, pursuant to the City Law. Following the Public Hearing Ordinance 2005-110 was approved and became effective on October 7, 2005.

The development and the construction of the required public improvements have not occurred for T5350/ Running Horse. Therefore, the Council may dissolve CFD No. 14 based on the following: (1) There are no facilities requiring CFD No. 14 Services, (2) CFD No. 14 is not obligated to pay any outstanding debt, (3) and CFD No. 14 has no authorization to levy any special tax.

If adopted by the Council, the attached ordinance would dissolve Community Facilities District No. 14 and the levy of a special tax for the property tax years 2005-2006 to 2013-2014 and all future tax years within and relating to Community Facilities District No. 14 (Final Tract Map No. 5350/Running Horse); and the City Clerk, or designee, shall cause to be recorded an addendum

Presented to City Council
Date 9/26/13
Disposition approved
Bill No. B-31 intro./
paid over

to the Notice of Special Tax Lien, Document No. 2006-0008358, 14 in the office of the County Recorder of the County of Fresno dissolving CFD No. 14 and the levy of the special tax.

BACKGROUND

On August 30, 2005, Council adopted the Resolution of Intention No. 2005-379, to form Community Facilities District No. 14 ("CFD No. 14") (Final Tract Map No. 5350) ("T5350/Running Horse") to provide financing for the maintenance of landscaped areas and certain public facilities ("Services") and to authorize the levy of a special tax to pay for the Services as described therein, on file in the City of Fresno Clerk's Office, pursuant to the City of Fresno Special Tax Financing Law, Chapter 22 of the Fresno Municipal Code ("City Law"). A Noticed Public Hearing was held on September 27, 2005, where Council adopted Resolutions No. 2005-422, 423, and 424 establishing CFD No. 14, T5350/Running Horse, and authorizing the levy of a special tax to pay for the Services associated to CFD No. 14 as described therein, on file in the City of Fresno Clerk's Office, pursuant to the City Law. Following the Public Hearing Ordinance 2005-110 was approved and became effective on October 7, 2005.

The development and the construction of the required public improvements have not occurred for T5350/Running Horse. Therefore, the Council may dissolve CFD No. 14 based on the following: (1) There are no facilities requiring CFD No. 14 Services, (2) CFD No. 14 is not obligated to pay any outstanding debt, (3) and CFD No. 14 has no authorization to levy any special tax.

If adopted by the Council, the attached ordinance would dissolve Community Facilities District No. 14 and the levy of a special tax for the property tax years 2005-2006 to 2013-2014 and all future tax years within and relating to Community Facilities District No. 14 (Final Tract Map No. 5350/Running Horse). The City Clerk, or designee, shall cause to be recorded an addendum to the Notice of Special Tax Lien, Document No. 2006-0008358, in the office of the County Recorder of the County of Fresno dissolving CFD No. 14 and the levy of the special tax.

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

FISCAL IMPACT

All costs will be borne by the appropriations allocated for Final Tract Map No. 5350 and the Community Facilities District No. 14 formation proceedings.

Attachments: Location Map
 Ordinance

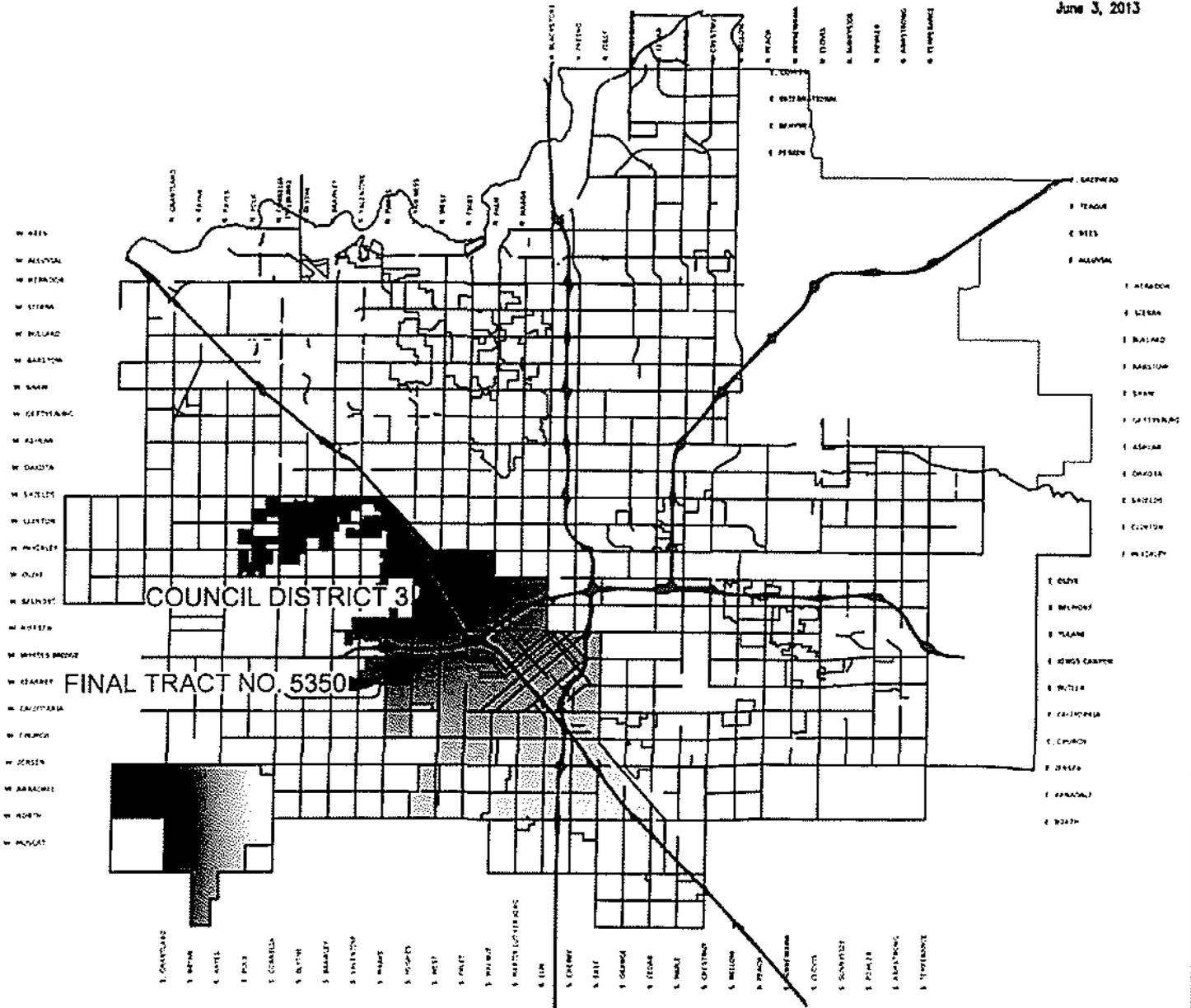
CITY OF
FRESNO

PUBLIC WORKS DEPARTMENT

TRAFFIC AND ENGINEERING SERVICES DIVISION



NOT TO SCALE
June 3, 2013



LOCATION MAP

COMMUNITY FACILITIES DISTRICT NO. 14

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BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 14 (FINAL TRACT MAP NO. 5350/RUNNING HORSE) AND THE LEVY OF THE SPECIAL TAX AND ORDERING THE RECORDATION OF AN ADDENDUM TO THE NOTICE OF SPECIAL TAX LIEN RELATING TO COMMUNITY FACILITIES DISTRICT NO. 14

WHEREAS, on September 27, 2005, the Council of the City of Fresno ("Council") held a public hearing and adopted Resolution No. 2005-422, a Resolution of the Council of the City of Fresno of Formation of Community Facilities District No. 14 and Authorizing the Levy of a Special Tax therein, forming Community Facilities District No. 14 (Final Tract Map No. 5350/Running Horse) ("CFD No. 14"), authorizing the levy of a special tax therein to pay for certain public services described therein and preliminarily establishing an appropriations limit therefore, pursuant to the City of Fresno Special Tax Financing Law (Chapter 22 of the Fresno Municipal Code) ("City Law") and the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code; and

WHEREAS, on September 27, 2005, by Resolutions No. 2005-423 and 424, the Council called and held the special election on the proposition of levying a special tax and establishing an appropriations limit within CFD No. 14 and, pursuant City Law, the ballot measure was passed and approved by more than two-thirds of the votes cast; and

WHEREAS, the final boundary map for CFD No. 14 was recorded at Book 41 of Maps of Assessment and Community Facilities Districts at Page 57, Document No. 2005-0217339, in the Office of the County Recorder for the County of Fresno, State of California; and

WHEREAS, on January 13, 2006, the Notice of Special Tax Lien for CFD No. 14

1 of 3

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

was recorded in the Office of the County Recorder of the County of Fresno as Document No. 2006-0008258; and

WHEREAS, as of September 26, 2013, CFD No. 14 has no facilities requiring public services, is not obligated to pay any outstanding debt and is not authorized to levy any special tax pursuant to the Section 53338.5 of the California Government Code.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

1. The name of the district to be dissolved is "Community Facilities District No. 14 (Final Tract Map No. 5350/Running Horse), City of Fresno, County of Fresno, State of California and is referred in this Ordinance as "CFD No. 14".

2. The Council dissolves CFD No. 14 and the levy of the special tax, pursuant Section 53338.5 of the California Government Code, based on the following determinations:

- i. There are no facilities requiring the services of CFD No. 14.
- ii. CFD No. 14 is not obligated to pay any outstanding debt.
- iii. CFD No. 14 has no authorization to levy any special tax.

3. The City Clerk or designee is hereby authorized and directed to notice the ordinance dissolving CFD No. 14 and the levy of the special tax in a newspaper of general circulation in the area of CFD No. 14 within 15 days after adoption.

4. The City Clerk, or designee, shall record an addendum to the Notice of Special Lien, Document 2005-0008358, in the Office of the County Recorder of the County of Fresno dissolving CFD No. 14 and the levy of the special tax pursuant Sections 53338.5 and 3114.5 of the California Government Code.

5. This Ordinance shall become effective thirty (30) days from and after the date of final passage pursuant to the City Charter, Article VI, Section 610.

* * * * *

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 _____, 2013.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2013
Mayor Approval/No Return: _____, 2013
Mayor Veto: _____, 2013
Council Override Vote: _____, 2013

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Raj Singh Badhesha, Deputy

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