



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO:	1 C
COUNCIL MEETING:	02/07/13
APPROVED BY	
DEPARTMENT DIRECTOR	
CITY MANAGER	

February 7, 2013

FROM: PATRICK N. WIEMILLER, Director of Public Works
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: RESOLUTION OF INTENTION TO ANNEX FINAL TRACT MAPS NO. 6003 AND 6004, ANNEXATION NO. 48, TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 (COUNCIL DISTRICT 6) (SOUTHEAST CORNER OF EAST COPPER AND NORTH MAPLE AVENUES)

RECOMMENDATION

Adopt Resolution of Intention to annex Final Tract Maps No. 6003 and 6004 to City of Fresno Community Facilities District No. 11 ("CFD No. 11").

EXECUTIVE SUMMARY

The landowner has petitioned the City of Fresno to have Final Tract Maps No. 6003 and 6004 annexed to CFD No. 11 to provide funding for the Services for the landscaping, trees, irrigation system and median edging within the median island in North Maple Avenue and the concrete curbs, gutters and valley gutters along East Copper Avenue and North Maple Avenue frontages as associated with these subdivisions. The cost for the Services for these improvements is \$34.22/lot annually. Final Tract Maps No. 6003 and 6004 are located entirely in the Fresno City Limits. The Resolution of Intention begins the process, sets the required public hearing for March 21, 2013 at 1:30 a.m., and defines the steps required to complete the annexation. (See attached location and feature maps.)

BACKGROUND

On November 15, 2005, the Council of the City of Fresno adopted Resolution No. 2005-490 forming CFD No. 11 to fund public maintenance of landscaping, open spaces, local streets, local street lights and street furniture, curbs, gutters, sidewalks, street trees and other public facilities and services as defined by the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code ("City Law").

The landowner has made a request to the City of Fresno to have Final Tract Maps No. 6003 and 6004 annexed to CFD No. 11 to provide funding for the Services for the landscaping, trees, irrigation system and median edging within the median island in North Maple Avenue and the concrete curbs, gutters and valley gutters along East Copper Avenue and North Maple Avenue frontages as associated with these subdivisions. (See attached location and feature maps.)

REPORT TO THE CITY COUNCIL

Resolution of Intention for Annexation No. 48 to Community Facilities District No. 11

February 7, 2013

Page 2

Final Tract Map No. 6003 is the first phase and Final Tract Map No. 6004 is the second and final phase of Tentative Tract Map 6003 ("TT6003"), are located entirely in the Fresno City Limits, and are to share equally in the maintenance of all facilities associated with TT6003.

The attached Resolution initiates the annexation process, sets the public hearing on this matter for March 21, 2013 at 1:30 p.m., sets the Maximum Special Tax at \$34.22 annually per residential lot for FY12-13 and sets the annual adjustment of the Special Tax 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. 11
- 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.

FISCAL IMPACT

No City funds will be involved. All costs for services will be borne by the property owners within the subject tract.

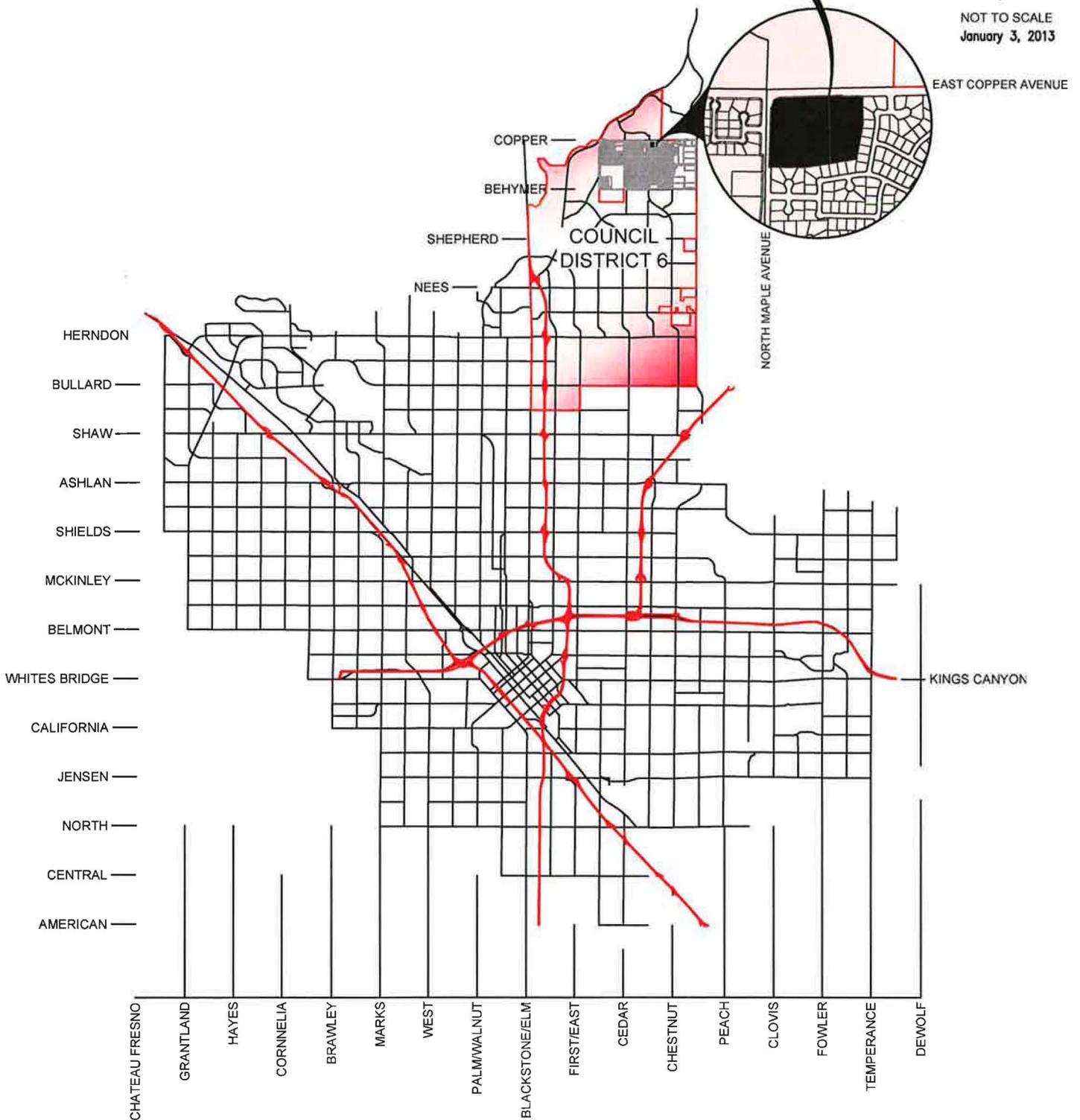
Attachments: Location Map
 Feature Map
 Resolution

CITY OF
FRESNO
PUBLIC WORKS DEPARTMENT
TRAFFIC AND ENGINEERING SERVICES DIVISION

TRACT 6003 AND 6004



NOT TO SCALE
January 3, 2013



LOCATION MAP
ANNEXATION NO. 48
COMMUNITY FACILITIES DISTRICT NO. 11

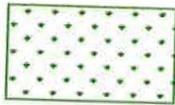
CITY OF
FRESNO
 PUBLIC WORKS DEPARTMENT
 TRAFFIC AND ENGINEERING SERVICES DIVISION



NOT TO SCALE
 December 18, 2012

FINAL TRACT MAP NO. 6003 - PHASE I TT6003
 AND
 FINAL TRACT MAP NO. 6004 - PHASE II TT6003

FEATURES TO BE ADDED BY ANNEXATION NO.48
 COMMUNITY FACILITIES DISTRICT NO. 11



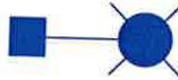
LANDSCAPE AND IRRIGATION:
 *TREES AND SHRUBS
 MEDIAN ISLAND = 3,318 SF



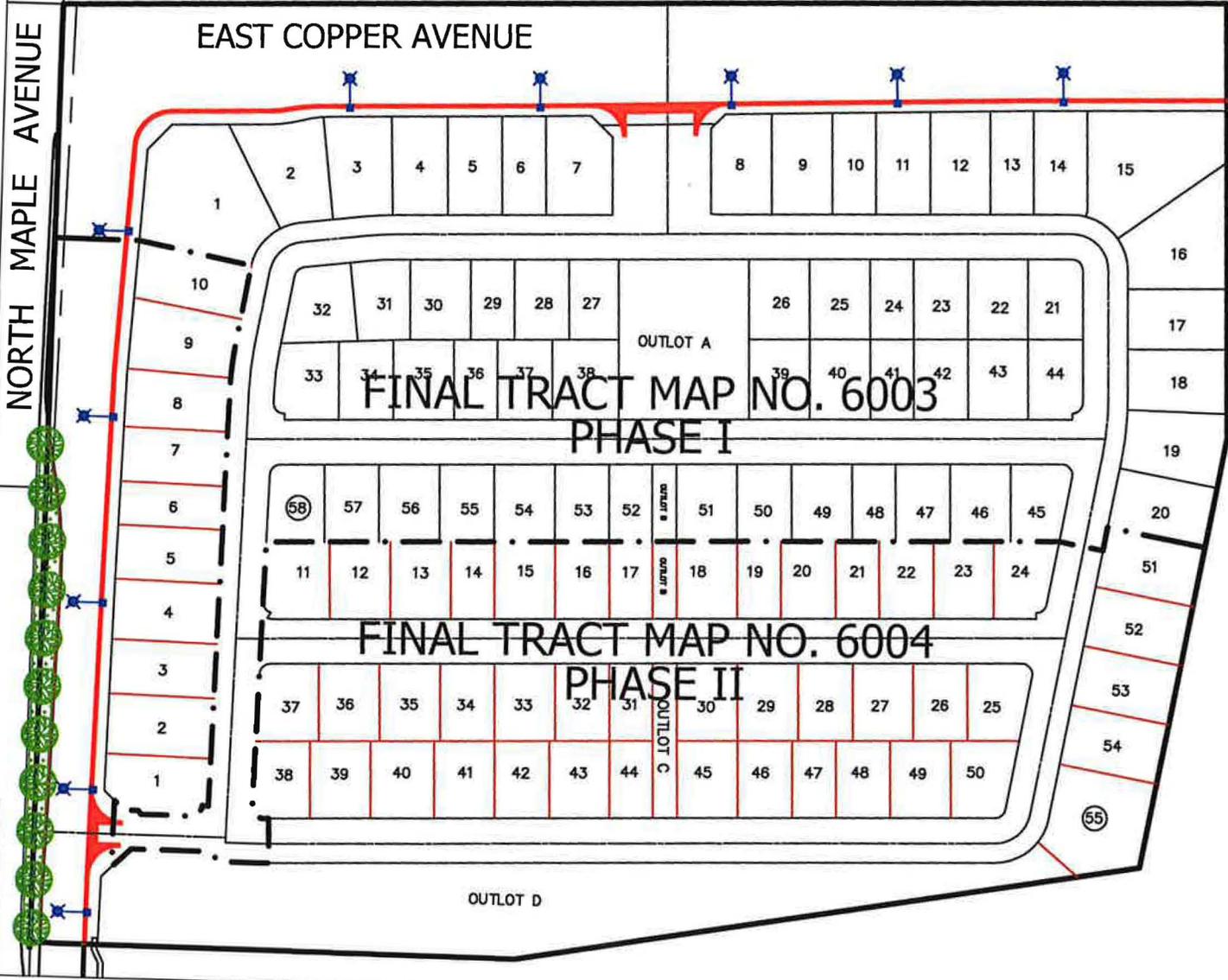
CONCRETE IMPROVEMENTS:
 CURB & GUTTER = 1,355 LF
 VALLEY GUTTER = 1,536 SF
 MEDIAN EDGE = 424 LF



LARGE TREES: 11 EA
 (SEE LANDSCAPE PLANS FOR DETAILS)



STANDARD STREET LIGHTS:
 TOTAL = 10 EACH



RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, OF INTENTION TO ANNEX FINAL TRACT MAPS
NO. 6003 AND 6004 AS ANNEXATION NO. 48 TO THE CITY OF
FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 AND TO
AUTHORIZE THE LEVY OF SPECIAL TAXES

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"), this Council, as the legislative body for the community facilities district and any annexation thereto, has the authority to establish a community facilities district and annex property to the community facilities district; and

WHEREAS, November 15, 2005 the Council of the City of Fresno ("Council") adopted a resolution establishing the City of Fresno Community Facilities District No. 11 ("CFD No. 11"); and

WHEREAS, the original boundaries of CFD No. 11 are shown on the Boundary Map of City of Fresno Community Facilities District No. 11, recorded November 8, 2005, at Book 41, Page 61 of Assessment and Community Facilities Districts in the Office of the Recorder, County of Fresno, California, a copy of which is on file in the Office of the City Clerk of the City of Fresno ("City Clerk"); and

WHEREAS, the territory encompassing the existing CFD No. 11 is shown on Exhibit A, attached and incorporated herein by reference; and

WHEREAS, the landowner of Final Tract Maps No. 6003 and 6004 ("T6003 and T6004") have formally petitioned the City to annex T6003 and T6004 to CFD No. 11, and the area proposed

1 of 5

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution of Intention to Annex Final
Tract Maps No. 6003 and 6004,
Annexation No. 48, to CFD No. 11

Resolution No.

for annexation to CFD No. 11 is shown on Exhibit B, attached and incorporated herein by reference; and

WHEREAS, the types of public services provided in the existing CFD No. 11 (“Services”) are specified on page C-2 of attached Exhibit C, which is incorporated herein by reference; and

WHEREAS, the types of Services to be provided to Annexation No. 48 (T6003 and T6004) are specified on Page C-1 of Exhibit C; and

WHEREAS, CFD No. 11 and Annexation No. 48 will share costs proportionately for Services and Operations provided by the City; and

WHEREAS, Annexation 48, T6003 and T6004, are located entirely within the limits of the City of Fresno; and

WHEREAS, Annexation No. 48, T6003 and T6004, are Phase I and Phase II of an area represented by Vesting Tentative Map No. 6003 (“TT6003”), and will share Services in common with all areas within TT6003; 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 Annexation No. 48 Boundaries.** The proposed boundaries of Annexation No. 48 are as shown on the map (copy attached as Exhibit B) on file with the City Clerk. The boundaries, shown in Annexation Map No. 48, for the territory proposed to be annexed, are preliminarily approved. The City Clerk is directed to record Annexation Map No. 48, or cause it to be recorded, in the Office of the Recorder, Fresno County, California within ten days after the adoption date of this resolution.
3. **Services.** The services proposed to be financed in Annexation No. 48 are listed in Exhibit C, Page C-1, attached hereto.
4. **Special Taxes.** Except to the extent that funds are otherwise available to CFD No. 11 to pay for the Services in Annexation No. 48, a special tax (“Special Tax”) sufficient to

pay the costs thereof, secured by recording a continuing lien against all nonexempt real property in Annexation No. 48, will be levied annually within Annexation No. 48, 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 rate and method of apportionment of the Special Tax among the real property parcels within Annexation No. 48 are described in sufficient detail for each landowner within Annexation No. 48 to estimate the maximum amount each owner will have to pay, in Exhibit D, which is attached hereto and incorporated herein by this reference.

5. **District Annexation Report.** The Director of Public Works Department, as the officer having charge and control of the Services in and for CFD No. 11, or his designee, is directed to study the proposed Services and to make, or cause to be made, and filed with the City Clerk a report of CFD NO. 11, Annexation No. 48 ("District Report"), in writing presenting the following:

a. A description of the Services by type required to adequately meet the needs of CFD No. 11, Annexation No. 48.

b. An estimate of the fair and reasonable cost of the 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 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. 11, identify the extent and reasons why the costs to provide Services in that territory are higher or lower than those provided in the existing CFD No. 11. Specify any alteration in the special tax rate levied within the existing CFD No. 11 because of the proposed annexation.

e. The CFD No. 11, Annexation No. 48 District Report shall be made a part of the record of the public hearing specified below.

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

7. **Public Hearing.** Thursday, March 21, 2013 at 1:30 p.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. 11, will conduct a public hearing on the annexation of T6003 and T6004 and will consider and finally determine whether the public interest, convenience and necessity require the annexation and the levy of the Special Tax.

8. **Public Notice.** The City Clerk or designee 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. 11. 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 53322 of Chapter 2.5 of the California Government Code.

Attachments:

Exhibit A: Annexation Map No. 48
Exhibit B: Description of Services
Exhibit C: 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 _____, 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 [date]

atty:secty[doc name/disk] REV. 05-01-12

EXHIBIT B



TERRITORY TO BE ANNEXED INTO THE CITY



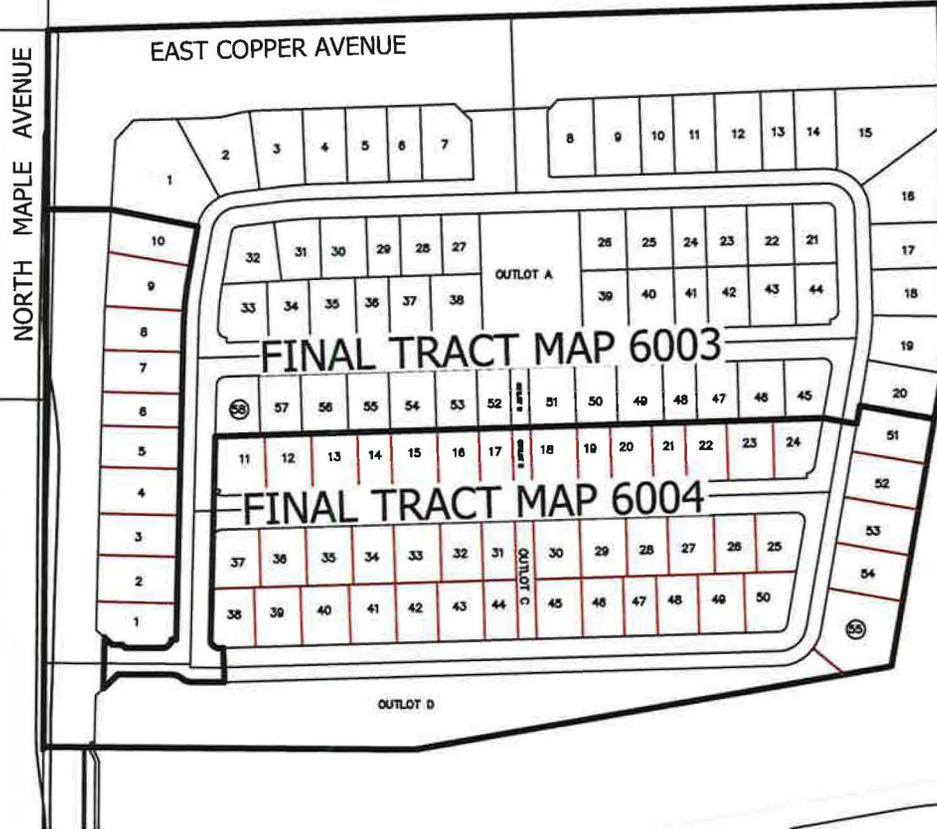
BOUNDARY LINE OF NEW CFD NO. 11 TERRITORY



BOUNDARY BETWEEN FINAL TRACT MAPS NO. 6003 AND 6004



NOT TO SCALE



DOC. _____

ATTEST:

YVONNE SPENCE, CMC
CITY CLERK OF THE CITY OF FRESNO



BY: _____
DEPUTY

I HEREBY CERTIFY THAT THE ANNEXATION MAP NO. 48 OF THE COMMUNITY FACILITIES DISTRICT NO. 11, CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA WAS ADOPTED BY THE COUNCIL OF THE CITY OF FRESNO BY RESOLUTION NO. 2013-____ ON _____, 2013.

ATTEST:

YVONNE SPENCE, CMC
CITY CLERK OF THE CITY OF FRESNO



BY: _____
DEPUTY

THIS ANNEXATION MAP NO. 48 OF THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, WAS FILED THIS ____ DAY OF _____, 2013 AT THE HOUR OF ____ O'CLOCK ____ M AT BOOK 43, 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. 11, RECORDED NOVEMBER 8, 2005 AT BOOK 41, PAGE 61 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	
ANNEXATION MAP NO. 48 OF COMMUNITY FACILITIES DISTRICT NO. 11 OF THE CITY OF FRESNO, FRESNO COUNTY, CALIFORNIA	COMPT. ENGR. _____ OFFICE ENGR. _____ CITY ENGR. _____ DR. BY: A. L. LEE CH. BY: _____ DATE: JANUARY 8, 2013 SHEET NO. 1 OF 1 SHEETS 1:5=1"

EXHIBIT C

CITY OF FRESNO

Community Facilities District No. 11 Annexation No. 48

Description of Services to be Financed by Community Facilities District No. 11 for Annexation No. 48 (Final Tract Maps No. 6003 and 6004)

The services and operations that are to be financed (“Services”) by Community Facilities District No. 11 (“CFD No. 11”) for Final Tract Maps No. 6003 and 6004, Annexation No. 48 are generally as described below.

The Services that are to be financed 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 within the median island in North Maple Avenue associated with Final Tract Maps No. 6003 and 6004.

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, North Maple Avenue median island edging and concrete curbs and gutters, valley gutters and street lighting along East Copper and North Maple frontages associated with Final Tract Maps No. 6003 and 6004.

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. 11.

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. 11 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 annexation of Annexation 48 to CFD No. 11 and the availability of sufficient proceeds of Special Taxes within CFD No. 11.

EXHIBIT C

CITY OF FRESNO

Community Facilities District No. 11 Formation

Description of Services currently financed by Community Facilities District No. 11

The services that are to be financed (“Services”) by Community Facilities District No. 11 (“CFD No. 11”) 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 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 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. 11.

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. 11 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. 11 and the availability of sufficient proceeds of special taxes within the CFD No. 11.

EXHIBIT D

CITY OF FRESNO

**Community Facilities District No. 11
Annexation No. 48**

Rate and Method of Apportionment of Special Tax

Cost Estimate

The estimate breaks down the costs of providing 1 year's service for FY 2012-2013

ITEM	DESCRIPTION	ESTIMATED COST
1	Landscape Operational Costs	\$ 2,090.34
2	Other Operational Costs	\$ 467.50
3	Reserve for Replacement	\$ 1,308.89
	Total	\$ 3,866.73

Subdivision Appropriation Limit

FINAL TRACT MAP NO.	MAX. SPECIAL TAX PER RESIDENTIAL UNITS	TOTAL TAXABLE UNITS	APPROPRIATION LIMIT	SUBDIVIDER
6003 and 6004	\$ 34.22	113	\$500,000.00	CIAO Properties, LLC

EXHIBIT D

City of Fresno

Community Facilities District No. 11 Annexation No. 48

Rate and Method of Apportionment of Special Tax

A Special Tax applicable to each assessor's parcel in Community Facilities District No. 11 ("CFD No. 11") 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. 11, 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. 11 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.

"Council" means the City Council of the City of Fresno, acting as the legislative body of CFD No. 11.

"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.

"Excluded Parcels" means those assessor's parcels identified as ineligible for inclusion in CFD No. 11 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 of the City of Fresno 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.

EXHIBIT D

“Maximum Special Tax” means the maximum special tax, determined in accordance with Section C, which can be levied in any Fiscal Year.

“Proportionately” means, in any fiscal year, that the ratio of the actual Special Tax to the Maximum Special Tax is equal for all assessor’s parcels in CFD No. 11.

“Public Property” means any property within the boundaries of CFD No. 11 that is owned by the federal government, the 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 Unit” means a residential dwelling unit and shall include single-family unattached homes, 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 C below, “Residential Units” shall include dwelling units already built on taxable property in CFD No. 11, 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 CFD No. 11, 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. 11 which are not exempt from the special tax pursuant to law or Section E below.

B. CALCULATION OF RESIDENTIAL UNITS

On April 1 of each fiscal year, the City of Fresno (“City”) or its designee shall determine how many residential units are built, or allowed to be built, on assessor’s parcels within CFD No. 11. For parcels of undeveloped property zoned for development of single-family units attached, 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 single-family attached building or buildings

EXHIBIT D

have been built on an 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 final map in Section C, Table 1 below.

C. MAXIMUM SPECIAL TAX

The Maximum Special Tax (MST) applicable to each assessor's parcel in CFD No. 11 shall be specific to each final map within CFD No. 11. When additional property is annexed to CFD No. 11, the rate and method adopted for the annexed property shall reflect the MST for the final map or final maps then annexed. The Maximum Special Tax for Fiscal Year 2012-2013 for a residential unit within Final Tract Maps No. 6003 and 6004 is identified in Table 1 below:

Table 1 Maximum Special Tax (Fiscal Year 2012-2013)*	
<i>Final Tract Map Number**</i>	<i>Maximum Special Tax</i>
6003 and 6004	\$ 34.22 per Residential Unit

*Beginning in January of each year, 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 MST shall become effective on the subsequent July 1.

** A Special Tax shall be levied on all parcels within an identified final map except excluded parcels as identified in Attachment 1.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

Commencing with Fiscal Year 2012-2013, the Special Tax shall be levied on all taxable parcels 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. 11 based on applying the Maximum Special Tax rates determined pursuant to Section C above to the number of residential units on each parcel of taxable property in CFD No. 11;

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. 11;

EXHIBIT D

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 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. 11 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 11 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 D

ATTACHMENT "1"

City of Fresno

Community Facilities District No. 11
Annexation 48

Excluded Parcels

**THERE ARE NO EXCLUDED PARCELS IN
FINAL TRACT MAPS NO. 6003 and 6004**

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