



RESOLUTION NO. 2009 - 91

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO OF CHANGE OF MAXIMUM SPECIAL TAX FOR ANNEXATION NO. 24 (TRACT 5603) OF COMMUNITY FACILITIES DISTRICT NO. 11

CHANGE OF SPECIAL TAX

WHEREAS, on March 17, 2009, the Council adopted Council Resolution No. 2009 - 55, the Resolution of Consideration to change the special tax for Annexation No. 24 (Tract 5603) of City of Fresno, Community Facilities District No. 11 (CFD No. 11) as provided for in the City of Fresno Special Tax Financing Law (City Law), Chapter 8, Division 1, Article 3 of the Fresno Municipal Code; and

WHEREAS, the Resolution of Consideration, incorporating a description of the proposed change, 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, this Council held a noticed public hearing as required by the Act and the Resolution of Consideration relative to the change of special tax for Annexation No. 24, CFD No. 11 ; and

WHEREAS, at said hearing all interested persons desiring to be heard on all matters pertaining to the change of special tax for Annexation No. 24 CFD No. 11, 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 the CFD No. 11 and the costs thereof, a copy of which is on file with the

Adopted _____
Approved 4/23/09
Effusive _____

2009-91



WHEREAS, written protests with respect to the change of special tax for Annexation No. 24, CFD No. 11, have not been filed with the City Clerk by property owners of one-half (½) or more of the area of land proposed to be annexed to the CFD No. 11 and not exempt from the special tax; and

WHEREAS, by Council Resolution No. 2009 - 92, the Council called a special election on the proposition of levying the changed special tax and establishing an appropriations limit within the district; and

WHEREAS, on April 23, 2009, an election was held within the district in which the propositions were approved by more than two-thirds of the votes cast as required by City Law.

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 change of special tax and appropriations limit for Annexation No. 24 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 proposed change of special tax for Annexation No. 24 have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This Council hereby finds and determines that the proposed change of special tax for Annexation No. 24 is in conformity with the goals and policies heretofore adopted by this Council with respect to the formation of the CFD No. 11.



4. If for any cause any portion of this Resolution is found to be invalid or the special tax is found inapplicable to or unreasonable for any particular parcel by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels, shall not be affected and shall remain in full force and effect.

5. Effective Date. This Resolution shall take effect upon its adoption.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 23rd day of April, 2009.

AYES: Borgeas, Brand, Dages, Westerlund, Xiong, Sterling
NOES: None
ABSTAIN: None
ABSENT: Perea

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: R
Robert R. Coyle 4/7/2009
Senior Deputy City Attorney