

**Meeting Date: 8/20/2013**

**Report Type:** Consent

**Report ID:** 2013-00597

**Title: Resolution of Intention to Establish Northwest Land Park Community Facilities District No. 2013-02**

**Location:** District 4

**Issue:** As a condition of development, the developer of the Northwest Land Park project has filed a petition requesting that the City Council establish the Northwest Land Park Community Facilities District No. 2013-02 pursuant to Mello-Roos Communities Facilities Law of 1982.

**Recommendation:** Pass a Resolution of Intention 1) establishing the Northwest Land Park Community Facilities District No. 2013-02; and 2) setting a time and place for a public hearing on September 24, 2013.

**Contact:** Sheri Smith, Program Specialist, (916) 808-7204; Mark Griffin, Program Manager, (916) 808-8788, Department of Finance

**Presenter:** None

**Department:** Finance

**Division:** Public Improvement Finance

**Dept ID:** 06001321

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Schedule of Proceedings
- 4-Resolution
- 5-Exhibit C

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**City Attorney Review**

Approved as to Form  
Michael W. Voss  
8/13/2013 1:33:24 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
8/2/2013 9:54:42 AM

**Approvals/Acknowledgements**

Department Director or Designee: Dennis Kauffman - 8/9/2013 9:47:54 AM

## Description/Analysis

**Issue:** Under the conditions of approval for the Northwest Land Park Development Project (Project), the property owners are required, before recordation of the first final subdivision map, to initiate proceedings to create a community facilities district that will fund the maintenance of public improvements. Establishing the Northwest Land Park Community Facilities District No. 2013-02 (District) will satisfy this requirement by authorizing the City to levy special taxes in an amount sufficient to provide funding for maintenance and lighting of parks, parkways, and open spaces such as: the neighborhood park, the Setzer Run Parkway and Bike Trail, the pedestrian/bike path to Miller Park, on-site neighborhood resource center operations, and school farm maintenance on a neighboring elementary school site.

The Project will be constructed in four phases, as described in the Background section of the report. The first phase will define the initial boundaries of the District with subsequent phases annexed as they develop.

**Policy Considerations:** The recommended action will fund maintenance and repair of public amenities, facilities, and improvements within and adjacent to the Project.

**Economic Impacts:** This report does not have direct economic impacts.

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** Under the CEQA guidelines, formation of a district and continuing administrative activities do not constitute a project and are therefore exempt from review.

**Sustainability:** There are no sustainability considerations applicable to the formation process or administration of a special district.

**Committee/Commission Action:** None

**Rationale for Recommendation:** The actions in the recommended Resolution are required by the Mello-Roos Community Facilities Act of 1982 (Government Code sections 53311-53368.3) for formation of a new district.

**Financial Considerations:** The property owners will pay all costs associated with the District. The maximum special tax for each Assessor's Parcel shall be the amounts shown below for Fiscal Year (FY) 2014-15.

### Single Family/Condominium Residential Parcels

|  |       |          |
|--|-------|----------|
| Less Than 800 Building Square Foot     | \$275 | per Unit |
| 800 to 1,199 Building Square Foot      | \$380 | per Unit |
| 1,200 Building Square Foot and greater | \$485 | per Unit |

|                                       |       |          |
|---------------------------------------|-------|----------|
| <b>Multi Family Parcels</b>           | \$275 | Per Unit |
| <b>Final Use (pre-permit) Parcels</b> | \$200 | per Unit |

A detailed explanation of the proposed special tax is in the Rate and Method of Apportionment, attached to the Resolution. No tax will be levied in FY 2013-14. The formation process sets the base, which are the amounts shown above. An actual levy is anticipated for FY 2014-15.

**Emerging Small Business Development (ESBD):** None. No goods or services are being purchased.

## Background

The Northwest Land Park project proposes to redevelop approximately 31.7 acres of currently light industrial, office, and commercial uses, including the Setzer Forest Products plant and various produce storage and distribution facilities associated with the Sacramento Farmer's Market. Directly abutting the site to the south are Jedediah Smith Elementary School and Arthur Benjamin High School. To the west of the site is Interstate 5. A rail tunnel is located under Interstate 5 with rail spurs that extend onto the site.

At build-out, the site will be developed with up to 825 residential units, as well as commercial/retail, and office uses. The project is planned in four phases, allowing the initial community phases to emerge on vacant land and, in subsequent phases, for existing industrial uses to gradually transition to residential use. The demolition of existing buildings on the site will occur along with the development of each individual phase. The four phases are proposed as follows:

- Phase 1 is planned to include approximately 201 condominium units and the construction of an urban farm on the Jedediah Smith Elementary School site in coordination with the Sacramento City Unified School District and the City's Parks and Recreation Department.
- Phase 2 will include up to 190 residential units and non-residential uses.
- Phase 3 will include construction of up to 270 residential units, completion of a 4.5 acre neighborhood park to serve the project site, a neighborhood center which will be the result of adaptive reuse of an existing wholesale produce building currently on the site, and a bike trail that will eventually run along the rail tunnel under Interstate 5 and connect to Miller Park.
- Phase 4 will include construction of up to 307 residential units as well as commercial, retail, and office.

Phase 1 will be included in the initial boundaries of the District. Subsequent phases will be annexed into the District as they develop.



Site Phasing Plan

## SCHEDULE OF PROCEEDINGS

### NORTHWEST LAND PARK COMMUNITY FACILITIES DISTRICT (CFD) NO. 2013-02

|                 |  |
|-----------------|--|
| July 10, 2013   | Application and fees submitted to City   |
| July 11, 2013   | City Clerk Certification of registered voters  |
| August 1, 2013  | Final Rate and Method of Apportionment to City   |
| August 1, 2013  | 100% Consent waivers due to City   |
| August 20, 2013 | City council <ul style="list-style-type: none"><li>◦ Adopt Resolution of Intention (sets hearing date)</li></ul>   |
| August 21, 2013 | Mail Notice of Hearing and Record Boundary Map   |
| Sept. 16, 2013  | City Clerk publish notice of Public Hearing  |
| Sept. 24, 2013  | City Council <ul style="list-style-type: none"><li>◦ Conduct Public Hearing</li><li>◦ Resolution of Formation</li><li>◦ Resolution Calling Special Election</li></ul>      |
| Sept. 25, 2013  | Mail Ballots   |
| Oct. 1, 2013    | Ballots Due  |
| Oct. 8, 2013    | City Council <ul style="list-style-type: none"><li>◦ Adopt Resolution Declaring Results of Special Election</li><li>◦ Pass for Publication Ordinance to Levy Tax</li></ul> |
| Oct. 9, 2013    | Record Notice of Special Tax   |
| Oct. 15, 2013   | City Council<br>Adopt Ordinance to Levy Special Tax  |

# RESOLUTION NO.

Adopted by the Sacramento City Council

## **RESOLUTION OF INTENTION TO ESTABLISH NORTHWEST LAND PARK COMMUNITY FACILITIES DISTRICT NO. 2013-02, AND TO LEVY A SPECIAL TAX THEREIN TO FINANCE MAINTENANCE SERVICES**

### **BACKGROUND**

- A. The City Council has duly considered the advisability and necessity of establishing a community facilities district and levying a special tax therein to pay for maintenance and related services to be provided within the district, under the Mello-Roos Community Facilities Act of 1982 (Act) and chapter 3.124 of the Sacramento City Code (Chapter 3.124), shown on the Boundary Map in Exhibit A, attached hereto and incorporated herein.
- B. The City Council has determined that the establishment of the district is consistent with Chapter 3.124 and follows the local goals and policies concerning the use of the Act that have been adopted by the City Council and are now in effect.
- C. The City Council is fully advised in this matter.

### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. Background statements A through C are accurate.

Section 2. The City Council hereby proposes to establish a community facilities district under Chapter 3.124 and the Act (District). The boundaries of the territory proposed for inclusion in the District are shown on the map entitled "Northwest Land Park Community Facilities District No. 2013-02" attached to this resolution as Exhibit A. A map showing the proposed territory to be included in the District (Boundary Map) is on file in the office of the City Clerk, is in the form required by section 3110 of the Streets and Highways Code, and is hereby approved. The City Clerk is directed to file a copy of the Boundary Map with the Sacramento County Clerk/Recorder within fifteen days hereafter, and in no event later than fifteen days before the hearing, for placement in the Book of Maps of Assessment and Community Facilities Districts, in accordance with section 3111 of the Streets and Highways Code.

Section 3. The name of the District is "Northwest Land Park Community Facilities District No. 2013-02."

Section 4. The District is being formed solely to fund the maintenance and lighting of parks, parkways, open space, pedestrian and bike paths, neighborhood resource center operations, and other related purposes. The District will not finance capital

improvements or issue bonds. The services provided by the District are set forth in Exhibit B to this resolution, all of which are as authorized by the Act and by Chapter 3.124. The District will also finance all costs and expenses normally incidental to the provision of the landscaping, maintenance, operations, and related services, including but not limited to those for elections, engineering, contract supervision, planning, legal services, and City administration.

Section 5. Except where funds are otherwise available, a special tax sufficient to pay for the maintenance and related services, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the District. The tax is to be collected as a separately stated item on the county property-tax bill, but the City Council reserves the right to change the method of collection at any time. The special tax is to be apportioned according to land-use classes at the annual tax rate specified in Exhibit C to this resolution, the Rate and Method of Apportionment of Special Tax (RMA). The rate shown in Exhibit C is the maximum rate. The rate may be increased for inflation under Chapter 3.124, as specified in Exhibit C. If tax collections at the stated rate exceed the amount required to pay the Special Tax Requirement (as defined in Exhibit C), then the rate may be reduced in accordance with the formula set forth in Exhibit C. The special tax will be levied and collected until the City Council determines that the need for the maintenance, and related, services no longer exists.

Section 6. In accordance with section 53325.7 of the Act, the City Council intends to establish an appropriations limit for the District, as defined by subdivision (h) of section 8 of article XIII B of the California Constitution.

Section 7. At 6:00 p.m. on September 24, 2013, in the Council Chambers at New City Hall, 915 I Street, First Floor, Sacramento, California, the Council will hold a public hearing on the proposed establishment of the District, the territorial extent of the District, the future annexation of territory pursuant to Section 53339.2 of the Act, the types of services to be provided, the proposed levy of a special tax, and all other matters as set forth in this resolution. At the public hearing, any persons interested, including taxpayers, owners of property within the District, and any registered voters residing within the District, may appear and be heard, and the testimony of all interested persons for or against establishment of the proposed District, the territorial extent of the District, the types of services to be provided, the levy of the special tax within the District, or any other matters set forth herein will be heard and considered. Such protests may be made orally or in writing by any interested persons, except that protests pertaining to the regularity or sufficiency of the proceedings must be in writing and must clearly set forth the irregularities and defects to which the objection is made. The City Council may waive any irregularities in the form or content of any written protest and at the public hearing may correct minor defects in the proceedings. All written protests must be filed with the City Clerk on or before the time fixed for the public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of the public hearing. If, at the conclusion of the hearing, the City Council determines to proceed with establishing the District, then the question of levying the special tax will be submitted to the qualified electors in an election conducted under section 53326 of the Act not less than 90 days nor more than 180 days thereafter, unless appropriate waivers pursuant to section 53326 have been filed with the City Clerk. The special tax may be levied if at least two-thirds of the votes cast upon the question of levying the tax are in favor of levying the tax.

Section 8. The City Council directs the Public Improvement Finance Manager of the Finance Department to prepare the report required by section 53321.5 of the Act and to file the report with the City Council at or before the time of the hearing.

Section 9. The City Clerk is directed to give notice of the hearing in accordance with sections 53322 and 53322.4 of the Act, as follows:

- (a) By publishing in the *Daily Recorder*, a newspaper of general circulation published in the area of the District, a notice of public hearing in the form required by the Act. The City Clerk shall do this in accordance with section 6061 of the Government Code, and the publication must be completed at least seven days before the date set for the public hearing.
- (b) By mailing to each owner of property within the District and to each registered voter residing within the District, using prepaid first-class postage, a notice of public hearing in the form required by the Act. The mailing to property owners is to be to their addresses as shown on the records of the Sacramento County Treasurer-Tax Collector or as otherwise known to the City Clerk. The mailing to registered voters is to be made to the registered voters at their addresses as shown on the records of the Sacramento County Registrar of Voters or as otherwise known to the City Clerk. The City Clerk shall complete all mailings at least fifteen days before the date set for the public hearing. The notice of hearing must include a description of the voting procedures.

Section 10. Exhibits A, B, and C are a part of this resolution

**Table of Contents:**

Exhibit A: Boundary Map of Proposed Boundary

Exhibit B: List of Authorized Services

Exhibit C: Rate and Method of Apportionment of Special Tax

# Exhibit A Boundary Map

## BOUNDARY MAP NORTHWEST LAND PARK COMMUNITY FACILITIES DISTRICT NO. 2013-02 CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

SHEET 1 OF 1

CLERK'S MAP FILING STATEMENT.

FILED IN THE OFFICE OF THE CLERK OF CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013

CITY CLERK,  
CITY OF SACRAMENTO, CALIFORNIA

CLERK'S CERTIFICATE.

I HEREBY CERTIFY THAT THE MAP SHOWING THE BOUNDARIES OF NORTHWEST LAND PARK COMMUNITY FACILITIES DISTRICT NO. 2013-02, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, WAS PREPARED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO AT A MEETING THEREOF, HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013, BY ITS RESOLUTION NO. \_\_\_\_\_

CITY CLERK,  
CITY OF SACRAMENTO, CALIFORNIA

COUNTY RECORDER'S FILING STATEMENT.

FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013 AT THE HOUR OF \_\_\_\_ O'CLOCK \_\_\_\_ M., IN BOOK \_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

COUNTY RECORDER  
OF THE COUNTY OF SACRAMENTO, CALIFORNIA

BY: \_\_\_\_\_ DEPUTY \_\_\_\_\_ DOCUMENT NO. \_\_\_\_\_



0 50 100 200 Feet



## Exhibit B

### Northwest Land Park Community Facilities District No. 2013-02 List of Authorized Services

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The authorized services to be funded from the levy and collection of annual special taxes include those set forth below in addition to the costs associated with collecting and administering the special taxes and annually administering the District. The authorized services to be funded include:

1. Maintenance and lighting of parks, parkways, bike trails, and open space.
2. Miscellaneous costs related to any of the items described above including planning, engineering, and legal and administration costs.
3. The levy of Special Taxes to accumulate funds in a sinking fund for anticipated future repair or replacement costs of facilities maintained by the CFD, as determined by the Administrator.

Specifically, the amenities identified below are intended to be maintained (in order of priority) with special tax revenues of the District.

- Neighborhood Park and Setzer Run bike trail/parkway (onsite)
- Pedestrian/Bike Path to Miller Park (offsite)
- Jedediah Farm Lease Payment
- Jedediah Farm Maintenance
- Neighborhood Resource Center Operations Contribution (See Note)
- Southside Park Maintenance Contribution (See Note)

Note: In the Base Year, the annual contributions for the Neighborhood Resource Center are limited to \$2,900 and to \$55,000 for Southside Park. Annual contribution maximums increase by the Tax Escalation Factor in following years. Actual contributions will be contingent on available funding pursuant to the prioritized list above.

## **Exhibit C**

Northwest Land Park Community Facilities District No. 2013-02  
Rate and Method of Apportionment

*CITY OF SACRAMENTO, CALIFORNIA*  
*NORTHWEST LAND PARK COMMUNITY FACILITIES DISTRICT No. 2013-02*  
*(SERVICES)*

*RATE AND METHOD OF APPORTIONMENT AND MANNER OF*  
*COLLECTION OF SPECIAL TAXES*

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**1. Basis of Special Tax Levy**

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 (Act) applicable to the land in Northwest Land Park Community Facilities District No. 2013-02 (Services) (CFD) of the City of Sacramento (City) shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

**2. Definitions**

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

“**Administrative Expenses**” means the actual or estimated costs incurred by the City to form the CFD and to determine, levy, and collect the Special Taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the Special Taxes on the general tax rolls or by other means, preparation of required reports, and any other costs required to establish or administer the CFD as determined by the City.

“**Administrator**” means the official of the City, or designee thereof, responsible for determining the Special Tax requirement and providing for the levy and collection of the Special Tax.

“**Annual Costs**” means for each Fiscal Year, the total of (1) Authorized Services, (2) Administrative Expenses, and (3) any amounts needed to offset actual or estimated delinquencies in Special Taxes for the current or previous Fiscal Year.

“**Authorized Services**” mean those services, as listed in **Attachment 2** to the RMA.

“**Base Year**” means the Fiscal Year 2014-15.

“**Building Permit**” means the issuance of a City building permit for the construction of Residential Building in the CFD.

**"Building Square Foot(age)"** means the square footage of any Residential Building floor area as determined by the City at Building Permit issuance or special use permit issuance.

**"CFD"** means the Northwest Land Park Community Facilities District No. 2013-02 (Services) of the City of Sacramento, Sacramento County, California.

**"City"** means the City of Sacramento in Sacramento County, California.

**"Condominium Residential Uses"** means a County Assessor's Parcel designated for attached single family residential uses.

**"Council"** means the City Council of the City of Sacramento acting for the CFD under the Act.

**"County"** means the County of Sacramento, California.

**"County Assessor's Parcel"** means a lot or Parcel with an assigned Assessor's Parcel Number in the maps used by the County Assessor in the preparation of the tax roll.

**"Developed Parcel"** means a Parcel for which a Building Permit or special use permit has been issued for a Residential Building or Mixed-Use Building within the CFD. A Developed Parcel will be reclassified as a Final Use Parcel if a Building Permit on a Parcel is revoked, abandoned or otherwise does not result in vertical development on the Parcel.

**"Existing Building(s)"** means buildings that are located on Parcels within the CFD at the time of formation. Parcels with Existing Buildings are exempt from the Special Tax until otherwise reclassified.

**"Final Use Parcel"** means a Residential Parcel, Mixed Use Parcel, or Multifamily Parcel for which no further development approval is required for the issuance of a Building Permit.

**"Fiscal Year"** means the period starting July 1 and ending the following June 30.

**"Legacy Parcel"** means a Parcel with an Existing Building at formation of the CFD. A Legacy Parcel becomes a Taxable Parcel when it is divided into Final Use Parcels, new Residential Buildings are constructed on the Parcel, or Existing Buildings convert to Residential Buildings.

**"Maximum Annual Special Tax"** means the greatest amount of Special Tax that can be levied against a Taxable Parcel.

**"Maximum Annual Special Tax Revenue"** means the greatest amount of Special Tax revenue that can be collected by levying the Maximum Annual Special Tax against a group of Taxable Parcels (Developed Parcels or Final Use Parcels).

**"Maximum Annual Special Tax Rate per Unit"** means the amount shown in **Attachment 1** for the Base Year that is assigned per Unit for a Residential Parcel or residential units in a Mixed-Use Building. The Maximum Annual Special Tax Rate per Unit is adjusted annually by the Tax Escalation Factor in each Fiscal Year following the Base Year.

**"Mixed-Use Parcel"** means a Parcel designated for nonresidential and residential uses. A Mixed-Use Building may be either a vertical mixed-use or horizontal mixed-use building.

**"Multifamily Residential Parcel"** means a Parcel with Multifamily Residential Use structures.

**"Multifamily Residential Use(s)"** means a Parcel designated for multifamily residential apartment uses.

**"Nonresidential Parcel"** means a Parcel with a use designated for commercial, retail, office, church, institutional (such as hospital), industrial, manufacturing, or other similar land uses. Nonresidential Parcels are exempt from the Special Tax; however, Residential Building uses on a mixed use parcel shall be subject to the Special Tax.

**"Parcel"** means any County Assessor's Parcel in the CFD based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**"Parcel Number"** means the Assessor's Parcel Number for any Parcel based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**"Public Parcel"** means any Parcel, in its entirety, that is publicly owned that is normally exempt from the levy of general ad valorem property taxes under California law, including public streets, schools, parks, public drainage ways, public landscaping, wetlands, greenbelts, and public open space. These parcels are exempt from the levy of Special Taxes. Any such Parcel will be a Tax-Exempt Parcel.

**"Residential Building"** means a residential structure on a Residential Parcel with land uses designated for residential use, such as single-family residential, Residential uses on a mixed use parcel, multifamily residential, low-income single-family residential, age-restricted single-family or multifamily uses, assisted living or congregate care facilities.

**"Residential Parcel"** means a Parcel, with land uses designated for residential uses such as single-family residential, multifamily residential, low-income single-family residential, age-restricted single-family or multifamily uses, assisted living or congregate care facilities.

**"Single Family Residential Use(s)"** means a County Assessor's Parcel designated for detached single family residential uses.

**"Special Tax(es)"** mean(s) any tax levy under the Act in the CFD.

**"Tax Collection Schedule"** means the document prepared by the Administrator for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

**"Tax Escalation Factor"** means an annual percentage increase in the Maximum Annual Special Tax Rate based upon the Consumer Price Index (CPI) (prior calendar year annual average, San Francisco, All Urban Consumers (CPI-U) Index); however, the annual percentage increase shall not exceed 4-percent.

**"Taxable Parcel"** means any Parcel that is a Developed Parcel or Final Use Parcel.

**"Tax-Exempt Parcel"** means a Parcel not subject to the Special Tax. Tax-Exempt Parcels are:

- Public Parcels
- Nonresidential Parcels (with the exception of Residential Building uses on a mixed use parcel)
- Legacy Parcel
- Undeveloped Parcels.

**"Undeveloped Parcel"** means a Parcel that is not a Developed Parcel, Final Use Parcel, Legacy Parcel, or Tax-Exempt Parcel

**"Unit(s)"** means the number of individual Residential units on a Taxable Parcel for which Building Permits have been issued.

### **3. Duration of the Special Tax**

Parcels in the CFD will remain subject to the Special Tax in perpetuity.

If the Special Tax ceases to be levied, the City will direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special Tax, in addition, will identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

### **4. Assignment of Maximum Annual Special Tax**

- A. Classification of Parcels. By June 30 of each Fiscal Year, using the Definitions in **Section 2** above, the Parcel records of the Assessor's Secured Tax Roll as of January 1, and other City development approval records, the Administrator shall complete the following steps:
  1. Classify each Parcel as a Developed Parcel, Final Use Parcel, Undeveloped Parcel, or Tax-Exempt Parcel.
  2. Assign to each Developed Parcel the total Units and Building Square Footage for each Unit for all Residential Parcels and Mixed-Use Buildings.
- B. Determination of Maximum Annual Special Tax. **Attachment 1** shows the Maximum Annual Special Tax per Unit for the Base Year. In each Fiscal Year following the Base Year, the Annual Special Tax Rate per Unit shall be adjusted by the Tax Escalation Factor.
- C. Assignment of Maximum Annual Special Tax. Using **Attachment 1**, the Administrator shall assign the Maximum Annual Special Tax to each Developed Parcel and Final Use Parcel using the steps below:
  1. Developed Parcels.
    - a. Residential Parcels. Using the Building Square foot assigned to each Unit on a Residential Parcel, assign the Maximum Annual Special Tax to each Unit using the Building Square Foot ranges shown in **Attachment 1**, as increased by the Tax Escalation Factor. To the extent there are more than one Units assigned to the Residential Parcel, sum the Maximum Annual Special Tax assigned to each Unit to determine the Maximum Annual Special Tax for the Residential Parcel.
    - b. Multifamily Residential Parcel. Using the number of Units on a Multifamily Parcel, multiply the Maximum Annual Special Tax per Unit for Multifamily

Residential uses, as shown in **Attachment 1**, as increased by the Tax Escalation Factor, times the number of Units to determine the Maximum Annual Special Tax for the Multifamily Residential Parcel.

- c. Mixed-Use Parcels. Using the Building Square Foot assigned to each residential Unit on a Parcel, assign the Maximum Annual Special Tax per Unit to each Unit by using the Building Square Foot ranges shown in **Attachment 1**, as increased by the Tax Escalation Factor. If each Unit is not uniquely identified by a County Assessor's Parcel, sum the Maximum Annual Special Tax assigned to each Unit to determine the Maximum Annual Special Tax for the Mixed-Use Parcel.
2. Final Use Parcels. Assign the Maximum Annual Special Tax per Unit for each Final Use Parcels shown in **Attachment 1**, as increased by the Tax Escalation Factor.
- D. Conversion of a Tax-Exempt Parcel to a Taxable Parcel. If a Tax-Exempt Parcel ceases to be classified as a Public Parcel or Undeveloped Parcel and is converted to a taxable use, it shall become subject to the Special Tax if it meets the definitions of a Taxable Parcel. The Maximum Annual Special Tax for such a Parcel will be assigned according to **Section 4.A** and **Section 4.B** above. Conversely, if a Parcel is converted to a Public Parcel, it shall become a Tax-Exempt Parcel.

## 5. Calculating Annual Special Taxes

The Administrator will compute the Annual Costs and determine the Maximum Annual Special Tax for each Taxable Parcel based on the assignment of the Special Tax in **Section 4**. The Administrator then will determine the tax levy for each Taxable Parcel using the following process:

- A. Compute the Annual Costs using the definition of Annual Costs in Section 2.
- B. Calculate the Special Tax levy for each Taxable Parcel by the following steps:
  - Step 1: Compute 100 percent of the Maximum Annual Special Tax Revenue for Developed Parcels.
  - Step 2: Compare the Annual Costs with the Maximum Annual Special Tax Revenue calculated in Step 1.
  - Step 3: If the Annual Costs are lower than the Maximum Annual Special Tax Revenue for Developed Parcels, decrease proportionately the Special Tax levy for each Developed Parcel until the revenue from the Special Tax levy equals the Annual Costs.
  - Step 4: If the Annual Costs are greater than the Maximum Annual Special Tax Revenue for Developed Parcels, increase proportionately the Special Tax levy for each Final Use Parcel until the revenue from the Special Tax levy equals the Annual Costs, or until the Maximum Annual Special Tax has been reached.
- C. Levy on each Taxable Parcel the amount calculated above.

- D. Prepare the Tax Collection Schedule and, unless an alternative method of collection has been selected pursuant to **Section 9**, send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule will not be sent later than the date required by the Auditor for such inclusion.

## **6. Records Maintained for the CFD**

As development occurs in the CFD, the Administrator will maintain a file containing records of the following information for each Parcel:

- The current County Assessor's Parcel Number.
- Total Building Square Footage assigned by the Administrator to Single Family Residential Units.
- The total number of Multifamily Residential Use Units assigned to each Parcel.

The file containing the information listed above will be available for public inspection.

## **7. Interpretation, Application, and Appeal of Special Tax Formula and Procedures**

The Administrator will make every effort to correctly calculate the Special Tax for each Parcel. It will be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments. Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the Administrator appealing the levy of the Special Tax. The Administrator then will promptly review the appeal and, if necessary, meet with the applicant. If the Administrator verifies that the tax should be modified or changed, the Special Tax levy will be corrected, and if applicable in any case, a refund will be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, or any definition applicable to the CFD.

Without Council approval, the Administrator may make minor, non-substantive administrative and technical changes to the provisions of this Exhibit that do not materially affect the rate, method of apportionment, and manner of collection of the Special Tax for purposes of the administrative efficiency or convenience or to comply with new applicable federal, state, or local law.

## **8. Prepayment of the Special Tax Obligation**

The Maximum Annual Special Tax for a Taxable Parcel may not be prepaid. The Special Tax is collected to fund Authorized Services in perpetuity, or until the Council determines that the Special Tax should no longer be collected.

## **9. Manner of Collection**

The Special Tax will be collected in the same manner and at the same time as ad valorem property taxes, provided, however, that the Administrator or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary, to meet the City's financial obligations.

**Attachment 1**  
**Northwest Land Park CFD No. 2013-02 (Services)**  
**Maximum Annual Special Tax by Category (Base Year 2014-15)**

| Land Use Category                      | Maximum Annual Special Tax<br>[1] |          |
|--|-----------------------------------|----------|
| <b>Developed Parcels</b>               |                                   |          |
| <b>Residential Parcels</b>             |                                   |          |
| Less Than 800 Building Square Foot     | \$275                             | per Unit |
| 800 to 1,199 Building Square Foot      | \$380                             | per Unit |
| 1,200 Building Square Foot and greater | \$485                             | per Unit |
| <b>Multifamily Residential Uses</b>    | \$275                             | per Unit |
| <b>Final Use Parcels</b>               | \$200                             | per Unit |

[1] The Maximum Annual Special Tax is increased by the Tax Escalation Factor in each Fiscal Year after the Base Year. "att1"

## Attachment 2

### Northwest Land Park CFD No. 2013-02 (Services) List of Authorized Services

The authorized services to be funded from the levy and collection of annual special taxes include those set forth below in addition to the costs associated with collecting and administering the special taxes and annually administering the District. The authorized services to be funded include:

1. Maintenance and lighting of parks, parkways, bike trails, and open space.
2. Miscellaneous costs related to any of the items described above including planning, engineering, and legal and administration costs.
3. The levy of Special Taxes to accumulate funds in a sinking fund for anticipated future repair or replacement costs of facilities maintained by the CFD, as determined by the Administrator.

Specifically, the amenities identified below are intended to be maintained (in order of priority) with special tax revenues of the District.

- Neighborhood Park and Setzer Run bike trail/parkway (onsite)
- Pedestrian/Bike Path to Miller Park (offsite)
- Jedediah Farm Lease Payment
- Jedediah Farm Maintenance
- Neighborhood Resource Center Operations Contribution (See Note)
- Southside Park Maintenance Contribution (See Note)

Note: In the Base Year, the annual contributions for the Neighborhood Resource Center are limited to \$2,900 and to \$55,000 for Southside Park. Annual contribution maximums increase by the Tax Escalation Factor in following years. Actual contributions will be contingent on available funding pursuant to the prioritized list above.