RESOLUTION NO. 2017-35

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MARINA ACCEPTING ANNEXATION OF PROPERTY INTO CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2015-1 (THE DUNES)

WHEREAS, at the regular meeting of June 2, 2015, the City Council adopted Resolution 2015-63, approving the formation of The Dunes Community Facilities District No. 2015-1, and;

WHEREAS, the City formed Community Facilities District No. 2015-1 (the "CFD") in order to provide a source of financing for the public services required to maintain infrastructure to be owned by the City at The Dunes Development, which will include streets, sidewalks, curbs & gutters, decorative lighting and storm drains, and;

WHEREAS, at the regular meeting of March 15, 2016, the City Council adopted Resolution 2016-36, approving the Phase 3 Final Map of Phase 1C for The Dunes on Monterey Bay Development Project Subdivision ("Exhibit A"), and;

WHEREAS, at the regular meeting of June 21, 2016, the City Council adopted Resolution 2016-96, receiving and filing the unanimous approval of annexation of property into the City's Community Facilities District No. 2015-1 (The Dunes). The area of annexation consisted of phase 2 of the Dunes Residential Development (Phase 1C), and;

WHEREAS, the City has received request from Shea Homes to annex the Phase 3 Final Map additional property into the CFD pursuant to the simplified process for annexations established when the CFD was originally formed, under which additional parcels can be annexed into the CFD if all owners of the parcels being annexed execute a unanimous consent to annexation, and;

WHEREAS, Shea Homes Limited Partnership has submitted a unanimous consent to annexation of 128 parcels into the CFD ("Exhibit B"), consisting of phase 3 of Phase 1C. Following this meeting, staff will prepare an amendment to the Notice of Special Tax Lien for the CFD and record it with the County recorder's office, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina does hereby:

1. Accept annexation of Property into the City of Marina Community Facilities District No. 2015-1 (The Dunes).

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 4th day of April 2017, by the following vote:

AYES: COUNCIL MEMBERS: Amadeo, Morton, O'Connell, Brown, Delgado NOES: COUNCIL MEMBERS: None ABSENT: COUNCIL MEMBERS: None ABSTAIN: COUNCIL MEMBERS: None

ATTEST:	Bruce C. Delgado, Mayor
Anita Sharp, Deputy City Clerk	

11. 24 CET PS. Ub

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CÉRTIFICAITE VERIFIES ONLY THE IDEACHT TO WHICH THIS CERTIFICAITE IS ADMINISTED, AND NOT THE TRAINFOLDINESS, ACCURACY, OR VALUITY OF THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF A lemenda

OWNER'S ACKNOWLEDGEMENT

PHASE 1C, THE DUNES ON MONTEREY BAY - THIRD PHASE FINAL MAP OF TRACT NO.

BEING A SUBDIVISION OF THE DESIGNATED REMAINDER AS SHOWN ON THE FINAL MAP

ECCO ACCORDEDA 4670 Willow Road, Bulte 126 Pleasanton, CA 94568 Tel 925.847.1556

AS SHOWN ON THE FINAL MAP
HIED IN VOLUME 24 OF CITIES AND TOWNS AT PAGE 44, TRACT 1522
—MAYTERST COUNTY RECORDS.

CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA

FEBRUARY 2016

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Sheet 1 of 7

PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA APH IS TRUE AND CORRECT.

I CERTIFY UNDER PENALTY THAT THE FOREGOING PARA

WITNESS MY HAND:

PRINTED NAME:

Langardan

MY COMMISSION EXPIRES: MACL 2, 2018 MY PRINCIPAL PLACE OF BUSINESS IS THE COUNTY OF:

Alamake.

2951879

MY COMMISSION NO.:

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIESS ONLY THE IDENTITY OF THE INDIVIDUAL WAY OSKOLD THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR YALLOTT OF THAT DOCUMENT. STATE OF CALIFORNIA

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MY COMMISSION EXPIRES: March 2, 2018 2059879 COMMISSION NO.:

FRUSTEE'S STATEMENT

A DEED OF TRUST TO SECURE THE PERFORMANCE OF AN AGREEMENT OR OTHER OFFICIAL RECORDED JANE 24, 2014 AS RECORDER SERIES NO. 2014/023109 OF OFFICIAL RECORDS.

JUNE 24, 2014
SHEA HOMES LIMITED PARTMERSHIP A CALIFORNIA LIMITED PARTMERSHIP
FIRST AMERICAN TITLE INSURANCE COMPANY
CACAGO PRESENT DIRECTOR OF OPPRATING VAME: CVINA ERALD

BENEFICIARY'S STATEMENT

A DEED OF TRUST TO SECURE THE PERFORMANCE OF AN AGREEMENT OR OTHER OFFICIAL RECORDED. JUNE 24, 2014 AS RECORDER SERIES NO. 2014/028109 OF OFFICIAL RECORDS.

DATE:
JUNE 24, 2014
BENEFICIARY: MARINA COMMUNITY PARTNERS, LLC, A DELAWARE LIMITED LIABILITY
COMPANY
COMPANY LASUE MARCEAUL TILE: Button iged Myant

Wend guller Authorized Mgent

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SUBDIVIDER SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY. THE CITY COUNCIL, PRINGING COMMISSION, AGENTS, GPFICERS AND BEPOLOFIES FROM ANY CLAIM, COMMISSION, AGENTS, AGENTS, COUNCIL, PLANNING COMMISSION, AGENTS, ADVISORY, AGENTS, AGE

OWNERS: SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, ITS WANAGING WEMBER

FILE MARC

Description: Monterey,CA Tract Map - Book.Page 24.46 Page: 1 of 7 Order: mon Comment:

24 CE1

CITY ENGINEER'S STATEMENT A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY TI IDENTITY OF THE INNORDIAL WIND SIANDS THE DOCUMENT TO WHOSH THIS CERTIFICATE TATACHED, AND NOT THE TRUIFICINESS, ACCURACY, OR VALIOTY OF THAT DOCUMENT. TRUSTEE'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA

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CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND: ROLLALLY COLLEGE LY MY PRINCIPAL PLACE OF BUSINESS IS THE COUNTY OF: Roche! Courtney PRINTED NAME:

Sanuary 10, 2019 2096452 MY COMMISSION EXPIRES: COMMISSION NO.:

Alameda

NOURDIN KHAYATA ACTING CITY ENGINEER, CITY OF MARINA R.C.E. 52446 EXPIRATION DATE: 12-31-16

, CYRUS KIAMPOUR, ACTING CITY SURVEYOR OF THE CITY OF MARINA, HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND IT IS TECHNICALLY CORRECT. CITY SURVEYOR'S STATEMENT

CYRUS KIANPOUR ACTING CITY SUREYOR, CITY OF MARINA L.S. 7515 EXPIRATION DATE: 12-31-17

No. 7515

SURVEYOR'S STATEMENT

I. THERESA STMANIS, ACTING COMMUNITY DEVELOPMENT DIRECTOR, CITY OF WARNA, HERBELS, BUSTENITHLY-THE SAME, SALTH PAPERAGED ON THE TRYTATIVE MAP, AS APPROVED BY THE CITY COUNCIL OF WARNA, ON THE 31ST DAY OF MAY 2005, AND SUBSEQUENT AMENDMENT APPROVED OCTOBERS OF THE STATE OF THE TRYTATIVE MAP AS APPROVED OCTOBERS OF THE STATE OF TH

No. 52446

A SOILS REPORT DATED JULY 1, 2005 PREPARED BY BERLOGAR CEÓTECHNICAL CONSULTANTS HAS BERN SPECIFICALLY PREPARED FOR THIS SUBDIVISION AND IS ON FILE AT THE CITY OF MARINA ENGINEERING DEPARTMENT. was a Patran Par SOILS REPORT STATEMENT ANITA SHARP
DEPUTY CITY CLERK OF MARINA

I, RYAN IM, SEXTON, HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER WY DIRECTION, AND IS BREAD UPON A RELID SUPPORT, WADE DUBLING THE WORNHY OF AND LOCAL CORDINACE. AND FORTER TO STATE SUBJUNCTION MAP ACT AND LOCAL CORDINACE. AND FORTER TO STATE AND SUBJUNCTION AND ACT AND COMPLETE AS SHOWN, THAT ALL MONIMENTS ARE OF THE CHARACTER AND OCCUPATION OF THE CHARACTER AND OCCUPATION AND ACT AND ryan M. Sexton P.L.S 9177 Expiration date: 03/21/2017

RECORDER'S STATEMENT

FILED THIS 4Th DAY OF ARET'L 2016, AT 91-33 BM IN VOLUME 3-4 OF CITES AND TOWNS, AT PAGE 416, AT THE REQUEST OF FIRST AMERICAN TITLE CO. SIGNED: Stephen L. Vagnini COUNTY RECORDER up Mound

FEE: \$31. SERIAL NUMBER: 2016017965

AS SHOWN ON THE FINAL MAP FILED IN VOLUME 24 OF CITIES AND TOWNS AT PAGE 44, TRACT 1522 PHASE 1C, THE DUNES ON MONTEREY BAY - THIRD PHASE BEING A SUBDIVISION OF THE DESIGNATED REMAINDER

MONTEREY COUNTY RECORDS.

CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA

FEBRUARY 2016

Sheef 2 of 7

DEVILOPING - INMOVATIVE - DESIGN - SOLUTIONS - ASTON WINDOW BOOK SUIT 125 BODG - Tel 925.847.1586

ACTING CITY ENGINEER OF THE CITY OF MARINA, HEREBY STATE ENGINE AS IT APPEARED ON THE TENTANIES MAP, AND ANY SAME AS IT APPEARED ON THE TENTANIES MAP, AND ANY SIN THEREOF, AND THAT ALL THE PROVISIONS OF THE CALIFORNIA CITY AGRINALOGY SET AS MEDICED, AND OF MARINA CITY ORDINANCES APPLICABLE FROM, OF SAME ATHY EBERY COMPLEIGN WITH

3-28-2016

PLANNING STATEMENT

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STATE OF CALIFORNIA COUNTY OF PRIMARES

BENEFICIARY'S ACKNOWLEDGEMENT

CERTIFY UNDER PENALTY OF PERLUNY UNDER THE LAWS OF THE STATE OF CALIFORNIA WITHER TORECOING PARAGRAPH IS TRUE AND CORRECT.
WITHES BY HAND.

() Keth lyng Lynn

WITNESS MY HAND:

PRINTED NAME:

MY PRINCIPAL PLACE OF BUSINESS IS THE COUNTY OF:

2 2018

MY COMMISSION EXPIRES: Mace

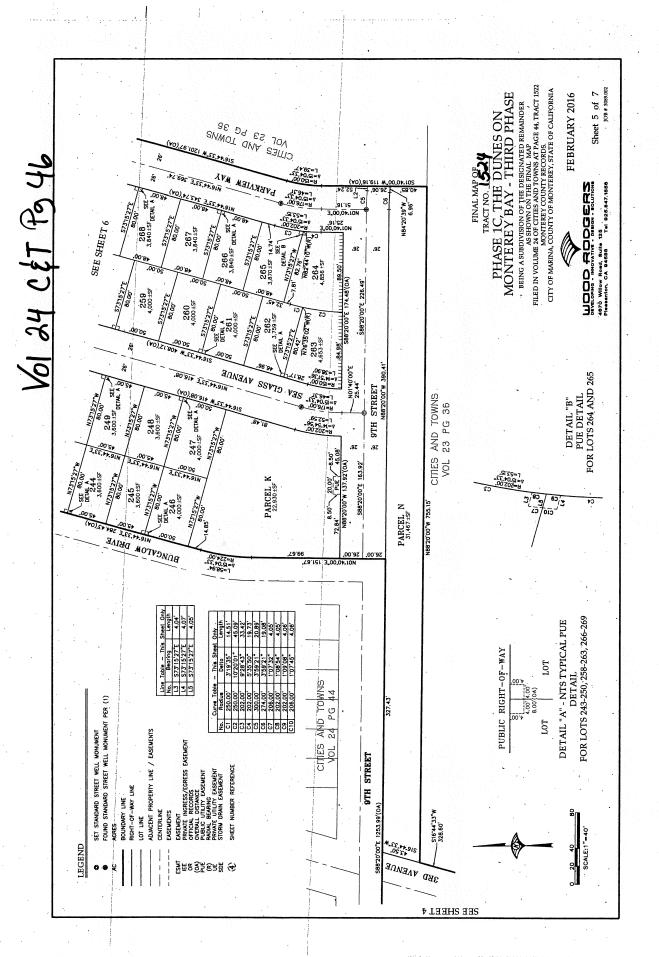
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MY COMMISSION NO .:

Description: Monterey, CA Tract Map Book.Page 24.46 Page: 2 of 7

PKINY Sheet 3 of 7 108 # 3089.002 BEING A SUBDIVISION OF THE DESIGNATED REMAINDER AS SHOWN ON THE TIMAL MAY BE AS THE AS A TO FOURE AND TOWNS AT PAGE 44, TRACT 1522 MONTHES HECORDS, CITY OF MARINA, COUNTY OF MONTERS Y, STATE OF CALIFORNIA 3KD VAE MAIN FEBRUARY 2016 PHASE 1C, THE DUNES ON MONTEREY BAY - THIRD PHASE S72'30'46"W 0.46'(∏E) WIDTH VARIES. S7315'27"E(R) 63:59' -5'(1) FINAL MAP OF TRACT NO. 1524 DEFECTION ACCORDED SOLUTIONS
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RESIDENTIAL DESCLOPMENT LOTS, 3 PERMITE PARK/OPEN SPACE LOTS
AND 3 PUBLIC OPEN SPACE LOTS DEDICATED TO THE CITY OF MARINA. ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF. VOL 24, PG 44 CITIES AND PARCEL MAP VOL 22, PG 106 22 PARCEL MAPS 106 (PARCEL MAP) 24 CITIES AND TOWNS 40 (FINAL MAP) CITÉS AND TOWNS BE SEE DETAIL "A" FOR BASIS OF BEARINGS REFERENCES: 33 SND VAENOE

SEE SHEET 5 VOL 23 PG 36 CITIES AND TOWNS Sheet 4 of 7 ' BEING A SUBDIVISION OF THE DESIGNATED REMAINDER
AS SHOWN ON THE FINAL MAP
FILED IN VOLUME 24 OF CITIES AND TOWNS AT PAGE 44, TRACT 1522 MONTEREY COUNTY RECORDS. CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA PHASE 1C, THE DUNES ON MONTEREY BAY - THIRD PHASE FEBRUARY 2016 -÷ 3RD AVENUE 201,40,00 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201,40,40 201 Vol 24 CET PO 46 PACE CONTROL AND CONTROL BESIGN - SOLUTIONS AFOYOWN, No. 6. 2450 WINE 125 THE 925.847.1656 299 3,851 ±SF 304 4,964±SF S15:57'35"W 301 4.342 ±SF 58.11 24.87 S15'57'35'W 302 32.44' 4,155±SF 303 4,527±SF S88"20"00"E 455.38"(0A) PARCEL M FOUND STANDARD STREET WELL MONUMENT PER (1) SBB-20'00'E SEE DELY 601.40,00.E SEE DETAIL (AO)'00"W 238.23'(OA) ^=0'37'09" L=6.82' ZVNDA CIVA IVNE 3 12:00, LOE' IEE' NE-SET STANDARD STREET WELL MONUMENT PRINATE INCRESS/EGRESS EASEMENT OFFICIAL PICTORES PUBLIC LITTIAN EXEMENT RADAL BARRING EASEMENT STORM DAMIN EASEMENT а Э. SHEET NUMBER REFERENCE 3,600±SF 309 4,328±SF 305 4,694 ESF 306 3,600±SF STREET ADJACENT PROPERTY RIGHT-OF-WAY LINE S88'20'00"E 212.00' 600.84' BOUNDARY LINE 9TH CENTERLINE 26.00' PUE, IEE, UE 314 4,800±SF 33.00 313 3,600±SF LEGEND ESM PUE SUE SUE (4) 201.40,00"W 362. NOI.40,00_E 8TH STREET 26.00' PUE, IEE, UE 26.00' PUE, IEE, UE 318 60 319 60 320 397545F 79 34,57745F 79 3,97545F 321 4,453±SF Line Table — This Sheet O
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14,434±5F -30' GAS PIPELINE EASEMENT REEL 1058 PAGE 16 PUBLIC RIGHT-OF-WAY .3ue, LOT BLUEWATER COURT 701.40,00.4 5.569 15F 7.569 15F 7.600.4 7.600. 26.00' PUE, IEE, UE 324 ST 04,026 +SF 327 8 328 8 329 4.107 ±5F 8 23.578 ±5F 8 23.975 ±5F 00.4 LOT W 00:07 W 00:07 W 00:07 W 00:07 S88'20'00"E 172.66' 26.00' PUE, IEE, UE 5.00" PUE IEE. UE 5.00' PUE IEE, UE 332 4,107±SF 51.66 273 32±616.2 SND VAENDE



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CITY OF MARINA, COUNTY OF MONTEREY, STATE OF CALIFORNIA Sheet 6 of 7 . JOB# 3089.002 MONTEREY BAY - THIRD PHASE FEBRUARY 2016 SET STANDARD STREET WELL MONUMENT ADJACENT PROPERTY LINE / EASEMENTS 161 24 CET PO 46 FINAL MAP OF TRACT NO. EMOCIO ACOCIO EN 1900 CENTERLINE LEGEND DETAIL - NTS TYPICAL PUE DETAIL --FOR-LOTS-215-220, 227-228, 230-231 237-238, 241-244, 249-254, 256-259, 268-271 SHE SHE & PUBLIC RIGHT-OF-WAY 00.4 LOT CITIES AND TOWNS 56. MIE.44,23_E 324,77 57315'27"E 87.96' © TERRACE 57315'27"E. MOONSHEIT IVNE BYKKIEM MYK
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UNANIMOUS APPROVAL of Annexation to a Community Facilities District and Related Matters

CITY OF MARINA Community Facilities District No. 2015-1 (The Dunes)

 (date)	

TAX ZONE 1

To the Honorable City Council, City of Marina Marina, CA

Members of the City Council:

This constitutes the Unanimous Approval (the "<u>Unanimous Approval</u>") of the record owner(s) (the "<u>Property Owner</u>") of the fee title to the real property identified below (the "<u>Property</u>") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "<u>Act</u>") to annexation of the Property to the "City of Marina Community Facilities District No. 2015-1 (The Dunes)" (the "<u>CFD</u>"), and it states as follows:

- 1. **Property Owner**. This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.
- **2. Approval of Annexation**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.
- 3. Approval of Special Tax and the Services. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the services described in Exhibit B hereto and made a part hereof (the "Services"), according to the Rate and Method of Apportionment of Special Taxes for the CFD attached hereto as

Exhibit C and made a part hereof (the "Rate and Method"). Exhibit B includes the cost estimate for the Services. The City will create a special account into which the Special Taxes will be deposited, when collected. The City will prepare the annual report required by Government Code Section 50075.3.

- **4. Approval of the Appropriations Limit**. This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the appropriations limit established for the CFD, as adjusted to date.
- **5. Waivers and Vote**. The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIIIA of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.
- 6. Recordation of Amendment to Notice of Special Tax Lien. The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Monterey, State of California on June 16, 2015, at the hour of 2:51 p.m. as Document No. 2015032072. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Monterey an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.
- **7. Authority Warranted**. The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.
- **8. Due Diligence and Disclosures.** The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.
- **9. Agreements.** The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.
 - **10. The Property.** The Property is identified as follows:

Assessor's Parcel Nos. 031-255-001 through 031-255-061 and 031-256-001 through 031-256-067

Property Addresses: 2712-2726 Bungalow Drive, 2712-2765 Sea Glass Avenue, 2711-2727 Parkview Way, 2751-2769 Moonshell Lane, 268-275 10th Street, 5019-5021 Telegraph Boulevard, 2602-2610 Lighthouse Lane, 2601-2610 Sandy Clay Lane, 2601-2609 3rd Avenue, 202-246 9th Street, 2601-2606 8th Street, 2607-2618 Bluewater Court

Acres: 10.95 +/-

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Tax Zone No.: 1

Property Owner
Ву:
Name:
Title:
By:
Name:
Title:
Notice Address:
_

(attach acknowledgment)

EXHIBIT A

CITY OF MARINA Community Facilities District No. 2015-1 (The Dunes)

DESCRIPTION OF SERVICES AUTHORIZED IN THE CFD

The Community Facilities District will fund, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves:

- Street Maintenance
- Sidewalk Maintenance
- Curb & Gutter Maintenance
- Decorative Lighting Maintenance
- Storm Drain Maintenance

EXHIBIT B

CITY OF MARINA Community Facilities District No. 2015-1 (The Dunes)

TAX ZONE 1

<u>DESCRIPTION OF SERVICES TO BE FINANCED</u> <u>AND COST ESTIMATE</u>

Description of Services (if different from those listed in Exhibit A):

Cost Estimate (Fiscal Year 2015-2016):

Cost Item	Annual Costs
Street Maintenance	\$39,400.20
Sidewalk Maintenance	\$12,943.42
Curb & Gutter Maintenance	\$22,588.53
Decorative Lighting	\$9,367
Storm Drain Maintenance	\$56,474.66
Administrative Costs	\$4,407.55
Total Annual Costs:	\$1 45,161.36

EXHIBIT C

CITY OF MARINA Community Facilities District No. 2015-1 (The Dunes)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT C

CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2015-1 (THE DUNES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Marina Community Facilities District No. 2015-1 (The Dunes) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2015-1, 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 the CFD, 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:

- "Accessory Unit" means a second residential unit of limited size (e.g., granny cottage, second unit) that shares a Parcel with a single-family detached unit.
- "Acre" or "Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.
- "Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.
- "Administrative Expenses" means the following actual or reasonably estimated costs directly related to the administration of the CFD: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City, a designee thereof, or both); costs of collecting the Special Taxes; costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City for any other administrative purposes of the CFD, including attorney's fees, costs associated with annexations to the CFD, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.
- "Administrator" means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

- "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 designating parcels by Assessor's Parcel Number.
- "Assessor's Parcel Number" or "APN" means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.
- "Authorized Services" means the public services authorized to be funded by the CFD as set forth in the documents adopted by the City Council when the CFD was formed.
- "CFD" or "CFD No. 2015-1" means the City of Marina Community Facilities District No. 2015-1 (The Dunes).
- **"CFD Formation"** means the date on which the Resolution of Formation to form CFD No. 2015-1 was adopted by the City Council.
- "City" means the City of Marina.
- "City Council" means the City Council of the City of Marina, acting as the legislative body of CFD No. 2015-1.
- "County" means the County of Monterey.
- "Developed Property" means, in any Fiscal Year, all Parcels of Taxable Property for which a use permit or building permit for new construction of a residential or non-residential structure (which shall not include a permit issued solely for construction of the foundation if another permit remains to be issued for vertical construction of the building) was issued prior to June 30 of the preceding Fiscal Year.
- "Escalation Factor" means, in any Fiscal Year, the lesser of (i) the percentage increase, if any, in the Construction Cost Index for the San Francisco region in the twelve (12)-month period ending June 1 of the prior Fiscal Year, as published in the Engineering News Record (or other comparable source if the Engineering News Record is discontinued or otherwise not available), or (ii) four percent (4.0%). If, in any Fiscal Year, it is determined that the Construction Cost Index decreased in the prior Fiscal Year, the Escalation Factor shall be zero, and there shall be no corresponding decrease in the Maximum Special Taxes calculated pursuant to Section C below.
- **"Final Map"** means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a building permit can be issued for construction of residential units without further subdivision of the lots.
- "Fiscal Year" means the period starting on July 1 and ending on the following June 30.

- **"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C, that can be levied in any Fiscal Year.
- "Non-Residential Property" means, in any Fiscal Year, all Parcels of Developed Property that are not Residential Property or Public Property. If a structure on a Parcel is a mixed-use building that includes Residential Units, the Special Tax levied on the Parcel shall be calculated based on applying the Special Tax only to the Residential Units in the building.
- "Proportionately" means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Developed Property. For Undeveloped Property, "Proportionately" means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels of Undeveloped Property.
- **"Public Property"** means, in any Fiscal Year: (i) all Parcels within the boundaries of the CFD that are owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) all Parcels within the boundaries of the CFD that are encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.
- "Residential Property" means, in any Fiscal Year, all Parcels of Developed Property for which a building permit was issued for construction of one or more Residential Units.
- "Residential Unit" means an individual single-family detached unit, an individual residential unit within a duplex, halfplex, triplex, fourplex, townhome, live/work or condominium structure, or an individual apartment unit. An Accessory Unit that shares a Parcel with a single-family detached unit shall not be considered a separate Residential Unit for purposes of this RMA.
- "RMA" means this Rate and Method of Apportionment of Special Tax.
- "Special Tax" means any tax levied within the CFD to pay the Special Tax Requirement.
- "Special Tax Requirement" means the amount of revenue needed in any Fiscal Year to pay for:
 (i) Authorized Services, (ii) establishment of reserves, (iii) Administrative Expenses, and (iv) amounts needed to cure any delinquencies in the payment of Special Taxes which have occurred in prior Fiscal Years.
- "Taxable Property" means all Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or Section E below.
- "Tax Zone" means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. *All of the property within CFD No. 2015-1 at the time of CFD Formation is within Tax Zone 1.* Additional Tax Zones may be created when property is

annexed to the CFD, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor's Parcels included within a new Tax Zone established when such Parcels are annexed to the CFD shall be identified by Assessor's Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

"Unanimous Approval Form" means that form executed by the record owner of fee title to a Parcel or Parcels annexed into the CFD that constitutes the property owner's approval and unanimous vote in favor of annexing into the CFD and the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

"Undeveloped Property" means, in any Fiscal Year, all Parcels of Taxable Property in the CFD that are not Developed Property.

B. <u>DATA FOR ANNUAL TAX LEVY</u>

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) in which Tax Zone each Assessor's Parcel is located, (iii) whether each Parcel of Developed Property is Residential Property or Non-Residential Property, and (iv) the Special Tax Requirement for the then-current Fiscal Year.

In any Fiscal Year, if it is determined that (i) a Final Map or parcel map for a portion of property in the CFD was recorded after the last date upon which the Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or parcel map was recorded, the Assessor does not yet recognize the new Parcels created by the Final Map or parcel map, and (iii) one or more of the newly-created Parcels meets the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or parcel map by determining the Special Tax that applies separately to each newly-created Parcel, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or parcel map.

C. MAXIMUM SPECIAL TAXES

1. Developed Property, Tax Zone 1

The Maximum Special Tax for Fiscal Year 2015-16 for all Parcels of Residential Property in Tax Zone 1 is \$437.23 per Residential Unit. The Maximum Special Tax for Fiscal Year 2015-16 for all Parcels of Non-Residential Property in Tax Zone 1 is \$5,187 per Acre. On July 1, 2016 and each July 1 thereafter, these Maximum Special Tax amounts shall be adjusted by the Escalation Factor. If property is annexed into the CFD and a separate Tax Zone is established for such property, Maximum Special Tax rates will be identified for Developed Property in the new Tax Zone in the Unanimous Approval Form signed by the annexing property owner.

2. Undeveloped Property, Tax Zone 1

The Maximum Special Tax for Fiscal Year 2015-16 for all Parcels of Undeveloped Property in Tax Zone 1 is \$5,187 per Acre, which amount shall, on July 1, 2016 and each July 1 thereafter, be adjusted by the Escalation Factor. If property is annexed into the CFD and a separate Tax Zone is established for such property, Maximum Special Tax rates will be identified for Undeveloped Property in the new Tax Zone in the Unanimous Approval Form signed by the annexing property owner.

D. <u>METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES</u>

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for that Fiscal Year and levy the Special Tax on all Parcels of Taxable Property as follows:

- Step 1. The Special Tax shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel for such Fiscal Year until the amount levied is equal to the Special Tax Requirement.
- Step 2. If additional revenue is needed after Step 1, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel for such Fiscal Year until the amount levied, when combined with the amount levied pursuant to Step 1, is equal to the Special Tax Requirement.

The Special Tax for the CFD shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD, and the Special Tax shall be equally subject to foreclosure if delinquent. The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

E. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Tax shall be levied on Parcels of Public Property, except as otherwise provided in the Act.

F. INTERPRETATION OF SPECIAL TAX FORMULA

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by resolution of the City Council for purposes of clarifying any vagueness or ambiguity in this RMA.

March 24, 2017 Item No. <u>11c</u>

Honorable Mayor and Members of the Marina City Council

City Council Meeting of April 4, 2017

CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2017-, ACCEPTING ANNEXATION OF PROPERTY INTO CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2015-1 (THE DUNES)

REOUEST:

It is requested that the City Council:

1. Adopt Resolution No. 2017-, accepting annexation of Property into the City of Marina Community Facilities District No. 2015-1 (The Dunes).

BACKGROUND:

At the regular meeting of June 2, 2015, the City Council adopted Resolution 2015-63, approving the formation of The Dunes Community Facilities District No. 2015-1.

Community Facilities District No. 2015-1 (the "CFD") was formed in order to provide a source of financing for the public services required to maintain infrastructure to be owned by the City at The Dunes Development, which will include streets, sidewalks, curbs & gutters, decorative lighting and storm drains.

At the regular meeting of March 15, 2016, the City Council adopted Resolution 2016-36, approving the Phase 3 Final Map of Phase 1C for The Dunes on Monterey Bay Development Project Subdivision ("EXHIBIT A").

At the regular meeting of June 21, 2016, the City Council adopted Resolution 2016-96, receiving and filing the unanimous approval of annexation of property into the City's Community Facilities District No. 2015-1 (The Dunes). The area of annexation consisted of phase 2 of the Dunes Residential Development (Phase 1C).

The City has received a request from Shea Homes to annex the Phase 3 Final Map additional property into the CFD pursuant to the simplified process for annexations established when the CFD was originally formed, under which additional parcels can be annexed into the CFD if all owners of the parcels being annexed execute a unanimous consent to annexation.

ANALYSIS:

Shea Homes Limited Partnership has submitted a unanimous consent to annexation of 128 parcels into the CFD ("EXHIBIT B"), consisting of phase 3 of Phase 1C. Following this meeting, staff will prepare an amendment to the Notice of Special Tax Lien for the CFD and record it with the County recorder's office.

FISCAL IMPACT:

There is a no direct impact to the City's General Fund connected with the annexation of property into the CFD. Funding generated through the CFD provides for the maintenance of infrastructure that would need funding from alternate sources, possibly including the General Fund, in the absence of the CFD.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Edrie Delos Santos, P.E. Senior Engineer, Engineering Division Community Development Department City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina