

RESOLUTION NO. 2024-101

RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MARINA TO ESTABLISH CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES TO PAY THE COSTS OF PROVIDING CERTAIN PUBLIC SERVICES

WHEREAS, the City of Marina (the “City”) received a petition signed by the owners of more than ten percent of the land within the boundaries of the territory which is proposed for inclusion in a proposed community facilities district, which petition meets the requirements of Sections 53318 and 53319 of the California Government Code (the “Government Code”); and

WHEREAS, as provided in Section 53321 of the Government Code, the City Council of the City (the “City Council”) desires to adopt this resolution of intention to establish a community facilities district consisting of the territory described in Attachment “A” hereto and incorporated herein by this reference pursuant to Sections 53329.6 and 53339 *et seq.* of the Government Code, which the City Council hereby determines shall be known as “City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)” (“Community Facilities District No. 2024-1” or the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the “Act”) to finance (1) the services authorized by Sections 53313 of the Act, which shall include but not be limited to those described in Attachment “B” (collectively, the “Services”), and (2) the incidental expenses to be incurred in connection with financing the Services and forming and administering the District (the “Incidental Expenses”); and

WHEREAS, the City Council further intends to approve an estimate of the costs of the Services and the Incidental Expenses for proposed Community Facilities District No. 2024-1; and

WHEREAS, it is the intention of the City Council to consider financing the Services and the Incidental Expenses through the formation of Community Facilities District No. 2024-1 and the levy of a special tax within the District to pay for the Services and the Incidental Expenses, provided that the special tax levies are approved at an election to be held within the boundaries of the proposed District; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. It is further proposed that the legal boundaries of Community Facilities District No. 2024-1 shall be those described in Attachment “A” hereto, which boundaries shall, upon recordation of the boundary map for proposed Community Facilities District No. 2024-1, include the entirety of any parcel subject to taxation by the District.

The proposed boundaries of the District are depicted on the map of proposed Community Facilities District No. 2024-1 which is on file with the City Clerk. The City Clerk is hereby directed to sign the original map of the proposed boundaries and record it with all proper endorsements thereon with the County Recorder of Monterey County within 15 days after the adoption of this resolution, all as required by Section 3111 of the California Streets and Highways Code.

SECTION 3. The name of the proposed community facilities district shall be “City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services).”

SECTION 4. The Services proposed to be provided within Community Facilities District No. 2024-1 and to be financed are services described in the Act and the City Council finds and determines that the Services to be financed are in addition to those provided in the territory of the District at the present time and do not supplant services already available within the territory of the District at the present time. The City Council hereby finds and determines that the description of the Services herein is sufficiently informative to allow taxpayers within the proposed District to understand what the funds of the District may be used to finance. The Incidental Expenses expected to be incurred include the costs of planning the Services, the costs of forming the District and the costs of levying and collecting a special tax within the District and any other Administrative Expenses (as defined in Attachment “C” hereto).

SECTION 5. Except where funds are otherwise available, it is the intention of the City Council to levy annually in accordance with the procedures contained in the Act a special tax within the District, secured by recordation of a continuing lien against all nonexempt real property within the District sufficient to pay for the Services and the Incidental Expenses. The rate and method of apportionment and manner of collection of the special tax for the District are described in detail in Attachment “C” attached hereto, which Attachment “C” is incorporated herein by this reference. Attachment “C” allows each landowner within the proposed District to estimate the maximum amount that may be levied against each parcel. In the first year in which such special tax is levied in the District, the levy shall include an amount sufficient to repay to the District all amounts, if any, transferred to the District pursuant to Section 53314 of the Act and interest thereon.

The special taxes for Services may be increased annually by the lesser of (i) the percentage increase, if any, in the Construction Cost Index for the San Francisco region, as published in the Engineering News Record, or (ii) four percent (4.0%) to the extent permitted in the rate and method of apportionment of special tax as described in Attachment “C” hereto. The special tax for Services may be levied for such period as the Services are needed, as further described in Attachment “C” hereto.

The special tax within the District is based on the expected demand that each parcel of real property within the District will place on the Services and on the benefit that each parcel derives from the right to access the Services. The City Council hereby determines that the proposed Services are necessary to meet the increased demand placed upon the City and other local government agencies in the City as a result of the development of the land proposed for inclusion in the District. The City Council hereby determines the rate and method of apportionment of the special tax for the proposed District as set forth in Attachment “C” to be reasonable. The special tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act and such special tax is not on or based upon the value or ownership of real property. In the event that a portion of the property within the District shall become for any reason exempt, wholly or partially, from the levy of the special tax specified on Attachment “C,” the City Council shall, on behalf of Community Facilities District No. 2024-1, cause the levy to be increased, subject to the limitation of the maximum special tax for a parcel as set forth in Attachment “C” to the extent necessary upon the remaining property within the proposed District which is not exempt in order to yield the special tax revenues required for the purposes described in this Section 5.

SECTION 6. A public hearing (the “Hearing”) on the proposed establishment of Community Facilities District No. 2024-1, and the rate and method of apportionment of the special tax proposed for the District to finance the Services and the Incidental Expenses shall be held at 5:00 p.m., or as soon thereafter as practicable, on October 15, 2024, at the City Council Chambers of the City of Marina located at 211 Hillcrest Avenue, Marina, California. Should the City Council determine to form the District, a special election will be held within the District to authorize the levy of a special tax within the District in accordance with the procedures contained in Section 53326 of the Act. If held, the proposed voting procedure at the elections will be a landowner vote with each landowner who is the owner of record of land within the District at the close of the Hearing, or the authorized representative thereof, having one vote for each acre or portion thereof owned within the District. Ballots for the special elections may be distributed by mail or by personal service.

SECTION 7. At the time and place set forth above for the Hearing, the City Council will receive testimony as to whether the proposed Community Facilities District No. 2024-1 shall be established, as to the rate and method of apportionment of the special tax within the District.

SECTION 8. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within proposed Community Facilities District No. 2024-1 may appear and be heard.

SECTION 9. Each officer who is or will be responsible for providing the Services within proposed Community Facilities District No. 2024-1, if it is established, is hereby directed to study the proposed District and, at or before the time of the above-mentioned Hearing, file a report with the City Council containing a brief description of the public services by type which will in his or her opinion be required to meet adequately the needs of proposed Community Facilities District No. 2024-1 and an estimate of the cost of providing those public services, including an estimate of the fair and reasonable cost of any Incidental Expenses to be incurred.

SECTION 10. The District may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred in establishing Community Facilities District No. 2024-1 and providing any of the Services. The District may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City Council, with or without interest.

SECTION 11. The City Clerk is hereby directed to publish a notice (the “Notice”) of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of proposed Community Facilities District No. 2024-1. The City Clerk is further directed to mail a copy of the Notice to each of the landowners within the proposed boundaries of the District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners in the proposed district and a description of the proposed voting procedure for the elections required by the Act. Such publication shall be completed at least seven (7) days prior to the date of the Hearing.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held on the 4th day of September 2024, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Biala

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

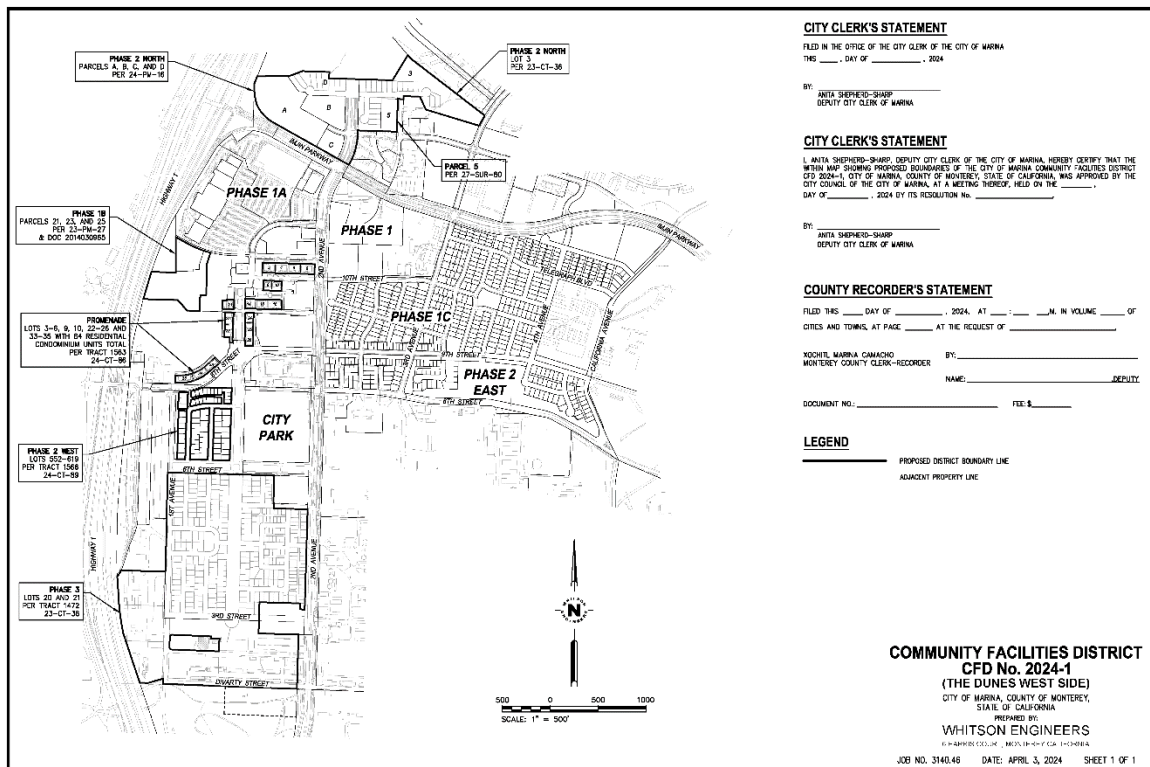
ATTEST:

Anita Sharp, City Clerk

ATTACHMENT A

**PROPOSED BOUNDARIES
OF THE CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)**

The property proposed to be included in the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) consists of the property included in the initial boundaries of the Community Facilities District No. 2024-1 depicted below:



APNs of Proposed Community Facilities District No. 2024-1:

031-296-001-0000	031-296-002-0000	031-296-003-0000	031-296-004-0000
031-296-005-0000	031-296-007-0000	031-296-008-0000	031-296-009-0000
031-296-010-0000	031-296-011-0000	031-296-013-0000	031-296-014-0000
031-296-015-0000	031-296-016-0000	031-296-017-0000	031-296-019-0000
031-296-020-0000	031-296-021-0000	031-296-022-0000	031-296-023-0000
031-297-001-0000	031-297-002-0000	031-297-003-0000	031-297-005
031-297-006	031-297-007	031-297-008	031-297-010-0000
031-297-011-0000	031-297-012-0000	031-297-014-0000	031-297-015-0000
031-297-016-0000	031-297-017-0000	031-297-018-0000	031-298-001-0000
031-298-002-0000	031-298-003-0000	031-298-004-0000	031-298-005-0000
031-298-007-0000	031-298-008-0000	031-298-009-0000	031-298-011-0000
031-298-012-0000	031-298-013-0000	031-298-014-0000	031-298-015-0000
031-298-017-0000	031-298-018-0000	031-298-019-0000	031-298-020-0000
031-298-021-0000	031-285-001-0000	031-285-002-0000	031-285-003-0000
031-285-004-0000	031-285-006-0000	031-285-007-0000	031-285-008-0000
031-285-009-0000	031-285-010-0000	031-285-012-0000	031-285-013-0000
031-285-014-0000	031-285-015-0000	031-286-001-0000	031-286-002-0000
031-286-003-0000	031-286-004-0000	031-286-005-0000	031-286-006-0000
031-286-008-0000	031-286-009-0000	031-286-010-0000	031-286-011-0000
031-286-012-0000	031-286-013-0000	031-286-015-0000	031-286-017-0000
031-286-018-0000	031-286-019-0000	031-286-020-0000	031-284-001-000
031-284-002-000	031-284-003-000	031-284-004-000	031-284-005-000
031-284-006-000	031-284-007-000	031-284-008-000	031-284-009-000
031-284-010-000	031-284-011-000	031-284-012-000	031-284-013-000
031-284-014-000	031-284-015-000	031-284-016-000	031-284-017-000
031-284-018-000	031-284-019-000	031-284-020-000	031-284-021-000
031-284-022-000	031-284-023-000	031-284-024-000	031-284-025-000
031-284-026-000	031-284-027-000	031-284-028-000	031-284-029-000
031-284-030-000	031-284-031-000	031-284-032-000	031-284-033-000
031-284-034-000	031-284-035-000	031-284-036-000	031-284-037-000
031-284-038-000	031-284-039-000	031-284-040-000	031-284-041-000
031-284-042-000	031-284-043-000	031-284-044-000	031-284-045-000
031-284-046-000	031-284-047-000	031-284-048-000	031-284-049-000
031-284-050-000	031-284-051-000	031-284-052-000	031-284-053-000
031-284-054-000	031-284-055-000	031-284-056-000	031-284-057-000
031-284-058-000	031-284-059-000	031-284-060-000	031-284-061-000
031-284-062-000	031-284-063-000	031-284-064-000	031-284-065-000
031-284-066-000	031-284-067-000	031-284-068-000	031-251-074-000
031-251-075-000	031-251-005-000	031-221-021-000	031-282-044-000
031-282-048-000	031-282-062-000	031-251-071-000	031-251-072-000
031-251-073-000	031-221-022-000		

ATTACHMENT B

Types of Services To Be Financed By City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)

The City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the “District”) shall be authorized to finance all or a portion of the costs of the types of services permitted pursuant to Government Section 53313, which shall include, but not be limited to, the following:

- (i) street maintenance;
- (ii) sidewalk maintenance;
- (iii) curb and gutter maintenance;
- (iv) decorative lighting maintenance;
- (v) storm drain maintenance;
- (vi) publicly accessible park and landscape maintenance; and
- (vii) publicly accessible restroom facilities.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay “Administrative Expenses” as said term is defined in the Rate and Method of Apportionment of Special Tax and to establish an operating reserve for the costs of services as determined by the CFD Administrator. Capitalized terms used and not defined herein shall have the meanings set forth in the Rate and Method of Apportionment of Special Tax for Community Facilities District No. 2024-1.

ATTACHMENT C

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR
CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)**

[See Attached]

**CITY OF MARINA
COMMUNITY FACILITIES DISTRICT No. 2024-1
(THE DUNES WEST SIDE SERVICES)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) 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. 2024-1, 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), Part 1, 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 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” 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 at CFD Formation.

“CFD” or **“CFD No. 2024-1”** means the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“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 1 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 Single Family Detached Property, Single Family Attached Property, Owners Association Property, or Public Property.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

“Owners Association Property” means, in any Fiscal Year, all Parcels within the CFD that are owned in fee or by easement by the Owners Association, not including any such property that is located directly under a residential structure.

“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, the Successor Agency to the Marina Redevelopment Agency, 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 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.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a residential structure consisting of two or more Residential Units that share common walls.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a Residential Unit that does not share a common wall with another Residential Unit.

“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. The three Tax Zones in the CFD are identified in Attachment 1 hereto.

“Tax Zone 1” means the area identified as Tax Zone 1 in Attachment 1 of this RMA.

“Tax Zone 2” means the area identified as Tax Zone 2 in Attachment 1 of this RMA.

“Tax Zone 3” means the area identified as Tax Zone 3 in Attachment 1 of this RMA.

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

B. DATA FOR ANNUAL TAX LEVY

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 in Tax Zone 2 or Tax Zone 3 is Single Family Detached Property, Single Family Attached 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 each Parcel of Developed Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor. The Maximum Special Tax assigned to each Parcel shall continue to apply to the Parcel regardless of changes in configuration, Acreage, or Assessor's Parcel Number. If two or more Parcels are combined, the Maximum Special Taxes assigned to such Parcels shall also be combined. If a Parcel is subdivided, the Administrator shall determine the appropriate allocation of the Maximum Special Tax to the new Parcels created by the subdivision based on the land uses that are constructed or anticipated to be constructed on each new Parcel.

2. Undeveloped Property, Tax Zone 1

The Maximum Special Tax for each Parcel of Undeveloped Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor.

3. Developed Property, Tax Zone 2

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 2 shall be determined by reference to Table 1 below.

Table 1
Maximum Special Tax
Developed Property in Tax Zone 2

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$1,959.79 per Residential Unit
Non-Residential Property	\$18,974.36 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

4. Undeveloped Property, Tax Zone 2

The Maximum Special Tax for Undeveloped Property in Tax Zone 2 for Fiscal Year 2024-25 is \$18,974.36 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

5. Developed Property, Tax Zone 3

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 3 shall be determined by reference to Table 2 below.

Table 2
Maximum Special Tax
Developed Property in Tax Zone 3

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$2,075.07 per Residential Unit
Non-Residential Property	\$6,442.00 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

6. Undeveloped Property, Tax Zone 3

The Maximum Special Tax for Undeveloped Property in Tax Zone 3 for Fiscal Year 2024-25 is \$1,500 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

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 in all three Tax Zones 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 in Tax Zone 1 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.
- Step 3.** If additional revenue is needed after Step 2, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 2 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 Steps 1 and 2, is equal to the Special Tax Requirement.

- Step 4.** If additional revenue is needed after Step 3, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 3 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 Steps 1, 2 and 3, 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 or Owners Association Property, except as otherwise provided in the Act.

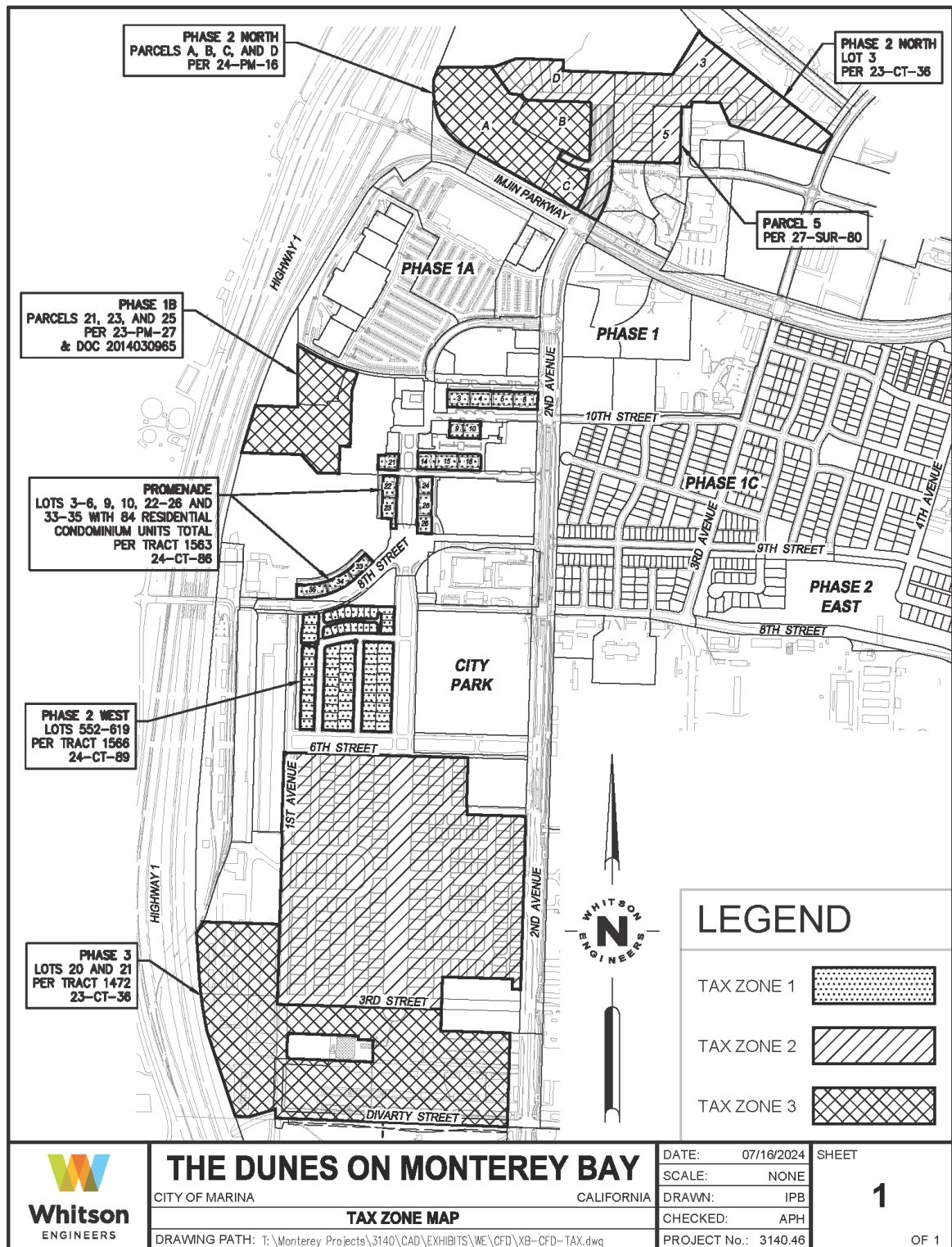
F. INTERPRETATION OF SPECIAL TAX FORMULA

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.

ATTACHMENT 1

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

Identification of Tax Zones



ATTACHMENT 2

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

**Tax Zone 1
Maximum Special Tax by Parcel**

ATTACHMENT 2

City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)

Tax Zone 1
Maximum Special Tax by Parcel

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-001-000	\$2,305.63
031-284-002-000	\$2,305.63
031-284-003-000	\$2,305.63
031-284-004-000	\$2,305.63
031-284-005-000	\$2,305.63
031-284-006-000	\$2,305.63
031-284-007-000	\$2,305.63
031-284-008-000	\$2,305.63
031-284-009-000	\$2,305.63
031-284-010-000	\$2,305.63
031-284-011-000	\$2,305.63
031-284-012-000	\$2,305.63
031-284-013-000	\$1,959.79
031-284-014-000	\$1,959.79
031-284-015-000	\$1,959.79
031-284-016-000	\$1,959.79
031-284-017-000	\$1,959.79
031-284-018-000	\$1,959.79
031-284-019-000	\$1,959.79
031-284-020-000	\$1,959.79
031-284-021-000	\$1,959.79
031-284-022-000	\$1,959.79
031-284-023-000	\$1,959.79
031-284-024-000	\$1,959.79
031-284-025-000	\$1,959.79
031-284-026-000	\$1,959.79
031-284-027-000	\$1,959.79
031-284-028-000	\$1,959.79
031-284-029-000	\$1,959.79
031-284-030-000	\$1,959.79
031-284-031-000	\$1,959.79
031-284-032-000	\$1,959.79
031-284-033-000	\$2,305.63

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-034-000	\$2,305.63
031-284-035-000	\$2,305.63
031-284-036-000	\$2,305.63
031-284-037-000	\$2,305.63
031-284-038-000	\$2,305.63
031-284-039-000	\$2,305.63
031-284-040-000	\$2,305.63
031-284-041-000	\$2,305.63
031-284-042-000	\$2,305.63
031-284-043-000	\$2,305.63
031-284-044-000	\$2,305.63
031-284-045-000	\$2,305.63
031-284-046-000	\$2,305.63
031-284-047-000	\$2,305.63
031-284-048-000	\$2,305.63
031-284-049-000	\$2,305.63
031-284-050-000	\$2,305.63
031-284-051-000	\$2,305.63
031-284-052-000	\$2,305.63
031-284-053-000	\$2,305.63
031-284-054-000	\$2,305.63
031-284-055-000	\$2,305.63
031-284-056-000	\$2,305.63
031-284-057-000	\$2,305.63
031-284-058-000	\$2,305.63
031-284-059-000	\$2,305.63
031-284-060-000	\$2,305.63
031-284-061-000	\$2,305.63
031-284-062-000	\$2,305.63
031-284-063-000	\$2,305.63
031-284-064-000	\$2,305.63
031-284-065-000	\$2,305.63
031-284-066-000	\$2,305.63
031-284-067-000	\$2,305.63
031-284-068-000	\$2,305.63
031-285-001-000	\$2,075.07
031-285-002-000	\$1,844.51
031-285-003-000	\$1,844.51
031-285-004-000	\$2,075.07
031-285-006-000	\$2,075.07
031-285-007-000	\$1,844.51

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-285-008-000	\$2,075.07
031-285-009-000	\$1,844.51
031-285-010-000	\$2,075.07
031-285-012-000	\$2,075.07
031-285-013-000	\$1,844.51
031-285-014-000	\$1,844.51
031-285-015-000	\$2,075.07
031-286-001-000	\$2,075.07
031-286-002-000	\$2,075.07
031-286-003-000	\$2,075.07
031-286-004-000	\$2,075.07
031-286-005-000	\$2,075.07
031-286-006-000	\$2,075.07
031-286-008-000	\$2,075.07
031-286-009-000	\$2,075.07
031-286-010-000	\$2,075.07
031-286-011-000	\$2,075.07
031-286-012-000	\$2,075.07
031-286-013-000	\$2,075.07
031-286-015-000	\$2,075.07
031-286-016-000	\$2,075.07
031-286-017-000	\$2,075.07
031-286-018-000	\$2,075.07
031-286-019-000	\$2,075.07
031-286-020-000	\$2,075.07
031-296-001-000	\$2,075.07
031-296-002-000	\$1,844.51
031-296-003-000	\$2,075.07
031-296-004-000	\$1,844.51
031-296-005-000	\$2,075.07
031-296-007-000	\$2,075.07
031-296-008-000	\$1,844.51
031-296-009-000	\$2,075.07
031-296-010-000	\$1,844.51
031-296-011-000	\$2,075.07
031-296-013-000	\$2,075.07
031-296-014-000	\$1,844.51
031-296-015-000	\$2,075.07
031-296-016-000	\$1,844.51
031-296-017-000	\$2,075.07
031-296-019-000	\$2,075.07

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-296-020-000	\$1,844.51
031-296-021-000	\$2,075.07
031-296-022-000	\$1,844.51
031-296-023-000	\$2,075.07
031-297-001-000	\$2,075.07
031-297-002-000	\$2,075.07
031-297-003-000	\$2,075.07
031-297-005-000	\$2,075.07
031-297-006-000	\$2,075.07
031-297-007-000	\$2,075.07
031-297-008-000	\$2,075.07
031-297-010-000	\$2,075.07
031-297-011-000	\$2,075.07
031-297-012-000	\$2,075.07
031-297-014-000	\$2,075.07
031-297-015-000	\$1,844.51
031-297-016-000	\$2,075.07
031-297-017-000	\$1,844.51
031-297-018-000	\$2,075.07
031-298-001-000	\$2,075.07
031-298-002-000	\$1,844.51
031-298-003-000	\$2,075.07
031-298-004-000	\$1,844.51
031-298-005-000	\$2,075.07
031-298-007-000	\$2,075.07
031-298-008-000	\$2,075.07
031-298-009-000	\$2,075.07
031-298-011-000	\$2,075.07
031-298-012-000	\$1,844.51
031-298-013-000	\$2,075.07
031-298-014-000	\$1,844.51
031-298-015-000	\$2,075.07
031-298-017-000	\$2,075.07
031-298-018-000	\$1,844.51
031-298-019-000	\$2,075.07
031-298-020-000	\$1,844.51
031-298-021-000	\$2,075.07

* On July 1, 2025, and each July 1 thereafter, all dollar amounts shown above shall be adjusted by the Escalation Factor, as defined by the RMA.

Honorable Mayor and Members
Of the Marina City Council

City Council Meeting
of September 4, 2024

**CITY COUNCIL OF THE CITY OF MARINA AND THE SUCCESSOR
AGENCY BOARD OF THE MARINA REDEVELOPMENT AGENCY
CONSIDER ADOPTING RESOLUTION OF INTENTION TO ESTABLISH
THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO.
2024-1 (THE DUNES WEST SIDE SERVICES) AND TO AUTHORIZE THE
LEVY OF SPECIAL TAXES TO PAY THE COSTS OF PROVIDING
CERTAIN PUBLIC SERVICES AND A RESOLUTION APPROVING
EXECUTION AND DELIVERY OF A CONSENT AND WAIVER
REGARDING THE PROPOSED CITY OF MARINA COMMUNITY
FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES)**

RECOMMENDATION:

It is recommended that the City Council and Successor Agency Board consider:

1. Adopting City Council Resolution No. 2024-__, of Intention to establish the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)
2. Adopting Successor Agency Resolution No. 2024-__, approving execution and delivery of a consent and waiver regarding the proposed City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) and

BACKGROUND:

The City Council had previously approved a Disposition and Development Agreement (“DDA”) with Marina Community Partners (“MCP”) back in 2005 for the transfer of property from the City to MCP for The Dunes Development. A key component of the DDA was a provision requiring The Dunes Development be “Fiscally Neutral” to the City. In 2015, the City formed Community Facilities District No. 2015-1 (“Dunes CFD”) to levy a special tax to fund all or a part of the public services required to maintain infrastructure to be owned by the City at The Dunes Development within Phase 1 of the Dunes Development. The City has been levying special taxes since 2015 to pay for services and maintenance for The Dunes Development.

The City has received a petition, consent and waiver of certain CFD formation and election procedures and timeframes from MCP and its affiliate Shea Homes Limited Partnership, requesting the City to create a new Community Facilities District to be designated City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (“The Dunes West Side Services CFD”) to levy a special tax to fund all or a part of the public services (the “Services”) required to maintain infrastructure at The Dunes West Side Development as well as to pay for some of the costs incurred by the owners association for the maintenance of the town square including the restroom and certain other improvements owned or managed by the owners association (“POA Services”). A map of the Proposed West Side Services CFD is included as Attachment A to the Resolution of Intention.

ANALYSIS:

The proposed annual amount of the special taxes to be levied to fund all or a part of the Services required for maintaining the infrastructure to be owned by the City of Marina and the POA Services required for maintaining the infrastructure owned by the owners association at The Dunes West Side Development is estimated to be \$2,305.63 for a Single Family Detached Property, between \$1,844.51 and \$2,075.07 for a Single Family Attached Property, between \$6,442.00 and \$18,794.36 per acre for a Non-Residential Property, and either \$1,500.00 or \$18,974.36 per acre for undeveloped property, depending on the tax zone in which such property is located. The Dunes West Side Services CFD is expected to include 3 tax zones as shown on Exhibit 1 of the rate and method of apportionment. The special tax amounts described above will be escalated each year to adjust for inflation. Engineering staff has prepared this estimate in conjunction with the City Manager and Shea Homes Limited Partnership. The Services to be funded include maintenance of streets, sidewalks, curbs & gutters, decorative lighting, storm drains, landscaping and restrooms.

Legal Documents

At tonight's City Council meeting there will be several legal documents prepared by Stradling Yocca Carlson & Rauth, the City's Special Counsel related to the formation of City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) for your consideration and approval:

Petitions – The Petitions submitted by Shea Homes Limited Partnership and Marina Community Partners, LLC are signed by their authorized representatives and cover all the commercial and residential property in The Dunes West Side Services CFD owned by them. In addition, Marina Bay Hotels, LP (owner of the Hotel site at the Dunes West Side Services CFD) and its affiliate Dunes Development LP (owner of the gas station site), were provided petitions, but have not signed the petition, consent and waiver document relating to formation of The Dunes West Side Services CFD. If directed by the City Council, acting as governing board of the Successor Agency to the Marina Redevelopment Agency, the Successor Agency will submit a Consent and Waiver for the property they currently own at the Dunes West Side Services CFD which consists of an undeveloped parcel of 1.33 acres. There is a Resolution on tonight's agenda approving execution and delivery of the Consent and Waiver by the Successor Agency. All these properties are proposed to be included in the CFD boundaries. A list of the Properties to be included in the CFD boundaries is provided below:

Tax Zone	Entity	Total Acreage as of Formation
1	Shea Homes Limited Partnership	12.00
2	Marina Community Partners, LLC, a Delaware limited liability company	61.71
	The Marina Redevelopment Agency	1.33
3	Marina Community Partners, LLC, a Delaware limited liability company	36.62
	Monterey Bay Hotels, LP, a California limited partnership	9.53
	Dunes Development LP, a California limited partnership	1.20
		122.40

Resolution of Intention – The Resolution of Intention does the following: a) accepts the petition filed by Shea with respect to the Dunes CFD; b) declares the intention of the City to form The Dunes West Side Services CFD; (c) describes the territories within the boundaries of The Dunes West Side Services CFD; d) describes the types of services that will be funded by special taxes; e) describes the rate and method of apportionment of the special taxes to be levied in the Dunes West Side Services CFD; f) calls a public hearing to be held on October 15, 2024; and g) describes the proposed voting procedures for the Dunes West Side Services CFD.

Conclusion and Next Steps – Adoptions of tonight’s Resolution of Intention is the first step to establish Dunes West Side CFD. The formation of The Dunes West Side Services CFD will occur after the public hearing, scheduled for October 15, 2024. At that hearing, the City Council will be presented with information regarding The Dunes West Side Services CFD, the special taxes, and public services. The public will be able to comment on The Dunes West Side Services CFD. After the conclusion of the October 15 public hearing the City Council may take the following actions:

1. Adopt a resolution establishing the Dunes West Side Services CFD (the “ROF”)
2. Call a special election
3. Approve a Services Funding Agreement

Since not all the Property owners located in the Dunes West Side Services CFD has signed the petition and waiver and consent form the special election to form the Dunes West Side Services CFD will not be held on October 15th. The adoption of the Resolution of Intention under consideration this evening will not commit the City Council to establish The Dunes West Side Services CFD nor authorize the levy of special taxes. The City Council may establish The Dunes West Side Services CFD only after conducting the October 15 public hearing and may levy the special taxes only if the result of the special election shows 2/3rds landowner approval. Following the October 15 public hearing, the proposed actions to complete the formation of The Dunes West Side Services CFD are as follows:

1. at least 45 days after the adoption of the ROF: Conduct Landowner Election
2. Adopt a Resolution declaring the results of the election
3. Introduce for first reading an ordinance authorizing the levy of special taxes

At the following or subsequent meeting: Second Reading of ordinance authorizing special tax levy
30 days later: Special Tax Ordinance becomes effective

The resolutions and related documents have been prepared and reviewed by the City’s consultant team, which includes special counsels (Stradling, Yocca, Carlson & Rauth LLP and Goldfarb & Lipman LLP), city attorney (Shute, Mihaly & Weinberger LLP), municipal advisor (Fieldman, Rolapp and Associates) and special tax consultant (Goodwin Consulting).

FISCAL IMPACT:

There is an impact to the City’s General Fund if the Dunes West Side CFD is not formed due to the potential services costs estimated at \$1,009,442 per year being paid out of the General Fund.

CONCLUSION:

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

Tori Hannah
Finance Director
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

PETITION, CONSENT AND WAIVER

Shea Homes Limited Partnership

**PETITION TO THE CITY COUNCIL OF THE CITY OF MARINA
REQUESTING INSTITUTION OF PROCEEDINGS FOR
ESTABLISHMENT OF CITY OF MARINA COMMUNITY
FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE
SERVICES) – INCLUDING CONSENT AND WAIVER OF
CERTAIN ELECTION PROCEDURES WITH RESPECT TO
LANDOWNER ELECTION**

The undersigned, Don Hofer and Doug Yount, on behalf of Shea Homes Limited Partnership, a California limited partnership (the “Owner”), hereby certifies to the City of Marina, California (the “City”), with respect to the proposed formation of the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services), as follows:

1. The undersigned have been duly authorized by the Owner and possess all authority necessary to execute this Petition, Consent, and Waiver (this “Petition and Waiver”) on behalf of the Owner.

2. The Owner requests that the City Council of the City of Marina (the “City Council”) institute proceedings to establish a community facilities district to be known as “City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)” (referred to herein as the “District”) pursuant to Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, Title 5, of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” and Chapter 3.35 of the Marina Municipal Code, which is proposed to be added by Ordinance of the City Council on August 7, 2024.

3. Owner is the current owner of approximately 12 acres of property in the City, which is depicted in Exhibit A hereto and described in Exhibit B hereto (the “Property”). The Property is located within the proposed District, which consists of approximately 122.39 acres in total. The Property is located within the boundaries of the City of Marina, County of Monterey, State of California.

4. The boundaries of the territory which are proposed for inclusion in the District are those depicted in Exhibit C hereto.

5. The Owner requests that the proposed District be established to finance the services described in Exhibit D hereto (the “Services”). In addition, the District may fund actual or reasonably estimated costs directly related to the administration of the District, including the costs of computing the special taxes and preparing the annual special tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the special taxes (whether by the City or otherwise); the costs associated with preparing special tax disclosure statements and responding to public inquiries regarding the special taxes; the costs of the City, the District or any designee thereof related to an appeal of the special tax; and the City’s annual administration fees and third party expenses. Such administrative expenses shall also include amounts estimated or advanced by the City or the District for any other administrative purposes of the District, including attorney’s fees and

other costs related to commencing and pursuing to completion any foreclosure, or otherwise addressing the disposition of delinquent special taxes.

6. The Owner further requests that the City Council, as legislative body of the District, annually levy special taxes on the property within the District for the Services, and for the payment of administrative expenses of the District.

7. To the best knowledge of the undersigned, there are no registered voters residing at the Property and there have been none during the 90-day period preceding the October 15, 2024 public hearing to be conducted by the City Council.

8. The Owner has received notice of the October 15, 2024 public hearing to be held by the City Council regarding the levy of a special tax in the District. The Owner agrees that it received adequate notice of the October 15, 2024 public hearing.

9. The Owner has received from the City and the City has made available to the Owner necessary and relevant information regarding the proposed formation of the District and the imposition of the special tax, as set forth in the resolution of intention to establish the District proposed for adoption by the City Council on September 4, 2024 (the "Resolution") to finance the services as set forth in the Resolution. The special tax levy is expected to generate approximately \$1,009,442 each fiscal year, increasing annually as described in Section C of the Rate and Method of Apportionment of Special Tax attached hereto as Exhibit E (the "Rate and Method").

10. The Owner has received all information deemed by it to be necessary and relevant regarding the formation of the District, and the imposition of the special taxes to finance the Services described in Exhibit D hereto, and the Owner has had adequate opportunity to review such materials and consult with its own advisors and legal counsel, if the Owner so chose, and has reviewed and participated in discussions regarding and provided comments and input on the documents and instruments constituting the proceedings for the establishment of the District and the levy of the special taxes, including this Petition and Waiver and the resolutions of intention and formation, which include the description of the Services to be financed, the proposed Rate and Method, and the form of the ballot (a copy of which is attached as Exhibit F hereto (the "Sample Ballot")). The Owner understands that the City, its staff, council members, attorneys, consultants and advisors do not represent the Owner in the formation of the District and have no duty to advise the Owner.

11. The Owner understands and agrees that if the District is formed on or after October 15, 2024, an election will be held by the District on the propositions set forth in the Sample Ballot less than 90 days after the close of the October 15, 2024 public hearing as in accordance with Section 53326 of the Government Code, without the preparation of an impartial analysis, arguments or rebuttals concerning the election as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and without preparation of a tax rate statement as provided in Section 9401 of the Elections Code and without further notice of such election as required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the election, in accordance with the authority contained in Government Code Sections 53326 and 53327, the Owner waives compliance with the foregoing provisions of the Elections Code and Government Code, with any time limits, ballot, word limitation, or other information requirements or any other procedural requirements

pertaining to the conduct of the election which are not being complied with and consents to having the election on any date on or after the close of the October 15, 2024 public hearing and consents to the closing of the election as soon as all ballots are received by the City Clerk of the City of Marina.

12. The Owner hereby represents that compliance with the procedural requirements for conducting the election, including the receipt of any ballot arguments and impartial analysis, any information requirements to be included in the ballot measures themselves, and the time limitations which apply in connection with scheduling, mailing and publishing notices for such an election, are unnecessary in light of the fact that the undersigned is a sophisticated voter, has received sufficient information regarding the imposition of the special tax as set forth in the Resolution to allow it to properly complete the attached ballot, and has had adequate time to analyze the special tax with its counsel and advisors in order to make an informed vote. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of the election or the right of the District to levy the special tax to finance the Services for the benefit of the District pursuant to the approved Rate and Method.

13. The undersigned has been duly authorized by the Owner and possesses all authority necessary to execute this Petition and Waiver on behalf of the Owner in connection with the election to be called by the City Council of the City of Marina with respect to the District. The Owner hereby appoints Don Hofer to act as the Owner's authorized representative to vote in the election referred to herein and certifies that his/her true and exact signature is set forth below:

DocuSigned by:

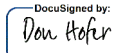
 F41718BAE0924BD...
 [signature]

14. This Petition and Waiver may be executed in counterparts.

Dated: 8/26/2024 | 9:12:13 AM PDT
_____, 2024

OWNER:

SHEA HOMES LIMITED PARTNERSHIP,
a California limited partnership,

By: 
Name: Don Hofer
Its: Authorized Agent

By: 
Name: Doug Yount
Its: Authorized Agent

EXHIBIT A

MAP OF THE PROPERTY
OWNED BY SHEA HOMES LIMITED PARTNERSHIP

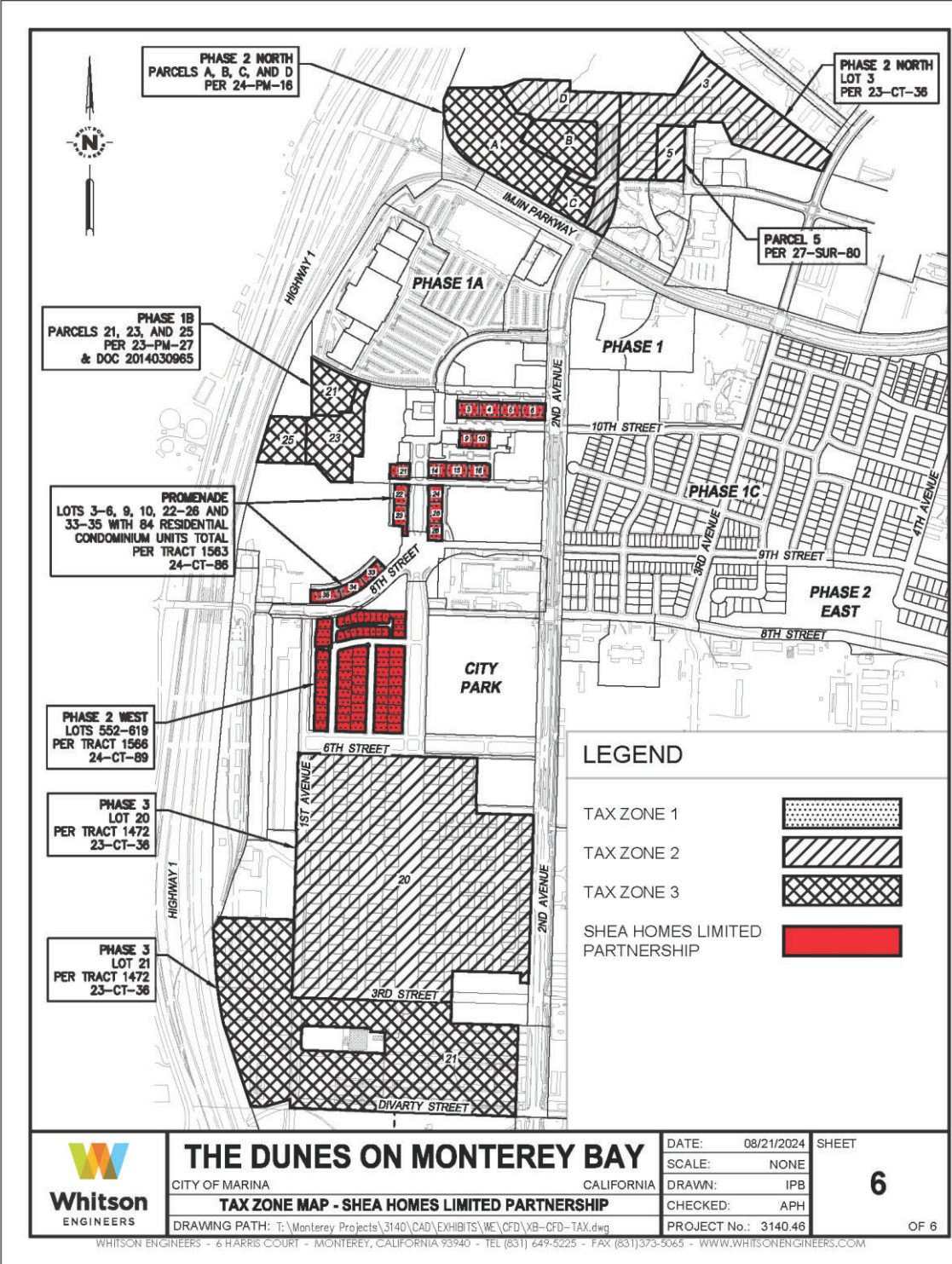


EXHIBIT B

ASSESSOR PARCEL NUMBERS

APNS OF PROPERTY OWNED BY THE OWNER WITHIN PROPOSED CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES)

031-296-001-0000	031-296-002-0000	031-296-003-0000	031-296-004-0000
031-296-005-0000	031-296-007-0000	031-296-008-0000	031-296-009-0000
031-296-010-0000	031-296-011-0000	031-296-013-0000	031-296-014-0000
031-296-015-0000	031-296-016-0000	031-296-017-0000	031-296-019-0000
031-296-020-0000	031-296-021-0000	031-296-022-0000	031-296-023-0000
031-297-001-0000	031-297-002-0000	031-297-003-0000	031-297-005
031-297-006	031-297-007	031-297-008	031-297-010-0000
031-297-011-0000	031-297-012-0000	031-297-014-0000	031-297-015-0000
031-297-016-0000	031-297-017-0000	031-297-018-0000	031-298-001-0000
031-298-002-0000	031-298-003-0000	031-298-004-0000	031-298-005-0000
031-298-007-0000	031-298-008-0000	031-298-009-0000	031-298-011-0000
031-298-012-0000	031-298-013-0000	031-298-014-0000	031-298-015-0000
031-298-017-0000	031-298-018-0000	031-298-019-0000	031-298-020-0000
031-298-021-0000	031-285-001-0000	031-285-002-0000	031-285-003-0000
031-285-004-0000	031-285-006-0000	031-285-007-0000	031-285-008-0000
031-285-009-0000	031-285-010-0000	031-285-012-0000	031-285-013-0000
031-285-014-0000	031-285-015-0000	031-286-001-0000	031-286-002-0000
031-286-003-0000	031-286-004-0000	031-286-005-0000	031-286-006-0000
031-286-008-0000	031-286-009-0000	031-286-010-0000	031-286-011-0000
031-286-012-0000	031-286-013-0000	031-286-015-0000	031-286-017-0000
031-286-018-0000	031-286-019-0000	031-286-020-0000	031-284-001-000
031-284-002-000	031-284-003-000	031-284-004-000	031-284-005-000
031-284-006-000	031-284-007-000	031-284-008-000	031-284-009-000
031-284-010-000	031-284-011-000	031-284-012-000	031-284-013-000
031-284-014-000	031-284-015-000	031-284-016-000	031-284-017-000
031-284-018-000	031-284-019-000	031-284-020-000	031-284-021-000
031-284-022-000	031-284-023-000	031-284-024-000	031-284-025-000
031-284-026-000	031-284-027-000	031-284-028-000	031-284-029-000
031-284-030-000	031-284-031-000	031-284-032-000	031-284-033-000
031-284-034-000	031-284-035-000	031-284-036-000	031-284-037-000
031-284-038-000	031-284-039-000	031-284-040-000	031-284-041-000
031-284-042-000	031-284-043-000	031-284-044-000	031-284-045-000
031-284-046-000	031-284-047-000	031-284-048-000	031-284-049-000
031-284-050-000	031-284-051-000	031-284-052-000	031-284-053-000
031-284-054-000	031-284-055-000	031-284-056-000	031-284-057-000
031-284-058-000	031-284-059-000	031-284-060-000	031-284-061-000
031-284-062-000	031-284-063-000	031-284-064-000	031-284-065-000
031-284-066-000	031-284-067-000	031-284-068-000	

EXHIBIT D

DESCRIPTION OF AUTHORIZED SERVICES

The City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the “District”) shall be authorized to finance all or a portion of the costs of the types of services permitted pursuant to Government Section 53313, which shall include, but not be limited to, the following:

- (i) street maintenance;
- (ii) sidewalk maintenance;
- (iii) curb and gutter maintenance;
- (iv) decorative lighting maintenance;
- (v) storm drain maintenance;
- (vi) publicly accessible park and landscape maintenance; and
- (vii) publicly accessible restroom facilities.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay “Administrative Expenses” as said term is defined in the Rate and Method of Apportionment of Special Tax and to establish an operating reserve for the costs of services as determined by the District Administrator. Capitalized terms used and not defined herein shall have the meanings set forth in the Rate and Method of Apportionment of Special Tax for the District.

EXHIBIT E

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

[See Attached]

**CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) 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. 2024-1, 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), Part 1, 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 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” 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 at CFD Formation.

“CFD” or “CFD No. 2024-1” means the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“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 1 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 Single Family Detached Property, Single Family Attached Property, Owners Association Property, or Public Property.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

“Owners Association Property” means, in any Fiscal Year, all Parcels within the CFD that are owned in fee or by easement by the Owners Association, not including any such property that is located directly under a residential structure.

“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, the Successor Agency to the Marina Redevelopment Agency, 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 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.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a residential structure consisting of two or more Residential Units that share common walls.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a Residential Unit that does not share a common wall with another Residential Unit.

“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. The three Tax Zones in the CFD are identified in Attachment 1 hereto.

“Tax Zone 1” means the area identified as Tax Zone 1 in Attachment 1 of this RMA.

“Tax Zone 2” means the area identified as Tax Zone 2 in Attachment 1 of this RMA.

“Tax Zone 3” means the area identified as Tax Zone 3 in Attachment 1 of this RMA.

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

B. DATA FOR ANNUAL TAX LEVY

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 in Tax Zone 2 or Tax Zone 3 is Single Family Detached Property, Single Family Attached 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 each Parcel of Developed Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor. The Maximum Special Tax assigned to each Parcel shall continue to apply to the Parcel regardless of changes in configuration, Acreage, or Assessor’s Parcel Number. If two or more Parcels are combined, the Maximum Special Taxes assigned to such Parcels shall also be combined. If a Parcel is subdivided, the Administrator shall determine the appropriate allocation of the Maximum Special Tax to the new Parcels created by the subdivision based on the land uses that are constructed or anticipated to be constructed on each new Parcel.

2. **Undeveloped Property, Tax Zone 1**

The Maximum Special Tax for each Parcel of Undeveloped Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor.

3. **Developed Property, Tax Zone 2**

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 2 shall be determined by reference to Table 1 below.

Table 1
Maximum Special Tax
Developed Property in Tax Zone 2

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$1,959.79 per Residential Unit
Non-Residential Property	\$18,974.36 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

4. **Undeveloped Property, Tax Zone 2**

The Maximum Special Tax for Undeveloped Property in Tax Zone 2 for Fiscal Year 2024-25 is \$18,974.36 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

5. **Developed Property, Tax Zone 3**

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 3 shall be determined by reference to Table 2 below.

Table 2
Maximum Special Tax
Developed Property in Tax Zone 3

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$2,075.07 per Residential Unit
Non-Residential Property	\$6,442.00 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

6. **Undeveloped Property, Tax Zone 3**

The Maximum Special Tax for Undeveloped Property in Tax Zone 3 for Fiscal Year 2024-25 is \$1,500 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

D. **METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES**

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 in all three Tax Zones 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 in Tax Zone 1 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.
- Step 3.** If additional revenue is needed after Step 2, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 2 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 Steps 1 and 2, is equal to the Special Tax Requirement.

Step 4. If additional revenue is needed after Step 3, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 3 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 Steps 1, 2 and 3, 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 or Owners Association Property, except as otherwise provided in the Act.

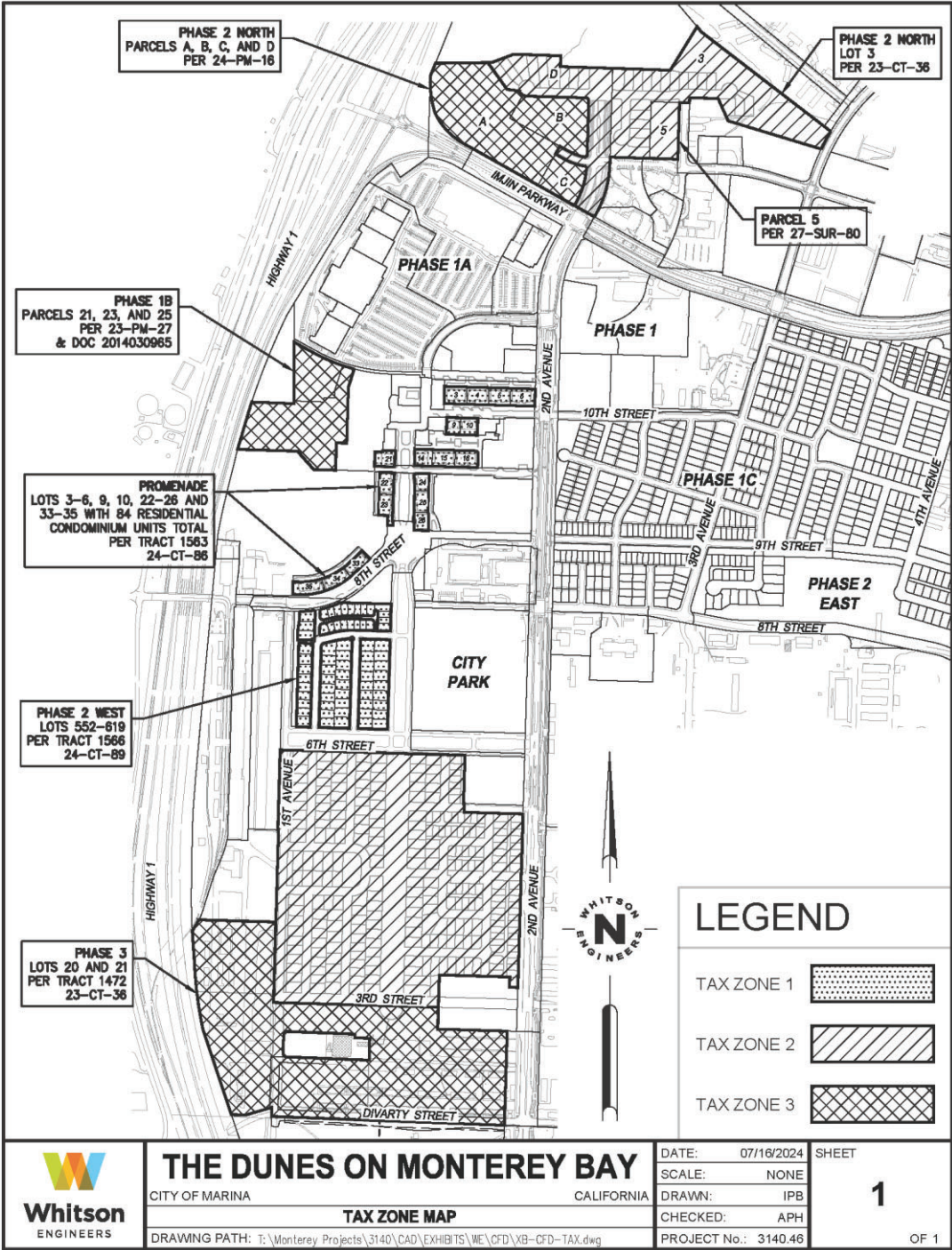
F. INTERPRETATION OF SPECIAL TAX FORMULA

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.

ATTACHMENT 1

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

Identification of Tax Zones



ATTACHMENT 2

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

**Tax Zone 1
Maximum Special Tax by Parcel**

ATTACHMENT 2

City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)

Tax Zone 1
Maximum Special Tax by Parcel

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-001-000	\$2,305.63
031-284-002-000	\$2,305.63
031-284-003-000	\$2,305.63
031-284-004-000	\$2,305.63
031-284-005-000	\$2,305.63
031-284-006-000	\$2,305.63
031-284-007-000	\$2,305.63
031-284-008-000	\$2,305.63
031-284-009-000	\$2,305.63
031-284-010-000	\$2,305.63
031-284-011-000	\$2,305.63
031-284-012-000	\$2,305.63
031-284-013-000	\$1,959.79
031-284-014-000	\$1,959.79
031-284-015-000	\$1,959.79
031-284-016-000	\$1,959.79
031-284-017-000	\$1,959.79
031-284-018-000	\$1,959.79
031-284-019-000	\$1,959.79
031-284-020-000	\$1,959.79
031-284-021-000	\$1,959.79
031-284-022-000	\$1,959.79
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031-284-027-000	\$1,959.79
031-284-028-000	\$1,959.79
031-284-029-000	\$1,959.79
031-284-030-000	\$1,959.79
031-284-031-000	\$1,959.79
031-284-032-000	\$1,959.79
031-284-033-000	\$2,305.63

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-034-000	\$2,305.63
031-284-035-000	\$2,305.63
031-284-036-000	\$2,305.63
031-284-037-000	\$2,305.63
031-284-038-000	\$2,305.63
031-284-039-000	\$2,305.63
031-284-040-000	\$2,305.63
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031-284-065-000	\$2,305.63
031-284-066-000	\$2,305.63
031-284-067-000	\$2,305.63
031-284-068-000	\$2,305.63
031-285-001-000	\$2,075.07
031-285-002-000	\$1,844.51
031-285-003-000	\$1,844.51
031-285-004-000	\$2,075.07
031-285-006-000	\$2,075.07
031-285-007-000	\$1,844.51

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-285-008-000	\$2,075.07
031-285-009-000	\$1,844.51
031-285-010-000	\$2,075.07
031-285-012-000	\$2,075.07
031-285-013-000	\$1,844.51
031-285-014-000	\$1,844.51
031-285-015-000	\$2,075.07
031-286-001-000	\$2,075.07
031-286-002-000	\$2,075.07
031-286-003-000	\$2,075.07
031-286-004-000	\$2,075.07
031-286-005-000	\$2,075.07
031-286-006-000	\$2,075.07
031-286-008-000	\$2,075.07
031-286-009-000	\$2,075.07
031-286-010-000	\$2,075.07
031-286-011-000	\$2,075.07
031-286-012-000	\$2,075.07
031-286-013-000	\$2,075.07
031-286-015-000	\$2,075.07
031-286-016-000	\$2,075.07
031-286-017-000	\$2,075.07
031-286-018-000	\$2,075.07
031-286-019-000	\$2,075.07
031-286-020-000	\$2,075.07
031-296-001-000	\$2,075.07
031-296-002-000	\$1,844.51
031-296-003-000	\$2,075.07
031-296-004-000	\$1,844.51
031-296-005-000	\$2,075.07
031-296-007-000	\$2,075.07
031-296-008-000	\$1,844.51
031-296-009-000	\$2,075.07
031-296-010-000	\$1,844.51
031-296-011-000	\$2,075.07
031-296-013-000	\$2,075.07
031-296-014-000	\$1,844.51
031-296-015-000	\$2,075.07
031-296-016-000	\$1,844.51
031-296-017-000	\$2,075.07
031-296-019-000	\$2,075.07

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-296-020-000	\$1,844.51
031-296-021-000	\$2,075.07
031-296-022-000	\$1,844.51
031-296-023-000	\$2,075.07
031-297-001-000	\$2,075.07
031-297-002-000	\$2,075.07
031-297-003-000	\$2,075.07
031-297-005-000	\$2,075.07
031-297-006-000	\$2,075.07
031-297-007-000	\$2,075.07
031-297-008-000	\$2,075.07
031-297-010-000	\$2,075.07
031-297-011-000	\$2,075.07
031-297-012-000	\$2,075.07
031-297-014-000	\$2,075.07
031-297-015-000	\$1,844.51
031-297-016-000	\$2,075.07
031-297-017-000	\$1,844.51
031-297-018-000	\$2,075.07
031-298-001-000	\$2,075.07
031-298-002-000	\$1,844.51
031-298-003-000	\$2,075.07
031-298-004-000	\$1,844.51
031-298-005-000	\$2,075.07
031-298-007-000	\$2,075.07
031-298-008-000	\$2,075.07
031-298-009-000	\$2,075.07
031-298-011-000	\$2,075.07
031-298-012-000	\$1,844.51
031-298-013-000	\$2,075.07
031-298-014-000	\$1,844.51
031-298-015-000	\$2,075.07
031-298-017-000	\$2,075.07
031-298-018-000	\$1,844.51
031-298-019-000	\$2,075.07
031-298-020-000	\$1,844.51
031-298-021-000	\$2,075.07

* On July 1, 2025, and each July 1 thereafter, all dollar amounts shown above shall be adjusted by the Escalation Factor, as defined by the RMA.

EXHIBIT F

SAMPLE BALLOT

CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)

SPECIAL TAX ELECTION

October 15, 2024

PROPOSITION A: Shall the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the “District”), in order to finance certain services and administrative expenses, be authorized to levy a special tax at the rates of (a) for Tax Zone 1, between \$1,844.51 and \$2,305.63 per parcel, (b) for Tax Zone 2, \$2,305.63 per single-family detached unit, \$1,959.79 per single-family attached unit, and \$18,974.36 per acre of non-residential property and undeveloped property, and (c) for Tax Zone 3, \$2,305.63 per single-family detached unit, \$2,075.07 per single-family attached unit, \$6,442.00 per acre of non-residential property, and \$1,500 per acre of undeveloped property, each increased by 4% or less per year, in perpetuity, as provided in the resolution of the City Council of the City of Marina, adopted on September 4, 2024?

YES_____

NO_____

PROPOSITION B: For each year commencing with Fiscal Year 2024-25, shall the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the District be an amount equal to \$50,000,000, increased annually in accordance with California law?

YES_____

NO_____

Certificate Of Completion

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Status: Completed

Subject: Petition with Waiver (Marina Dunes Services CFD 2024-1) - MCP & SHLP

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Document Pages: 48

Signatures: 6

Envelope Originator:

Certificate Pages: 2

Initials: 0

Kathy Barlow

AutoNav: Enabled

655 Brea Canyon Rd

Envelopel Stamping: Enabled

Walnut, CA 91789-3078

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kathy.barlow@sheahomes.com

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Status: Original

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kathy.barlow@sheahomes.com

Signer Events

Don Hofer

don.hofer@sheahomes.com

Authorized Agent

Shea Homes

Security Level: Email, Account Authentication
(None)**Signature**

DocuSigned by:



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Signature Adoption: Pre-selected Style

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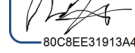
Doug Yount

doug.yount@sheahomes.com

Authorized Agent

Security Level: Email, Account Authentication
(None)

Signed by:



80C8EE31913A462...

Sent: 8/26/2024 9:12:15 AM

Viewed: 8/26/2024 9:40:53 AM

Signed: 8/26/2024 9:41:18 AM

Signature Adoption: Drawn on Device

Using IP Address: 174.234.206.227

Signed using mobile

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Vanessa S. Legbrandt

VLegbrandt@stradlinglaw.com

Security Level: Email, Account Authentication
(None)**COPIED**

Sent: 8/26/2024 9:41:21 AM

Viewed: 8/26/2024 10:39:00 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp**

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	8/26/2024 8:13:02 AM
Certified Delivered	Security Checked	8/26/2024 9:40:53 AM
Signing Complete	Security Checked	8/26/2024 9:41:18 AM
Completed	Security Checked	8/26/2024 9:41:21 AM
Payment Events	Status	Timestamps

PETITION, CONSENT AND WAIVER

Marina Community Partners, LLC

**PETITION TO THE CITY COUNCIL OF THE CITY OF MARINA
REQUESTING INSTITUTION OF PROCEEDINGS FOR
ESTABLISHMENT OF CITY OF MARINA COMMUNITY
FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE
SERVICES) – INCLUDING CONSENT AND WAIVER OF
CERTAIN ELECTION PROCEDURES WITH RESPECT TO
LANDOWNER ELECTION**

The undersigned, Don Hofer and Doug Yount, on behalf of Marina Community Partners, LLC, a Delaware limited liability company (the “Owner”), hereby certifies to the City of Marina, California (the “City”), with respect to the proposed formation of the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services), as follows:

1. The undersigned have been duly authorized by the Owner and possess all authority necessary to execute this Petition, Consent, and Waiver (this “Petition and Waiver”) on behalf of the Owner.

2. The Owner requests that the City Council of the City of Marina (the “City Council”) institute proceedings to establish a community facilities district to be known as “City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)” (referred to herein as the “District”) pursuant to Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, Title 5, of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” and Chapter 3.35 of the Marina Municipal Code, which is proposed to be added by Ordinance of the City Council on August 7, 2024.

3. Owner is the current owner of approximately 98.33 acres of property in the City, which is depicted in Exhibit A hereto and described in Exhibit B hereto (the “Property”). The Property constitutes more than 10% of the land within the proposed District, which consists of approximately 122.39 acres in total. The Property is located within the boundaries of the City of Marina, County of Monterey, State of California.

4. The boundaries of the territory which are proposed for inclusion in the District are those depicted in Exhibit C hereto.

5. The Owner requests that the proposed District be established to finance the services described in Exhibit D hereto (the “Services”). In addition, the District may fund actual or reasonably estimated costs directly related to the administration of the District, including the costs of computing the special taxes and preparing the annual special tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the special taxes (whether by the City or otherwise); the costs associated with preparing special tax disclosure statements and responding to public inquiries regarding the special taxes; the costs of the City, the District or any designee thereof related to an appeal of the special tax; and the City’s annual administration fees and third party expenses. Such administrative expenses shall also include amounts estimated or advanced by the City or the District for any other administrative purposes of the District, including attorney’s fees and other costs related

to commencing and pursuing to completion any foreclosure, or otherwise addressing the disposition of delinquent special taxes.

6. The Owner further requests that the City Council, as legislative body of the District, annually levy special taxes on the property within the District for the Services, and for the payment of administrative expenses of the District.

7. To the best knowledge of the undersigned, there are no registered voters residing at the Property and there have been none during the 90-day period preceding the October 15, 2024 public hearing to be conducted by the City Council.

8. The Owner has received notice of the October 15, 2024 public hearing to be held by the City Council regarding the levy of a special tax in the District. The Owner agrees that it received adequate notice of the October 15, 2024 public hearing.

9. The Owner has received from the City and the City has made available to the Owner necessary and relevant information regarding the proposed formation of the District and the imposition of the special tax, as set forth in the resolution of intention to establish the District proposed for adoption by the City Council on September 4, 2024 (the "Resolution") to finance the services as set forth in the Resolution. The special tax levy is expected to generate approximately \$1,009,422 each fiscal year, increasing annually as described in Section C of the Rate and Method of Apportionment of Special Tax attached hereto as Exhibit E (the "Rate and Method").

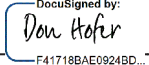
10. The Owner has received all information deemed by it to be necessary and relevant regarding the formation of the District, and the imposition of the special taxes to finance the Services described in Exhibit D hereto, and the Owner has had adequate opportunity to review such materials and consult with its own advisors and legal counsel, if the Owner so chose, and has reviewed and participated in discussions regarding and provided comments and input on the documents and instruments constituting the proceedings for the establishment of the District and the levy of the special taxes, including this Petition and Waiver and the resolutions of intention and formation, which include the description of the Services to be financed, the proposed Rate and Method, and the form of the ballot (a copy of which is attached as Exhibit F hereto (the "Sample Ballot")). The Owner understands that the City, its staff, council members, attorneys, consultants and advisors do not represent the Owner in the formation of the District and have no duty to advise the Owner.

11. The Owner understands and agrees that if the District is formed on or after October 15, 2024, an election will be held by the District on the propositions set forth in the Sample Ballot less than 90 days after the close of the October 15, 2024 public hearing as in accordance with Section 53326 of the Government Code, without the preparation of an impartial analysis, arguments or rebuttals concerning the election as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and without preparation of a tax rate statement as provided in Section 9401 of the Elections Code and without further notice of such election as required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the election, in accordance with the authority contained in Government Code Sections 53326 and 53327, the Owner waives compliance with the foregoing provisions of the Elections Code and Government Code, with any time limits, ballot, word limitation, or other information requirements or any other procedural requirements

pertaining to the conduct of the election which are not being complied with and consents to having the election on any date on or after the close of the October 15, 2024 public hearing and consents to the closing of the election as soon as all ballots are received by the City Clerk of the City of Marina.

12. The Owner hereby represents that compliance with the procedural requirements for conducting the election, including the receipt of any ballot arguments and impartial analysis, any information requirements to be included in the ballot measures themselves, and the time limitations which apply in connection with scheduling, mailing and publishing notices for such an election, are unnecessary in light of the fact that the undersigned is a sophisticated voter, has received sufficient information regarding the imposition of the special tax as set forth in the Resolution to allow it to properly complete the attached ballot, and has had adequate time to analyze the special tax with its counsel and advisors in order to make an informed vote. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of the election or the right of the District to levy the special tax to finance the Services for the benefit of the District pursuant to the approved Rate and Method.

13. The undersigned has been duly authorized by the Owner and possesses all authority necessary to execute this Petition and Waiver on behalf of the Owner in connection with the election to be called by the City Council of the City of Marina with respect to the District. The Owner hereby appoints Don Hofer to act as the Owner's authorized representative to vote in the election referred to herein and certifies that his/her true and exact signature is set forth below:

[signature]  F41718BAE0924BD...

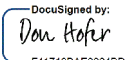
14. This Petition and Waiver may be executed in counterparts.

Dated: 8/26/2024 | 9:12:13 AM PDT
_____, 2024

OWNER:

MARINA COMMUNITY PARTNERS, LLC,
a Delaware limited liability company

By: Shea Homes Limited Partnership,
a California limited partnership
Its: Sole Member

By: 
Name: Don Hofer
Title: Authorized Agent

By: 
Name: Doug Yount
Title: Authorized Agent

EXHIBIT A

MAP OF THE PROPERTY
OWNED BY MARINA COMMUNITY PARTNERS, LLC

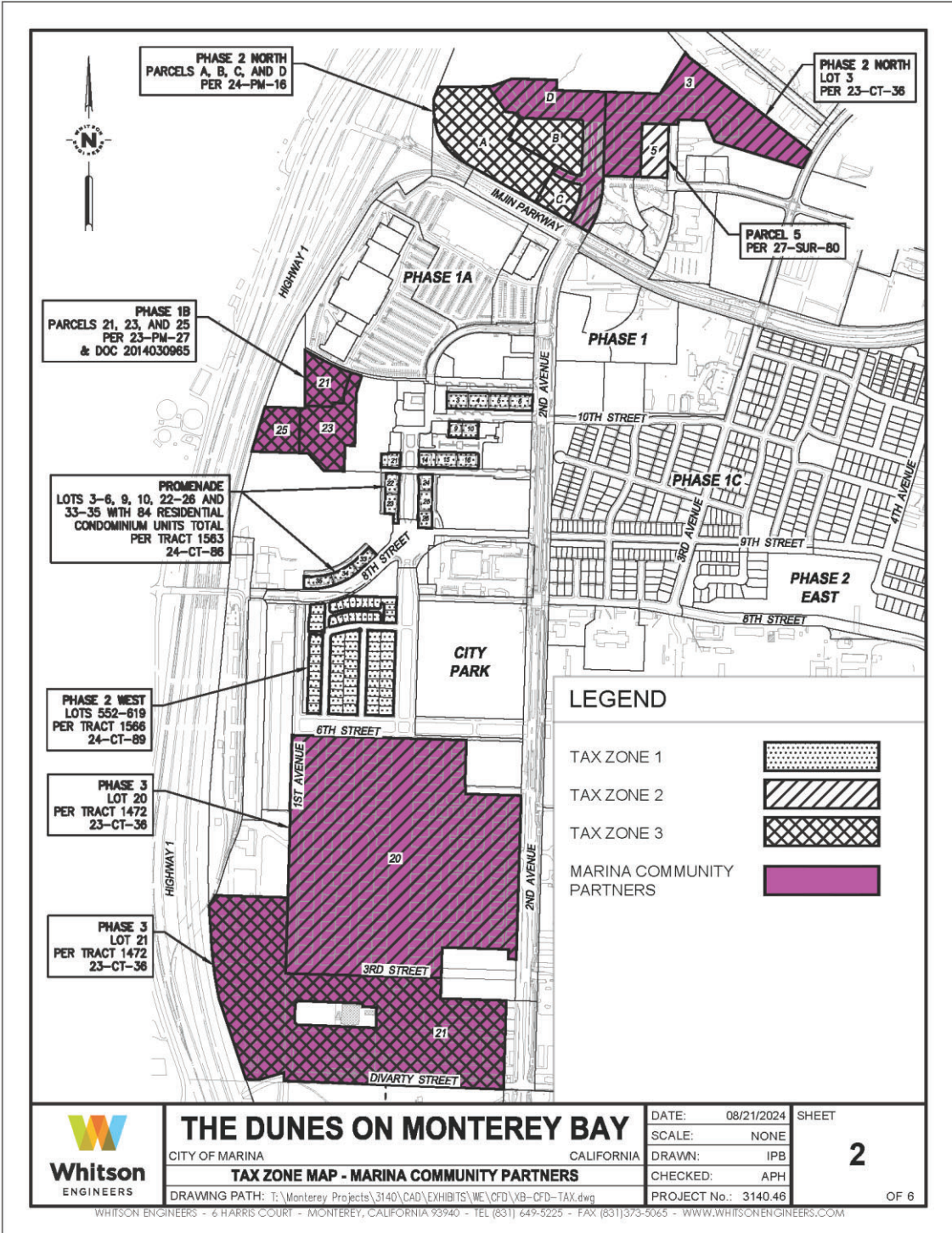


EXHIBIT B

ASSESSOR PARCEL NUMBERS

**APNS OF PROPERTY OWNED BY THE OWNER WITHIN
PROPOSED CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)**

031-282-044-000
031-282-048-000
031-282-062-000
031-251-074-000
031-221-021-000
031-251-075-000
031-221-022-000

EXHIBIT C

BOUNDARY MAP

PROPOSED BOUNDARIES
OF THE CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)

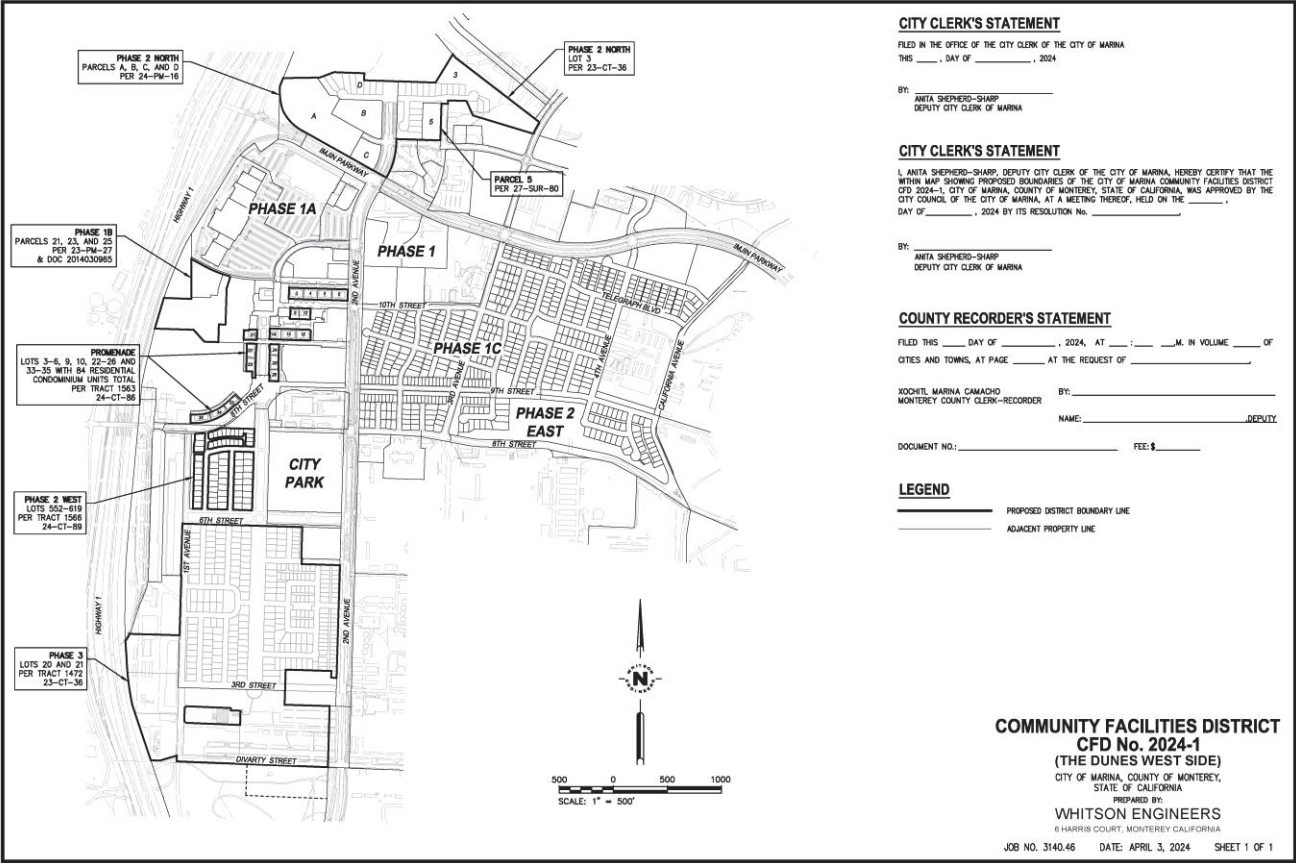


EXHIBIT D

DESCRIPTION OF AUTHORIZED SERVICES

The City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the “District”) shall be authorized to finance all or a portion of the costs of the types of services permitted pursuant to Government Section 53313, which shall include, but not be limited to, the following:

- (i) street maintenance;
- (ii) sidewalk maintenance;
- (iii) curb and gutter maintenance;
- (iv) decorative lighting maintenance;
- (v) storm drain maintenance;
- (vi) publicly accessible park and landscape maintenance; and
- (vii) publicly accessible restroom facilities.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay “Administrative Expenses” as said term is defined in the Rate and Method of Apportionment of Special Tax and to establish an operating reserve for the costs of services as determined by the District Administrator. Capitalized terms used and not defined herein shall have the meanings set forth in the Rate and Method of Apportionment of Special Tax for the District.

EXHIBIT E
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

[See Attached]

CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor’s Parcel in the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) 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. 2024-1, 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), Part 1, 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 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” 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 at CFD Formation.

“CFD” or **“CFD No. 2024-1”** means the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“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 1 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 Single Family Detached Property, Single Family Attached Property, Owners Association Property, or Public Property.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

“Owners Association Property” means, in any Fiscal Year, all Parcels within the CFD that are owned in fee or by easement by the Owners Association, not including any such property that is located directly under a residential structure.

“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, the Successor Agency to the Marina Redevelopment Agency, 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 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.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a residential structure consisting of two or more Residential Units that share common walls.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a Residential Unit that does not share a common wall with another Residential Unit.

“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. The three Tax Zones in the CFD are identified in Attachment 1 hereto.

“Tax Zone 1” means the area identified as Tax Zone 1 in Attachment 1 of this RMA.

“Tax Zone 2” means the area identified as Tax Zone 2 in Attachment 1 of this RMA.

“Tax Zone 3” means the area identified as Tax Zone 3 in Attachment 1 of this RMA.

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

B. DATA FOR ANNUAL TAX LEVY

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 in Tax Zone 2 or Tax Zone 3 is Single Family Detached Property, Single Family Attached 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 each Parcel of Developed Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor. The Maximum Special Tax assigned to each Parcel shall continue to apply to the Parcel regardless of changes in configuration, Acreage, or Assessor’s Parcel Number. If two or more Parcels are combined, the Maximum Special Taxes assigned to such Parcels shall also be combined. If a Parcel is subdivided, the Administrator shall determine the appropriate allocation of the Maximum Special Tax to the new Parcels created by the subdivision based on the land uses that are constructed or anticipated to be constructed on each new Parcel.

2. **Undeveloped Property, Tax Zone 1**

The Maximum Special Tax for each Parcel of Undeveloped Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor.

3. **Developed Property, Tax Zone 2**

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 2 shall be determined by reference to Table 1 below.

Table 1
Maximum Special Tax
Developed Property in Tax Zone 2

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$1,959.79 per Residential Unit
Non-Residential Property	\$18,974.36 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

4. **Undeveloped Property, Tax Zone 2**

The Maximum Special Tax for Undeveloped Property in Tax Zone 2 for Fiscal Year 2024-25 is \$18,974.36 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

5. **Developed Property, Tax Zone 3**

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 3 shall be determined by reference to Table 2 below.

Table 2
Maximum Special Tax
Developed Property in Tax Zone 3

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$2,075.07 per Residential Unit
Non-Residential Property	\$6,442.00 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

6. **Undeveloped Property, Tax Zone 3**

The Maximum Special Tax for Undeveloped Property in Tax Zone 3 for Fiscal Year 2024-25 is \$1,500 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

D. **METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES**

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 in all three Tax Zones 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 in Tax Zone 1 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.
- Step 3.** If additional revenue is needed after Step 2, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 2 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 Steps 1 and 2, is equal to the Special Tax Requirement.

Step 4. If additional revenue is needed after Step 3, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 3 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 Steps 1, 2 and 3, 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 or Owners Association Property, except as otherwise provided in the Act.

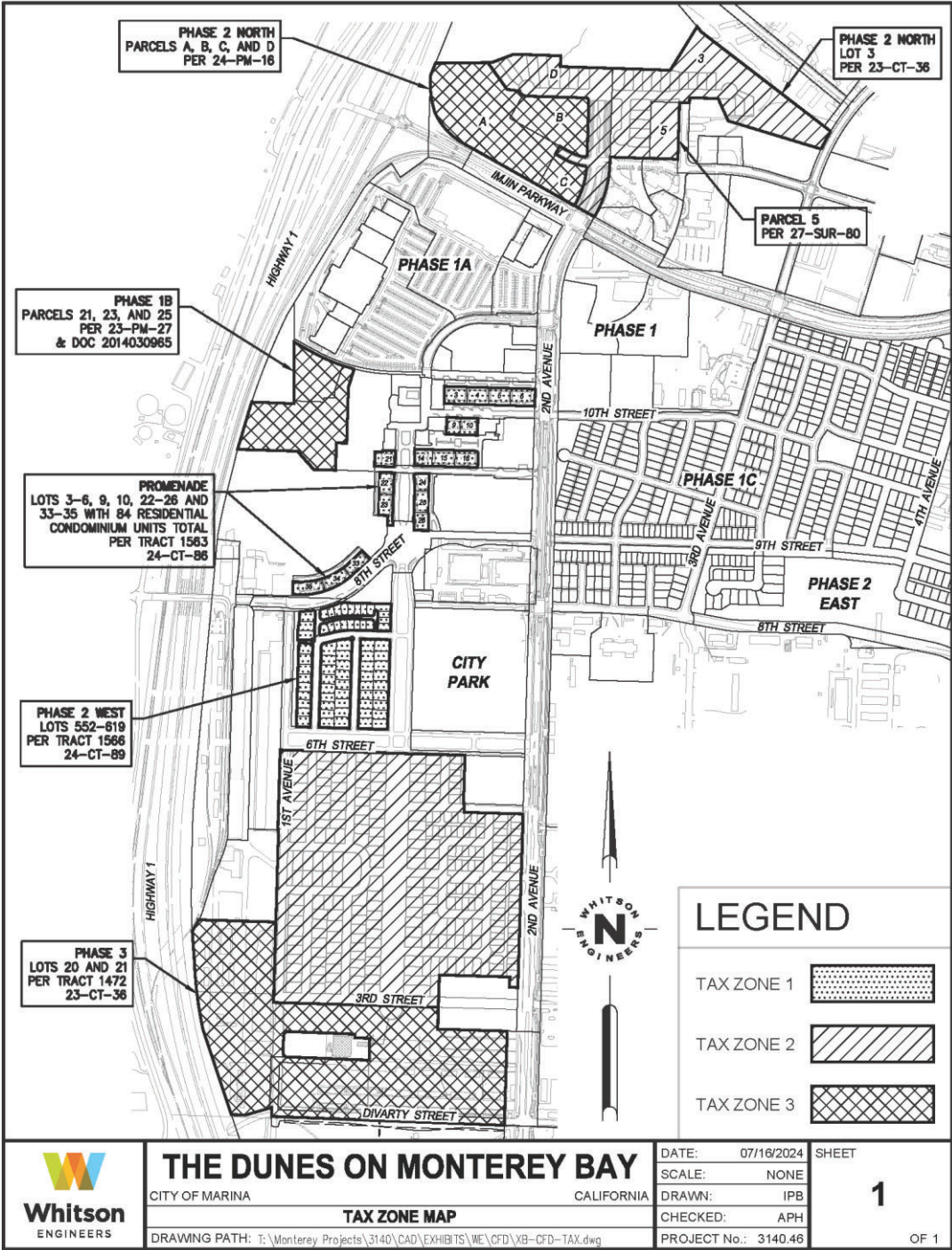
F. INTERPRETATION OF SPECIAL TAX FORMULA

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.

ATTACHMENT 1

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

Identification of Tax Zones



ATTACHMENT 2

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

**Tax Zone 1
Maximum Special Tax by Parcel**

ATTACHMENT 2

City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)

Tax Zone 1
Maximum Special Tax by Parcel

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-001-000	\$2,305.63
031-284-002-000	\$2,305.63
031-284-003-000	\$2,305.63
031-284-004-000	\$2,305.63
031-284-005-000	\$2,305.63
031-284-006-000	\$2,305.63
031-284-007-000	\$2,305.63
031-284-008-000	\$2,305.63
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031-284-010-000	\$2,305.63
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031-284-012-000	\$2,305.63
031-284-013-000	\$1,959.79
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031-284-028-000	\$1,959.79
031-284-029-000	\$1,959.79
031-284-030-000	\$1,959.79
031-284-031-000	\$1,959.79
031-284-032-000	\$1,959.79
031-284-033-000	\$2,305.63

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-034-000	\$2,305.63
031-284-035-000	\$2,305.63
031-284-036-000	\$2,305.63
031-284-037-000	\$2,305.63
031-284-038-000	\$2,305.63
031-284-039-000	\$2,305.63
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031-284-055-000	\$2,305.63
031-284-056-000	\$2,305.63
031-284-057-000	\$2,305.63
031-284-058-000	\$2,305.63
031-284-059-000	\$2,305.63
031-284-060-000	\$2,305.63
031-284-061-000	\$2,305.63
031-284-062-000	\$2,305.63
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031-284-065-000	\$2,305.63
031-284-066-000	\$2,305.63
031-284-067-000	\$2,305.63
031-284-068-000	\$2,305.63
031-285-001-000	\$2,075.07
031-285-002-000	\$1,844.51
031-285-003-000	\$1,844.51
031-285-004-000	\$2,075.07
031-285-006-000	\$2,075.07
031-285-007-000	\$1,844.51

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-285-008-000	\$2,075.07
031-285-009-000	\$1,844.51
031-285-010-000	\$2,075.07
031-285-012-000	\$2,075.07
031-285-013-000	\$1,844.51
031-285-014-000	\$1,844.51
031-285-015-000	\$2,075.07
031-286-001-000	\$2,075.07
031-286-002-000	\$2,075.07
031-286-003-000	\$2,075.07
031-286-004-000	\$2,075.07
031-286-005-000	\$2,075.07
031-286-006-000	\$2,075.07
031-286-008-000	\$2,075.07
031-286-009-000	\$2,075.07
031-286-010-000	\$2,075.07
031-286-011-000	\$2,075.07
031-286-012-000	\$2,075.07
031-286-013-000	\$2,075.07
031-286-015-000	\$2,075.07
031-286-016-000	\$2,075.07
031-286-017-000	\$2,075.07
031-286-018-000	\$2,075.07
031-286-019-000	\$2,075.07
031-286-020-000	\$2,075.07
031-296-001-000	\$2,075.07
031-296-002-000	\$1,844.51
031-296-003-000	\$2,075.07
031-296-004-000	\$1,844.51
031-296-005-000	\$2,075.07
031-296-007-000	\$2,075.07
031-296-008-000	\$1,844.51
031-296-009-000	\$2,075.07
031-296-010-000	\$1,844.51
031-296-011-000	\$2,075.07
031-296-013-000	\$2,075.07
031-296-014-000	\$1,844.51
031-296-015-000	\$2,075.07
031-296-016-000	\$1,844.51
031-296-017-000	\$2,075.07
031-296-019-000	\$2,075.07

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-296-020-000	\$1,844.51
031-296-021-000	\$2,075.07
031-296-022-000	\$1,844.51
031-296-023-000	\$2,075.07
031-297-001-000	\$2,075.07
031-297-002-000	\$2,075.07
031-297-003-000	\$2,075.07
031-297-005-000	\$2,075.07
031-297-006-000	\$2,075.07
031-297-007-000	\$2,075.07
031-297-008-000	\$2,075.07
031-297-010-000	\$2,075.07
031-297-011-000	\$2,075.07
031-297-012-000	\$2,075.07
031-297-014-000	\$2,075.07
031-297-015-000	\$1,844.51
031-297-016-000	\$2,075.07
031-297-017-000	\$1,844.51
031-297-018-000	\$2,075.07
031-298-001-000	\$2,075.07
031-298-002-000	\$1,844.51
031-298-003-000	\$2,075.07
031-298-004-000	\$1,844.51
031-298-005-000	\$2,075.07
031-298-007-000	\$2,075.07
031-298-008-000	\$2,075.07
031-298-009-000	\$2,075.07
031-298-011-000	\$2,075.07
031-298-012-000	\$1,844.51
031-298-013-000	\$2,075.07
031-298-014-000	\$1,844.51
031-298-015-000	\$2,075.07
031-298-017-000	\$2,075.07
031-298-018-000	\$1,844.51
031-298-019-000	\$2,075.07
031-298-020-000	\$1,844.51
031-298-021-000	\$2,075.07

* On July 1, 2025, and each July 1 thereafter, all dollar amounts shown above shall be adjusted by the Escalation Factor, as defined by the RMA.

EXHIBIT F

SAMPLE BALLOT

CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)

SPECIAL TAX ELECTION

October 15, 2024

PROPOSITION A: Shall the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the “District”), in order to finance certain services and administrative expenses, be authorized to levy a special tax at the rates of (a) for Tax Zone 1, between \$1,844.51 and \$2,305.63 per parcel, (b) for Tax Zone 2, \$2,305.63 per single-family detached unit, \$1,959.79 per single-family attached unit, and \$18,974.36 per acre of non-residential property and undeveloped property, and (c) for Tax Zone 3, \$2,305.63 per single-family detached unit, \$2,075.07 per single-family attached unit, \$6,442.00 per acre of non-residential property, and \$1,500 per acre of undeveloped property, each increased by 4% or less per year, in perpetuity, as provided in the resolution of the City Council of the City of Marina, adopted on September 4, 2024?

YES_____

NO_____

PROPOSITION B: For each year commencing with Fiscal Year 2024-25, shall the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the District be an amount equal to \$50,000,000, increased annually in accordance with California law?

YES_____

NO_____

Certificate Of Completion

Envelope Id: 63A81219221A4CE5ADCAAC98458DB53D

Status: Completed

Subject: Petition with Waiver (Marina Dunes Services CFD 2024-1) - MCP & SHLP

Source Envelope:

Document Pages: 48

Signatures: 6

Envelope Originator:

Certificate Pages: 2

Initials: 0

Kathy Barlow

AutoNav: Enabled

655 Brea Canyon Rd

Enveloped Stamping: Enabled

Walnut, CA 91789-3078

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

kathy.barlow@sheahomes.com

IP Address: 73.48.255.70

Record Tracking

Status: Original

Holder: Kathy Barlow

Location: DocuSign

8/23/2024 4:30:53 PM

kathy.barlow@sheahomes.com

Signer Events

Don Hofer

don.hofer@sheahomes.com

Authorized Agent

Shea Homes

Security Level: Email, Account Authentication
(None)**Signature**

DocuSigned by:



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Timestamp

Sent: 8/26/2024 8:13:02 AM

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Signed: 8/26/2024 9:12:13 AM

Signature Adoption: Pre-selected Style

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Doug Yount

doug.yount@sheahomes.com

Authorized Agent

Security Level: Email, Account Authentication
(None)

Signed by:



80C8EE31913A462...

Sent: 8/26/2024 9:12:15 AM

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Signed using mobile

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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

Vanessa S. Legbrandt

VLegbrandt@stradlinglaw.com

Security Level: Email, Account Authentication
(None)**COPIED**

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Viewed: 8/26/2024 10:39:00 AM

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp**

Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	8/26/2024 9:41:18 AM
Completed	Security Checked	8/26/2024 9:41:21 AM
Payment Events	Status	Timestamps

SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY

RESOLUTION NO. 2024-__ (SA-MRA)

**RESOLUTION APPROVING EXECUTION AND DELIVERY OF A
CONSENT AND WAIVER REGARDING THE PROPOSED COMMUNITY
FACILITIES DISTRICT NO. 2024-1 OF THE CITY OF MARINA (THE
DUNES WEST SIDE SERVICES)**

THE CITY COUNCIL OF THE CITY OF MARINA, ACTING AS THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE MARINA REDEVELOPMENT AGENCY, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Shea Homes-Marina Community Partners (the “Developer”) has requested that the City of Marina (the “City”) undertake proceedings under section 53311 *et seq.* of the California Government Code (the “Act”) to create a community facilities district to be designated “Community Facilities District No. 2024-1 of the City of Marina (The Dunes West Side Services)” (the “CFD”).

Section 2. The proposed boundaries of the CFD includes approximately 1.33 acres of property owned by the Successor Agency to the Marina Redevelopment Agency (the “Successor Agency”) designated as APN 031-251-005-000.

Section 3. In order to streamline and simplify the process for forming the CFD, the Successor Agency desires to consent to and waive certain provisions of the Act as specifically set forth in the Consent and Waiver, which is attached as Exhibit A hereto and incorporated herein (the “Consent and Waiver”). In furtherance thereof the Successor Agency hereby directs and authorizes the Authorized Officers (defined below), or any of them, to execute and deliver the Consent and Waiver to the City on or prior to the date set for the public hearing relating to the formation of the CFD required by the Act.

Section 4. The Mayor, the City Manager, the Finance Director, City Clerk and all other officers of the City (the “Authorized Officers”), acting on behalf of the Successor Agency, are each hereby authorized and directed to take all actions and do all things necessary or desirable hereunder with respect to the implementation of the Agreement, including but not limited to the execution and delivery of the Consent and Waiver and to make any necessary or appropriate modifications thereto which they, or any of them, may deem necessary or desirable and not inconsistent with the purposes of this Resolution, including modifications to the Rate and Method of Apportionment of Special Tax, CFD boundary map, and the sample ballot attached thereto.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting held on the 4th day of September 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Bruce Delgado, Mayor

Anita Sharp, City Clerk

EXHIBIT A
CONSENT AND WAIVER
[to be attached]

CONSENT AND WAIVER

Successor Agency to the Marina Redevelopment Agency

CONSENT AND WAIVER REGARDING CERTAIN ELECTION PROCEDURES FOR ESTABLISHMENT OF CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES)

The undersigned, Layne Long, on behalf of the Successor Agency to the Marina Redevelopment Agency (the “Owner”), hereby certifies to the City of Marina, California (the “City”), with respect to the proposed formation of the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services), as follows:

1. The undersigned has been duly authorized by the Owner and possesses all authority necessary to execute this Consent and Waiver (this “Consent and Waiver”) on behalf of the Owner.

2. The City Council of the City of Marina (the “City Council”) has been requested to institute proceedings to establish a community facilities district to be known as “City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)” (referred to herein as the “District”) pursuant to Chapter 2.5 (commencing with Section 53311), Part 1, Division 2, Title 5, of the California Government Code, commonly known as the “Mello-Roos Community Facilities Act of 1982” and Chapter 3.35 of the Marina Municipal Code, which is proposed to be added by Ordinance of the City Council on August 7, 2024.

3. Owner is the current owner of approximately 1.33 acres of property in the City, which is depicted in Exhibit A hereto and described in Exhibit B hereto (the “Property”). The Property is located within the proposed District, which consists of approximately 122.39 acres in total. The Property is located within the boundaries of the City of Marina, County of Monterey, State of California.

4. The boundaries of the territory which are proposed for inclusion in the District are those depicted in Exhibit C hereto.

5. The Owner requests that the proposed District be established to finance the services described in Exhibit D hereto (the “Services”). In addition, the District may fund actual or reasonably estimated costs directly related to the administration of the District, including the costs of computing the special taxes and preparing the annual special tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the special taxes (whether by the City or otherwise); the costs associated with preparing special tax disclosure statements and responding to public inquiries regarding the special taxes; the costs of the City, the District or any designee thereof related to an appeal of the special tax; and the City’s annual administration fees and third party expenses. Such administrative expenses shall also include amounts estimated or advanced by the City or the District for any other administrative purposes of the District, including attorney’s fees and other costs related to commencing and pursuing to completion any foreclosure, or otherwise addressing the disposition of delinquent special taxes.

6. The Owner further requests that the City Council, as legislative body of the District, annually levy special taxes on the property within the District for the Services, and for the payment of administrative expenses of the District.

7. To the best knowledge of the undersigned, there are no registered voters residing at the Property and there have been none during the 90-day period preceding the October 15, 2024 public hearing to be conducted by the City Council.

8. The Owner has received notice of the October 15, 2024 public hearing to be held by the City Council regarding the levy of a special tax in the District. The Owner agrees that it received adequate notice of the October 15, 2024 public hearing.

9. The Owner has received from the City and the City has made available to the Owner necessary and relevant information regarding the proposed formation of the District and the imposition of the special tax, as set forth in the resolution of intention to establish the District proposed for adoption by the City Council on September 4, 2024 (the "Resolution") to finance the services as set forth in the Resolution. The special tax levy is expected to generate approximately \$1,009,442 each fiscal year, increasing annually as described in Section C of the Rate and Method of Apportionment of Special Tax attached hereto as Exhibit E (the "Rate and Method").

10. The Owner has received all information deemed by it to be necessary and relevant regarding the formation of the District, and the imposition of the special taxes to finance the Services described in Exhibit D hereto, and the Owner has had adequate opportunity to review such materials and consult with its own advisors and legal counsel, if the Owner so chose, and has reviewed and participated in discussions regarding and provided comments and input on the documents and instruments constituting the proceedings for the establishment of the District and the levy of the special taxes, including this Consent and Waiver and the resolutions of intention and formation, which include the description of the Services to be financed, the proposed Rate and Method, and the form of the ballot (a copy of which is attached as Exhibit F hereto (the "Sample Ballot")). The Owner understands that the City, its staff, council members, attorneys, consultants and advisors do not represent the Owner in the formation of the District and have no duty to advise the Owner.

11. The Owner understands and agrees that if the District is formed on or after October 15, 2024, an election will be held by the District on the propositions set forth in the Sample Ballot less than 90 days after the close of the October 15, 2024 public hearing as in accordance with Section 53326 of the Government Code, without the preparation of an impartial analysis, arguments or rebuttals concerning the election as provided for by Elections Code Sections 9160 to 9167, inclusive, and 9190 and without preparation of a tax rate statement as provided in Section 9401 of the Elections Code and without further notice of such election as required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the election, in accordance with the authority contained in Government Code Sections 53326 and 53327, the Owner waives compliance with the foregoing provisions of the Elections Code and Government Code, with any time limits, ballot, word limitation, or other information requirements or any other procedural requirements pertaining to the conduct of the election which are not being complied with and consents to having the election on any date on or after the close of the October 15, 2024 public hearing and consents to the closing of the election as soon as all ballots are received by the City Clerk of the City of Marina.

12. The Owner hereby represents that compliance with the procedural requirements for conducting the election, including the receipt of any ballot arguments and impartial analysis, any information requirements to be included in the ballot measures themselves, and the time limitations which apply in connection with scheduling, mailing and publishing notices for such an election, are unnecessary in light of the fact that the undersigned is a sophisticated voter, has received

sufficient information regarding the imposition of the special tax as set forth in the Resolution to allow it to properly complete the attached ballot, and has had adequate time to analyze the special tax with its counsel and advisors in order to make an informed vote. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of the election or the right of the District to levy the special tax to finance the Services for the benefit of the District pursuant to the approved Rate and Method.

13. The undersigned has been duly authorized by the Owner and possesses all authority necessary to execute this Consent and Waiver on behalf of the Owner in connection with the election to be called by the City Council of the City of Marina with respect to the District. The Owner hereby appoints Layne Long to act as the Owner's authorized representative to vote in the election referred to herein and certifies that his/her true and exact signature is set forth below:

[signature]

14. This Consent and Waiver may be executed in counterparts.

Dated: _____, 2024

OWNER:

SUCCESSOR AGENCY TO THE
MARINA REDEVELOPMENT AGENCY

By: _____
Layne Long, City Manager of the City of
Marina

EXHIBIT A

MAP OF THE PROPERTY OWNED BY MARINA REDEVELOPMENT AGENCY

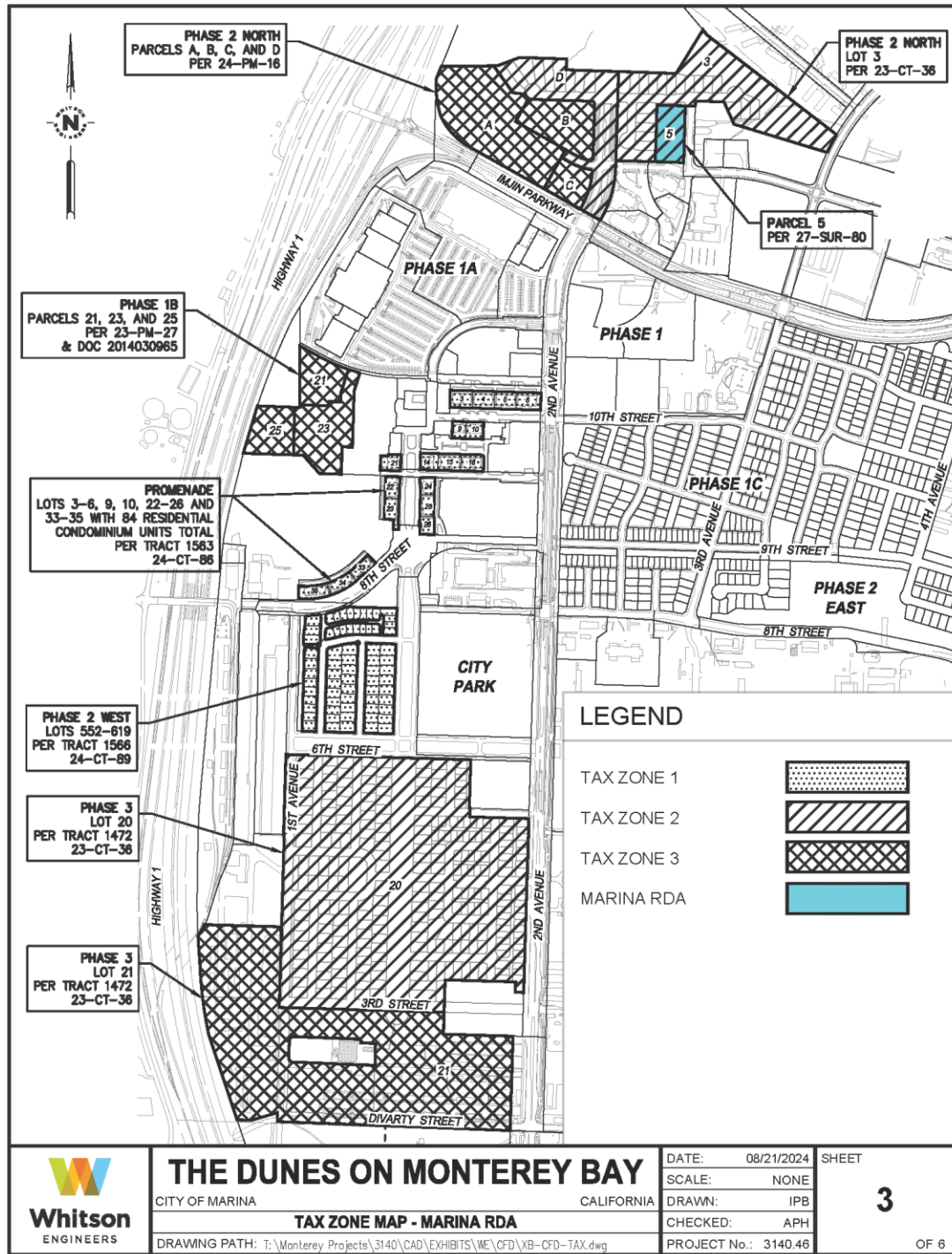


EXHIBIT B

ASSESSOR PARCEL NUMBERS

**APN OF PROPERTY OWNED BY THE OWNER WITHIN
PROPOSED CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)**

031-251-005-000

EXHIBIT C

BOUNDARY MAP

PROPOSED BOUNDARIES OF THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES)

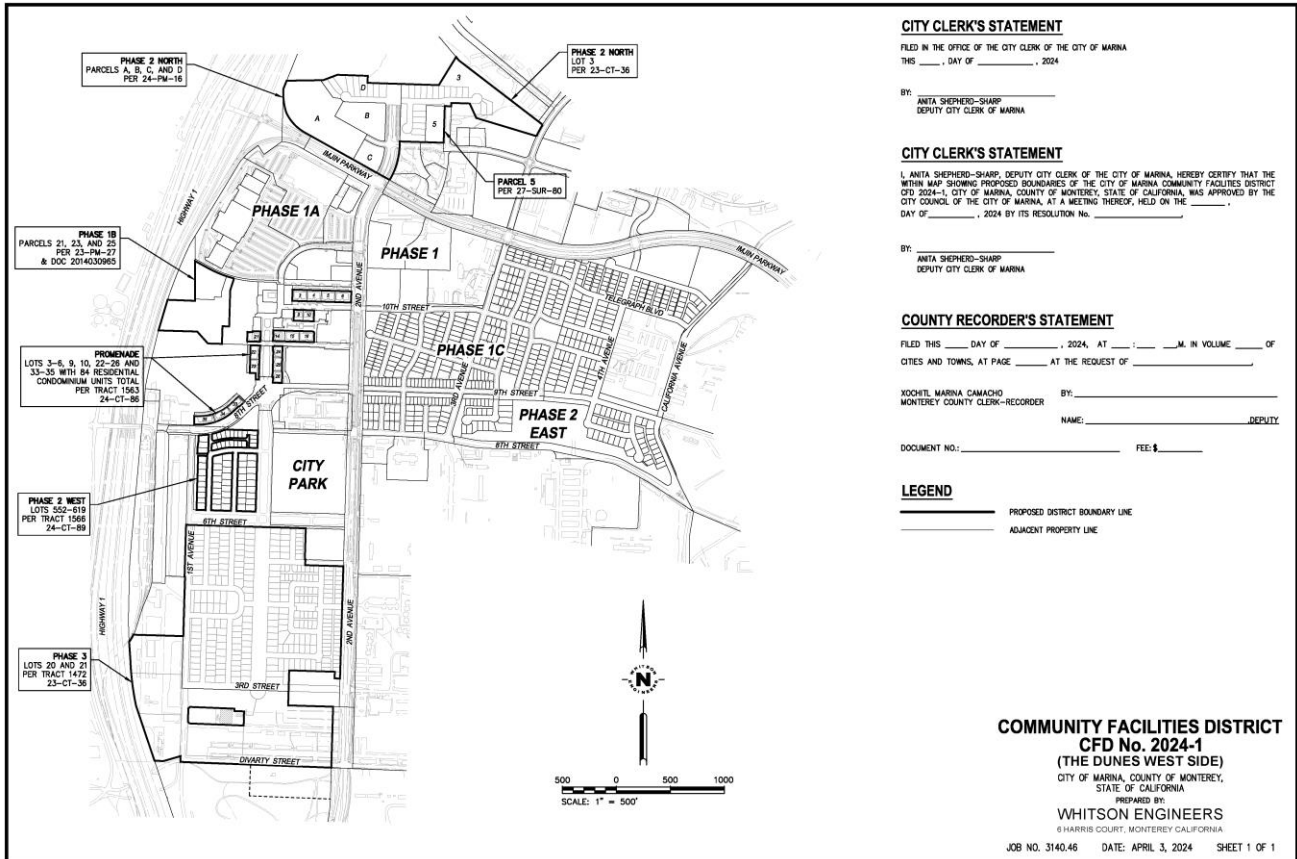


EXHIBIT D

DESCRIPTION OF AUTHORIZED SERVICES

The City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the “District”) shall be authorized to finance all or a portion of the costs of the types of services permitted pursuant to Government Section 53313, which shall include, but not be limited to, the following:

- (i) street maintenance;
- (ii) sidewalk maintenance;
- (iii) curb and gutter maintenance;
- (iv) decorative lighting maintenance;
- (v) storm drain maintenance;
- (vi) publicly accessible park and landscape maintenance; and
- (vii) publicly accessible restroom facilities.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay “Administrative Expenses” as said term is defined in the Rate and Method of Apportionment of Special Tax and to establish an operating reserve for the costs of services as determined by the District Administrator. Capitalized terms used and not defined herein shall have the meanings set forth in the Rate and Method of Apportionment of Special Tax for the District.

EXHIBIT E

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

[See Attached]

**CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

A Special Tax applicable to each Assessor's Parcel in the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) 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. 2024-1, 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), Part 1, 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 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” 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 at CFD Formation.

“CFD” or **“CFD No. 2024-1”** means the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services).

“CFD Formation” means the date on which the Resolution of Formation to form the CFD 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 the CFD.

“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 1 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 Single Family Detached Property, Single Family Attached Property, Owners Association Property, or Public Property.

“Owners Association” means a homeowners association or property owners association that provides services to, and collects assessments, fees, dues, or charges from, property within the CFD.

“Owners Association Property” means, in any Fiscal Year, all Parcels within the CFD that are owned in fee or by easement by the Owners Association, not including any such property that is located directly under a residential structure.

“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, the Successor Agency to the Marina Redevelopment Agency, 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 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.

“Single Family Attached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a residential structure consisting of two or more Residential Units that share common walls.

“Single Family Detached Property” means, in any Fiscal Year, all Parcels of Developed Property in Tax Zone 2 for which a building permit was issued for construction of a Residential Unit that does not share a common wall with another Residential Unit.

“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. The three Tax Zones in the CFD are identified in Attachment 1 hereto.

“Tax Zone 1” means the area identified as Tax Zone 1 in Attachment 1 of this RMA.

“Tax Zone 2” means the area identified as Tax Zone 2 in Attachment 1 of this RMA.

“Tax Zone 3” means the area identified as Tax Zone 3 in Attachment 1 of this RMA.

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

B. DATA FOR ANNUAL TAX LEVY

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 in Tax Zone 2 or Tax Zone 3 is Single Family Detached Property, Single Family Attached 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 each Parcel of Developed Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor. The Maximum Special Tax assigned to each Parcel shall continue to apply to the Parcel regardless of changes in configuration, Acreage, or Assessor's Parcel Number. If two or more Parcels are combined, the Maximum Special Taxes assigned to such Parcels shall also be combined. If a Parcel is subdivided, the Administrator shall determine the appropriate allocation of the Maximum Special Tax to the new Parcels created by the subdivision based on the land uses that are constructed or anticipated to be constructed on each new Parcel.

2. Undeveloped Property, Tax Zone 1

The Maximum Special Tax for each Parcel of Undeveloped Property in Tax Zone 1 for Fiscal Year 2024-25 is the Maximum Special Tax identified for the Parcel in Attachment 2 of this RMA. On July 1, 2025 and each July 1 thereafter, the Maximum Special Tax amounts in Attachment 2 shall be adjusted by the Escalation Factor.

3. Developed Property, Tax Zone 2

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 2 shall be determined by reference to Table 1 below.

**Table 1
Maximum Special Tax
Developed Property in Tax Zone 2**

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$1,959.79 per Residential Unit
Non-Residential Property	\$18,974.36 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

4. Undeveloped Property, Tax Zone 2

The Maximum Special Tax for Undeveloped Property in Tax Zone 2 for Fiscal Year 2024-25 is \$18,974.36 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

5. Developed Property, Tax Zone 3

The Maximum Special Tax for a Parcel of Developed Property in Tax Zone 3 shall be determined by reference to Table 2 below.

Table 2
Maximum Special Tax
Developed Property in Tax Zone 3

Land Use Category	Maximum Special Tax Fiscal Year 2024-25 *
Single Family Detached Property	\$2,305.63 per Residential Unit
Single Family Attached Property	\$2,075.07 per Residential Unit
Non-Residential Property	\$6,442.00 per Acre

* On July 1, 2025, and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by the Escalation Factor.

6. Undeveloped Property, Tax Zone 3

The Maximum Special Tax for Undeveloped Property in Tax Zone 3 for Fiscal Year 2024-25 is \$1,500 per Acre, which amount shall, on July 1, 2025 and each July 1 thereafter, be adjusted by the Escalation Factor.

D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES

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 in all three Tax Zones 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 in Tax Zone 1 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.
- Step 3.** If additional revenue is needed after Step 2, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 2 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 Steps 1 and 2, is equal to the Special Tax Requirement.

- Step 4.** If additional revenue is needed after Step 3, the Special Tax shall be levied Proportionately on each Parcel of Undeveloped Property in Tax Zone 3 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 Steps 1, 2 and 3, 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 or Owners Association Property, except as otherwise provided in the Act.

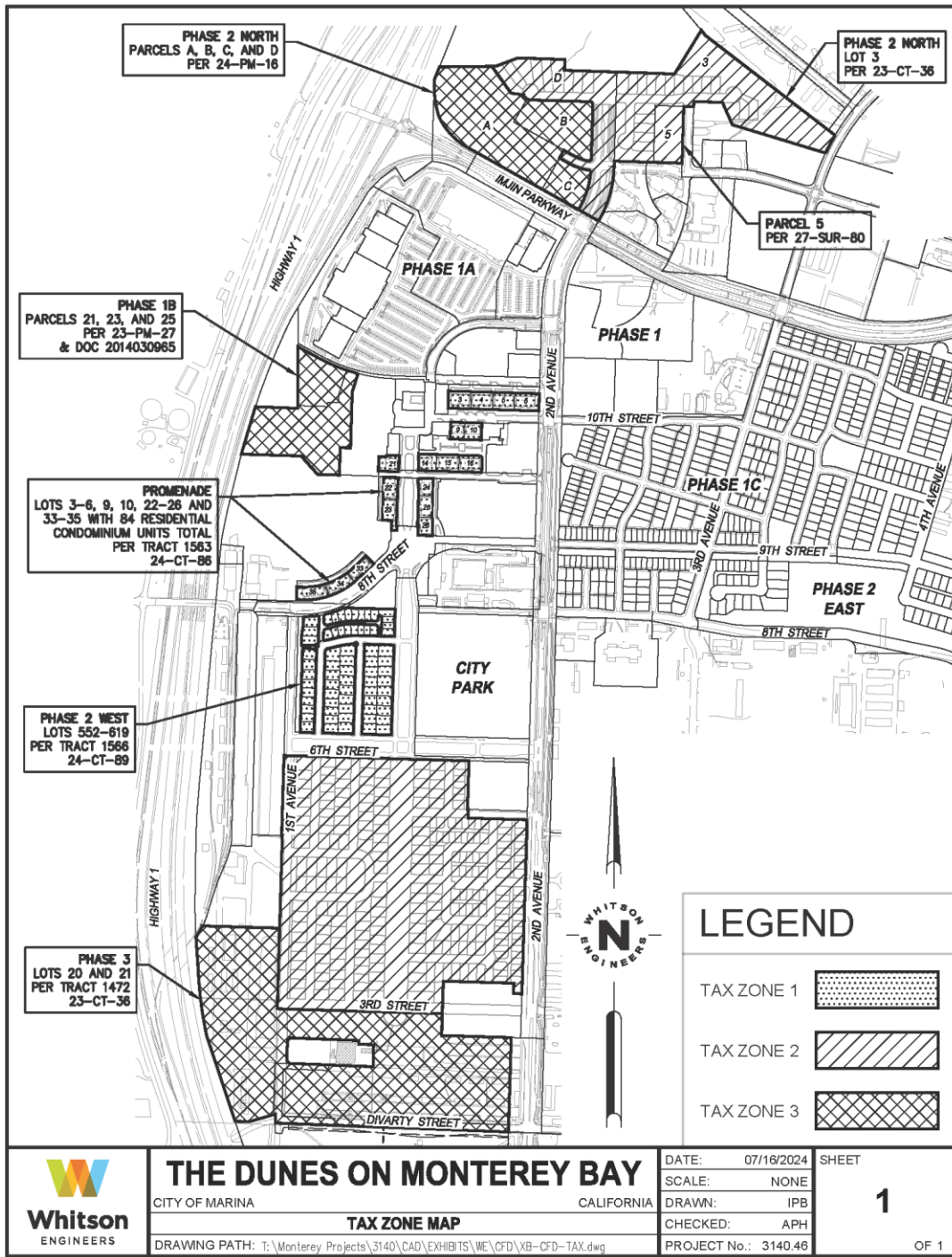
F. INTERPRETATION OF SPECIAL TAX FORMULA

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.

ATTACHMENT 1

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

Identification of Tax Zones



ATTACHMENT 2

**City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)**

**Tax Zone 1
Maximum Special Tax by Parcel**

ATTACHMENT 2

City of Marina
Community Facilities District No. 2024-1
(The Dunes West Side Services)

Tax Zone 1
Maximum Special Tax by Parcel

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-001-000	\$2,305.63
031-284-002-000	\$2,305.63
031-284-003-000	\$2,305.63
031-284-004-000	\$2,305.63
031-284-005-000	\$2,305.63
031-284-006-000	\$2,305.63
031-284-007-000	\$2,305.63
031-284-008-000	\$2,305.63
031-284-009-000	\$2,305.63
031-284-010-000	\$2,305.63
031-284-011-000	\$2,305.63
031-284-012-000	\$2,305.63
031-284-013-000	\$1,959.79
031-284-014-000	\$1,959.79
031-284-015-000	\$1,959.79
031-284-016-000	\$1,959.79
031-284-017-000	\$1,959.79
031-284-018-000	\$1,959.79
031-284-019-000	\$1,959.79
031-284-020-000	\$1,959.79
031-284-021-000	\$1,959.79
031-284-022-000	\$1,959.79
031-284-023-000	\$1,959.79
031-284-024-000	\$1,959.79
031-284-025-000	\$1,959.79
031-284-026-000	\$1,959.79
031-284-027-000	\$1,959.79
031-284-028-000	\$1,959.79
031-284-029-000	\$1,959.79
031-284-030-000	\$1,959.79
031-284-031-000	\$1,959.79
031-284-032-000	\$1,959.79
031-284-033-000	\$2,305.63

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-284-034-000	\$2,305.63
031-284-035-000	\$2,305.63
031-284-036-000	\$2,305.63
031-284-037-000	\$2,305.63
031-284-038-000	\$2,305.63
031-284-039-000	\$2,305.63
031-284-040-000	\$2,305.63
031-284-041-000	\$2,305.63
031-284-042-000	\$2,305.63
031-284-043-000	\$2,305.63
031-284-044-000	\$2,305.63
031-284-045-000	\$2,305.63
031-284-046-000	\$2,305.63
031-284-047-000	\$2,305.63
031-284-048-000	\$2,305.63
031-284-049-000	\$2,305.63
031-284-050-000	\$2,305.63
031-284-051-000	\$2,305.63
031-284-052-000	\$2,305.63
031-284-053-000	\$2,305.63
031-284-054-000	\$2,305.63
031-284-055-000	\$2,305.63
031-284-056-000	\$2,305.63
031-284-057-000	\$2,305.63
031-284-058-000	\$2,305.63
031-284-059-000	\$2,305.63
031-284-060-000	\$2,305.63
031-284-061-000	\$2,305.63
031-284-062-000	\$2,305.63
031-284-063-000	\$2,305.63
031-284-064-000	\$2,305.63
031-284-065-000	\$2,305.63
031-284-066-000	\$2,305.63
031-284-067-000	\$2,305.63
031-284-068-000	\$2,305.63
031-285-001-000	\$2,075.07
031-285-002-000	\$1,844.51
031-285-003-000	\$1,844.51
031-285-004-000	\$2,075.07
031-285-006-000	\$2,075.07
031-285-007-000	\$1,844.51

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-285-008-000	\$2,075.07
031-285-009-000	\$1,844.51
031-285-010-000	\$2,075.07
031-285-012-000	\$2,075.07
031-285-013-000	\$1,844.51
031-285-014-000	\$1,844.51
031-285-015-000	\$2,075.07
031-286-001-000	\$2,075.07
031-286-002-000	\$2,075.07
031-286-003-000	\$2,075.07
031-286-004-000	\$2,075.07
031-286-005-000	\$2,075.07
031-286-006-000	\$2,075.07
031-286-008-000	\$2,075.07
031-286-009-000	\$2,075.07
031-286-010-000	\$2,075.07
031-286-011-000	\$2,075.07
031-286-012-000	\$2,075.07
031-286-013-000	\$2,075.07
031-286-015-000	\$2,075.07
031-286-016-000	\$2,075.07
031-286-017-000	\$2,075.07
031-286-018-000	\$2,075.07
031-286-019-000	\$2,075.07
031-286-020-000	\$2,075.07
031-296-001-000	\$2,075.07
031-296-002-000	\$1,844.51
031-296-003-000	\$2,075.07
031-296-004-000	\$1,844.51
031-296-005-000	\$2,075.07
031-296-007-000	\$2,075.07
031-296-008-000	\$1,844.51
031-296-009-000	\$2,075.07
031-296-010-000	\$1,844.51
031-296-011-000	\$2,075.07
031-296-013-000	\$2,075.07
031-296-014-000	\$1,844.51
031-296-015-000	\$2,075.07
031-296-016-000	\$1,844.51
031-296-017-000	\$2,075.07
031-296-019-000	\$2,075.07

Fiscal Year 2024-25 Assessor's Parcel No.	Fiscal Year 2024-25 Maximum Special Tax
031-296-020-000	\$1,844.51
031-296-021-000	\$2,075.07
031-296-022-000	\$1,844.51
031-296-023-000	\$2,075.07
031-297-001-000	\$2,075.07
031-297-002-000	\$2,075.07
031-297-003-000	\$2,075.07
031-297-005-000	\$2,075.07
031-297-006-000	\$2,075.07
031-297-007-000	\$2,075.07
031-297-008-000	\$2,075.07
031-297-010-000	\$2,075.07
031-297-011-000	\$2,075.07
031-297-012-000	\$2,075.07
031-297-014-000	\$2,075.07
031-297-015-000	\$1,844.51
031-297-016-000	\$2,075.07
031-297-017-000	\$1,844.51
031-297-018-000	\$2,075.07
031-298-001-000	\$2,075.07
031-298-002-000	\$1,844.51
031-298-003-000	\$2,075.07
031-298-004-000	\$1,844.51
031-298-005-000	\$2,075.07
031-298-007-000	\$2,075.07
031-298-008-000	\$2,075.07
031-298-009-000	\$2,075.07
031-298-011-000	\$2,075.07
031-298-012-000	\$1,844.51
031-298-013-000	\$2,075.07
031-298-014-000	\$1,844.51
031-298-015-000	\$2,075.07
031-298-017-000	\$2,075.07
031-298-018-000	\$1,844.51
031-298-019-000	\$2,075.07
031-298-020-000	\$1,844.51
031-298-021-000	\$2,075.07

* On July 1, 2025, and each July 1 thereafter, all dollar amounts shown above shall be adjusted by the Escalation Factor, as defined by the RMA.

EXHIBIT F

SAMPLE BALLOT

**CITY OF MARINA
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(THE DUNES WEST SIDE SERVICES)**

SPECIAL TAX ELECTION

October 15, 2024

PROPOSITION A: Shall the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the “District”), in order to finance certain services and administrative expenses, be authorized to levy a special tax at the rates of (a) for Tax Zone 1, between \$1,844.51 and \$2,305.63 per parcel, (b) for Tax Zone 2, \$2,305.63 per single-family detached unit, \$1,959.79 per single-family attached unit, and \$18,974.36 per acre of non-residential property and undeveloped property, and (c) for Tax Zone 3, \$2,305.63 per single-family detached unit, \$2,075.07 per single-family attached unit, \$6,442.00 per acre of non-residential property, and \$1,500 per acre of undeveloped property, each increased by 4% or less per year, in perpetuity, as provided in the resolution of the City Council of the City of Marina, adopted on September 4, 2024?

YES_____

NO_____

PROPOSITION B: For each year commencing with Fiscal Year 2024-25, shall the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, for the District be an amount equal to \$50,000,000, increased annually in accordance with California law?

YES_____

NO_____