RESOLUTION NO. 2024-123

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA ESTABLISHING THE CITY OF MARINA COMMUNITY FACILITIES DISTRICT NO. 2024-1 (THE DUNES WEST SIDE SERVICES), AUTHORIZING THE LEVY OF SPECIAL TAXES, CALLING AN ELECTION WITHIN THE DISTRICT AND APPROVING AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO

WHEREAS, on September 4, 2024, the City Council (the "City Council") of the City of Marina (the "City") adopted a resolution (the "Resolution of Intention") stating its intention to establish the City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services) (the "District"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Act") and Chapter 3.35 of the City of Marina Municipal Code; and

WHEREAS, a copy of the Resolution of Intention setting forth a description of the proposed boundaries of the District, the services and administrative expenses to be financed by the District and the rate and method of apportionment of the special tax proposed to be levied within the District is on file with the City Clerk; and

WHEREAS, notice was published and mailed to all landowners of the land proposed to be included within the District as required by law relative to the intention of this City Council to form the proposed District, and to levy a special tax within the District; and

WHEREAS, the City Council conducted a noticed public hearing, which was opened on October 15, 2024 and continued to November 6, 2024 (the "Public Hearing") as required by law, at which the City Council considered the proposed formation of the District and the rate and method of apportionment of the special tax proposed for the District; and

WHEREAS, at or before the Public Hearing there was filed with this City Council a report containing a description of the services necessary to meet the needs of the District and an estimate of the cost of such services as required by Section 53321.5 of the Act (the "CFD Report"); and

WHEREAS, at the Public Hearing all persons desiring to be heard on all matters pertaining to the formation of the District and the rate and method of apportionment of the special tax proposed for the District were heard, and a full and fair hearing was held; and

WHEREAS, at the Public Hearing the City Council determined to (1) remove two parcels (APNs 031-251-071 and 031-251-072) from the District and (2) amend the rate and method of apportionment of special tax approved by the Resolution of Intention to exempt property referred to therein as "Parcel D" (APN 031-251-074) from levy of the special tax unless Parcel D is developed as residential property or non-residential property other than for hotel uses and ancillary hotel uses; and

WHEREAS, the modified rate and method of apportionment of special tax is included as Attachment "A" hereto (the "Rate and Method"); and

WHEREAS, following the Public Hearing, the City Council determined to authorize the formation of the District to finance the types of services (the "Services") and administrative expenses to be incurred in connection with financing the Services and forming and administering the District (the "Administrative Expenses") set forth in Attachment "B" hereto; and

WHEREAS, at the Public Hearing evidence was presented to the City Council on the matters before it, and the proposed special tax to be levied within the District was not precluded by a majority protest of the type described in Section 53324 of the Act, and the City Council at the conclusion of the Public Hearing was fully advised as to all matters relating to the formation of the District and the levy of a special tax within the District in accordance with the Rate and Method; and

WHEREAS, the City Council has determined, based on an email confirmation of the Registrar of Voters on file in the office of the City Clerk, that no registered voters have been residing in the proposed boundaries of the District for each of the 90 days prior to October 15, 2024 and November 6, 2024; and

WHEREAS, the City Council has determined, based on certifications from the landowners in the District, that the qualified electors in the District are the landowners within the District as of November 6, 2024; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined to proceed with the establishment of the District and to call an election within the District to authorize (i) the levy of special taxes within the District pursuant to the Rate and Method, as set forth in Attachment "A" attached hereto, and (ii) the establishment of an appropriations limit for the District;

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

SECTION 1. Each of the above recitals is true and correct.

SECTION 2. A community facilities district to be designated as "City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services)" is hereby established pursuant to the Act and Chapter 3.35 of the City of Marina Municipal Code.

The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of law, including the Act and Chapter 3.35 of the City of Marina Municipal Code. This finding is made in accordance with the provisions of Section 53325.1(b) of the Act.

SECTION 3. The proposed boundary map for the District approved in the Resolution of Intention has been recorded pursuant to Sections 3111 and 3112 of the California Streets and Highways Code in Book 5 of Maps of Assessment and Community Facilities Districts, at Page No. 26, as Instrument No. 2024033046 on September 16, 2024, in the office of the County Recorder of the County of Monterey, State of California.

At the request of the owners of the land within the proposed District, and in accordance with Section 53325 of the Act, two parcels (APNs 031-251-071 and 031-251-072) shall be excluded from the proposed boundary of the District. Accordingly, the boundaries of the District shall be as shown on the map on file with the City Clerk entitled "Amended Proposed Boundaries of Community Facilities District No. 2024-1 (The Dunes West Side Services)," to which map reference is hereby made for further particulars. The City Clerk is hereby directed to record, or cause to be recorded, the map of the boundaries of the District in the office of the Monterey County Clerk/Recorder promptly following the date of adoption of this Resolution, and to include the recording information therefrom in each notice of special tax lien recorded for the District.

SECTION 4. The types of Services and Administrative Expenses authorized to be provided for the District are those set forth in Attachment "B" attached hereto. The estimated cost of the Services and Administrative Expenses to be financed is set forth in the CFD Report.

The City is authorized by the Act and Chapter 3.35 of the City of Marina Municipal Code to contribute revenue to, or to provide the Services, all in accordance with the Act and Chapter 3.35 of the City of Marina Municipal Code. The City Council finds and determines that the proposed Services are necessary to meet the increased demand that will be placed upon local agencies and public services as a result of new development within the District and that the Services to be financed would benefit residents of the City and the future residents of the District.

SECTION 5. Except where funds are otherwise available, it is the intention of the City Council, subject to the approval of the eligible voters within the District, to levy annually a special tax at the rates set forth in Attachment "A" hereto on all non-exempt property within the District, sufficient to pay for (i) the Services and Administrative Expenses to be financed by the District. The Rate and Method for the District is described in detail in Attachment "A" hereto and incorporated herein by this reference, and the City Council hereby finds that Attachment "A" contains sufficient detail to allow each landowner within the District to estimate the maximum amount that may be levied against each parcel. The special tax will be collected in the same manner as ordinary ad valorem property taxes or in such other manner as the City Council will determine, including direct billing of the affected property owners.

The CFD Report, which is incorporated by reference herein, sets forth a description of the Services to be provided in the District and the estimated cost of providing the Services. The estimated cost of the Services as described in the CFD Report is hereby determined to be reasonable. The special tax within the District shall be levied on each assessor's parcel so long as is required to pay for the Services, as described in Attachment "A" hereto. The special tax is apportioned to each parcel within the District on the foregoing bases pursuant to Section 53325.3 of the Act and such special tax is not on or based upon the ownership of real property or the assessed value of real property.

The District expects to incur, and in certain cases has already incurred, Administrative Expenses in connection with the creation of the District, the levying and collecting of the special taxes and the annual administration of the District.

The City Manager of the City of Marina, or his or her authorized designee, who can be reached at Marina City Hall, 211 Hillcrest Avenue, Marina, CA 93933, or by telephone at (831) 884-1278, will be responsible for preparing annually, or authorizing a designee to prepare, a current roll of special tax levy obligations by assessor's parcel number and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

SECTION 6. 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 applicable thereto, or in the event of delinquencies in the payment of special taxes levied therein, the City Council shall, on behalf of the District, increase the levy to the extent necessary and permitted by law and these proceedings upon the remaining property within the District which is not exempt or delinquent in order to prevent the District from defaulting on any other obligations or liabilities payable from the special taxes; provided, however, under no circumstances will the special tax levied against any parcel exceed the "Maximum Special Tax" set forth in the rate and method of apportionment of the special tax attached hereto as Attachment "A." The obligation of parcels within the District to pay special taxes may not be prepaid.

SECTION 7. Upon recordation of a notice of special tax lien for the District pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in the District and this lien shall continue in force and effect until the lien is canceled in accordance with law or until collection of the special tax ceases.

SECTION 8. Consistent with Section 53325.6 of the Act, the City Council finds and determines that the land within the District, if any, devoted primarily to agricultural, timber or livestock uses and being used for the commercial production of agricultural, timber or livestock products is contiguous to other land within the District and will be benefited by the Services proposed to be provided within the District.

SECTION 9. Written protests against the establishment of the District have not been filed by one-half or more of the registered voters within the boundaries of the District or by the property owners of one-half (1/2) or more of the area of land within the District. The City Council hereby finds that the proposed special tax for the District has not been precluded by a majority protest pursuant to Section 53324 of the Act.

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 the District. 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. An election is hereby called for the District on the propositions of levying the special tax on the property within the District and establishing an appropriations limit for the District pursuant to Section 53325.7 of the Act. The language of the propositions to be placed on the ballot for the election within the District is attached hereto as Attachment "C."

SECTION 12. The date of the election for the District on the propositions of authorizing the levy of the special taxes and establishing an appropriations limit for the District shall be January 10, 2024 (or such earlier date as all ballots are received, or such later date as is consented to by the City Clerk); the polls shall be open for said election between the hours of 8:00 a.m. and 5:00 p.m. on the date set for the election. The election shall be conducted by the City Clerk. Except as otherwise provided by the Act or the City of Marina Municipal Code, the election shall be conducted in accordance with the provisions of law regulating elections of the City insofar as such provisions are determined by the City Clerk to be applicable. The City Clerk is authorized to conduct the election following the adoption of this resolution, and all ballots shall be received by, and the City Clerk shall close the election by 5:00 p.m. on the election day; provided that the election shall be closed at such earlier time as all qualified electors in such election have voted as provided in Section 53326(d) of the Act, which may occur prior to the date set for the election. Pursuant to Section 53326 of the Act, the ballots for the special election shall be distributed in person, or by mail with return postage prepaid, to the qualified electors within the District. The Registrar of Voters has confirmed in an electronic mail communication on file with the City Clerk that there were no registered voters within the District as of September 9, 2024. Accordingly, since there were fewer than 12 registered voters within the District for each of the 90 days preceding the Public Hearing, the qualified electors shall be the landowners within the District and each landowner, or the authorized representative thereof, shall have one vote for each acre or portion thereof that such landowner owns within the District, as provided in Section 53326 of the Act.

SECTION 13. The preparation of the CFD Report is hereby ratified. The CFD Report, as submitted, is hereby approved and was made a part of the record of the public hearing regarding the formation of the District. The CFD Report is ordered to be kept on file with the transcript of these proceedings and open for public inspection.

SECTION 14. This Resolution shall be effective upon its adoption.

****

I, the undersigned hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the City Council of the City of Marina in a regular meeting assembled on the 6th day of November 2024, by the following vote to wit:

AYES, COUNCIL MEMBERS: McAdams, McCarthy, Biala, Delgado
NOES, COUNCIL MEMBERS: None
ABSENT, COUNCIL MEMBERS: None
ABSTAIN, COUNCIL MEMEBRS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

ATTACHMENT "A"

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]

EXHIBIT B

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, Public Property, or Parcel D, except as otherwise set forth in the definition of Parcel D below.

"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.

"Parcel D" means the Parcel identified in Fiscal Year 2024-25 by Assessor's Parcel Number 031-251-074-000 and labeled as "Parcel D" in Attachment 1 hereto. Such Parcel shall remain classified as Parcel D and shall be exempt from the levy of the Special Tax unless and until such time as a building permit is issued for a use other than a hotel or ancillary hotel uses, as determined by the City. In the Fiscal Year following the issuance of such a building permit, and in all following Fiscal Years, the Parcel shall be categorized, as appropriate, as Single Family Detached Property, Single Family Attached Property, or Non-Residential Property, as applicable, and a Special Tax shall be levied on the Parcel pursuant to this RMA.

"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 other than Parcel D, which shall not be subject to the Special Tax levy on Undeveloped Property.

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

Each Fiscal Year, the Administrator shall identify the current Assessor's Parcel Numbers for all Parcels of Taxable Property within the CFD. The Administrator shall also determine: (i) whether each Parcel of Taxable Property is Developed Property or Undeveloped Property, (ii) in which Tax Zone each Assessor's Parcel is located, (iii) whether each Parcel of Developed Property in Tax Zone 2 or Tax Zone 3 is Single Family Detached Property, Single Family Attached Property, or Non-Residential Property, (iv) whether a building permit has been issued for development of Parcel D and, if so, the expected use of the Parcel based on the building permit, and (v) 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
Parcel D	$0 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. <u>EXEMPTIONS</u>

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. In addition, no Special Tax shall be levied on Parcel D unless and until the Parcel is reclassified as Single Family Detached Property, Single Family Attached Property, or Non-Residential Property.

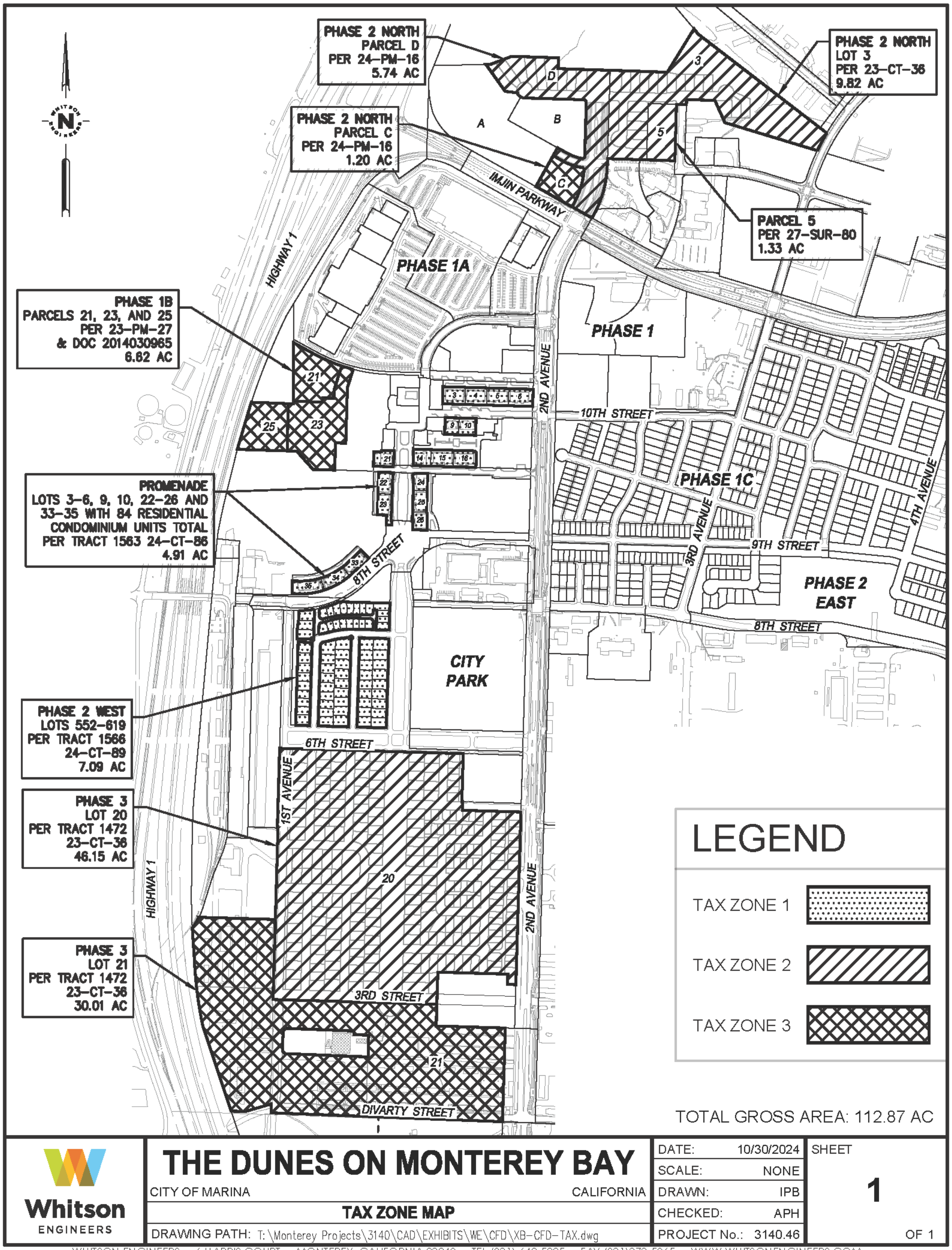
F. <u>INTERPRETATION OF SPECIAL TAX FORMULA</u>

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


PHASE 2 NORTH
PARCEL D
PER 24-PM-16
5.74 AC
PHASE 2 NORTH
LOT 3
PER 23-CT-36
9.82 AC
PHASE 2 NORTH
PARCEL C
PER 24-PM-16
1.20 AC
PARCEL 5
PER 27-SUR-80
1.33 AC
IMJIN PARKWAY
HIGHWAY 1
PHASE 1A
PHASE 1
PHASE 1B
PARCELS 21, 23, AND 25
PER 23-PM-27
& DOC 2014030965
6.62 AC
2ND AVENUE
10TH STREET
PHASE 1C
PROMENADE
LOTS 3-6, 9, 10, 22-26 AND
33-35 WITH 84 RESIDENTIAL
CONDOMINIUM UNITS TOTAL
PER TRACT 1563 24-CT-86
4.91 AC
8TH STREET
3RD AVENUE
9TH STREET
4TH AVENUE
PHASE 2
EAST
CITY
PARK
PHASE 2 WEST
LOTS 552-619
PER TRACT 1566
24-CT-89
7.09 AC
6TH STREET
1ST AVENUE
PHASE 3
LOT 20
PER TRACT 1472
23-CT-36
46.15 AC
PHASE 3
LOT 21
PER TRACT 1472
23-CT-36
30.01 AC
3RD STREET
DIVARTY STREET
LEGEND
TAX ZONE 1
TAX ZONE 2
TAX ZONE 3
TOTAL GROSS AREA: 112.87 AC
Whitson
ENGINEERS
THE DUNES ON MONTEREY BAY
CITY OF MARINA
CALIFORNIA
TAX ZONE MAP
DRAWING PATH: T:\Monterey Projects\3140\CAD\EXHIBITS\WE\CFD\XB-CFD-TAX.dwg
DATE: 10/30/2024
SCALE: NONE
DRAWN: IPB
CHECKED: APH
PROJECT No.: 3140.46
SHEET
1
OF 1
WHITSON ENGINEERS - 6 HARRIS COURT - MONTEREY, CALIFORNIA 93940 - TEL (831) 649-5225 - FAX (831)373-5065 - WWW.WHITSONENGINEERS.COM

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.

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") and any other property annexed into the District in the future 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) maintenance of publicly accessible public 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"

BALLOT PROPOSITIONS

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

SPECIAL TAX ELECTION

JANUARY 10, 2025

PROPOSITION A: Shall City of Marina Community Facilities District No. 2024-1 (The Dunes West Side Services), to finance certain services and administrative expenses, be authorized to levy annual special taxes at the following rates: In any Tax Zone, between $1,844.51 - $2,305.63 per parcel of single-family residential property; In Tax Zone 2, $18,974.36 per acre (non-residential or undeveloped property) excluding Parcel D (APN 031-251-074) from the special tax if undeveloped or developed only with hotel and ancillary uses; In Tax Zone 3, $6,442.00 per acre (non-residential property) and $1,500 per acre (undeveloped property); each increased annually by 4% or less, in perpetuity, and expected to initially raise $1,166,560 annually, as provided in City Council of the City of Marina Resolution No. 2024-101, as amended?	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_______