



**APPROVED**  
BY THE CITY COUNCIL

**MAR 31 1998**

OFFICE OF THE  
CITY CLERK

1.21

DEPARTMENT OF  
PUBLIC WORKS

SPECIAL DISTRICTS  
DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

March 17, 1998

City Council  
Sacramento, California

Honorable Members in Session:

AG 98-016  
AG 98-017  
AG 98-018  
AG 98-019  
AG 98-020  
AG 98-021  
AG 98-022  
AG 98-023

CITY HALL  
915 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2608

PH 916-264-7113  
FAX 916-264-5573

**SUBJECT: DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT  
(CFD) NO. 95-01 ANNEXATION #1 - INITIATE PROCEEDINGS**

**LOCATION AND COUNCIL DISTRICT:**

Properties included in this annexation are located in Council Districts 1, 2, 5 and 6. Please see attached map marked Exhibit A.

**RECOMMENDATION:**

This report recommends that the City Council adopt the following:

- Resolution of Intention to Annex Property, to Increase the Special Tax Rate and Call for a Public Hearing on May 5, 1998.
- Resolution Approving Annexation and Reimbursement Agreements.

**CONTACT PERSON:** Karen Shipley, Special Districts Analyst 264-5236

**FOR COUNCIL MEETING OF:** March 31, 1998

**SUMMARY:**

This report presents a proposal to annex seven industrial/commercial projects to the Development Fee Financing CFD. The CFD allows the City to issue Mello-Roos bonds and finance certain development fees over a 10-year period. Properties proposed for annexation are owned by Marvin L. (Buzz) Oates, managing partner of Buzz Oates Enterprises and Raley's represented by Peggy Bohl, of The Bohl Corporation. The recommended Council action will formally initiate the annexation proceedings and set a public hearing for May 5, 1998.

**COMMITTEE/COMMISSION ACTION:** None.

## **BACKGROUND INFORMATION:**

The Development Fee Financing CFD was approved by City Council on April 6, 1995 by adoption of Resolution No. 95-138. The purpose of the district is to allow developers to pay certain development fees over a 10-year period. Fees eligible for deferral are those which are directly related to public improvements (e.g. major street construction tax, sewer, water, school, Regional Sanitation and SMUD fees). Development fees used to pay for operating costs of the public agencies are not included (e.g. building permit, plan check, business operations tax, processing and planning fees). Deferral of fees is accomplished by issuing Mello-Roos bonds in the amount of the fees plus issuance costs. The original district included five commercial/industrial properties. The district was set up so that other properties could periodically annex to the district. This will be the district's first annexation.

### Proposed Annexation

The proposed annexation includes six commercial/industrial property representing a total land area of 95 acres. Buildings have been completed on 77% of total district area. Building permits have been issued on the remaining 23% of the district. The first parcel listed, the Sacramento Coca-Cola Bottling Company property, was one of the parcels in the original district. At the time the district was formed, North Natomas development fees were unknown. Since then, the fees have been adopted by Council and are now included in this proposed annexation as shown below. The Coca-Cola property is already a part of the district. Therefore, the current tax rate for this parcel will be adjusted to reflect the fees added as part of this annexation. The following chart compares the total development fees on these projects and the portion eligible for fee financing in this annexation.

Project Address	Total Sq. Ft. of Development	Total Development Fees	Fees Eligible for this Program	% Eligible Fees
4101 Gateway Park Bl.	162,426	\$152,909	\$142,160	93%
2730 Broadway	66,744	258,510	190,537	74%
8670 Younger Creek	584,820	1,220,582	992,429	81%
8760 Younger Creek	50,400	125,510	101,211	81%
2450 Del Paso Bl.	109,474	509,975	401,331	79%
4061 Gateway Park Bl.	339,245	358,977	308,653	86%
180 Harris Av.	20,000	55,949	36,514	65%
150 Harris Av.	30,000	68,541	45,116	66%
<b>TOTAL</b>	<b>1,363,109</b>	<b>\$2,750,953</b>	<b>\$2,217,951</b>	<b>81%</b>

The formation and timing of this annexation is streamlined by the fact that there are only four property owners involved. The annexation approval and election are scheduled for May 1998 as shown on the attached schedule, Exhibit B.

# **FINANCIAL CONSIDERATIONS:**

All fees associated with the annexation and administration of this district will be financed by the property owners. There is no impact to the General Fund. The estimated cost of the district is itemized as follows:

Total Development Fees to be Financed:	\$2,217,951
Bond Costs:	
California Debt and Investment Advisory Commission (CDIAC)	638
Bond Counsel	27,500
Special Districts Information Reporting System (SDIRS)	23,259
Official Statement and Bond Printing	14,000
Capitalized Interest	38,300
Annexation process and Administration Costs	30,600
Miscellaneous Expenses	428
Subtotal	\$2,346,000
Reserve Account	127,750
Bond Discount	76,650
<b>TOTAL DISTRICT COSTS:</b>	<b>\$2,555,000</b>

The following chart shows the special tax apportioned to each parcel in the district and the maximum annual special tax levy.

Parcel Number	Total Cost	Total Annual Special Tax	Maximum Annual Tax
225-0160-070	\$163,763	\$22,817	\$26,240
010-0242-019	219,492	30,577	35,163
062-0140-013	1,143,243	159,194	183,073
062-0150-012	116,591	16,249	18,687
225-0070-081	462,319	64,386	74,044
225-0160-069	355,557	49,522	56,950
250-0025-062	42,063	5,873	6,753
250-0025-063	51,972	7,252	8,340
<b>TOTAL</b>	<b>\$2,555,000</b>	<b>\$355,870</b>	<b>\$409,251</b>

The tax rates shown are based on the special tax formula for the CFD. For example, each parcel is assigned the total cost of eligible development fees computed (based on the development plans) for each particular parcel. The bond costs, reserve account and bond discount categories are assigned to each parcel in proportion to each parcel's total development fees. The maximum annual tax is computed at 115% of the annual tax.

Bond Authorization

When the original district was formed in 1995, Council authorized a maximum bond issuance of \$25 million. The first issue was \$1.8 million. This proposed annexation will issue an additional \$2.555 million leaving \$20.645 million available for future annexations. The value-to-lien ratio for all properties in the annexation is 15:1.

**ENVIRONMENTAL CONSIDERATIONS:**

The environmental review for the development projects listed in this report have previously been completed. Council action in approving this CFD is exempt from CEQA because it will have no conceivable affect on the physical environment.

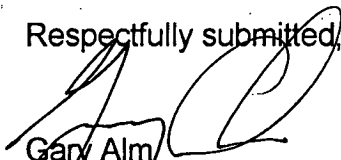
**POLICY CONSIDERATIONS:**

Council approved the Development Fee Financing CFD on April 6, 1995. The procedures under which this annexation is being conducted are set forth in Title 5 of the Government Code, Sections 53311-53317.5 entitled "The Mello-Roos Community Facilities Act of 1982."

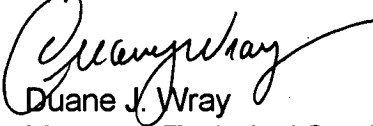
**MBE/WBE:**

City Council adoption of the attached resolutions is not affected by City policy related to MBE/WBE.

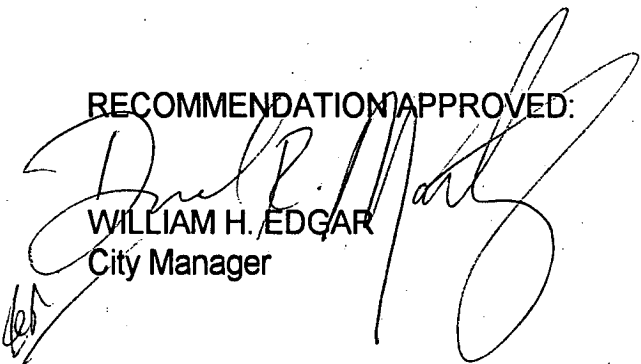
Respectfully submitted,

  
Gary Alm  
Manager, Development Services

Approved:

  
Duane J. Wray  
Manager, Technical Services

RECOMMENDATION APPROVED:

  
WILLIAM H. EDGAR  
City Manager

APPROVED:

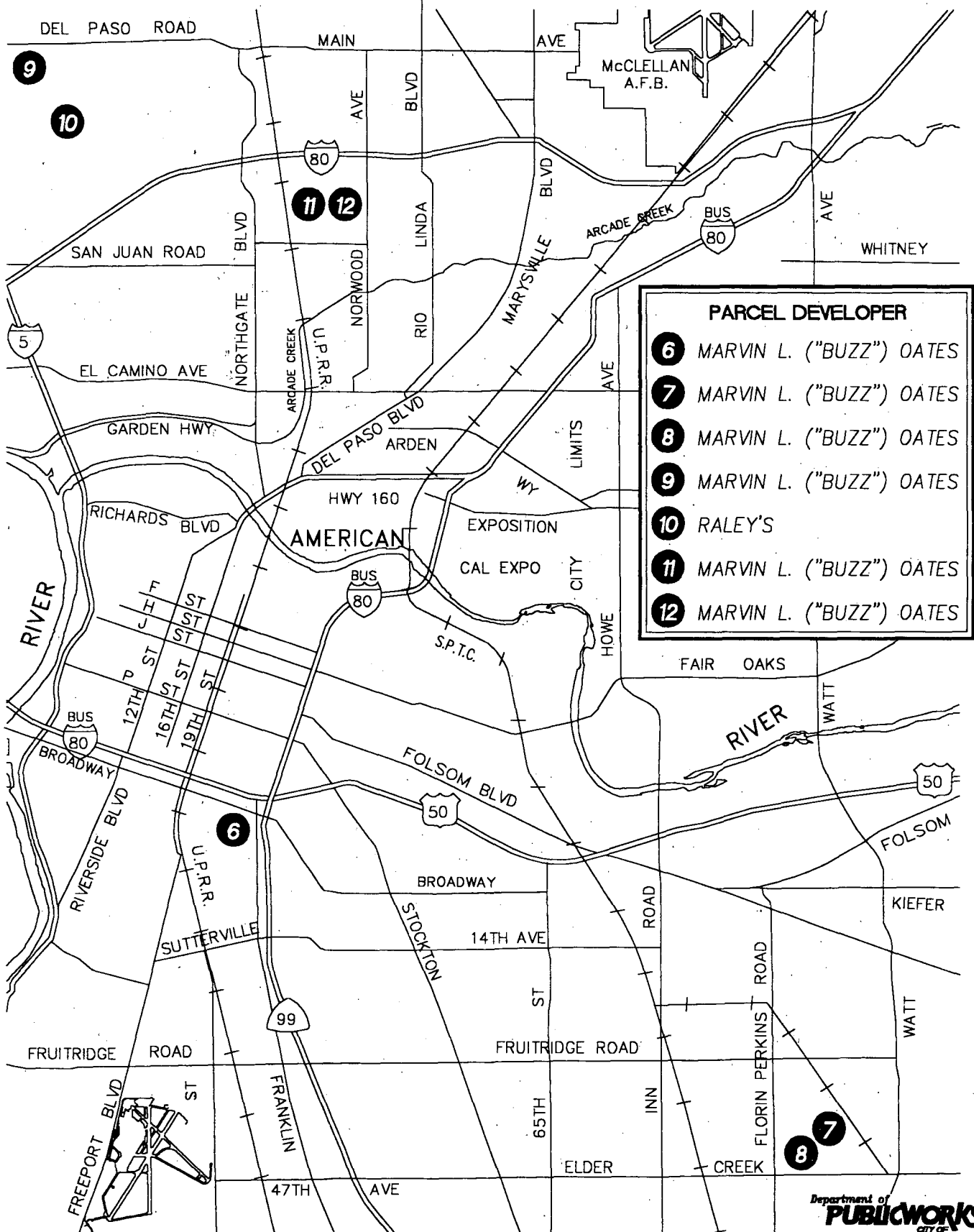
  
Michael Kashiwagi  
Director of Public Works

Attachments

File:98012

# EXHIBIT 'A'

## DEVELOPMENT FEE FINANCING CFD PROPERTY LOCATIONS OF ANNEXATION NO. 1



Department of  
**PUBLICWORKS**  
CITY OF SACRAMENTO  
Development Services

## EXHIBIT B

### DEVELOPMENT FEE FINANCING CFD ANNEXATION NO. 1 SCHEDULE

March 1998	Receive from Property Owners: <ul style="list-style-type: none"><li>• Final application, information, title reports</li><li>• Annexation and Reimbursement Agreements</li></ul>
March 31, 1998	Council Action: <ul style="list-style-type: none"><li>• Adopt Resolution of Intention to Annex Property, to Increase the Special Tax Rate and Call for Public Hearing.</li><li>• Adopt Resolution Approving Annexation and Reimbursement Agreements</li></ul>
April 3, 1998	Hearing Notice and Consent and Waiver Form mailed to Property Owners Proposed annexation boundary map is recorded.
April 28, 1998	CFD Report is filed with City Clerk
May 5, 1998	Council Action: <ul style="list-style-type: none"><li>• Conduct Public Hearing</li><li>• Adopt Resolution Approving Annexation and Special Tax Rate Increase and Calling for a Special Election.</li></ul>
May 12, 1998	Council Action: <ul style="list-style-type: none"><li>• Conduct the Special Election.</li><li>• Adopt Resolution Confirming Election Results.</li></ul>
May 13, 1998	Record Notice of Special Tax Lien
May 19, 1998	Council Action: <ul style="list-style-type: none"><li>• Development Fee Financing CFD Annexation Ordinance - Pass for Publication</li></ul>
June 2, 1998	Council Action: <ul style="list-style-type: none"><li>• Adopt Ordinance Levying Special Tax</li><li>• Adopt Resolution Levying a Special Tax</li><li>• Adopt Resolution Appropriating Funds</li><li>• Adopt Resolution Approving Official Statement</li><li>• Adopt Bond Documents</li></ul>
June/July 1998	Close bond sale, obtain and disburse proceeds.

**APPROVED**  
BY THE CITY COUNCIL

**MAR 31 1998**

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 98-103**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO DECLARING ITS INTENTION TO ANNEX TERRITORY TO AND ITS INTENTION TO INCREASE THE SPECIAL TAX RATE FOR DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, AND CALLING A PUBLIC HEARING TO CONSIDER SUCH PROPOSED ANNEXATION AND SUCH PROPOSED SPECIAL TAX RATE INCREASE

WHEREAS, the City Council (the "Council") of the City of Sacramento (the "City") has determined, under the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), that the public convenience and necessity require that certain territory more particularly described herein (the "Territory") be annexed to the existing Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "Community Facilities District"), the existing territory of which Community Facilities District is more particularly described and shown on that certain map that is marked Exhibit A and attached hereto and incorporated herein and made a part hereof, and that (in connection with such annexation) the

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

public convenience and necessity require that the special tax rate for the Community Facility District (as constituted after such annexation) be increased as more particularly described herein; and

WHEREAS, the Council is fully advised in this matter;

NOW, - THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO, AS FOLLOWS:

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The boundaries of the Territory proposed to be annexed to the Community Facilities District are more particularly described and shown on that certain map entitled "Proposed Boundaries of Annexation 1 to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California" on file in the office of the City Clerk, a copy of which map is marked Exhibit B and attached hereto and incorporated herein and made a part hereof, which map is hereby approved by the Council as the map of the Territory and which map shall govern for all the details thereof; and the City Clerk is hereby authorized and directed to record a copy of such map with the County Recorder of Sacramento County in accordance with the provisions of Section 3111 of the Streets and Highways Code of the State of California.

Section 3. The proposed increased special tax rate for

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DATE ADOPTED: \_\_\_\_\_



the Community Facilities District (as constituted after such annexation) is more particularly described in Exhibit C that is attached hereto and incorporated herein and made a part hereof, which special tax will be secured by the recordation of a continuing lien against all non-exempt real property in the Community Facilities District (as constituted after such annexation).

Section 4. It is hereby declared to be the intention of the Council to and the Council hereby determines that, under and pursuant to the terms and provisions of the Act, the public convenience and necessity require that it commence proceedings to annex the Territory to the Community Facilities District as herein proposed, and that (in connection with such annexation), the public convenience and necessity require that it commence proceedings to increase the special tax rate for the Community Facilities District (as constituted after such annexation) as herein proposed.

Section 5. There is no change proposed to the types of public facilities authorized to be provided by the Community Facilities District pursuant to the Act; and accordingly the types of public facilities currently provided by the Community Facilities District in the existing Community Facilities District pursuant to the Act, and the types of public facilities proposed to be provided by the Community Facilities District in the Territory pursuant to

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DATE ADOPTED: \_\_\_\_\_

The Act after the completion of the annexation, are set forth in Exhibit D that is attached hereto and incorporated herein and made a part hereof. Moreover, since such public facilities are site specific to each parcel of land in both the Community Facilities District and the Territory, there is no plan for sharing the public facilities that will be provided in common within the Community Facilities District and within the Territory. Finally, there are no public services authorized to be provided by the Community Facilities District pursuant to the Act.

Section 6. Notice is given that Thursday, the 7<sup>th</sup> day of May, 1998, at the hour of 2:00 o'clock P.M., at the regular meeting place of the Council, at the City Council Chambers, Sacramento City Hall, 915 I Street, Sacramento, California 95814, is hereby fixed by the Council as the time and place for a public hearing to be held by the Council to consider the proposed annexation of the Territory to the Community Facilities District and the levying of special taxes of the community Facilities District within the Territory and the proposed increase in the special tax rate for the Community Facilities District (as constituted after such annexation) and all other matters set forth in this resolution. At such public hearing any persons interested, including all taxpayers, property owners and registered voters within the Community Facilities District and within the Territory,

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

may appear and be heard, and the testimony of all interested persons or taxpayers for or against the proposed annexation of the Territory to the Community Facilities District or the levying of special taxes of the Community Facilitates District within the Territory or the proposed increase in the special tax rate for the Community Facilities District (as constituted after such annexation) or on any other matters set forth in this resolution will be heard and considered. Any protests to the foregoing may be made orally or in writing by any such interested persons or taxpayers, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made; and the Council may waive any irregularities in the form or content of any written protest and at such public hearing may correct minor defects in such proceedings. All written protests shall be filed with the City Clerk on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. Since there are no registered voters in the Community Facilities District or in the Territory, the Act provides that if the owners of one-half (1/2) or more of the area of land within the Community Facilities District, or the owners of one-half (1/2) or more of the area of land within the Territory, file

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written protests against the proposed annexation of the Territory to the Community Facilities District, or the owners of one-half (1/2) or more of the land included within the Community Facilities District (as constituted after such annexation) and not exempt from the special tax file written protests against the proposed special tax rate increase, and such protests are not withdrawn so as to reduce the value of the protests to less than a majority, then no further proceedings to annex the Territory to the Community Facilities District and to increase the special tax rate for the Community Facilities District (as constituted after such annexation) as herein proposed shall be taken for a period of one (1) year from the date of the decision by the Council on the issues discussed at such public hearing. At the conclusion of such public hearing, the Council may abandon the proceedings to annex the Territory to the Community Facilities District and to increase the special tax rate for the Community Facilities District (as constituted after such annexation) or may, after passing upon all protests, determine to proceed to call an election to submit to the qualified electors of the Territory the question of annexing the Territory to the Community Facilities District and to submit to the qualified electors of the Community Facilities District (as constituted after such annexation) the question of increasing the special tax rate of the Community Facilities District and

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

authorizing the levy of special taxes of the Community Facilities District within the Territory; and if the Council determines at the conclusion of such public hearing to call such an election, the voting procedure at such election shall be by landowners in the Community Facilities District and the Territory voting in accordance with the Act.

Section 7. Notice of the time and place of such public hearing shall be given by the City Clerk by publishing a Notice of Public Hearing in the form required by the Act in the *Daily Recorder*, a newspaper of general circulation published in the area of the Community Facilities District and the Territory, which such publication shall be made pursuant to Section 6061 of the Government Code of the State of California and shall be completed at least seven (7) days prior to the date set for such public hearing, and by mailing a Notice of Public Hearing in the form required by the Act to all landowners within the Community Facilities District and the Territory, which such mailing shall be completed at least fifteen (15) days prior to the date set for such public hearing.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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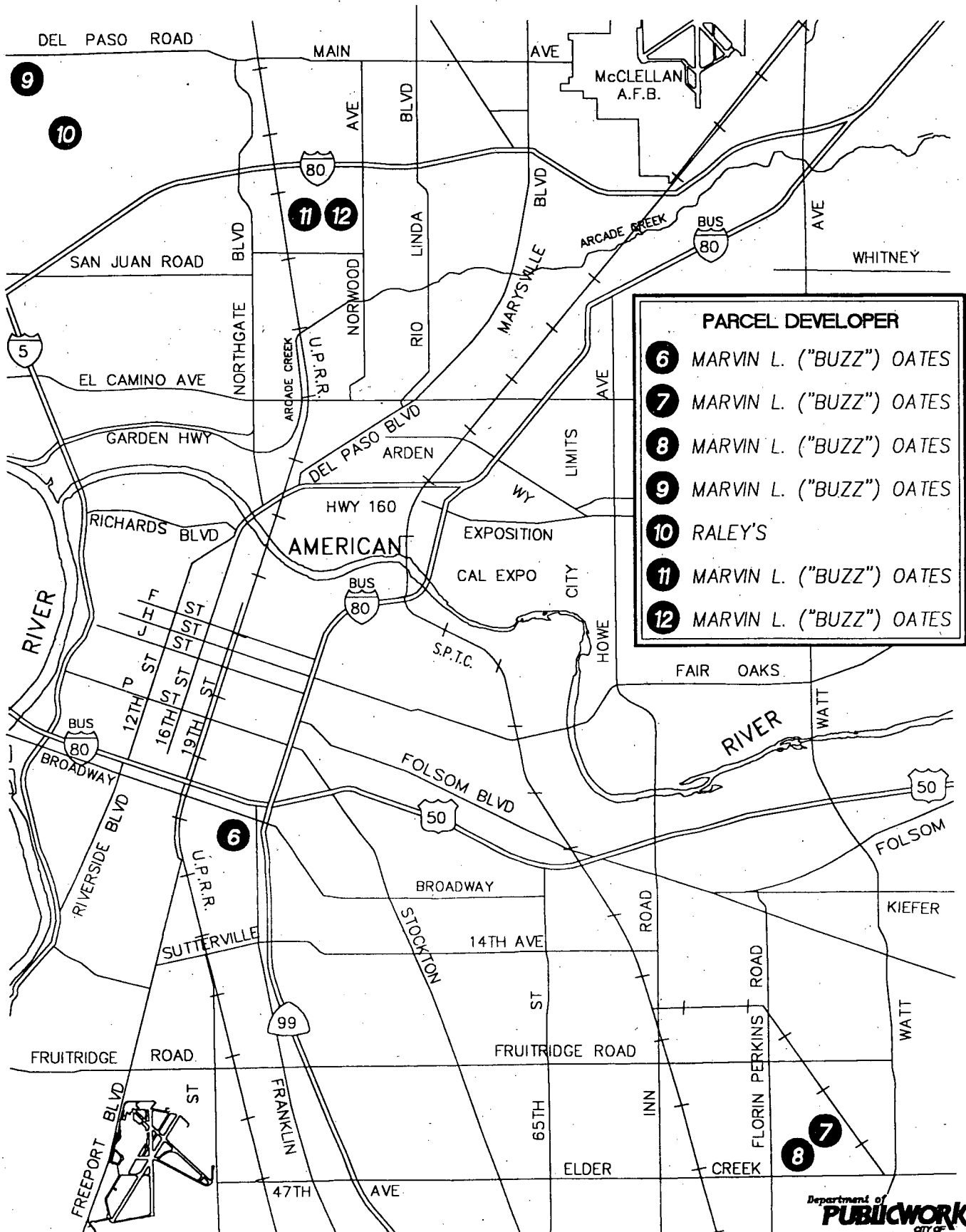
FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

# EXHIBIT 'A'

## DEVELOPMENT FEE FINANCING CFD PROPERTY LOCATIONS OF ANNEXATION NO. 1



Department of  
**PUBLICWORKS**  
CITY OF SACRAMENTO  
Development Services

PROPOSED BOUNDARIES OF ANNEXATION 1 TO  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT No. 95-01

CITY OF SACRAMENTO - COUNTY OF SACRAMENTO - STATE OF CALIFORNIA

SHEET 1 OF 3 SHEETS

SCALE: 1"=100'

CLERK'S CERTIFICATE AND MAP FILING STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1998.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION 1 TO DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL, OF THE CITY OF SACRAMENTO AT A MEETING THEREOF HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 1998.

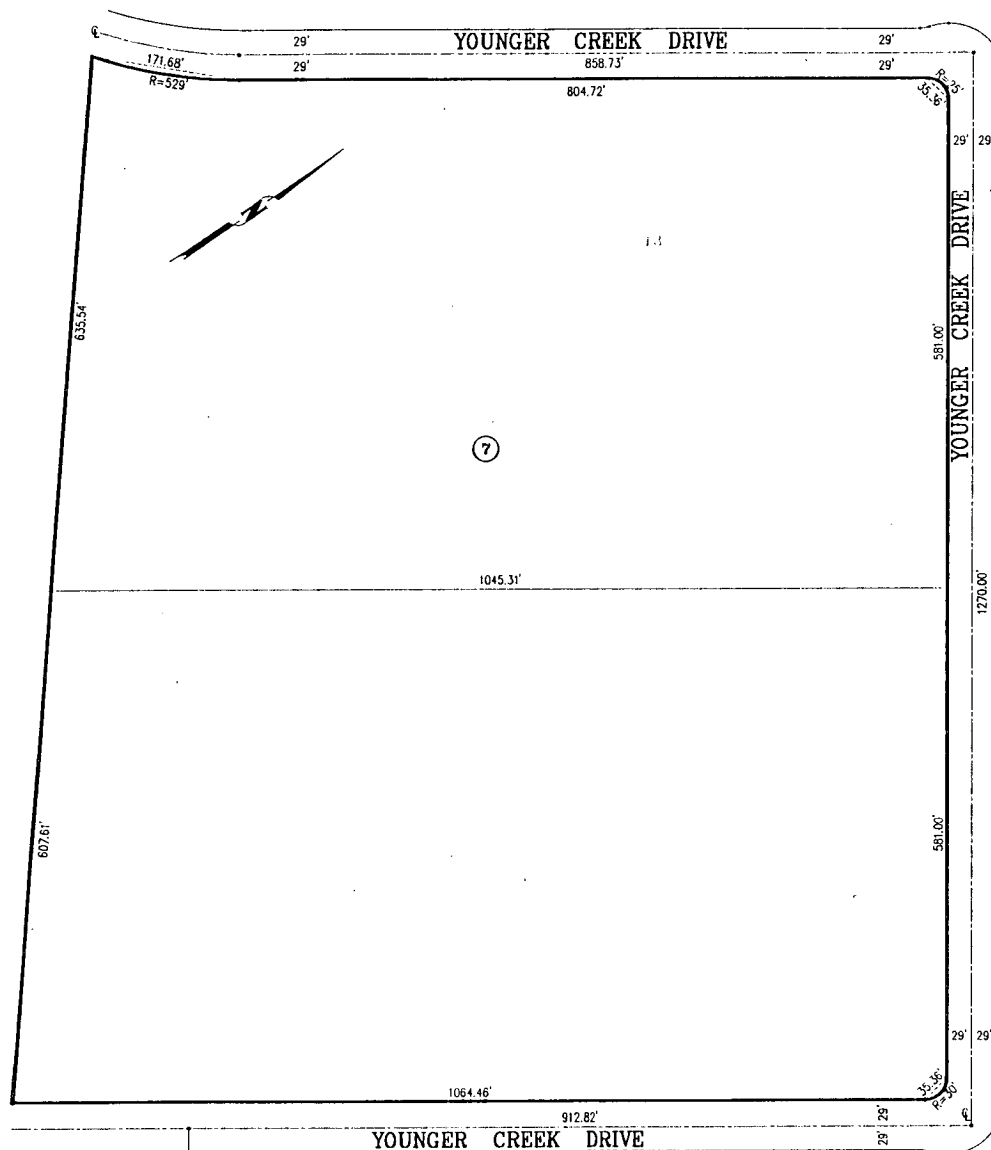
\_\_\_\_\_  
CITY CLERK, CITY OF SACRAMENTO, CALIFORNIA

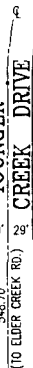
COUNTY RECORDER'S FILING STATEMENT:

FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1998 AT THE HOUR OF \_\_\_\_ O'CLOCK \_\_\_\_ M., IN BOOK \_\_\_\_ OF MAPS OF ASSESSMENT DISTRICTS AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

\_\_\_\_\_  
COUNTY RECORDER OF THE COUNTY OF SACRAMENTO, CALIFORNIA

BY: \_\_\_\_\_







PROPOSED BOUNDARIES OF ANNEXATION 1 TO  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT No. 95-01

CITY OF SACRAMENTO - COUNTY OF SACRAMENTO - STATE OF CALIFORNIA  
SHEET 3 OF 3 SHEETS  
SCALE: 1"=100'

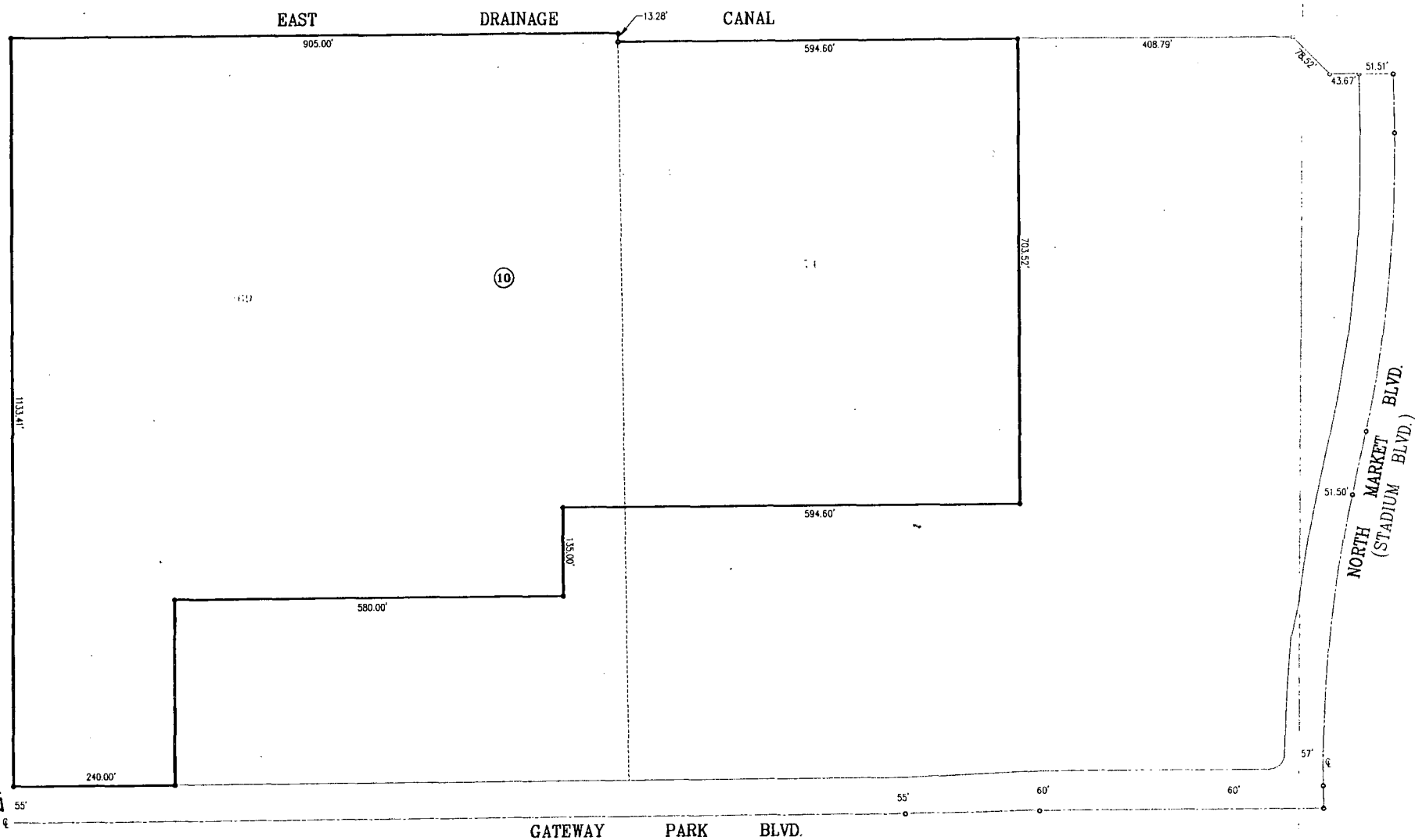


EXHIBIT C  
DEVELOPMENT FEE FINANCING CFD NO. 95-01  
COST SPREAD  
Tax Formula

ID #	Parcel #	Bond Series	Total Eligible Fees	Bond Costs(1)	Reserve Account(2)	Total Cost	Est. Annual Cost(3)	Annual Admin	Sp. Tax Levy	Max Annual Special Tax
1	015-0041-015	A	\$258,569	\$27,225	\$15,042	\$300,836	\$44,833	\$1,872	\$46,705	\$53,711
2	062-0050-059	A	\$692,047	\$72,867	\$40,259	\$805,172	\$119,994	\$5,010	\$125,004	\$143,755
3	062-0140-007	A	\$87,616	\$9,225	\$5,097	\$101,938	\$15,192	\$634	\$15,826	\$18,200
4	062-0140-012	A	\$183,827	\$19,355	\$10,694	\$213,876	\$31,874	\$1,331	\$33,205	\$38,186
5	225-0160-070	A	\$325,044	\$34,224	\$18,909	\$378,177	\$56,360	\$2,353	\$58,713	\$67,520
		B	\$142,160	\$13,415	\$8,188	\$163,763	\$22,266	\$551	\$22,817	\$26,240
6	010-0242-019	B	\$190,537	\$17,980	\$10,975	\$219,492	\$29,838	\$739	\$30,577	\$35,163
7	062-0140-013	B	\$992,429	\$93,651	\$57,162	\$1,143,243	\$155,346	\$3,848	\$159,194	\$183,073
8	062-0150-012	B	\$101,211	\$9,551	\$5,830	\$116,591	\$15,857	\$392	\$16,249	\$18,687
9	225-0070-081	B	\$401,331	\$37,872	\$23,116	\$462,319	\$62,830	\$1,556	\$64,386	\$74,044
10	225-0160-069	B	\$308,653	\$29,126	\$17,778	\$355,557	\$48,325	\$1,197	\$49,522	\$56,950
11	250-0025-062	B	\$36,514	\$3,446	\$2,103	\$42,063	\$5,731	\$142	\$5,873	\$6,753
12	250-0025-063	B	\$45,116	\$4,257	\$2,599	\$51,972	\$7,077	\$175	\$7,252	\$8,340
TOTALS			\$3,765,054	\$372,196	\$217,750	\$4,355,000	\$615,523	\$19,800	\$635,323	\$730,621

NOTES:

- (1) Bonds costs for each parcel based on percentage of parcel eligible fees to total district eligible fee.
- (2) Reserve account is 5% of total district costs.
- (3) Annual Tax based on series A: 8% interest rate for 10 years, series B: 6% interest rate for 10 years.
- (4) Actual annual tax based on debt service need.
- (5) Maximum Special Tax based on 115% of Est. Annual Cost plus Annual Admin Costs (Annual cost + annual admin cost X 115%) as adopted by Council.

## **EXHIBIT D**

### **DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01 ANNEXATION #1**

#### **DESCRIPTION OF FACILITIES**

The facilities authorized to be financed under this Community Facilities District No. 95-01, Annexation No. 1 (the "CFD") are development fees for projects within the boundaries of the CFD, under the authority of Government Code Section 53313.5(g), which fees are used for the construction of public capital facilities. The fees are specified in detail in Attachment A-1 to this Exhibit D.

**ATTACHMENT A-1**  
**DEVELOPMENT FEE FINANCING CFD 95-01 ANNEXATION No. 1**

PARCEL ID #	#5	#6	#7	#8	#9	#10	#11	#12	TOTAL
DEVELOPER	COCA-COLA	BUZZ OATES	BUZZ OATES	BUZZ OATES	BUZZ OATES	RALEY'S	BUZZ OATES	BUZZ OATES	
PARCEL NUMBER	225-0160-070	010-0242-019	062-0140-013	062-0150-012	225-0070-081	225-0160-069	250-0025-062	250-0025-063	
ADDRESS	4101 Gateway Pk	2730 Broadway	8670 Younger Ck	8760 Younger Ck	2450 Del Paso	4061 Gateway Pk	180 Harris Av.	150 Harris Av.	
BUILDING SQUARE FOOTAGE	162,426 sf	66,744 sf	584,820 sf	50,400 sf	109,474 sf	339,245 sf	20,000 sf	30,000 sf	
<b>ELIGIBLE DEFERRAL COSTS:</b>									
Construction Excise Tax	\$0	\$36,667	\$136,621	\$12,342	\$47,471	\$3,148	\$5,133	\$7,229	\$248,611
Water Development Fee	0	3,558	100,059	12,477	39,523	0	10857	10049	\$176,523
Sewer Development Fee	0	2,077	County	County	County	0	283	283	\$2,643
Housing Trust Fund	0	66,077	157,952	13,415	88,724	24,358	6509	9210	\$366,245
Water & Sewer Tap Fees	0	1,207	10,369	7,922	8,519	0	4505	4505	\$37,027
Water meter fee	0	0	0	0	0	0	0	0	\$0
Regional Sanitation Fees	74,200	30,811	380,216	28,187	91,175	19,455	n/a	n/a	\$624,044
School Impact Fees	0	18,883	175,446	14,850	29,215	14,916	5600	8400	\$267,310
SMUD Fees	0	31,257	31,766	12,018	25,455	0	3627	5440	\$109,563
<b>North Natomas Fees:</b>									
Drainage	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Public Facilities	0	0	0	0	0	0	0	0	\$0
Transit	6,335	0	0	0	25,617	12,252	0	0	\$44,204
Regional Park Fee	61,625	0	0	0	24,746	76,461	0	0	\$162,832
Land Acq. Fee (Full)	0	0	0	0	0	158,063	0	0	\$158,063
Habitat Conservation Fee	0	0	0	0	20,886	0	0	0	\$20,886
Subtotal	\$142,160	\$190,537	\$992,429	\$101,211	\$401,331	\$308,653	\$36,514	\$45,116	\$2,217,951
<b>NON-DEFERRAL COSTS:</b>									
Building Permit Fee	\$0	\$31,123	\$98,089	\$11,250	\$45,281	\$14,635	\$7,985	\$9,766	\$218,129
Plan Check Fee	0	27,324	100,308	9,281	36,584	\$15,655	8513	10005	\$207,670
S.M.I. Fee	0	994	3,586	324	1,225	\$397	126	183	\$6,835
Business Operations Tax	0	1,893	5,369	618	2,642	\$34	377	482	\$11,415
Permit Processing Fee	0	51	121	68	155	\$68	104	104	\$671
Technology Fee	0	2,168	7,134	818	3,307	\$1,082	580	710	\$15,799
Engineering Fee	0	2,400	1,500	600	2,400	\$300	900	900	\$9,000
Grading & Drainage Fee (Eng)	0	150	300	300	300	\$150	300	300	\$1,800
Driveway Permits	0	0	0	0	325	\$0	100	325	\$750
Landscape Fee	0	50	50	50	50	\$50	50	50	\$350
Fire Fee	0	1,820	11,696	990	2,190	\$1,133	400	600	\$18,829
Partial Permit Fee	0	0	0	0	0	\$0	0	0	\$0
N.N. Administration Fee	10,749	0	0	0	14,185	\$16,820	0	0	\$41,754
Subtotal	\$10,749	67,973	228,153	24,299	108,644	\$50,324	\$19,435	\$23,425	\$533,002
<b>TOTAL ALL FEES</b>	<b>\$152,909</b>	<b>\$258,510</b>	<b>\$1,220,582</b>	<b>\$125,510</b>	<b>\$509,975</b>	<b>\$358,977</b>	<b>\$55,949</b>	<b>\$68,541</b>	<b>\$2,750,953</b>

file:DFF2COST

# RESOLUTION NO. 98-104

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**APPROVED**  
BY THE CITY COUNCIL

**MAR 31 1998**

OFFICE OF THE  
CITY CLERK

## RESOLUTION APPROVING ANNEXATION AND REIMBURSEMENT AGREEMENT

### DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01 ANNEXATION NO. 1

#### THE CITY COUNCIL OF THE CITY OF SACRAMENTO RESOLVES:

As a part of the proceedings for improvements in Development Fee Financing Community Facilities District No. 95-01 Annexation No. 1, City of Sacramento, County of Sacramento, State of California ("CFD 95-01"); the City Council hereby approves that certain Annexation and Reimbursement Agreement by and between the City of Sacramento (the "City") and each owner of the following property within CFD 95-01:

Assessor's Parcel Nos.:	225-0160-070-0000	225-0070-081-0000
	010-0242-019-0000	225-0160-069-0000
	062-0140-013-0000	250-0025-062-0000
	062-0150-012-0000	250-0025-063-0000

in substantially the form as the Annexation and Reimbursement Agreement attached hereto.

The Mayor is hereby authorized to execute the Annexation and Reimbursement Agreement and the City Clerk is authorized to attest its execution.

A copy of the executed Agreement shall be filed in the office of the City Clerk.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

21

# **ANNEXATION AND REIMBURSEMENT AGREEMENT**

**COMMUNITY FACILITIES DISTRICT NO. 95-01  
(DEVELOPMENT FEE FINANCING)  
CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA**

THIS AGREEMENT is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_ by and between the CITY OF SACRAMENTO, a municipal corporation (the "City"), and \_\_\_\_\_, a \_\_\_\_\_, ("Owner").

## **RECITALS**

(A) Owner possesses certain commercial and industrial real property (the "Property") which Owner desires to develop within the City. The Property is described on Exhibit "A" attached hereto and by this reference made a part hereof.

(B) In order to develop the Property, Owner must pay certain fees and charges (the "Fees and Charges" listed on Exhibit "B" attached hereto and by this reference made a part hereof) of the City and of various other governmental agencies. The proceeds of the Fees and Charges are used to pay for public infrastructure needed to serve the requirements of the new development.

(C) Owner has requested that the City commence and complete proceedings for the annexation to the existing Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "District") pursuant to the provisions of Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982," ("the Act"), of the Property for the purpose of selling bonds in an amount sufficient to pay certain of the Fees and Charges.

(D) Section 53314.9 of the Act provides that at any time, either before or after the formation of the District, the City Council of the City (the "Council") may accept advances of funds from any source, including private entities, and may provide for the use of those funds for any purpose authorized by the District, and further provides that the Council may enter into an agreement with the entity advancing funds to repay all or a portion of the funds advanced, and this Agreement is entered into under the authority of Section 58314.9 of the Act.

### **AGREEMENT**

NOW, THEREFORE, in consideration of the preceding recitals and the mutual covenants hereinafter contained, the parties agree as follows:

Section 1. The City shall initiate and prosecute proceedings pursuant to the Act for the annexation of the Property to the District. Such proceedings shall include but not be limited to, election pursuant to Sections 53330 et seq. and Sections 53339 et seq. of the Government Code on (i) the question of the annexation of the Property to the District, and (ii) the annual levy of special taxes on all taxable property within the District for the payment of principal and interest on the bonds of the District and the annual administrative expenses of the City and District in levying and collecting such special taxes, paying the principal and interest on such bonds and providing for the registration, exchange and transfer of such bonds, including the fees of fiscal agents and paying agents, and any necessary replenishment for the reserve fund for such bonds, or accumulation of funds for future bond payments, which bonds shall be used to finance the payment of the Fees and Charges. Owner shall cooperate with City in its conduct of the proceedings for and the annexation of the Property to the District and acknowledges that any recalcitrance on the part of the Owner, or any failure of the Owner to sign the

normal waivers of time limits in order to expedite the annexation of the Property to the District, will relieve the City of its obligations under this Section.

Section 2. The Owner has paid, or will promptly, upon the execution hereof, pay the Fees and Charges. Owner acknowledges that until paid, the City is relieved of its obligations under Section 1. It is agreed that upon payment, the Fees and Charges will be immediately considered committed to their authorized purposes and if, for any reason, the annexation of the property to the District is not completed or funds do not become available for repayment to the Owner, there shall be no return of any Fees and Charges to the Owner except in the case of direct reimbursement from the City as a result of amendment, modification, recalculation or correction of the Fees and Charges themselves in accordance with normal City practice.

Section 3. It is understood and agreed that the ability to fund the Fees and Charges by means of an issue of tax-exempt municipal bonds of the City is subject to various limitations and restrictions, both under State and Federal law. The City will include all such Fees and Charges in the tax-exempt financing as it feels it may, after consultation with the City's bond counsel. Fees and Charges which are not included in such financing, shall not be reimbursed, and the City's determination on the inclusion or exclusion of any element of the Fees and Charges in the tax-exempt financing shall be in its sole and exclusive discretion, and shall be final.

Section 4. Notwithstanding the provisions of Sections 2 and 3, the City and the Owner may, by separate agreement, provide for the deferral of the Fees and Charges, or for the repayment of the Fees and Charges from sources other than the proceeds of tax-exempt bonds of the District (which sources may include the proceeds of the special taxes of the District, or the proceeds of taxable bonds of the District), but no such



agreement providing for repayment from any source related to the District may or shall constitute a debt or liability of the City or the District. Nothing in this Agreement creates or implies any obligation on the part of the City to enter into any such separate agreement.

Section 5. This Agreement does not constitute a debt or liability of the City or the District, and the Owner may not look for reimbursement to any source other than the proceeds of the proposed bonds (or, pursuant to Section 4, special taxes). More specifically, the Owner may not look to the general fund of the City nor any other funds or accounts of the City for reimbursement hereunder.

Section 6. When and if the annexation of the Property to the District is completed, and when and if tax-exempt bonds of the District are issued and the proceeds thereof are actually received by the City, the City agrees to repay to the Owner, only from the bond proceeds, and subject to the limitations of Section 3 hereof, the Fees and Charges financed pursuant to the Agreement.

Section 7. The District shall automatically, upon execution of this Agreement and upon completion of the annexation of the Property to the District, become a party to this Agreement, and all provisions hereof which apply to the City shall also apply to the District. The City Council, acting for the District, shall perform all parts of this Agreement which require performance on the part of the District.

Section 8. Prior to a bond issuance to finance the reimbursement obligation of Section 6, hereof, Owner may not assign this Agreement or any right or duty hereunder without the express written approval of the City. As a condition of such approval, the City may require proof of the financial responsibility and experience of the proposed

assignee, both to the satisfaction of the City in its discretion, as well as an express assumption of all liability hereunder by the assignee.

Section 9. Prior to issuance of any bonds, the Owner will provide to the City the information listed below in sub-paragraphs "a" through "f". Any failure of the Owner to deliver the required information will excuse the City from any obligation to issue bonds hereunder. The Owner shall provide:

- a. Audited financial statements for the Owner's most recent fiscal year, and any other report of operating data which the Owner otherwise creates;
- b. The current status of the construction of any building located upon or planned for the Property;
- c. The amount and repayment terms of all private loans secured by the Property;
- d. The percentage of occupancy of any building located upon the Property and a general description of the uses to which each such building is put;
- e. A list of each tenant obligated to pay at least 20% of the gross annual rental for all buildings on the Property along with a description of the use made of the Property by each such tenant;
- f. The income and expenses for any building on the Property for the most recent fiscal year.

In addition the Owner shall, at least annually prior to the close of each calendar year, so long as any bonds remain outstanding secured by the special tax on the property, and to enable the City to comply with covenants it will have made with the bondholders, submit current information to the City on each matter as described in sub-paragraphs "a" through "f" above.

Owner understands and agrees that under the provisions of the California Public Records Act, the documents provided by Owner pursuant to this section will become public records in the hands of the City unless they are protected by a privilege

enumerated under said Act. In the event that Owner contends that the "trade secret" privilege, or any other privilege is applicable to any particular document, Owner shall be required to prominently label the document as privileged and describe briefly on the document, or by separate sheet attached thereto, the nature of the claimed privilege. In the event that a third party makes a Public Records Act request, which request would in the City's judgment require disclosure of documents so labeled by Owner as privileged, City shall notify Owner. City shall be entitled to disclose the document in question to the party making the request unless, within five (5) days of the date that City gives said notice, Owner notifies City that Owner claims the privilege. In such a case, Owner agrees to defend, indemnify and hold the City free and harmless from all claims, damages, losses, judgments, orders, fees, sanctions and attorney fees and costs, including but not limited to any and all attorney fees and costs incurred by the City and such fees and costs as may be ordered by a court to be paid by the City to the prevailing party, all of which may arise in any suit, action, or proceeding ("Suit") against the City based upon the request. Without limiting the generality of the foregoing, Owner agrees to undertake the full defense of the City in any Suit against City based upon such a request. City agrees to fully cooperate with Owner in such defense, to the extent permitted by law.

Section 10. All consents, approvals and determinations required of either the City or Owner pursuant to this Agreement shall be promptly given or made, and shall not be unreasonably withheld if all conditions to such consents, approvals and determinations have been satisfied.

Section 11. This agreement contains the entire agreement between the parties with respect to the matters herein provided for, and may be amended by a subsequent

written agreement signed on behalf of both parties. This Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties. This Agreement shall be construed and governed by the Constitution and laws of the State of California. Should either party to this Agreement commence a court action or proceeding against the other party with respect to this Agreement, the party prevailing in such action or proceeding shall be entitled to receive from the losing party its attorney's fees, expert witness' fees, court costs, and other costs incurred by it in prosecuting or defending such action or processing.

This Agreement may be executed in several counterparts, each of which shall be an original of the same Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed as of the date first above written.

CITY OF SACRAMENTO

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

OWNER

By: \_\_\_\_\_  
Its \_\_\_\_\_

CITY OF SACRAMENTO

AFFIDAVIT OF COMPLIANCE WITH  
THE REQUIREMENTS FOR PUBLISHING  
A NOTICE OF PUBLIC HEARING ON THE  
RESOLUTION OF CONSIDERATION TO ANNEX TERRITORY  
TO AND TO INCREASE THE SPECIAL TAX RATE FOR THE  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT NO. 95-01  
CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

STATE OF CALIFORNIA     )  
                                  )     ss.  
COUNTY OF SACRAMENTO   )

Valerie A. Burrowes, being first duly sworn, deposes  
and says:

That she is now and at all times herein mentioned was  
the City Clerk of the City of Sacramento;

That, pursuant to Resolution No. 98-103 (the  
"Resolution of Consideration") adopted by the City Council of  
the City of Sacramento on March 31, 1998, she complied with the  
requirements for publishing a Notice of Public Hearing on the  
Resolution of Consideration to annex territory to and to  
increase the special tax rate for Development Fee Financing  
Community Facilities District No. 95-01, City of Sacramento,  
County of Sacramento, State of California (the "Community  
Facilities District"), as required by Section 7 of the  
Resolution of Consideration, by causing a copy of such notice  
to be published in the Daily Recorder, a newspaper of general  
circulation published in the area of the Community Facilities

District and the Territory (as that term is defined in the Resolution of Consideration), and that attached hereto, marked Exhibit A and incorporated herein and made a part hereof, is a true and correct copy of an affidavit of publication on file in her office showing that such notice as annexed to said affidavit was duly published one time on April 3, 1998.

STATE OF

COUNTY OF

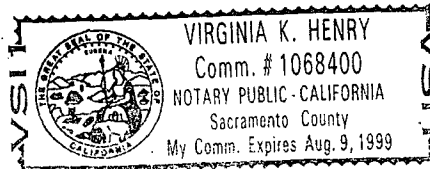
*California*  
*Sacramento*

*Valerie A. Burrows*  
City Clerk of the City of Sacramento

Subscribed and sworn to before me  
this 24 day of April, 1998.

*Virginia K. Henry*  
NOTARY PUBLIC  
State of California

[Notarial Seal]



**NOTICE**

NOTICE OF PUBLIC HEARING ON THE RESOLUTION OF INTENTION TO ANNEX TERRITORY TO AND TO INCREASE THE SPECIAL TAX RATE FOR DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Sacramento (the "City") has duly adopted Resolution No. 98-103 (the "Resolution of Intention") on March 31, 1998, wherein the Council determined, under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), that the public convenience and necessity require that it commence proceedings to annex certain territory (the "Territory") to Development Fee Financing Community Facilities District No. 95-01, City of Sacramento, County of Sacramento, State of California (the "Community Facilities District"), and that (in connection with such annexation), the public convenience and necessity require that it commence proceedings to increase the special tax rate for the Community Facilities District (as constituted after such annexation), and that for particulars as to the Territory proposed to be annexed to the Community Facilities District reference is hereby made to that certain map marked Exhibit A that is attached hereto and incorporated herein and made a part hereof, which map sets forth a description of the Territory, and for particulars as to the proposed increased special tax rate reference is hereby made to Exhibit B that is attached hereto and incorporated herein and made a part hereof, which sets forth the proposed increased special tax rate for the Community Facilities District (as constituted after such annexation).

NOTICE IS HEREBY FURTHER GIVEN that Thursday, the 7th day of May, 1998, at the hour of 2:00 o'clock P.M., at the regular meeting place of the Council, at the City Council Chambers, Sacramento City Hall, 915 I Street, Sacramento, California 95814, has been fixed by the Council as the time and place for a public hearing to be held by the Council to consider the proposed annexation of the Territory to the Community Facilities District and the levying of special taxes of the Community Facilities District within the Territory and the proposed increase in the special tax rate for the Community Facilities District (as constituted after such annexation) and all other matters set forth in the Resolution of Intention. At such public hearing any persons interested including all taxpayers, property owners and registered voters within the Community Facilities District and within the Territory, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the proposed annexation of the Territory to the Community Facilities District or the levying of special taxes of the Community Facilities District within the Territory or the proposed increase in the special tax rate for the Community Facilities District (as constituted after such annexation) or on any other matters set forth in the Resolution of Intention will be heard and considered. Any protests to the foregoing may be made orally or in writing by any such interested persons or taxpayers, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made; and the Council may waive any irregularities in the form or content of any written protest and at such public hearing may correct minor defects in such proceedings. All written protests shall be filed with the City Clerk of the City on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. Since there are no registered voters in the Community Facilities District or in the Territory, the Act provides that if the owners of one-half (1/2) or more of the area of land within the Community Facilities District, or the owners of one-half (1/2) or more of the area of land within the Territory, file written protests against the proposed annexation of the Territory to the Community Facilities District, or the owners of one-half (1/2) or more of the land included within the Community Facilities District (as constituted after such annexation) and not exempt from the special tax file written protests against the proposed special tax rate increase, and such protests are not withdrawn so as to reduce the value of the protests to less than a majority, then no further proceedings to annex the Territory to the Community Facilities District and to increase the special tax rate for the Community Facilities District (as constituted after such annexation) as proposed in the Resolution of Intention shall be taken for a period of one (1) year from the date of the decision by the Council on the issues discussed at such public hearing. At the conclusion of such public hearing, the Council may abandon the proceedings to annex the Territory to the Community Facilities District and to increase the special tax rate of for the Community Facilities District (as constituted after such annexation) or may, after passing upon all protests, determine to proceed to call an election to submit to the qualified electors of the Territory the question of annexing the Territory to the Community Facilities District and to submit to the qualified electors of the Community Facilities District (as constituted after such annexation) the question of increasing the special tax rate of the Community Facilities District and authorizing the levy of special taxes of the Community Facilities District within the Territory; and if the Council determines at the conclusion of such public hearing to call such an election, the voting procedure at such election shall be by landowners in the Community Facilities District and the Territory voting in accordance with the Act.

NOTICE IS HEREBY FURTHER GIVEN that such public hearing may be continued from time to time, but shall be completed within thirty (30) days.

NOTICE IS HEREBY FURTHER GIVEN that a copy of the Resolution of Intention and the boundary map of the Territory are on file with the City Clerk of the City, Sacramento City Hall, 915 I Street, Sacramento, California 95814, and are available for review there during business hours by any interested persons.

DATED: April 3, 1998.

City Clerk of the City of Sacramento

Continued on next page

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Continued from previous page

## EXHIBIT A

**PROPOSED BOUNDARIES OF ANNEXATION 1 TO  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT No. 95-01**  
CITY OF SACRAMENTO - COUNTY OF SACRAMENTO - STATE OF CALIFORNIA  
SHEET 1 OF 3 SHEETS  
SCALE 1"=100'

**CLERK'S CERTIFICATE AND MAP FILING STATEMENT.**

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, THIS \_\_\_\_ DAY OF \_\_\_\_, 1998.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION 1 TO DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL, OF THE CITY OF SACRAMENTO AT A MEETING THEREOF HELD ON THE \_\_\_\_ DAY OF \_\_\_\_, 1998.

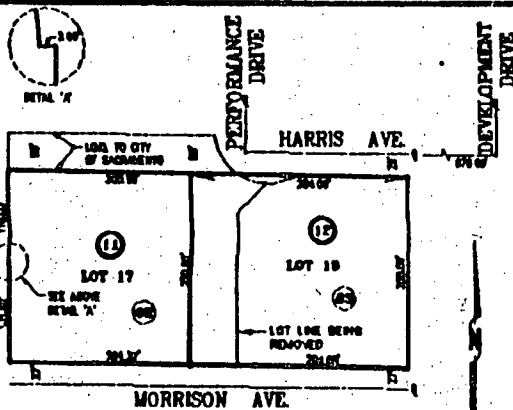
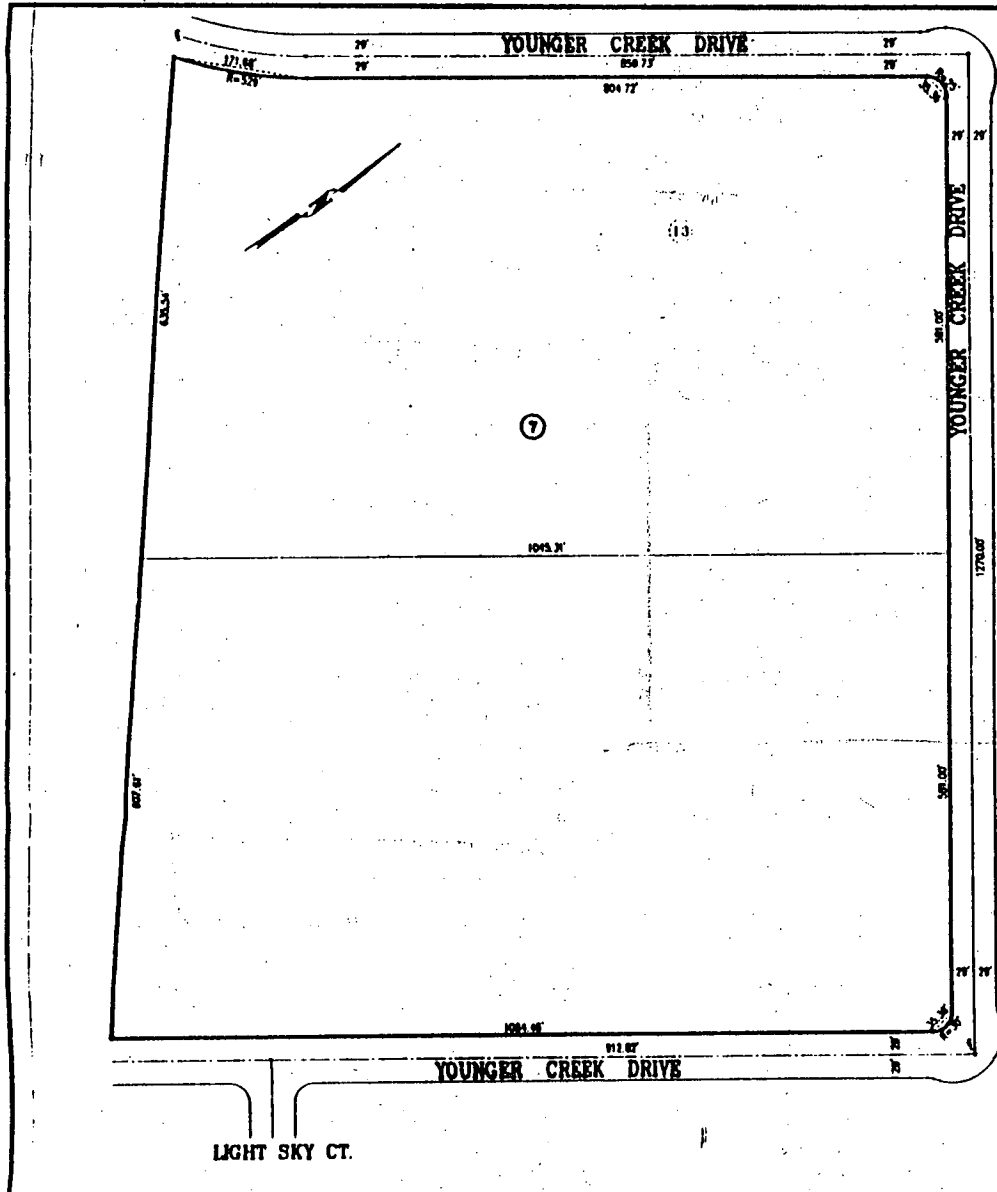
CITY CLERK, CITY OF SACRAMENTO, CALIFORNIA

**COUNTY RECORDER'S FILING STATEMENT.**

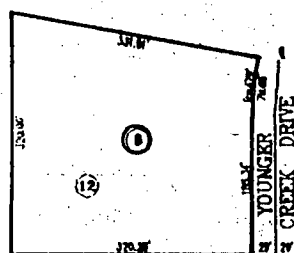
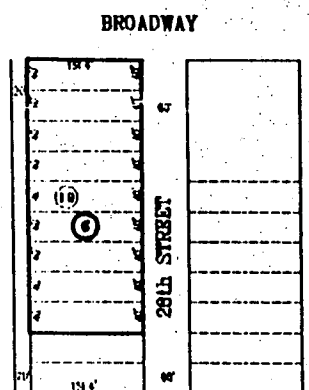
FILED THIS \_\_\_\_ DAY OF \_\_\_\_, 1998 AT THE HOUR OF \_\_\_\_ O'CLOCK  
P.M., IN BOOK \_\_\_\_ OF MAPS OF ASSESSMENT DISTRICTS AND COMMUNITY  
FACILITIES DISTRICTS AT PAGE \_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER  
OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

COUNTY RECORDER OF THE COUNTY OF  
SACRAMENTO, CALIFORNIA

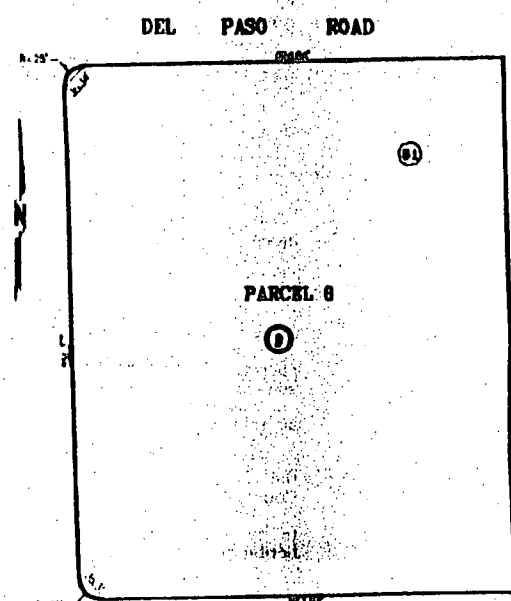
BY: \_\_\_\_\_

**DESCRIPTION OF PROPERTY**

6. LOTS 1 TO 7, BOTH INCLUDING THE NORTH 80.00 FEET OF LOT 8, THE SOUTH 80.00 FEET OF LOT 8 AND ALL OF LOT 9 OF "KABEITH TRACT", ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON MAY 17, 1988 IN BOOK 2 OF MAPS, MAP NO. 14. (PARCEL #090-0243-019-0000)
7. LOTS 11 AND 12, AS SHOWN ON THE "PLAT OF FLORENCE INDUSTRIAL PARK", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY ON FEBRUARY 8, 1988, IN BOOK 187 OF MAPS, MAP NO. 10. (PARCEL #093-0140-013-0000)
8. LOT 25, AS SHOWN ON THE "PLAT OF FLORENCE INDUSTRIAL PARK", RECORDED IN BOOK 187 OF MAPS, MAP NO. 10, RECORDS OF SACRAMENTO COUNTY. (PARCEL #093-0140-013-0000)
9. PARCEL 6, AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED, "MASTER PARCEL MAP OF DEL PASO ROAD PROPERTY", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON SEPTEMBER 17, 1989, IN BOOK 143 OF PARCEL MAPS, PAGE 16. (PARCEL #028-0070-001)
10. ALL THAT PORTION OF PARCEL 3, AS SHOWN ON THE PARCEL MAP ENTITLED, "7 PARCELS 1 AND 2, CERTIFICATE OF COMPLIANCE BOOK 90-08 22 PAGE 772 OFFICIAL RECORDS, CITY OF SACRAMENTO, CALIFORNIA" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY ON AUGUST 16, 1982 IN BOOK 132 OF MAPS, MAP NO. 10. (PARCEL #028-0190-000)
11. THE WEST 841.00 FEET OF LOT 17 AS MEASURED ALONG THE NORTH LINE OF LOT 17, AS SHOWN ON THE "PLAT OF NORWOOD TECH BUSINESS PARK", FILED IN BOOK 117 OF MAPS, MAP NO. 10, RECORDS OF SACRAMENTO COUNTY. (PARCEL #020-0025-063-0000)
12. LOT 18, AS SHOWN ON THE "PLAT OF NORWOOD TECH BUSINESS PARK", RECORDED IN BOOK 117 OF MAPS, MAP NO. 10, RECORDS OF SACRAMENTO COUNTY. TOGETHER WITH A PORTION OF HARRIS AVENUE AS APPROVED PER CITY OF SACRAMENTO RESOLUTION NO. 95-178 AND RECORDED IN BOOK 980118 OF OFFICIAL RECORDS, AT PAGE 1801, RECORDS OF SACRAMENTO COUNTY. AS ALSO DESCRIBED IN THAT CERTAIN CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT RECORDED JANUARY 16, 1998, SERIES NO. 18890181811, OFFICIAL RECORDS. (PARCEL #020-0025-063-0000)



**PROPOSED BOUNDARIES OF ANNEXATION 1 TO  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT No. 95-01**  
CITY OF SACRAMENTO - COUNTY OF SACRAMENTO - STATE OF CALIFORNIA  
SHEET 2 OF 3 SHEETS  
SCALE 1"=100'



Continued on next page



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EXHIBIT A Page 3 of 3

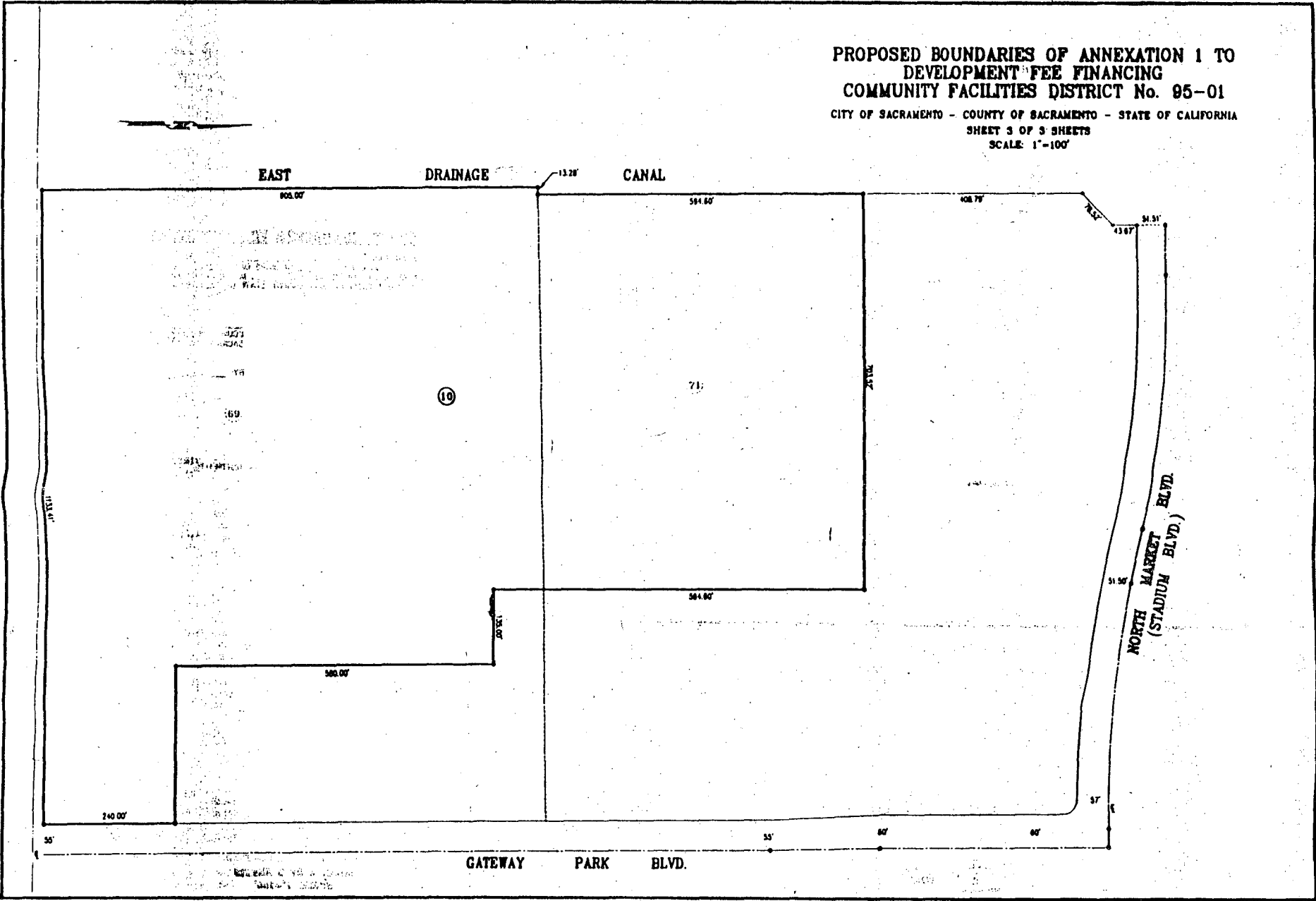


EXHIBIT B  
DEVELOPMENT FEE FINANCING CFD NO. 95-01  
ANNEXATION NO. 1  
Increased Special Tax Rate

ID #	Parcel #	Total Eligible Fees	Bond Costs(1)	Reserve Account(2)	Total Cost	Est. Annual Cost(3)	Annual Admin	Sp. Tax Levy	Max Annual Special Tax
5	225-0160-070-0000	\$467,204	\$47,639	\$27,097	\$541,940	\$78,626	\$2,904	\$81,530	\$93,760
6	010-0242-019-0000	\$190,537	\$17,980	\$10,975	\$219,492	\$29,838	\$739	\$30,577	\$35,163
7	062-0140-013-0000	\$992,429	\$93,651	\$57,162	\$1,143,243	\$155,346	\$3,848	\$159,194	\$183,073
8	062-0150-012-0000	\$101,211	\$9,551	\$5,830	\$116,591	\$15,857	\$392	\$16,249	\$18,687
9	225-0070-081-0000	\$401,331	\$37,872	\$23,116	\$462,319	\$62,830	\$1,556	\$64,386	\$74,044
10	225-0160-069-0000	\$308,653	\$29,126	\$17,778	\$355,557	\$48,325	\$1,197	\$49,522	\$56,950
11	250-0025-062-0000	\$36,514	\$3,446	\$2,103	\$42,063	\$5,731	\$142	\$5,873	\$6,753
12	250-0025-063-0000	\$45,118	\$4,257	\$2,599	\$51,972	\$7,077	\$175	\$7,252	\$8,340
TOTALS		\$2,542,995	\$243,523	\$146,659	\$2,933,177	\$403,630	\$10,953	\$414,583	\$476,771

CITY OF SACRAMENTO

AFFIDAVIT OF COMPLIANCE WITH  
THE REQUIREMENTS FOR MAILING  
A NOTICE OF PUBLIC HEARING ON THE  
RESOLUTION OF CONSIDERATION TO ANNEX TERRITORY  
TO AND TO INCREASE THE SPECIAL TAX RATE FOR THE  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT NO. 95-01  
CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

STATE OF CALIFORNIA     )  
                                  )   ss.  
COUNTY OF SACRAMENTO   )

Valerie A. Burrowes, being first duly sworn, deposes  
and says:

That she is now and at all times herein mentioned was  
the City Clerk of the City of Sacramento;

That, pursuant to Resolution No. 98-103 (the  
"Resolution of Consideration") adopted by the City Council of  
the City of Sacramento on March 31, 1998, she complied with the  
requirements for mailing a Notice of Public Hearing on the  
Resolution of Consideration to annex territory to and to  
increase the special tax rate for Development Fee Financing  
Community Facilities District No. 95-01, City of Sacramento,  
County of Sacramento, State of California (the "Community  
Facilities District"), as required by Section 7 of the  
Resolution of Consideration, by causing a copy of such notice  
to be mailed on April 3, 1998, first class postage prepaid, to  
each landowner within the Community Facilities District and the

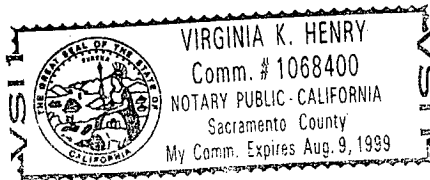
Territory (as that term is defined in the Resolution of Consideration), and that attached hereto, marked Exhibit A and incorporated herein and made a part hereof, is a true and correct copy of such notice in the form mailed.

STATE OF California Therese A. Burrows  
COUNTY OF Sacramento City Clerk of the City of Sacramento

Subscribed and sworn to before me  
this 24 day of April, 1998.

Virginia K. Henry  
NOTARY PUBLIC  
State of California

[Notarial Seal]



NOTICE

NOTICE OF PUBLIC HEARING ON THE RESOLUTION OF INTENTION TO ANNEX TERRITORY TO AND TO INCREASE THE SPECIAL TAX RATE FOR DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01, CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Sacramento (the "City") has duly adopted Resolution No. 98-103 (the "Resolution of Intention") on March 31, 1998, wherein the Council determined, under and pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5 Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), that the public convenience and necessity require that it commence proceedings to annex certain territory (the "Territory") to Development Fee Financing Community Facilities District No. 95-01 City of Sacramento, County of Sacramento, State of California (The "Community Facilities District"), and that (in connection with such annexation), the public convenience and necessity require that it commence proceedings to increase the special tax rate for the Community Facilities District (as constituted after such annexation), and that for particulars as to the Territory proposed to be annexed to the Community Facilities District reference is hereby made to that certain map marked Exhibit A that is attached hereto and incorporated herein and made a part hereof, which map sets forth a description of the Territory, and for particulars as to the proposed increased special tax rate reference is hereby made to Exhibit B that is attached hereto and incorporated herein and made a part hereof, which sets forth the proposed increased special tax rate for the Community Facilities District (as constituted after such annexation).

NOTICE IS HEREBY FURTHER GIVEN that Thursday, the 7th day of May, 1998, at the hour of 2:00 o'clock P.M., at the regular meeting place of the Council, at the City Council Chambers, Sacramento City Hall, 915 I Street, Sacramento, California 95814, has been fixed by the Council as the time and place for a public hearing to be held by the Council to consider the proposed annexation of the Territory to the Community Facilities District and the levying of special taxes of the Community Facilities District within the Territory and the proposed increase in the special tax rate for the Community Facilities District (as constituted after such annexation) and all other matters set forth in the Resolution of Intention. At such public hearing any persons interested including all taxpayers, property owners and registered voters within the Community Facilities District and within the Territory, may appear and be heard, and the testimony of all interested persons or taxpayers for or against the proposed annexation of the Territory to the Community Facilities District or the levying of special taxes of the Community Facilities District within the Territory or the proposed increase in the special tax rate for the Community Facilities District (as constituted after such annexation) or on any other matters set forth in the Resolution of Intention will be heard and considered. Any protests to the foregoing may be made orally or in writing by any such interested persons or taxpayers, except that any protests pertaining to the regularity or sufficiency of such proceedings shall be in writing and shall clearly set forth the irregularities and defects to which the objection is made; and the Council may waive any irregularities in the form or content of any written protest and at such public hearing may correct minor defects in such proceedings. All written protests shall be filed with the City Clerk of the City on or before the time fixed for such public hearing, and any written protest may be withdrawn in writing at any time before the conclusion of such public hearing. Since there are no registered voters in the Community Facilities District or in the Territory, the Act provides that if the owners of one-half (1/2) or more of the area of land within the Community Facilities District, or the owners of one-half (1/2) or more of the area of land within the Territory, file written protests against the proposed annexation of the Territory to the Community Facilities District, or the owners of one-half (1/2) or more of the land included within the Community Facilities District (as constituted after such annexation) and not exempt from the special tax file written protests against the proposed special tax rate increase, and such protests are not withdrawn so as to reduce the value of the protests to less than a majority, then no further proceedings to annex the Territory to the Community Facilities District and to increase the special tax rate for the Community Facilities District (as constituted after such annexation) as proposed in the Resolution of Intention shall be taken for a period of one (1) year from the date of the decision by the Council on the issues discussed at such public hearing. At the conclusion of such public hearing, the Council may abandon the proceedings to annex the Territory to the Community Facilities District and to increase the special tax rate of for the Community Facilities District (as constituted after such annexation) or may, after passing upon all protests, determine to proceed to call an election to submit to the qualified electors of the Territory the question of annexing the Territory to the Community Facilities District and to submit to the qualified electors of the Community Facilities District (as constituted after such annexation) the question of increasing the special tax rate of the Community Facilities District and authorizing the levy of special taxes of the Community Facilities District within the Territory; and if the Council determines at the conclusion of such public hearing to call such an election, the voting procedure at such election shall be by landowners in the Community Facilities District and the Territory voting in accordance with the Act.

NOTICE IS HEREBY FURTHER GIVEN that such public hearing may be continued from time to time, but shall be completed within thirty (30) days.

NOTICE IS HEREBY FURTHER GIVEN that a copy of the Resolution of Intention and the boundary map of the Territory are on file with the City Clerk of the City, Sacramento City Hall, 915 I Street, Sacramento, California 95814, and are available for review there during business hours by any interested persons.

DATED: April 3, 1998.

City Clerk of the City of Sacramento

Continued on next page

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## EXHIBIT A

**PROPOSED BOUNDARIES OF ANNEXATION 1 TO  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT No. 95-01**  
CITY OF SACRAMENTO - COUNTY OF SACRAMENTO - STATE OF CALIFORNIA  
SHEET 1 OF 3 SHEETS  
SCALE 1"=100'

### CLERK'S CERTIFICATE AND MAP FILING STATEMENT

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF SACRAMENTO, COUNTY OF  
SACRAMENTO, STATE OF CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1998.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION 1  
TO DEVELOPMENT FEE FINANCING COMMUNITY FACILITIES DISTRICT NO. 95-01,  
CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, WAS APPROVED  
BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO AT A MEETING THEREOF HELD ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1998.

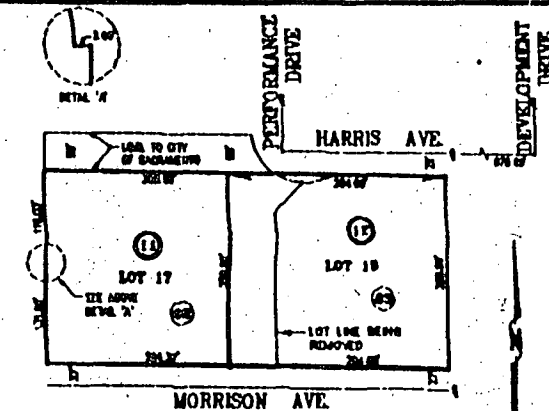
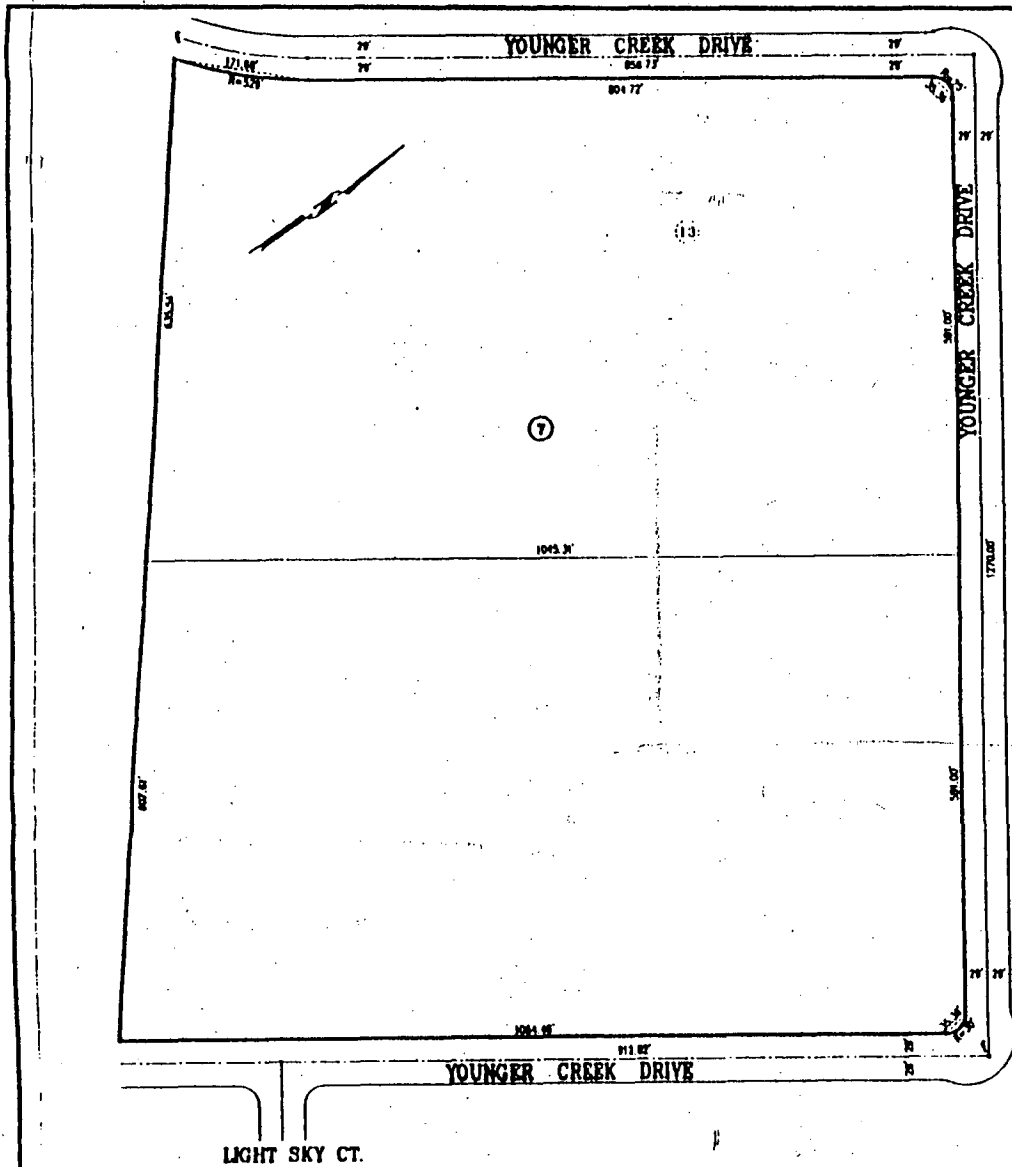
CITY CLERK, CITY OF SACRAMENTO, CALIFORNIA

### COUNTY RECORDER'S FILING STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1998 AT THE HOUR OF \_\_\_\_\_ O'CLOCK  
P.M. IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT DISTRICTS AND COMMUNITY  
FACILITIES DISTRICTS AT PAGE \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER  
OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA.

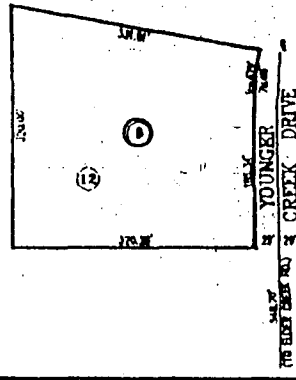
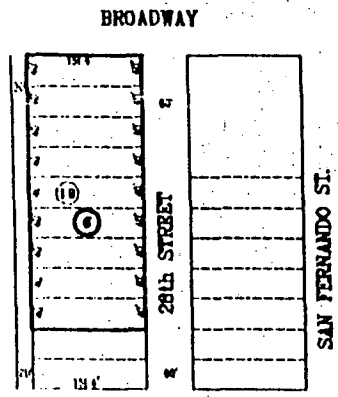
COUNTY RECORDER OF THE COUNTY OF  
SACRAMENTO, CALIFORNIA

BY \_\_\_\_\_

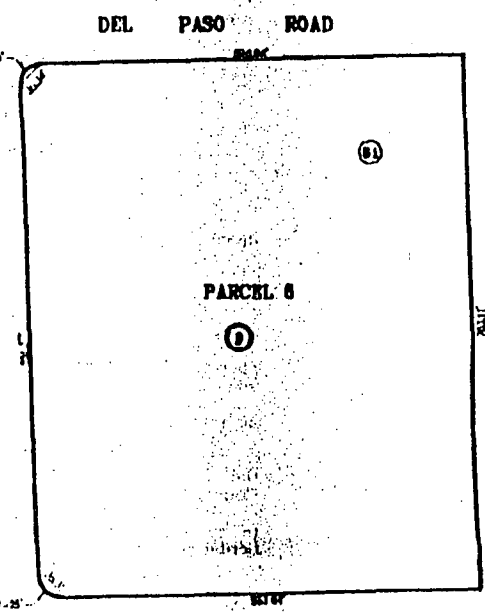


### DESCRIPTION OF PROPERTY

- LOTS 1 TO 7, BOTH INCLUDING, THE NORTH 80.00 FEET OF LOT 8, THE SOUTH 80.00 FEET OF LOT 9 AND ALL OF LOT 10 OF MARLEIGH TRACT, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON MAY 17, 1988 IN BOOK 2 OF MAPS, MAP NO. 14. (PARCEL #094-0848-010-0000)
- LOTS 11 AND 12, AS SHOWN ON THE "PLAT OF FLORENCE INDUSTRIAL PARK", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, CALIFORNIA ON FEBRUARY 6, 1988, IN BOOK 187 OF MAPS, MAP NO. 18. (PARCEL #092-0140-013-0000)
- LOT 28, AS SHOWN ON THE "PLAT OF FLORENCE INDUSTRIAL PARK", RECORDED IN BOOK 187 OF MAPS, MAP NO. 18, RECORDS OF SACRAMENTO COUNTY. (PARCEL #092-0180-011-0000)
- PARCEL 8, AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED, "MASTER PARCEL MAP OF DEL PASO ROAD PROPERTY", FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, CALIFORNIA, ON SEPTEMBER 17, 1985, IN BOOK 143 OF PARCEL MAPS, PAGE 16. (PARCEL #028-0070-001)
- ALL THAT PORTION OF PARCEL 3, AS SHOWN ON THE PARCEL MAP ENTITLED, "PARCELS 1 AND 2, CERTIFICATE OF COMPLIANCE BOOK 90-08-22 PAGE 773 OFFICIAL RECORDS, CITY OF SACRAMENTO, CALIFORNIA" FILED IN THE OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY ON AUGUST 14, 1982 IN BOOK 132 OF MAPS, MAP NO. 10. (PARCEL #038-0180-000)
- THE NEXT 241.00 FEET OF LOT 17 AS MEASURED ALONG THE NORTH LINE OF LOT 17, AS SHOWN ON THE "PLAT OF MORROW TECH BUSINESS PARK", FILED IN BOOK 117 OF MAPS, MAP NO. 18, RECORDS OF SACRAMENTO COUNTY. (PARCEL #030-0028-002-0000)
- LOT 18, AS SHOWN ON THE "PLAT OF MORROW TECH BUSINESS PARK", RECORDED IN BOOK 117 OF MAPS, MAP NO. 18, RECORDS OF SACRAMENTO COUNTY, TOGETHER WITH LOT 17 AS SHOWN ON SAID PLAT EXCEPTING THEREFROM THE WEST 241.00 FEET OF SAID LOT 17 AS MEASURED ALONG THE NORTH LINE OF LOT 17, AS SHOWN ON THE "PLAT OF MORROW TECH BUSINESS PARK", FILED IN BOOK 117 OF MAPS, MAP NO. 18, RECORDS OF SACRAMENTO COUNTY, TOGETHER WITH A PORTION OF HARRIS AVENUE AS AS-SHOWN PER CITY OF SACRAMENTO RESOLUTION NO. 96-178 AND RECORDED IN BOOK 940119 OF OFFICIAL RECORDS, AT PAGE 1801, RECORDS OF SACRAMENTO COUNTY, AS ALSO DESCRIBED IN THAT CERTAIN CERTIFICATE OF COMPLIANCE FOR A LOT LINE ADJUSTMENT RECORDED JANUARY 16, 1994, SERIES NO. 18940181811, CITY OF SACRAMENTO RECORDS. (PARCEL #280-0028-003-0000)



**PROPOSED BOUNDARIES OF ANNEXATION 1 TO  
DEVELOPMENT FEE FINANCING  
COMMUNITY FACILITIES DISTRICT No. 95-01**  
CITY OF SACRAMENTO - COUNTY OF SACRAMENTO - STATE OF CALIFORNIA  
SHEET 2 OF 3 SHEETS  
SCALE 1"=100'



Continued on next page

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EXHIBIT A Page 3 of 3

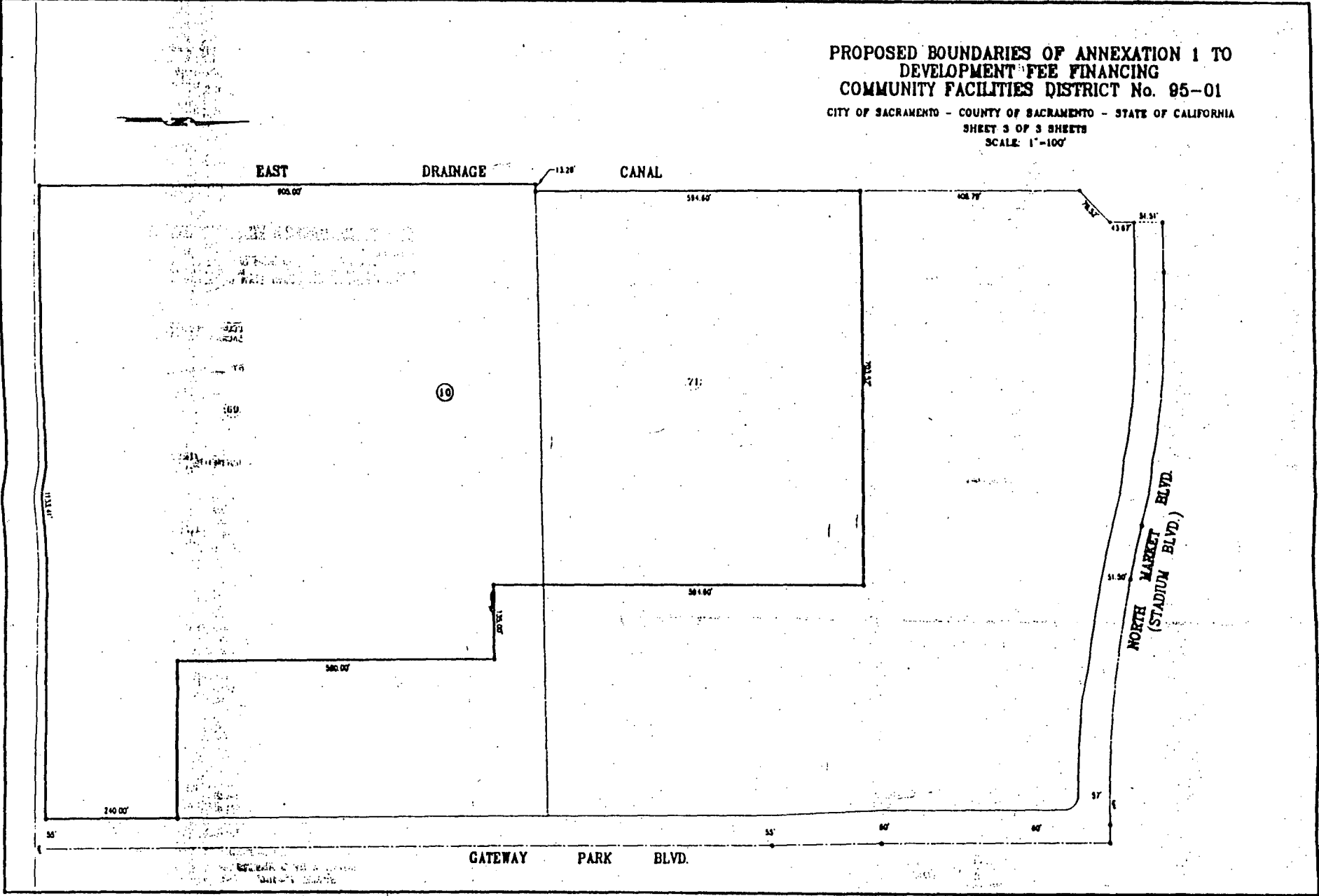


EXHIBIT B  
DEVELOPMENT FEE FINANCING CFD NO. 95-01  
ANNEXATION NO. 1  
Increased Special Tax Rate

ID #	Parcel #	Total Eligible Fees	Bond Costs(1)	Reserve Account(2)	Total Cost	Est. Annual Cost(3)	Annual Admin	Sp. Tax Levy	Max Annual Special Tax
5	225-0160-070-0000	\$467,204	\$47,639	\$27,097	\$541,940	\$78,626	\$2,904	\$81,530	\$93,760
6	010-0242-019-0000	\$190,537	\$17,980	\$10,975	\$219,492	\$29,838	\$739	\$30,577	\$35,163
7	062-0140-013-0000	\$992,429	\$93,651	\$57,162	\$1,143,243	\$155,346	\$3,848	\$159,194	\$183,073
8	062-0150-012-0000	\$101,211	\$9,551	\$5,830	\$116,591	\$15,857	\$392	\$16,249	\$18,687
9	225-0070-081-0000	\$401,331	\$37,872	\$23,116	\$462,319	\$62,830	\$1,556	\$64,386	\$74,044
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11	250-0025-082-0000	\$36,514	\$3,446	\$2,103	\$42,063	\$5,731	\$142	\$5,873	\$6,753
12	250-0025-063-0000	\$45,116	\$4,257	\$2,599	\$51,972	\$7,077	\$175	\$7,252	\$8,340
TOTALS		\$2,542,995	\$243,523	\$146,659	\$2,933,177	\$403,630	\$10,953	\$414,583	\$476,771