



Legislation Details (With Text)

**File #:** 24-126      **Version:** 1      **Name:**

**Type:** Consent Item      **Status:** Passed

**File created:** 2/5/2024      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority

**On agenda:** 2/20/2024      **Final action:** 2/20/2024

**Title:** SUBJECT: Adoption of a Resolution of Intent Regarding Annexation No. 26 for Capella Terrace Improvement Area No. 51 into Community Facilities District (CFD) No. 2003-2 (Services), Approving a Deposit and Reimbursement Agreement for Annexation No. 26, and Setting a Public Hearing for March 4, 2024; and Annexation No. 26 Consists of Approximately 10 Acres of Land Generally Located on the West Side of Coffee Street, Approximately 300 feet North of Gerard Avenue

REPORT IN BRIEF

Considers adopting a Resolution of Intent to annex approximately 10 acres of land generally located on the west side of Coffee Street, approximately 300 feet north of Gerard Avenue (CFD Annexation No. 26) into the City's CFD for Services (CFD 2003-2), including the approval of a Deposit and Reimbursement Agreement for the annexation; accept the petition, consent, and waiver for Annexation No. 26; and set a public hearing and election for March 4, 2024.

RECOMMENDATION

City Council - Adopt a motion:

- A. Adopting Resolution 2024-19, a Resolution of Intention of the City Council of the City of Merced, acting as the Legislative Body of the City of Merced Community Facilities District No. 2003-2 (Services), declaring its intention to annex area to said district and authorize the levy of a special tax within said annexation and approving a certain agreement related thereto; and,
- B. Setting the Public Hearing for March 4, 2024; and,
- C. Accepting the Petition, Consent and Waiver from Fortis General Construction, Inc., for Annexation No. 26 (Improvement No. 51); and,
- D. Accepting the deposit amount of \$25,000 in Fund 4500 (CFD Formation Fund), increasing the revenue and appropriating the same to cover the cost of Community Facilities District formation and related expenditures for Annexation No. 26, (Improvement Area No. 51); and,
- E. Authorizing the City Manager to execute the Deposit and Reimbursement Agreement; and,
- F. Authorizing the Finance Officer to make the necessary budget adjustments.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Location Map - Annexation No. 26, 2. Boundary Map for Annexation No. 26, 3. Maximum Special Tax Rates, 4. Petition, Consent, and Waiver for Annexation No. 26, 5. Deposit and Reimbursement Agreement for Annexation No. 26, 6. Resolution 2024-19 of Intent with RMA at Exhibit A

Date	Ver.	Action By	Action	Result
2/20/2024	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Francisco Mendoza-Gonzalez, Senior Planner, Development Services Department*

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## **RECOMMENDATION**

**City Council** - Adopt a motion:

- A. Adopting **Resolution 2024-19**, a Resolution of Intention of the City Council of the City of Merced, acting as the Legislative Body of the City of Merced Community Facilities District No. 2003-2 (Services), declaring its intention to annex area to said district and authorize the levy of a special tax within said annexation and approving a certain agreement related thereto; and,
- B. Setting the Public Hearing for March 4, 2024; and,
- C. Accepting the Petition, Consent and Waiver from Fortis General Construction, Inc., for Annexation No. 26 (Improvement No. 51); and,
- D. Accepting the deposit amount of \$25,000 in Fund 4500 (CFD Formation Fund), increasing the revenue and appropriating the same to cover the cost of Community Facilities District formation and related expenditures for Annexation No. 26, (Improvement Area No. 51); and,
- E. Authorizing the City Manager to execute the Deposit and Reimbursement Agreement; and,
- F. Authorizing the Finance Officer to make the necessary budget adjustments.

## **ALTERNATIVES**

1. Approve the actions as recommended by staff; or,
2. Requesting modification or amendment to the documents and provide direction to City staff regarding the same; or,
3. Decline to authorize action as recommended; or,
4. Continue to a future City Council meeting (time and date to be specified in motion).

## **AUTHORITY**

Annexation of property into the City's existing CFD No. 2003-2 (Services) and designation of future annexation area of certain parcels pursuant to Merced City Charter, Section 200; Chapter 2.5

(commencing with Section 53311 of Part 1 of Division 2 of Title 5 of California Government Code (the "Act"), commonly known as the "Mello-Roos Community Facilities Act of 1982;" and the City's Policy on new development.

## **DISCUSSION**

This report considers Annexation No.26 into the City's CFD for Services (CFD 2003-2) for the Capella Terrace, which consists of approximately 10 acres of land generally located on west side of Coffee Street, approximately 300 feet north of Gerard Avenue (Attachment 1). The proposed boundary map for CFD Annexation No. 26, Improvement Area No. 51 is provided at Attachment 2.

In order to determine the special tax for these developments, an amended Rate and Method of Apportionment (RMA) was prepared (Exhibit A of the Draft Resolution at Attachment 6). The landowners have reviewed the RMA and been notified of the amount of the annual levy as shown on the Maximum Tax Rates Schedule for Fiscal Year 2023-24 at Attachment 3.

To start the annexation process, the City Council is being asked to accept the Petition, Consent, and Waiver submitted by Fortis General Construction, Inc. (Attachment 4) and adopt the Resolution of Intent (ROI) declaring its intent to annex this land into the CFD (Attachment 6). The Mello Roos Act requires a 30-day period after the ROI is approved, however the Petition, Consent to Annex and Waiver of Various Public Hearing and Election Requirements for Annexation Proceedings, shown at Attachment 4, can reduce the 30-day period with consent from the property owner. The resolution sets March 4, 2024, as the date to hold the public hearing and election on this matter. Provided there is no majority protest, this property would be annexed into the CFD. Should the proposition pass with a two-thirds vote from the qualified voters, the City may levy the special tax pursuant to the amended rate and method of apportionment (Exhibit A of the Draft Resolution of Intent at Attachment 6).

The adoption of the Resolution of Intent (ROI) also includes the approval of the Deposit and Reimbursement Agreement with Fortis General Construction, Inc. (Attachment 5). The agreement provides for reimbursement to the City for costs incurred with the annexation process. The developer has submitted a deposit of \$25,000 to cover the costs of the CFD annexation process. The Agreement would also authorize the City to request additional funds as needed to complete the annexation process. Additionally, this agreement states that the developer would be responsible for maintaining any landscaping and other district costs included in the CFD until such time as the CFD has sufficient funds to take over the maintenance.

### City Council Action

Staff is recommending the City Council accept the Petition, Consent, and Waiver for Annexation No. 26 (Attachment 4); adopt the Resolution of Intent (Attachment 6), setting the public hearing for March 4, 2024, and approving the Deposit and Reimbursement Agreement (Attachment 5); receive and appropriate the \$25,000 deposit for the annexation to Fund 4500 (CFD Formation Fund); and authorize the City Manager or Deputy City Manager to execute the agreements.

## **IMPACT ON CITY RESOURCES**

The annexation of these properties into CFD No. 2003-2 (Services) would allow a special tax to be levied on these properties in an amount necessary to finance all or portion of the cost of providing certain public services and maintenance that are in addition to those provided in the territory within the district prior to formation. This includes the district, periodic cost and costs of the tax levy and collection.

## ATTACHMENTS

1. Location Map - Annexation No. 26
2. Boundary Map for Annexation No. 26
3. Maximum Special Tax Rates
4. Petition, Consent, and Waiver for Annexation No. 26
5. Deposit and Reimbursement Agreement for Annexation No. 26
6. Resolution 2024-19 of Intent with RMA at Exhibit A