



RESOLUTION NO. 2007 - 351

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO CHANGING MAXIMUM SPECIAL TAX FOR ANNEXATION NO. 81 (TRACT 5258) AND ANNEXATION NO. 82 (TRACT 5295) OF COMMUNITY FACILITIES DISTRICT NO. 2

CHANGE OF SPECIAL TAX

WHEREAS, on June 12, 2007, the Council adopted Council Resolution No. 2005 -203, the Resolution of Consideration to change the special tax for Annexation No. 81 (Tract 5258) and Annexation 82 (Tract 5295) of City of Fresno, Community Facilities District No. 2 (CFD No. 2); and

WHEREAS, the Resolution of Consideration, incorporating a description of the proposed change, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on this date, this Council held a noticed public hearing as set by the Resolution of Consideration relative to the change of special tax for Annexations No. 81 and 82 of CFD No. 2 ; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the change of special tax for Annexations No. 81 and 82 of CFD No. 2, were heard and a full and fair hearing was held; and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, including a report by the Public Works Director (District Report) as to the services to be provided in Annexations No. 81 and 82 of CFD No. 2 and the costs thereof, a copy of which is on file with the City Clerk, and this Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the change of special tax for Annexation No. 81 and 82, CFD No. 2, have not been filed with the City Clerk by property owners of one-

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Adopted 10/23/07
Approved 10/23/07
Effective 10/23/07



half (1/2) or more of the land area within Annexations No. 81 and 82 of CFD No. 2, that is not exempt from the special tax; and

WHEREAS, by Council Resolution No. 2007 - 253 , the Council called a special registered voter election on the proposition of levying the changed special tax and establishing an amended appropriations limit within Annexations No. 81 and 82 of CFD No.; and

WHEREAS, on July 24, 2007, a registered voter election was held within Annexations No. 81 and 82 of CFD No. 2 in which the propositions were approved by more than two-thirds of the votes cast.

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

1. Recitals. The foregoing recitals are true and correct.
2. No Majority Protest. The proposed change of special tax and appropriations limit for Annexations No. 81 and 82 of CFD No. 2 has not been precluded by majority protest pursuant to the Mello-Roos Community Facilities Act of 1982, Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (Act).
3. Prior Proceedings. All prior proceedings taken by this Council in connection with the proposed change of special tax and appropriations limit for Annexations No. 81 and 82 of CFD No. 2 have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This Council hereby finds and determines that the proposed change of special tax for Annexations No. 81 and 82 of CFD No.2 is in conformity with the goals and policies heretofore adopted by this Council with respect to the formation of the CFD No. 2.
4. If for any cause any portion of this Resolution is found to be invalid or the changed special tax is found inapplicable to or unreasonable for any particular parcel by a

court of competent jurisdiction, the balance of this Resolution and the application of the special tax to the remaining parcels, shall not be affected and shall remain in full force and effect.

5. Effective Date. This Resolution shall take effect upon its adoption.



CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 23rd day of October, 2007.

AYES: Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong

NOES: None

ABSTAIN: None

ABSENT: Perea

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: R
Deputy Robert Coyle
Date: July 29, 2007