

RESOLUTION NO. 13 - 148

RESOLUTION OF FORMATION OF COMMUNITY FACILITIES DISTRICT

CITY OF DIXON
Community Facilities District No. 2013-1
(Parklane)

RESOLVED by the City Council (the "City Council") of the City of Dixon (the "City"), County of Solano, State of California, that:

WHEREAS, on October 8, 2013, this City Council adopted a resolution entitled "Resolution of Intention to Establish Community Facilities District" (the "Resolution of Intention"), stating its intention to form "City of Dixon Community Facilities District No. 2013-1 (Parklane)" (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act");

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the facilities and the services to be provided (as set forth in the list attached hereto as Exhibit A), the cost of providing such facilities and the services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay the principal and interest on bonds proposed to be issued with respect to the CFD, the cost of the facilities and the cost of the services, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein;

WHEREAS, on this date, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD;

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the facilities to be provided therein, the services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held;

WHEREAS, at the hearing evidence was presented to this City Council on said matters before it, including a report caused to be prepared by the City Engineer (the "Report") as to the facilities and the services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this City Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of facilities and services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the proposed special tax.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. **Recitals Correct.** The foregoing recitals are true and correct.

2. **No Majority Protest.** The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to section 53324 of the Act.

3. **Prior Proceedings Valid.** All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the Act.

4. **Name of CFD.** The community facilities district designated "City of Dixon Community Facilities District No. 2013-1 (Parklane)" is hereby established pursuant to the Act.

5. **Boundaries of CFD.** The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Solano County Recorder's Office on October 18, 2013 in Book 25 at Page 7, as Document 201300101485 of Maps of Assessment and Community Facilities Districts, are hereby approved, are incorporated herein by reference and shall be the boundaries of the CFD.

6. **Description of Facilities and Services.** The type of public facilities proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as facilities in Exhibit A hereto and by this reference incorporated herein (the "Facilities").

The type of public services proposed to be financed by the CFD and pursuant to the Act shall consist of those items shown in Exhibit A hereto and by this reference incorporated herein (the "Services").

7. **Special Tax.**

a. Except to the extent that funds are otherwise available to the CFD to pay for the Facilities, the Services and/or the principal and interest as it becomes due on bonds of the CFD issued to finance the Facilities, a special tax (the "Special Tax") sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property in the CFD, is intended to be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as may be prescribed by this City Council.

b. The proposed rate and method of apportionment of the Special Tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, are shown in Exhibit B attached hereto and hereby incorporated herein (the "Rate and Method").

In the case of the Special Tax when it is levied on any parcel used for private residential purposes to pay for the Facilities, the Special Tax shall not be levied in the CFD after the final tax year specified in the Rate and Method, except that a Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years. Under no circumstances shall the Special Tax levied against any parcel in the CFD to pay for the Facilities and used for private residential purposes be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the CFD by more than 10% above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults.

8. **Increased Demands.** It is hereby found and determined that the Facilities and the Services are necessary to meet increased demands placed upon local agencies as the result of development occurring in the CFD.

9. **Responsible Official.** The Deputy City Manager-Administrative Services of the City of Dixon, 600 East A Street, Dixon, California 95620, (707) 678-7000 x108, is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to the Act.

10. **Tax Lien.** Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code of California, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the City ceases.

11. **Appropriations Limit.** In accordance with the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$25,000,000, and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of the Act.

12. **Election.** Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election. The time, place and conditions of the election shall be as specified by a separate resolution of this City Council.

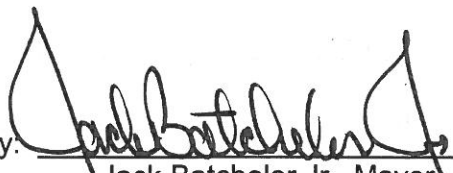
13. **Effective Date.** This resolution shall take effect upon its adoption.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Dixon, State of California, on this 12th day of November, 2013 by the following vote to wit:

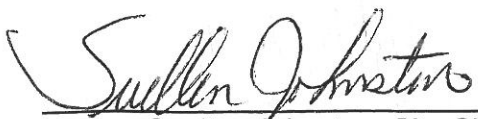
AYES: Besneatte, Bird, Castanon, Batchelor

NOES: Bogue

ABSENT: None

By: 
Jack Batchelor Jr., Mayor

ATTEST:


Suellen Johnston, City Clerk

RESOLUTION NO.: 13-148

DATE: NOV 12 2013

EXHIBIT A

**CITY OF DIXON
Community Facilities District No. 2013-1
(Parklane)**

DESCRIPTION OF FACILITIES TO BE FINANCED BY THE CFD

The Facilities shown below are proposed to be financed in whole or in part by the CFD. The Facilities shall be constructed, whether or not acquired in their completed states, pursuant to the plans and specifications approved by the City of Dixon (the "City") and the officials thereof.

I. Streetscape and Pedestrian Improvements

Backbone or Primary Streets (State Highway 113, East Parkway Blvd, Harvard Drive, College Way, and Yale Drive):

Plan, design, construct and acquire improvements to existing State Highway 113 along the project frontage and at the intersection of State Highway 113 and East Park Blvd.

The remaining streets will be new infrastructure.

Improvements include grading, street and sidewalk widening to accommodate additional vehicle and pedestrian traffic, pedestrian and streetscape amenities, shelters and curb extensions to serve transit stops, landscape improvements, traffic signals and signage, street lighting, joint trench dry utilities, walls, sanitary sewer, storm, and water, relocation of Solano Irrigation District facilities.

The Improvements will be specified in the City's approved improvement plans.

Neighborhood Streets: Plan, design, construct and acquire new neighborhood street improvements include grading, streets, curb, gutter and sidewalk, landscape improvements, traffic signals and/or signage, street lighting, walls and/or fencing, joint trench dry utilities, sanitary sewer, storm, and water. The Improvements will be specified in the City's approved improvement plans.

The proposed neighborhood streets include the following:

Unit 1: includes Heritage Lane, Cornell Court, Cornell Drive, Dartmouth Circle, and Baylor Way.

Unit 2: includes Syracuse Lane, Duke Way, and portions of Columbia Drive, Rutgers Way and Amhurst Ave.

Unit 3: includes Diploma Alley, Honors Alley and Graduate Alley.

Unit 4: includes Pacific Place and portions of Rutgers Way, Columbia Drive, Vanderbilt Drive and Princeton Way.

Unit 5: includes Tuft Lane and portions of Vanderbilt Drive, Amhurst Ave, and Princeton Way)

II. **Public Open space**

Open Space Parcels: Plan, design, construct and acquire open space parcels that are to be dedicated to the City for pedestrian and emergency access and utility easements. The Improvements will be specified in the City's approved improvement plans.

Pedestrian Connections: Plan, design, construct and acquire connections to be dedicated to the City from neighborhoods to adjacent roads or schools to improve pedestrian circulation in the community. The Improvements will be specified in the City approved improvement plans.

The facilities to be financed shall include the costs of the acquisition of right-of-way the costs of design, engineering and planning, the costs of any environmental or traffic studies, (including right-of-way that is intended to be dedicated by the recording of a final map), surveys or other reports, costs related to landscaping and irrigation, soils testing, permits, plan check and inspection fees, insurance, legal and related overhead costs, coordination and supervision and any other costs or appurtenances related to any of the foregoing.

The CFD may also finance any of the following:

1. Expenses related to bonds and other debt, including underwriters discount, reserve fund, capitalized interest, letter of credit fees and expenses, bond and disclosure counsel fees and expenses, bond remarketing costs, and all other incidental expenses.
2. Administrative fees of the City and the bond trustee or fiscal agent related to the CFD and the bonds and other debt.
3. Reimbursement of costs related to the formation of the CFD advanced by the City, the landowner(s) in the CFD, or any party related to any of the foregoing, as well as reimbursement of any costs advanced by the City, the landowner(s) in the CFD or any party related to any of the foregoing, for facilities, fees or other purposes or costs of the CFD.

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services shown below ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982) are proposed to be financed by the CFD, including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

Public street lighting and landscape: Maintenance and operation of public street lighting and landscaping improvements within the public rights-of-way and dedicated landscape easements within the CFD's boundaries. The services to be performed within the CFD include, but are not limited to, the labor, materials, equipment, electricity, water, and incidental expenses necessary to provide local street lighting and landscape maintenance and operations. The improvements to be operated and maintained by the CFD include but are not limited to those improvements installed as a condition of development or installed for the benefit of the properties within the CFD boundaries.

Public street lighting systems shall include, but not be limited to, the following: bulbs; heads; poles; decorative lighting; conduits; circuits; pedestals; pull boxes; theft deterrent systems; and associated appurtenances. Public landscaping shall include, but not be limited to, the following: plants; irrigation; control systems; drainage; subdivision signage; benches; hardscaping; fencing; and associated appurtenances.

Pond C & Lateral #2 Maintenance Services: Maintenance and operation of the City's Pond C and Lateral #2 storm drainage facilities. The services to be performed within the CFD include, but are not limited to, the labor, materials, equipment, electricity, water, and incidental expenses necessary to provide operate and maintain the storm drainage facilities. The improvements to be operated and maintained by the CFD include but are not limited to those improvements installed as a condition of development or installed for the benefit of the properties within the CFD boundaries.

Pond C maintenance and operations shall include, but not be limited to, the following: sediment controls; inlet & outfall structures; landscape plants and irrigation; maintenance access; recreation trails and public access; fencing; and associated appurtenances.

Lateral #2 maintenance and operations shall include, but not be limited to, the following: sediment controls; inlet & outfall structures; landscape plants and irrigation; maintenance access; recreation trails and public access; fencing; and associated appurtenances.

EXHIBIT B

**CITY OF DIXON
Community Facilities District No. 2013-1
(Parklane)**

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

Special Taxes applicable to each Assessor's Parcel in the City of Dixon Community Facilities District No. 2013-1 (Parklane) shall be levied and collected according to the tax liability determined by the City or its designee, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in the CFD, unless exempted by law or by the provisions of Section F 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:

"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 parcel map recorded with the County.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, (commencing with Section 53311), Division 2 of Title 5 of the California Government Code.

"Administrative Expenses" means any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds, and the expenses of the City in carrying out its duties with respect to the CFD and the Bonds, including, but not limited to, the levy and collection of Special Taxes, the fees and expenses of its legal counsel, costs related to annexing property into the CFD, charges levied by the County in connection with the levy and collection of Special Taxes, costs related to property owner inquiries regarding the Special Taxes, costs associated with appeals or requests for interpretation associated with the Special Taxes and this RMA, amounts needed to pay rebate to the federal government with respect to the Bonds, costs associated with complying with any continuing disclosure requirements with respect to the Bonds and the Special Taxes, costs associated with foreclosure and collection of delinquent Special Taxes and all other costs and expenses of the City and County in any way related to the establishment or administration of the CFD.

“Administrator” means the person or firm designated by the City to administer the Special Taxes according to this RMA.

“Assessor’s Parcel” or “Parcel” means a lot or parcel shown on a County Assessor’s Parcel map with an assigned County Assessor’s Parcel number.

“Authorized Facilities” means the public facilities authorized to be financed, in whole or in part, by the Facilities Special Tax proceeds.

“Authorized Services” means those services that are authorized to be funded by Services Special Taxes collected within the CFD.

“Bonds” means bonds or other debt (as defined in the Act), whether in one or more series, issued or assumed by the CFD to fund Authorized Facilities.

“Capitalized Interest” means funds in any capitalized interest account available to pay interest on Bonds.

“CFD” means the City of Dixon Community Facilities District No. 2013-1 (Parklane).

“CFD Formation” means the date on which the Resolution of Formation to form CFD No. 2013-1 was adopted by the City Council.

“City” means the City of Dixon.

“City Council” means the City Council of the City of Dixon, acting as the legislative body of
CFD No. 2013-1.

“County” means the County of Solano.

“Developed Property” means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to June 30 of the prior Fiscal Year.

“Facilities Special Tax” means a special tax levied in any Fiscal Year to pay the Facilities Special Tax Requirement.

“Facilities Special Tax Requirement” means the amount necessary in any Fiscal Year (i) to pay principal and interest on Bonds which are due in the calendar year which begins in such Fiscal Year, (ii) to create or replenish reserve funds, (iii) to cure any delinquencies in the payment of principal or interest on Bonds which have occurred in any prior Fiscal Year or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, (iv) to pay Administrative Expenses, and (v) to pay the costs of Authorized Facilities to be funded directly from Facilities Special Tax proceeds. The amounts referred to in clauses (i) and (ii) of the preceding sentence may be reduced in any Fiscal Year by (i) interest earnings on or surplus balances in funds and accounts for

Bonds to the extent that such earnings or balances are available to apply against debt service pursuant to the Indenture, (ii) proceeds from the collection of penalties associated with delinquent Facilities Special Taxes, and (iii) any other revenues available to pay debt service on the Bonds as determined by the Administrator.

“Final Map” means a final map, or portion thereof, recorded by the County pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) that creates lots which do not need to be further subdivided prior to issuance of a building permit for a residential structure. The term “Final Map” shall not include any Assessor’s Parcel map or subdivision map, or portion thereof, that does not create lots that are in their final configuration, including Assessor’s Parcels that are designated as remainder parcels.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Indenture” means the indenture, fiscal agent agreement, resolution, or other instrument pursuant to which Bonds for the CFD are issued, as modified, amended, and/or supplemented from time to time, and any instrument replacing or supplementing the same.

“Index” means the Consumer Price Index of the San Francisco-Oakland-San Jose area for all urban consumers.

“Maximum Facilities Special Tax” means the greatest amount of Facilities Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Section C.1 below.

“Maximum Services Special Tax” means the greatest amount of Services Special Tax that can be levied on an Assessor’s Parcel in any Fiscal Year determined in accordance with Section C.2 below.

“Other Property” means any Parcel of Developed Property that is not Taxable Public Property and for which a building permit was issued for a structure other than a Unit.

“Proportionately” means, (a) for Developed Property, that the ratio of the actual 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, (b) for Undeveloped Property, that the ratio of the actual Special Tax levied to the Maximum Special Tax is equal for all Assessor’s Parcels of Undeveloped Property, and (c) for Taxable Public Property, that the ratio of the actual Special Tax levied to the Maximum Special Tax is equal for all Assessor’s Parcels of Taxable Public Property.

“Public Property” means any property within the boundaries of the CFD that is owned by or irrevocably offered for dedication to the federal government, State of California, County, City, or other local governments or public agencies.

“RMA” means this Rate and Method of Apportionment of Special Tax.

“Services Special Tax” means a special tax levied in any Fiscal Year to pay the Services Special Tax Requirement.

“Services Special Tax Requirement” means the amount of revenue needed in any Fiscal Year to pay for: (i) Authorized Services, (ii) Administrative Expenses, and (iii) amounts needed to cure any delinquencies in the payment of Services Special Taxes which have occurred or (based on delinquency rates in prior years) may be expected to occur in the Fiscal Year in which the tax will be collected. In any Fiscal Year, the Services Special Tax Requirement shall be reduced by surplus amounts available (as determined by the City) from the levy of the Services Special Tax in prior Fiscal Years, including revenues from the collection of delinquent Services Special Taxes and associated penalties and interest.

“SFD Lot” means an individual single family detached residential lot identified and numbered on a Final Map.

“Special Taxes” means, collectively, the Facilities Special Tax and the Services Special Tax.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of the CFD which are not exempt from the Special Taxes pursuant to law or Section F below.

“Taxable Public Property” means any Parcel of Public Property that had in its entirety been a Parcel of Taxable Property in a prior Fiscal Year and, as such, had been subject to a Special Tax levy that was not prepaid when the public agency took ownership of the Parcel.

“Tax Zone” means one of the two mutually exclusive geographic areas defined below and identified in Attachment 1 of this RMA.

“Tax Zone 1” means the geographic area that, as of CFD Formation, was: (i) expected to include neighborhoods 1, 2 and 3 of the Parklane Project, and (ii) is specifically identified as Tax Zone 1 in Attachment 1 of this RMA.

“Tax Zone 2” means the geographic area that, as of CFD Formation, was: (i) expected to include neighborhoods 4 and 5 of the Parkland Project, and (ii) is specifically identified as Tax Zone 2 in Attachment 1 of this RMA.

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

“Unit” means an individual single family detached unit.

B. DATA FOR ADMINISTRATION OF SPECIAL TAXES

On or about July 1 of 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 Assessor's Parcel of Taxable Property is Developed Property, Undeveloped Property, or Taxable Public Property, (ii) the Tax Zone within which each Parcel is located, and (iii) the Facilities Special Tax Requirement and the Services Special Tax Requirement for the Fiscal Year.

In any Fiscal Year, if it is determined that: (i) a parcel map for property in the CFD was recorded after January 1 of the prior Fiscal Year (or any other date after which the Assessor will not incorporate the newly-created parcels into the then current tax roll), (ii) because of the date the parcel map was recorded, the Assessor does not yet recognize the new parcels created by the parcel map, and (iii) a building permit was issued prior to June 30 of the prior Fiscal Year for development on one or more of the newly-created parcels, the Administrator shall calculate the Special Taxes separately for Developed Property and Undeveloped Property within the subdivided area, then levy the sum of these two amounts on the master Parcel that was subdivided by recordation of the parcel map.

C. MAXIMUM SPECIAL TAXES

1. *Facilities Special Tax*

Table 1 below identifies the Maximum Facilities Special Tax for Taxable Property within the CFD.

TABLE 1

A. Maximum Facilities Special Tax

<i>Type of Property</i>	<i>Maximum Facilities Special Tax Fiscal Year 2013-14*</i>
Developed Property, SFD Lots: ≥ 10,000 square feet ≥ 7,000 and < 10,000 square feet ≥ 5,000 and < 7,000 square feet < 5,000 square feet	\$3,829 per Unit \$3,466 per Unit \$3,104 per Unit \$2,647 per Unit
Other Property	\$24,676 per Acre
Taxable Public Property	\$24,676 per Acre
Undeveloped Property	\$24,676 per Acre

*** On July 1, 2014 and on each July 1 thereafter, all figures shown in Table 1 above shall be increased by an amount equal to 2.0% of the amount in effect for the prior Fiscal Year.**

2. *Services Special Tax*

Table 2 below identifies the Maximum Services Special Tax for Taxable Property within the CFD.

TABLE 2

B. Maximum Services Special Tax

<i>Type of Property</i>	<i>Maximum Services Special Tax Fiscal Year 2013-14*</i>
Developed Property, SFD Lots: ≥ 10,000 square feet ≥ 7,000 and < 10,000 square feet ≥ 5,000 and < 7,000 square feet < 5,000 square feet	\$135 per Unit \$135 per Unit \$135 per Unit \$135 per Unit
Other Property	\$1,079 per Acre
Taxable Public Property	\$1,079 per Acre
Undeveloped Property	\$1,079 per Acre

** Beginning February 2014 and each February thereafter, the Maximum Services Special Taxes shown in Table 2 above shall be adjusted by applying the increase, if any, in the Index that has occurred from December of the prior Fiscal Year to December of the then-current Fiscal Year. Each annual adjustment of the Maximum Services Special Tax shall become effective on the subsequent July 1, without additional action by the City Council.*

D. METHOD OF LEVY OF THE SPECIAL TAXES

1. *Facilities Special Tax*

Each Fiscal Year, the Administrator shall determine the Facilities Special Tax Requirement for the Fiscal Year and levy the Facilities Special Tax on all Parcels of Taxable Property as follows:

Step 1: The Facilities Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Facilities Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Facilities Special Tax Requirement prior to applying Capitalized Interest that is available under the applicable Indenture;

- Step 2:** If additional revenue is needed after Step 1, and after applying Capitalized Interest to the Special Tax Requirement, the Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within Tax Zone 1, up to 100% of the Maximum Facilities Special Tax for each Parcel for such Fiscal Year;
- Step 3:** If additional revenue is needed after Step 2, the Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within Tax Zone 2, up to 100% of the Maximum Facilities Special Tax for each Parcel for such Fiscal Year;
- Step 4:** If additional revenue is needed after Step 3, the Facilities Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Special Tax for each Parcel for such Fiscal Year.

2. *Services Special Tax*

Each Fiscal Year, the Administrator shall determine the Services Special Tax Requirement for the Fiscal Year and levy the Services Special Tax on all Parcels of Taxable Property as follows:

- Step 1:** The Services Special Tax shall be levied Proportionately on each Parcel of Developed Property within the CFD up to 100% of the Maximum Services Special Tax for each Parcel for such Fiscal Year until the amount levied on Developed Property is equal to the Services Special Tax Requirement;
- Step 2:** If additional revenue is needed after Step 1, the Services Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within Tax Zone 1, up to 100% of the Maximum Services Special Tax for each Parcel for such Fiscal Year;
- Step 3:** If additional revenue is needed after Step 2, the Services Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property within Tax Zone 2, up to 100% of the Maximum Services Special Tax for each Parcel for such Fiscal Year;
- Step 4:** If additional revenue is needed after Step 3, the Services Special Tax shall be levied Proportionately on each Assessor's Parcel of Taxable Public Property, up to 100% of the Maximum Services Special Tax for each Parcel for such Fiscal Year.

E. MANNER OF COLLECTION OF SPECIAL TAXES

The Special Taxes shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that prepayments are permitted as set forth in Section G below and provided further that the City may directly bill, collect at a different time or in a different manner, and/or collect delinquent Special Taxes through foreclosure or other available methods.

The Facilities Special Tax shall be levied and collected until principal and interest on Bonds have been repaid, costs of constructing or acquiring Authorized Facilities from Facilities Special Tax proceeds have been paid, and all Administrative Expenses have been paid or reimbursed. However, in no event shall Facilities Special Taxes be levied after Fiscal Year 2055-2056. Under no circumstances may the Facilities Special Tax on a Parcel in residential use be increased in any Fiscal Year as a consequence of delinquency or default in payment of the Facilities Special Tax levied on another Parcel or Parcels by more than ten percent (10%) above the amount that would have been levied in that fiscal year had there never been any such delinquencies or defaults. The Services Special Tax may be levied and collected in perpetuity.

F. EXEMPTIONS

Notwithstanding any other provision of this RMA, no Special Taxes shall be levied on Public Property, except Taxable Public Property, as defined herein. In addition, no Special Taxes shall be levied on Parcels that (i) are designated as permanent open space or common space on which no structure is permitted to be constructed, (ii) are owned by a public utility for an unmanned facility, or (iii) are subject to an easement that precludes any use on the Parcel other than that permitted by the easement. In addition, no Facilities Special Tax shall be levied on any Parcel that has fully prepaid the Facilities Special Tax obligation assigned to the Parcel, as determined pursuant to the formula set forth in Section G below. Notwithstanding the foregoing, if a Maximum Facilities Special Tax was levied on a Parcel, and the entire Parcel subsequently meets the criteria in (i), (ii) or (iii) above, the Parcel shall remain subject to the Facilities Special Tax levy unless and until a prepayment calculated pursuant to Section G below is received to release the Parcel from its Facilities Special Tax obligation.

G. PREPAYMENT OF THE FACILITIES SPECIAL TAX

The following definitions apply to this Section G:

“Construction Fund” means the account (regardless of its name) identified in the Indenture to hold funds which are currently available for expenditure to acquire or construct public facilities eligible under the Act.

“Outstanding Bonds” means all Previously Issued Bonds which remain outstanding, with the following exception: if a Facilities Special Tax has been levied against, or already paid by, an Assessor’s Parcel making a prepayment, and a portion of the Facilities Special Tax will be used to pay a portion of the next principal payment on the Bonds that remain outstanding (as determined by the Administrator), that next principal payment shall be subtracted from the total Bond principal that remains outstanding, and the difference shall be used as the amount of Outstanding Bonds for purposes of this prepayment formula.

“Previously Issued Bonds” means all Bonds that have been issued prior to the date of prepayment.

“Public Facilities Requirements” means \$15,000,000, or such other number as shall be determined by the City to be an appropriate estimate of the net construction proceeds that will be generated from all Bonds that have been or are expected to be issued on behalf of the CFD. The Public Facilities Requirements shown above may be adjusted or separate Public Facilities Requirements may be identified each time property annexes into the CFD; at no time shall the added Public Facilities Requirement for that annexation area exceed the amount of public improvement costs that are expected to be supportable by the Maximum Special Tax revenues generated within that annexation area.

“Remaining Facilities Costs” means the Public Facilities Requirements (as defined above), minus public facility costs funded by Previously Issued Bonds (as defined above), developer equity, and/or any other source of funding.

1. *Full Prepayment*

The Facilities Special Tax obligation applicable to an Assessor’s Parcel in the CFD may be fully prepaid and the obligation of the Assessor’s Parcel to pay the Facilities Special Tax permanently satisfied as described herein, provided that a prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. An owner of an Assessor’s Parcel intending to prepay the Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City or its designee shall notify such owner of the prepayment amount for such Assessor’s Parcel. Prepayment must be made not less than 50 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Facilities Special Taxes.

The Prepayment Amount shall be calculated as follows (capitalized terms as defined below):

Bond Redemption Amount	
plus	Remaining Facilities Amount
plus	Redemption Premium
plus	Defeasance Requirement
plus	Administrative Fees and Expenses

less Reserve Fund Credit
equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount shall be determined by application of the following steps:

- Step 1.** Determine the total Maximum Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Facilities Special Tax in the Fiscal Year in which prepayment would be received by the City.
- Step 2.** Divide the Maximum Facilities Special Tax computed pursuant to Step 1 by the total Maximum Facilities Special Tax Revenue expected to be collected for all property in the CFD for the Fiscal Year in which prepayment would be received by the City.
- Step 3.** Multiply the quotient computed pursuant to Step 2 by the Outstanding Bonds to compute the amount of Outstanding Bonds to be retired and prepaid (*the "Bond Redemption Amount"*).
- Step 4.** Compute the current Remaining Facilities Costs (if any).
- Step 5.** Multiply the quotient computed pursuant to Step 2 by the amount determined pursuant to Step 4 to compute the amount of Remaining Facilities Costs to be prepaid (*the "Remaining Facilities Amount"*).
- Step 6.** Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Outstanding Bonds to be redeemed (*the "Redemption Premium"*).
- Step 7.** Compute the amount needed to pay interest on the Bond Redemption Amount starting with the last Bond interest payment date on which interest has been or will be paid by Facilities Special Taxes already levied until the earliest redemption date for the Outstanding Bonds.
- Step 8:** Compute the amount of interest the City reasonably expects to derive from reinvestment of the Bond Redemption Amount plus the Redemption Premium from the first Bond interest payment date after which the prepayment has been received until the redemption date for the Outstanding Bonds.
- Step 9:** Take the amount computed pursuant to Step 7 and subtract the amount computed pursuant to Step 8 (*the "Defeasance Requirement"*).

- Step 10.** Determine the costs of computing the prepayment amount, redeeming Bonds, and recording any notices to evidence the prepayment and redemption (the "**Administrative Fees and Expenses**").
- Step 11.** If and to the extent so provided in the Indenture, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the "**Reserve Fund Credit**").
- Step 12.** The Facilities Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 5, 6, 9, and 10, less the amount computed pursuant to Step 11 (the "**Prepayment Amount**").
- Step 13.** From the Prepayment Amount, the amounts computed pursuant to Steps 3, 6, and 9 shall be deposited into the appropriate fund as established under the Indenture and be used to retire Outstanding Bonds or make debt service payments. The amount computed pursuant to Step 5 shall be deposited into the Construction Fund. The amount computed pursuant to Step 10 shall be retained in the account or fund that is established to pay administrative expenses of the CFD.

Once a prepayment of Facilities Special Taxes has been received, a Notice of Cancellation of Special Tax Lien shall be recorded against the Parcel to reflect the discharge of the Parcel's obligation to pay the Facilities Special Tax. However, a Notice of Cancellation of Special Tax Lien shall not be recorded until all Facilities Special Taxes levied on the Parcel in the current or prior Fiscal Years have been collected. The prepayment of a Facilities Special Tax shall not affect the perpetual obligation to pay the Services Special Tax.

2. *Partial Prepayment*

A partial prepayment may be made in an amount equal to any percentage of full prepayment desired by the party making a partial prepayment, except that the full amount of administrative fees and expenses determined in Step 10 shall be included in the partial prepayment. The Maximum Facilities Special Tax that can be levied on a Parcel after a partial prepayment is made shall be determined as follows:

- Step 1.** Calculate the full prepayment (not including the amount collected for administrative fees and expenses) that would be due from the Parcel if the entire Special Tax obligation were being prepaid pursuant to Section G.1 above.
- Step 2.** Divide the partial prepayment amount for the Parcel (not including the amount collected for administrative fees and

expenses) by the amount computed in Step 1 to determine a percentage.

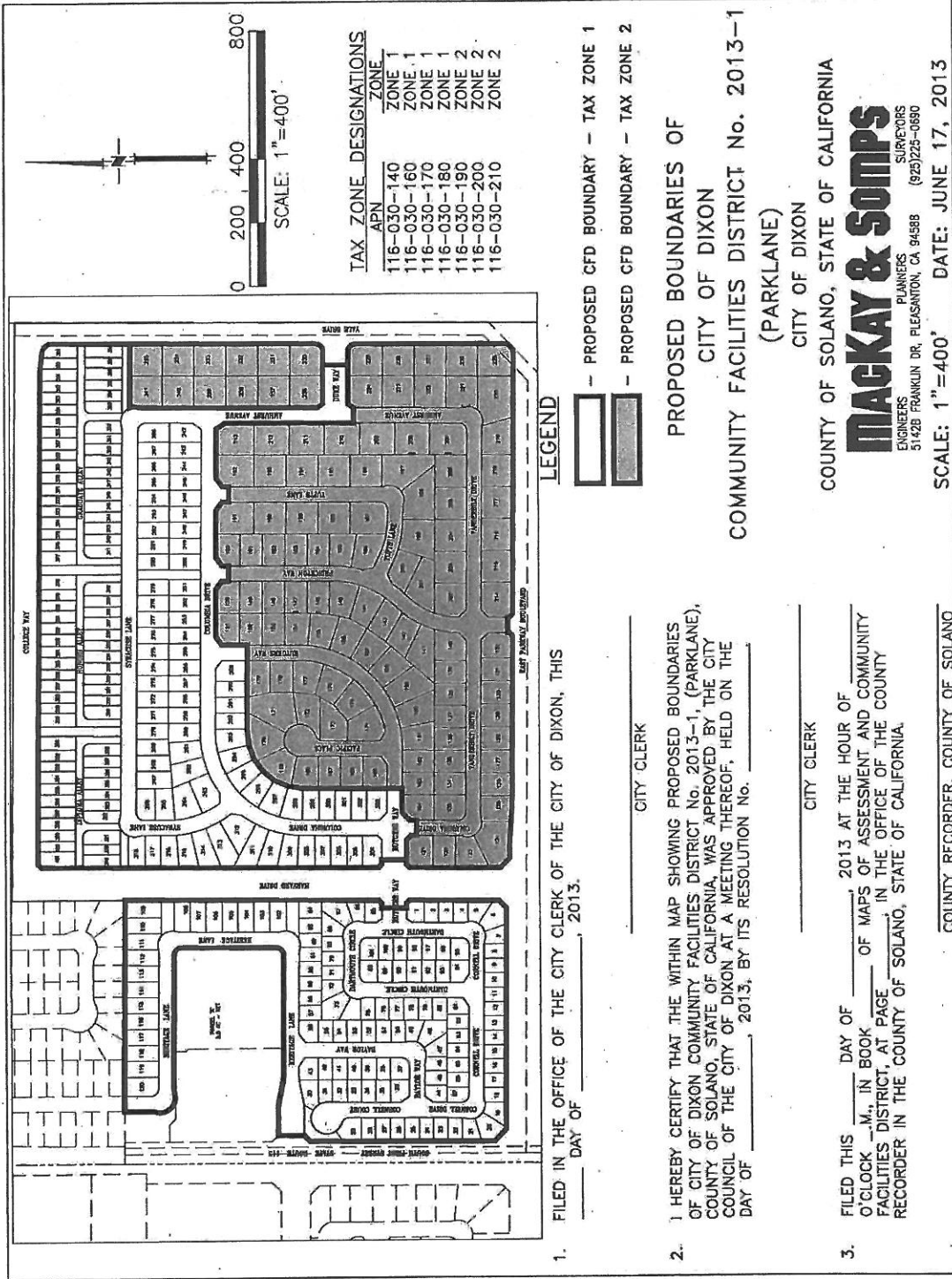
Step 3. Subtract the percentage computed in Step 2 from 100% to determine the "Remaining Percentage."

Step 4. Multiply the Remaining Percentage from Step 3 by the Maximum Facilities Special Tax for the Parcel to determine the new Maximum Facilities Special Tax that will be in effect for the Parcel after the partial prepayment is applied.

H. INTERPRETATION OF SPECIAL TAX FORMULA

The City may interpret, clarify, and revise this RMA to correct any inconsistency, vagueness, or ambiguity, by resolution and/or ordinance, that does not create a material adverse effect on the levy and collection of the Special Taxes and any security for any Bonds.

ATTACHMENT 1



LEGEND
 [Outline] - PROPOSED CFD BOUNDARY - TAX ZONE 1
 [Shaded] - PROPOSED CFD BOUNDARY - TAX ZONE 2

PROPOSED BOUNDARIES OF
 CITY OF DIXON
 COMMUNITY FACILITIES DISTRICT No. 2013-1
 (PARKLANE)
 CITY OF DIXON
 COUNTY OF SOLANO, STATE OF CALIFORNIA

MACKAY & SOMPS
 ENGINEERS
 PLANNERS
 SURVEYORS
 5142B FRANKLIN DR, PLEASANTON, CA 94588
 (925)225-0890

SCALE: 1"=400' DATE: JUNE 17, 2013

1. FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF DIXON, THIS _____ DAY OF _____, 2013.

CITY CLERK

2. I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF DIXON COMMUNITY FACILITIES DISTRICT No. 2013-1, (PARKLANE), COUNTY OF SOLANO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF DIXON AT A MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2013, BY ITS RESOLUTION No. _____

CITY CLERK

3. FILED THIS _____ DAY OF _____, 2013 AT THE HOUR OF _____ O'CLOCK _____M., IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT, AT PAGE _____, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF SOLANO, STATE OF CALIFORNIA.

COUNTY RECORDER, COUNTY OF SOLANO

09--27--2013 9:19am Tyson Teasdale\19276\EXHIBITS\CFD BOUNDARY MAP 8-5X11.DWG

CANVASS AND STATEMENT OF RESULT OF ELECTION

**CITY OF Dixon
Community Facilities District No. 2013-1
(Parklane)**

I hereby certify that on November 12, 2013, I canvassed the returns of the election held on November 12, 2013 in the City of Dixon Community Facilities District No. 2013-1 (Parklane) and the total number of ballots cast in said District and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
City of Dixon Community Facilities District No. 2013-1 (Parklane), Special Tax Election, November 12, 2013	72	<u>72</u>	<u>X</u>	<u> </u>

Shall the City of Dixon (the "City") levy a special tax solely on lands within the City of Dixon Community Facilities District No. 2013-1 (Parklane) (the "CFD") in accordance with the rate and method contained in the November 12, 2013 resolution of the City Council entitled "Resolution of Formation of Community Facilities District" ("Resolution of Formation"), commencing in the City's fiscal year 2014-15, to pay for the public facilities and the public services specified in the Resolution of Formation and to pay the costs of the City in administering the CFD; shall the annual appropriations limit of the CFD be established in the amount of \$25,000,000; and shall the City issue bonds and incur other debt in the maximum aggregate principal amount of \$25,000,000 with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds or the incurrence of such debt on behalf of the CFD, the proceeds of which bonds and other debt will be used to acquire and/or construct certain facilities and pay for the costs of issuing the bonds and other debt and related expenses?

YES: X
NO:

RESOLUTION NO.: 13-148
DATE: NOV 12 2013

EXHIBIT A

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 12th day of
November, 2013.

By: 
Suellen Johnston, City Clerk

RESOLUTION NO.: 13-148
DATE: NOV 12 2013

EXHIBIT A