

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF INTENTION OF THE COUNCIL OF  
THE CITY OF SAN JOSE TO ANNEX TERRITORY INTO  
COMMUNITY FACILITIES DISTRICT NO. 11 (ADELINE –  
MARY HELEN) AND TO AUTHORIZE THE LEVY OF  
SPECIAL TAXES**

**(ANNEXATION AREA NO. 1)**

**WHEREAS**, on June 7, 2005, this Council, pursuant to Chapter 14.27 of Title 14 of the Municipal Code of the City, which incorporates and modifies by reference the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code (together, the “Act”), completed all actions necessary to form and levy special taxes within Community Facilities District No. 11 (Adeline – Mary Helen) (hereinafter, the “CFD 11”); and

**WHEREAS**, this Council has been presented with Annexation Map No. 1, showing the parcels proposed to be annexed to CFD 11;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

1. A map entitled “Annexation Map No. 1 of Community Facilities District No. 11 (Adeline – Mary Helen) City of San Jose, Santa Clara County, California,” (hereinafter, the “Annexation Map No. 1”) has been filed with the City Clerk.
2. Annexation Map No. 1 shows the area to be annexed and the boundaries of the existing CFD 11. The map cross-references the following map affecting CFD 11 entitled, “Proposed Boundaries of Community Facilities District No. 11 (Adeline –

Mary Helen),” City of San José, Santa Clara County, California, filed for record in the office of the County Recorder of the County of Santa Clara on May 5, 2005, under Recorder’s File No. 18356560, Book 41 of Maps of Assessment and Community Facilities Districts at page 4.

3. This Council approves this Annexation Map No. 1 and adopts the boundaries shown on the map as describing the extent of the territory being proposed for annexation to CFD 11.
4. This Council finds that Annexation Map No. 1 is in the form and contains the matters prescribed by Section 3110.5 of the California Streets and Highways Code.
5. The Council directs the Clerk to certify the adoption of this resolution on the face of Annexation Map No. 1, and to file a copy of the map with the County Recorder of the County of Santa Clara for placement in the Book of Maps of Assessment and Community Facilities Districts.
6. This Council hereby determines that the public convenience and necessity require the annexation of additional parcels of land to CFD 11. The parcels of land to be annexed are Santa Clara County Assessor’s Parcel Nos. 455-59-019, 455-59-020, 455-59-021, 455-59-022, 455-59-023, 455-59-024, 455-59-033, 455-91-021, 455-91-022, and 455-91-023. Copies of Annexation Map No. 1 are available for inspection in the City Clerk’s Office.
7. The type of public services (hereinafter, the “Services”) to be financed by CFD 11 and the areas proposed to be annexed shall consist of those items listed as services on Exhibit A hereto and by this reference incorporated herein.

8. The Services authorized to be financed by CFD 11 are not proposed to be expanded or diminished by this annexation.
9. The areas to be annexed shall be subject to the same special tax, from the time of its inclusion in CFD 11, under the rate and method of apportionment contained in the Resolution of Formation of CFD 11, Resolution No. 72708 adopted June 7, 2005. The rate and method of apportionment for CFD 11 is attached hereto as Exhibit B. This special tax will be secured by the recordation of a continuing lien against all non-exempt real property in the area to be annexed.
10. No alteration of rates and method of apportionment of special tax within CFD 11 is contemplated by these proceedings either as pertains to the area already within CFD 11 or as pertains to the area to be annexed.
11. The Council hereby sets June 3, 2025, at 1:30 p.m., or as soon thereafter as the Council may reach the matter, at the City Council Chambers, 200 East Santa Clara Street, San José, California, as the time and place for the public hearing on this Resolution. At that hearing, the testimony of all interested persons for or against the annexation of territory to CFD 8 or the levying of special taxes within the area proposed to be annexed will be heard. Written protests must be filed with the City Clerk at or before the time fixed for the hearing.
12. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication on time in a newspaper of general circulation published in the area of CFD 11. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. Said notice shall be in the form specified in the Act.

13. If no written protest is filed with the City Clerk, the Council shall call a special election pursuant to the Act immediately following the close of the public hearing. It is anticipated that the voters will be the owners of land within the area proposed to be annexed, which will be subject to the special tax, with each landowner eligible to cast one vote for each acre or portion of an acre owned therein.
14. The City Clerk shall commence the canvass of the returns of the special election and tabulate the ballots received after the close of the election in accordance with the Act. The City Clerk shall report the returns to the Council at the earliest opportunity upon conclusion of the canvass at the Council's regularly scheduled meeting. The Council may thereupon declare the results of the special election.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk

## **EXHIBIT A**

### **CITY OF SAN JOSE COMMUNITY FACILITIES DISTRICT NO. 11 (ADELINE – MARY HELEN)**

#### **DESCRIPTION OF PROPOSED SERVICES**

The services proposed to be financed by Community Facilities District No. 11 (Adeline - Mary Helen) (the “CFD”) of the City of San José will provide for the maintenance of sanitary and storm pump stations, including any appurtenances related to the operation of the pump stations and storm water detention pond. Maintenance of the improvements may include but will not be limited to necessary repairs, replacements, equipment, supplies, water, fuel, power, electricity, supervision and all other items needed for the safe and proper maintenance of items set forth below. This list identifies those improvements that are authorized for maintenance by the CFD; however, not all items on this list are guaranteed to be funded by the district.

#### **Items authorized to be maintained:**

- Sanitary sewer pump station
- Storm water pump station
- Storm water detention pond
- Electrical pedestal and generator that support the storm and sanitary pump stations
- Force mains
- Storm and sanitary mains
- Weed abatement around the pump station facilities and detention pond
- Litter and graffiti removal at pump station facilities and retaining wall
- Retaining wall
- Landscaping and irrigation
- Fencing and gates
- Drainage ditches
- Site lighting

**EXHIBIT B**  
**CITY OF SAN JOSE**  
**COMMUNITY FACILITIES DISTRICT NO. 11**  
**(ADELINE – MARY HELEN)**

**RATE AND METHOD OF APPORTIONMENT**

A Services Special Tax shall be levied on all Taxable Parcels within Community Facilities District No. 11 (Adeline - Mary Helen) (the “CFD”), and collected according to the Rate and Method of Apportionment of Special Taxes described herein.

**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 subdivision map or other parcel map recorded at the Santa Clara County Recorder’s Office.

**“Act”** means, collectively, the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 commencing at Section 53311 of the California Government Code, and Chapter 14.27 of Title 14 of the Municipal Code of the City.

**“Administrator”** means the individual(s) designated by the City to administer the CFD in accordance with the authority and powers granted by the City Council.

**“Airspace Parcel”** means an Assessor’s Parcel that shares common vertical space of an underlying land parcel with other parcels that have been assigned Assessor’s Parcel numbers.

**“Assessor’s Parcel” or “Parcel”** means a lot, parcel or Airspace Parcel shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel number.

**“Assessor’s Parcel Map”** means an official map of the County Assessor of the County of Santa Clara designating parcels by Assessor’s Parcel number.

**“City”** means the City of San José.

**“City Council”** means the City Council of the City of San Jose, acting as the legislative body of CFD No.11.

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

**“Electors”** means the qualified voters, who are either the registered voters residing within the CFD (when there are at least 6) or the landowners within the CFD.

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

**“Final Map”** means a final map, or portion thereof, approved by the Director of Public Works pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) and Chapter 19.16 of the San Jose Municipal Code.

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

**“Maximum Special Tax”** means the maximum Special Tax, determined in accordance with Section C below that can be levied on Taxable Property in any Fiscal Year.

**“Public Agency”** means the federal government, State of California or other local governments or public agencies.

**“Residential Property”** means Parcels of Developed Property for which a building permit was issued for construction of a residential structure, including single family detached, duplex, triplex, fourplex, townhome, condominium or apartment units.

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

**“Special Tax Requirement”** means the amount necessary in any Fiscal Year to (i) pay authorized maintenance expenses, (ii) create a sinking fund for replacement of facilities, (iii) pay administrative expenses of CFD No.11, (iv) cure delinquencies in the payment of Special Taxes levied in prior Fiscal Years 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.

**“Subsequent Non-Residential Property”** means (i) a Parcel of Non-Residential Property which had, in any prior Fiscal Year, been taxed as Residential Property, or (ii) a Parcel that was, in the City’s sole discretion, expected to be Residential Property and subsequently had a building permit issued for a non-residential use. Notwithstanding

the foregoing, if the City determines that, in conjunction with a particular Parcel being changed from a residential to a non-residential designation, there was a corresponding transfer of the residential land uses to another Parcel in CFD No. 8, the City may but is not required to categorize that Parcel as Subsequent Non-Residential Property.

**“Taxable Property”** means all Assessors’ Parcels within the boundaries of CFD No. 11 that are not exempt from the Special Tax pursuant to law or Section E below.

**“Unit”** means a residential dwelling unit, including individual single-family detached, duplex (2 units), triplex (3 units), fourplex (4 units), townhome, condominium, or apartment units.

## **B. MAXIMUM SPECIAL TAX**

The Maximum Special Tax for Residential Property in CFD No. 11 is \$625 per Unit for Fiscal Year 2005-06. Beginning January 2, 2006 and each January 2 thereafter, this Maximum Special Tax shall be adjusted by applying the average annual change in the Index that has occurred since the prior year. Each annual adjustment of the Maximum Special Tax shall become effective on the subsequent July 1.

## **C. CALCULATION OF THE SPECIAL TAX**

Each Fiscal Year, the Special Tax shall be levied on Units receiving Special Storm and Sewer Services as follows:

- Step 1: Determine the Special Tax Requirement (see definition in Section A above) for the Fiscal Year in which the Special Tax will be collected;
- Step 2: Calculate the total Special Tax revenues that could be collected from Units of Developed Property receiving Special Storm and Sanitary Sewer Services within the CFD based on application of the Maximum Special Tax rates determined pursuant to Section B above;
- Step 3: If the amount determined in Step 1 is greater than the amount calculated in Step 2, levy the Maximum Special Tax on each Unit of Developed Property receiving Special Storm and Sanitary Sewer Services pursuant to section B above. Even though the Special Tax Requirement is greater than the total Special Tax revenues that can be collected in the CFD, only the Maximum Special Tax may be collected unless a higher Maximum Special Tax is approved by two-thirds of the Electors voting in an election to increase the Maximum Special Tax.



If the amount determined in Step 1 is equal to the amount calculated in Step 2, levy the Maximum Special Tax on Units receiving Special Storm and Sanitary Sewer Services pursuant to section B above.

If the amount determined in Step 1 is less than the amount calculated in Step 2, levy the Special Tax against Units receiving Special Storm and Sanitary Sewer Services in equal percentages up to 100% of the Maximum Special Tax for each Parcel until the amount of the Special Tax levy equals the Special Tax Requirement for that Fiscal Year.

**D. COLLECTION OF THE SPECIAL TAX**

The Special Tax for CFD No. 11 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 11 may (under the authority provided in the Act), in any particular case, bill the taxes directly to the property owner off the County tax roll, and the Special Taxes will be equally subject to penalties and foreclosure if delinquent.

**E. LIMITATIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. If a Parcel had been taxed in any prior Fiscal Year as Residential Property and becomes Subsequent Non-Residential Property, the City has the discretion to levy a Special Tax against such Parcel if the Special Tax revenues generated from the Parcel are needed to meet the Special Tax Requirement.

**F. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning Special Taxes. In addition, the information and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City by ordinance or resolution for purposes of clarifying any vagueness or ambiguity in this Rate and Method of Apportionment.