

## **ORDINANCE NO. 23-\_\_\_**

### **AN ORDINANCE OF THE CITY OF MENIFEE, CALIFORNIA, AMENDING ORDINANCE NO. 2017-231 AND LEVYING SPECIAL TAXES TO BE COLLECTED DURING FISCAL YEAR 2023-24 TO PAY THE ANNUAL COSTS OF THE MAINTENANCE AND SERVICING OF STREET LIGHTS, PARKS, PARKWAYS, STREETS, ROADS, AND OPEN SPACE, THE OPERATION AND MAINTENANCE OF STORM DRAINAGE SYSTEMS, A RESERVE FUND FOR CAPITAL REPLACEMENT, AND ADMINISTRATIVE EXPENSES WITH RESPECT TO CITY OF MENIFEE COMMUNITY FACILITIES DISTRICT NO. 2017-1 (MAINTENANCE SERVICES)**

**WHEREAS**, pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), on December 6, 2017, the City Council (the "City Council") of the City of Menifee (the "City") adopted Resolution No. 17-658 establishing Community Facilities District No. 2017-1 (Maintenance Services) of the City of Menifee, County of Riverside, State of California (the "CFD No. 2017-1") for the purpose of levying special taxes on parcels of taxable property therein for the purpose of providing certain services (the "Services"), which are necessary to meet increased demands placed upon the City and are described in Exhibit A attached hereto; and

**WHEREAS**, on December 20, 2017, the City Council adopted Ordinance No. 2017-231 entitled, "An Ordinance Levying Special Taxes to be Collected During Fiscal Year 2018-19 to Pay the Annual Costs of the Maintenance and Servicing of Street Lights, Parks, Parkways, Streets, Roads, and Open Space, the Operation and Maintenance of Storm Drainage Systems, a Reserve Fund for Capital Replacement, and Administrative Expenses with Respect to City of Menifee Community Facilities District No. 2017-1 (Maintenance Services)" ("Ordinance No. 2017-231"), pursuant to which the City Council levied special taxes with the CFD No. 2017-1; and

**WHEREAS**, on February 15, 2023, the City Council adopted Resolution No. 23-1283 entitled "A Resolution of the City Council of the City of Menifee Declaring Its Intention to Annex Territory to Community Facilities District No. 2017-1 (Maintenance Services) of the City of Menifee, Adopting a Map of the Area to be Proposed to be Annexed (Annexation No. 18) and Authorizing the Levy of a Special Taxes Therein" (the "Resolution of Intention") declaring its intention to annex certain territory to the CFD No. 2017-1 and to levy special taxes within that territory to provide the Services as described in the Resolution of Intention and setting a special public hearing on the proposed annexation for April 5, 2023; and

**WHEREAS**, notice was published as required by the Act relative to the intention of the City Council to annex certain territory to the CFD No. 2017-1, to levy special taxes therein to provide the Services, and to set the time and place of said public hearing; and

**WHEREAS**, on April 5, 2023, at the time and place specified in said published notice, the City Council opened and held a public hearing as required by the Act relative to the annexation of territory in to the CFD No. 2017-1, the levy of the special taxes therein, and the provision of Services by the CFD No. 2017-1; and

**WHEREAS**, at said public hearing all persons desiring to be heard on all matters pertaining to the annexation of territory to the CFD No. 2017-1, the levy of the special taxes therein, and the provision of Services therein were heard, and a full and fair hearing was held; and

**WHEREAS**, subsequent to said public hearing, the City Council adopted Resolution No. 23-\_\_\_ entitled "A Resolution of the City Council of the City of Menifee Calling an Election to Submit to the Qualified Electors the Question of Levying a Special Tax Within the Area Proposed to be Annexed to Community Facilities District No. 2017-1 (Maintenance Services) (Annexation No. 18)" (the "Resolution Calling the

Election”) on April 5, 2023, wherein the City Council submitted the question of levying a special tax in territory proposed to be annexed to the CFD No. 2017-1 at the rate and according to the method of apportionment described therein; and

**WHEREAS**, at said special election on April 5, 2023, the qualified electors of the territory proposed to be annexed to the CFD No. 2017-1 approved said propositions as described in the Resolution Calling the Special Election by more than the two-thirds vote required by the Act; and

**WHEREAS**, subsequent to said special election, the City Council adopted Resolution No. 23-\_\_\_\_ entitled “A Resolution of the City Council of the City of Menifee Declaring the Results of the Special Election Held on April 5, 2023, and Ordering the Annexation of Territory to Community Facilities District No. 2017-1 (Maintenance Services) (Annexation No. 18)” wherein the City Council determined that the territory proposed to be annexed was added to the CFD No. 2017-1 (such territory being referred to herein as “Annexation No. 18”).

**NOW, THEREFORE**, the City Council of the City of Menifee, California does ordain as follows:

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

**Section 2.**     Amendment to Exhibit B of Ordinance No. 2017-231. Exhibit B of Ordinance No. 2017-231 is hereby amended by deleting it in its entirety and replacing it with Revised Exhibit B attached hereto.

**Section 3.**     Amendment to Section 2 of Ordinance No. 2017-231. Section 2 of Ordinance No. 2017-231 is hereby amended by deleting it in its entirety and replacing it with the following:

**Section 2.**     Levy of Special Taxes. Special taxes shall be and are hereby levied for the Fiscal Year 2023-24, and each Fiscal Year thereafter, on all parcels of real property within the Community Facilities District which are subject to taxation, which are identified in Revised Exhibit B attached hereto, and in the amount set forth for each such parcel in said Revised Exhibit B. Pursuant to said Section 53340, such special taxes shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes.

**Section 4.**     Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 5.**     Effective Date. This ordinance shall take effect thirty (30) days from the date of its adoption.

**Section 6.**     Notice of Adoption. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government

Code Section 36933(a) or, cause this Ordinance to be published in a manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933 (c).

This Ordinance was introduced and read on the 5th day of April, 2023 and **APPROVED AND ADOPTED** this 19th day of April, 2023.

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Bill Zimmerman, Mayor

Attest:

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Kay Vinson, Acting City Clerk

Approved as to form:

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Jeffrey T. Melching, City Attorney

## **EXHIBIT A**

### **DESCRIPTION OF SERVICES**

The services which may be funded with proceeds of the special tax of CFD No. 2017-1, as provided by Section 53313 of the Act, will include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing landscaped areas (and may include reserves for replacement) in public street right-of-ways, public landscaping, public open spaces and other similar landscaped areas officially dedicated for public use. These services include the following:

(a) maintenance and lighting of parks, parkways, streets, roads and open space, which maintenance and lighting services may include, without limitation, furnishing of electrical power to street lights and traffic signals; repair and replacement of damaged or inoperative light bulbs, fixtures and standards; maintenance (including irrigation and replacement) of landscaping vegetation situated on or adjacent to parks, parkways, streets, roads and open space; maintenance and repair of irrigation facilities; maintenance of public signage; graffiti removal from and maintenance and repair of public structures situated on parks, parkways, streets, roads and open space; maintenance and repair of playground or recreation program equipment or facilities situated on any park; and

(b) maintenance and operation of water quality improvements which include storm drainage and flood protection facilities, including, without limitation, drainage inlets, catch basin inserts, infiltration basins, flood control channels, fossil fuel filters, and similar facilities. Maintenance services may include, but are not limited to, the repair, removal or replacement of all or part of any of the water quality improvements; fossil fuel filters within the public right-of-way including the removal of petroleum hydrocarbons and other pollutants from water runoff or appurtenant facilities; clearing of inlets and outlets; erosion repairs; and cleanup to improvements, and other items necessary for the maintenance, servicing, or both of the water quality basin improvements within flood control channel improvements; and

(c) public street sweeping, on the segments of the arterials within the boundaries of CFD No. 2017-1; as well as local roads within residential subdivisions located within CFD No. 2017-1; and any portions adjacent to the properties within CFD No. 2017-1.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay "Administrative Expenses," as said term is defined in Exhibit B to the Resolution of Intention (Resolution No. 23-1283).

The above services shall be limited to those provided within the boundaries of CFD No. 2017-1 or for the benefit of the properties within the boundaries of CFD No. 2017-1, as the boundary is expanded from time to time by annexations, and said services may be financed by proceeds of the special tax of CFD No. 2017-1 only to the extent that they are in addition to those provided in the territory of CFD No. 2017-1 before CFD No. 2017-1 was created.

**REVISED EXHIBIT B****(Amending and Replacing Exhibit B of Ordinance No. 2017-231)****COMMUNITY FACILITIES DISTRICT NO. 2017-1 (MAINTENANCE SERVICES)****SPECIAL TAX FISCAL YEAR 2023-24****(Effective as of April 5, 2023)****ASSESSOR'S PARCEL NUMBERS**

<b>Annexation</b>	<b>Owner</b>	<b>Assessor's Parcel Numbers</b>
Original Formation	Stark Menifee Land, LLC	See Next Page
	Stark Menifee Land, LLC & Menifee Multifamily, LLC	
	Several	
1	MLC Holdings	360-210-001
2	Woodside O5S	See Next Page
3	To Be Determined	
4	Lennar Homes of California, Inc.	See Next Page
5	Forester Real Estate Group Inc.	372-040-043, -044
6	Meritage Homes of California, Inc.	372-160-006, -007, -008, -013 and 372-190-003
7	RCFC Investments, LLC	339-020-004, -005, -006, -007, -008, -040, -041, -042, -043 and 339-030-022
8	Pulte Home Company, LLC and Diamond Brother Five Partnership, LP	340-050-034 and 340-050-032
9	D.R.Horton Los Angeles Holding Company, Inc.	See Next Page
10	Briggs & 74, LLC	327-320-028
11	To Be Determined	
12	BLC Fleming, LLC	333-020-011 and 333-020-019
13	FPG Sun Menifee 80 LLC	360-150-019
14	FPG Tricon Menifee Property LLC	372-050-037, -038, -039, -040, -041, - 042
15	Boulders Menifee LLC	339-200-080

<b>Annexation</b>	<b>Owner</b>	<b>Assessor's Parcel Numbers</b>
16	Jefferson Meniffee LLC	364-070-051
17	VSK Investments, LLC	329-020-009 and 329-020-022
18	AH EHC CA 1	364-190-004 and 364-190-005
19	DSMD Cajun Properties	360-020-029

**REVISED EXHIBIT B (cont.)**

**(Amending and Replacing Exhibit B of Ordinance No. 2017-231)**

**COMMUNITY FACILITIES DISTRICT NO. 2017-1 (MAINTENANCE SERVICES)**

**ORIGINAL FORMATION**

**ASSESSOR'S PARCEL NUMBERS**

<b>APN</b>	<b>APN</b>	<b>APN</b>	<b>APN</b>	<b>APN</b>
360850024	360861031	360862008	360862050	360870030
360850029	360861032	360862009	360862051	360870031
360850030	360861033	360862010	360862052	360870032
360850031	360861034	360862011	360862053	360870033
360850032	360861035	360862012	360862054	360870034
360860001	360861036	360862013	360862055	360870035
360860017	360861038	360862014	360862056	360870036
360860026	360861039	360862016	360862057	360870037
360860027	360861040	360862017	360862058	360870038
360860028	360861041	360862018	360862059	360870039
360860041	360861042	360862019	360870001	360870040
360861001	360861043	360862020	360870002	360870041
360861002	360861044	360862021	360870003	360870042
360861003	360861045	360862022	360870004	360870043
360861004	360861046	360862023	360870005	360870044
360861005	360861047	360862024	360870006	360870045
360861006	360861048	360862025	360870007	360870046
360861007	360861049	360862026	360870008	360870047
360861008	360861050	360862027	360870009	360870048
360861009	360861051	360862028	360870010	360870049
360861010	360861053	360862029	360870011	360870050
360861012	360861054	360862031	360870012	360870051
360861013	360861055	360862032	360870013	360870052
360861014	360861056	360862033	360870014	360870053

APN	APN	APN	APN	APN
360861015	360861057	360862034	360870015	360870054
360861016	360861058	360862035	360870016	360870055
360861017	360861059	360862036	360870017	360870056
360861018	360861060	360862037	360870018	360870057
360861019	360861061	360862038	360870019	360870058
360861020	360861062	360862039	360870020	360870059
360861021	360861063	360862040	360870021	360870060
360861022	360861064	360862041	360870022	360870061
360861023	360862001	360862042	360870023	360870062
360861025	360862002	360862043	360870024	360870063
360861026	360862003	360862044	360870025	360870064
360861027	360862004	360862046	360870026	360870065
360861028	360862005	360862047	360870027	360870066
360861029	360862006	360862048	360870028	360880001
360861030	360862007	360862049	360870029	360880002
360880003	360880042	360971003	360972002	360980014
360880004	360880043	360971004	360972003	360980015
360880005	360880044	360971005	360972004	360980016
360880006	360880045	360971006	360972005	360980017
360880007	360880046	360971007	360972006	360980018
360880008	360880047	360971008	360973001	360980019
360880009	360880048	360971009	360973002	360980020
360880010	360880049	360971010	360973003	360980021
360880011	360880050	360971011	360973004	360980022
360880012	360880051	360971012	360973005	360980023
360880013	360880052	360971013	360973006	360980024
360880014	360880053	360971014	360973007	360980025
360880015	360880054	360971015	360973008	360980026
360880016	360880055	360971016	360973009	360980027
360880017	360880056	360971017	360973010	360980028
360880018	360880057	360971018	360973011	360980029



APN	APN	APN	APN	APN
360880019	360880058	360971019	360973012	360980030
360880020	360880059	360971020	360974001	360980031
360880021	360970001	360971021	360974002	360980032
360880022	360970002	360971022	360974003	360980033
360880023	360970003	360971023	360974004	360980034
360880024	360970004	360971024	360974005	360980035
360880025	360970005	360971025	360974006	360980036
360880026	360970006	360971026	360974007	360980037
360880027	360970007	360971027	360974008	360980038
360880028	360970008	360971028	360974009	360981001
360880029	360970009	360971029	360980001	360981002
360880030	360970010	360971030	360980002	360981003
360880031	360970011	360971031	360980003	360981004
360880032	360970012	360971032	360980004	360982001
360880033	360970013	360971033	360980005	360982002
360880034	360970014	360971034	360980006	360982003
360880035	360970015	360971035	360980007	360982004
360880036	360970016	360971036	360980008	360982005
360880037	360970017	360971037	360980009	360982006
360880038	360970018	360971038	360980010	360982007
360880039	360970019	360971039	360980011	360982008
360880040	360971001	360971040	360980012	360982009
360880041	360971002	360972001	360980013	360982010
360982011	364411001	364420019	364422018	364430013
360982012	364411002	364420020	364422019	364430014
360983001	364411003	364420021	364422020	364430015
360983002	364411004	364420022	364422021	364430016
360983003	364411005	364420023	364422022	364431001
360983004	364411006	364420024	364423001	364431002
360983005	364411007	364421001	364423002	364431003
360983006	364411008	364421002	364423003	364431004

APN	APN	APN	APN	APN
360983007	364411009	364421003	364423004	364431005
360983008	364411010	364421004	364423005	364431006
360983009	364411011	364421005	364423006	364431007
360983010	364411012	364421006	364423007	364431008
360983011	364411013	364421007	364423008	364431009
360983012	364411014	364421008	364423009	364431010
364410001	364411015	364421009	364423010	364431011
364410002	364411016	364421010	364423011	364431012
364410003	364411017	364421011	364424001	364431013
364410004	364411018	364422001	364424002	364431014
364410005	364420003	364422002	364424003	364431015
364410006	364420004	364422003	364424004	364431016
364410007	364420005	364422004	364424005	364431017
364410008	364420006	364422005	364424006	364432001
364410009	364420007	364422006	364430001	364432002
364410010	364420008	364422007	364430002	364432003
364410011	364420009	364422008	364430003	364432004
364410012	364420010	364422009	364430004	364432005
364410013	364420011	364422010	364430005	364432006
364410014	364420012	364422011	364430006	364432007
364410015	364420013	364422012	364430007	364432008
364410016	364420014	364422013	364430008	364433001
364410017	364420015	364422014	364430009	364433002
364410018	364420016	364422015	364430010	364433003
364410019	364420017	364422016	364430011	364433004
364410020	364420018	364422017	364430012	

**ANNEXATION NO. 2**  
**ASSESSOR'S PARCEL NUMBERS**

Assessor's Parcel Numbers								
339020039	339362020	339362021	339362022	339362023	339362024	339362025	339362026	339362027
339500001	339500002	339500003	339500004	339500005	339500006	339500007	339500008	339500009
339500010	339500011	339500012	339500013	339500014	339500015	339500016	339500017	339500018
339500019	339500020	339500021	339500022	339500023	339500024	339500025	339500026	339500027
339500028	339501001	339501002	339501003	339501004	339501005	339502001	339502002	339502003
339502004	339502005	339502006	339510001	339510002	339510003	339510004	339510005	339510006
339510007	339510008	339510009	339510010	339510011	339510012	339511001	339511002	339511003
339511004	339511005	339511006	339511007	339511008	339511009	339511010	339511011	339511012
339511013	339511014	339511015	339511016	339511017	339511018	339511019	339511020	339511021
339511022	339511023	339511024	339511025	339511026	339511027	339511028	339511029	339511030
339511031	339512001	339512002	339512003	339512004	339512005	339512006	339512007	339512008
339512009	339512010	339512011	339512012	339512013	339512014	339520001	339520002	339520003
339520004	339520005	339520006	339520007	339520008	339520009	339520010	339520011	339520012
339520013	339520014	339520015	339520016	339520017	339520018	339520019	339521001	339521002
339521003	339521004	339521005	339521006	339521007	339521008	339521009	339521010	339521011
339521012	339522001	339522002	339522003	339522004	339522005	339522006	339522007	339522008
339522009	339522010	339522011	339522012	339522013	339522014	339522015	339522016	339522017
339522018	339522019	339522020	339522021	339522022	339522023	339522024	339522025	339522026
339522027	339522028	339522029						

**ANNEXATION NO. 4**  
**ASSESSOR'S PARCEL NUMBERS**

Assessor's Parcel Numbers						
333070069	333070070	333070071	333070075	333070080	333070081	333070082

**ANNEXATION NO. 9**  
**ASSESSOR'S PARCEL NUMBERS**

<b>Assessor's Parcel Numbers</b>								
331080005	331080006	331080007	331080008	331080009	331080010	331080011	331080012	331080018
331080019	331080020	331080021	331080024	331080025	331080027	331080028		