

**BEFORE THE BOARD OF DIRECTORS**

**OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**

**In Re:**

**RESOLUTION OF FORMATION OF THREE )**  
**RIVERS LEVEE IMPROVEMENT AUTHORITY )**  
**COMMUNITY FACILITIES DISTRICT NO. 2004-1 )**  
**(SOUTH COUNTY AREA), AUTHORIZING THE )**  
**LEVY OF A SPECIAL TAX WITHIN THE )**  
**DISTRICT, PRELIMINARILY ESTABLISHING AN )** Resolution No. 04-06  
**APPROPRIATIONS LIMIT FOR THE DISTRICT, )**  
**SUBMITTING LEVY OF THE SPECIAL TAX AND )**  
**THE ESTABLISHMENT OF THE )**  
**APPROPRIATIONS LIMIT TO THE QUALIFIED )**  
**ELECTORS OF THE DISTRICT )**

**WHEREAS**, on August 24, 2004, this Board of Directors adopted a resolution entitled "Resolution Declaring Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Therein – South County Area" (the "Resolution of Intention") stating its intention to form the Three Rivers Levee Improvement Authority Community Facilities District No. 2004-1 (South County Area) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq. (the "Law"); and

**WHEREAS**, the Resolution of Intention, incorporating by reference a map of the proposed boundaries of the District and describing the public improvements eligible to be financed by the District (the "Facilities"), the cost of financing the Facilities, and the rate and method of apportionment of the special tax to be levied within the District to pay the cost of financing the Facilities and to pay the principal and interest on bonds proposed to be issued with respect to the District, is on file with the Secretary of the Three Rivers Levee Improvement Authority (the "Authority") and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, on this date, this Board of Directors held the public hearing as required by the Law and the Resolution of Intention relative to the proposed formation of the District; and

**WHEREAS**, at the hearing all interested persons desiring to be heard on all matters pertaining to the formation of the District, the Facilities eligible to be funded by the District, and the levy of the special tax were heard and a full and fair hearing was held; and

**WHEREAS**, at the hearing evidence was presented to this Board of Directors on the matters before it, including a report by the Director of Public Works of the County of Yuba (the "Report") as to

the Facilities eligible to be funded by the District and the costs thereof, a copy of which is on file with the Secretary of the Authority, and this Board of Directors at the conclusion of the hearing was fully advised regarding the District; and

**WHEREAS**, written protests with respect to the formation of the District and/or the furnishing of specified types of Facilities as described in the Report have not been filed with the Secretary of the Authority by fifty percent (50%) or more of the registered voters residing within the territory of the District or property owners of one-half (1/2) or more of the area of land within the District and not exempt from the special tax; and

**WHEREAS**, the special tax proposed to be levied in the District to pay for the costs of the Facilities, as set forth in Exhibit B to the Resolution of Intention, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the District or the owners of one-half (1/2) or more of the area of land within the District and not exempt from the special tax.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Three Rivers Levee Improvement Authority as follows:

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

*Section 2.* The proposed special tax to be levied within the District has not been precluded by majority protest pursuant to Section 53324 of the Law. This Board of Directors has heretofore adopted a resolution approving policies for land secured financings, and this Board of Directors hereby finds and determines that the District is in conformity with said policies.

*Section 3.* All prior proceedings taken by this Board of Directors in connection with the establishment of the District 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 Law.

*Section 4.* The community facilities district designated "Three Rivers Levee Improvement Authority Community Facilities District No. 2004-1 (South County Area)" is hereby established pursuant to the Law.

*Section 5.* The boundaries of the District, as described in the Resolution of Intention and set forth in the boundary map of the District recorded on September 8, 2004 at 2:58 p.m. in the Yuba County Recorder's Office at Book 1 of Maps of Assessment and Community Facilities Districts at Pages 48 and 49 (instrument no. 2004R-018114), are hereby approved, are incorporated herein by this reference and shall be the boundaries of the District.

*Section 6.* The list of facilities eligible to be funded by the District pursuant to the Law are as described in Exhibit A to the Resolution of Intention (which Exhibit is, by this reference, incorporated herein). This Board of Directors hereby finds that the Facilities are necessary to meet increased demands placed upon local agencies as the result of development occurring in the District.

*Section 7.* Except to the extent that funds are otherwise available to the District to pay for the Facilities and/or to pay the principal and interest as it becomes due on bonds of the District issued to finance the Facilities, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt real property in the District, will be levied within the District and collected in the same manner as ordinary ad valorem property taxes or in such other manner as this Board of Directors shall determine, including direct billing of the affected property owners. The proposed rate

and method of apportionment of the special tax among the parcels of real property within the District (the "Rate and Method"), in sufficient detail to allow each landowner within the proposed District to estimate the maximum amount such owner will have to pay, are described in Exhibit A to the Resolution of Intention which Exhibit is by this reference incorporated herein; provided, however, that Attachment 1 to the Rate and Method as set forth in said Exhibit A is hereby replaced with Attachment 1 appended to this Resolution which revised Attachment 1 corrects certain clerical errors in the prior Attachment 1. This Board of Directors hereby finds that the basis for the levy and apportionment of the special tax, as set forth in the Rate and Method, is reasonable.

*Section 8.* The Treasurer of the Authority, 915 8<sup>th</sup> Street, Suite 103, Marysville, California 95901-5273, telephone number (530) 749-7840, is the officer of the Authority that will be responsible for preparing annually and whenever otherwise necessary a current roll of special tax levy obligations by assessor's parcel number and which will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Law.

*Section 9.* Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District 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 County ceases.

*Section 10.* In accordance with Section 53325.7 of the California Government Code, the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the District is hereby preliminarily established at \$33,000,000 and said appropriations limit shall be submitted to the voters of the District as provided below. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Law.

*Section 11.* Pursuant to the provisions of the Law, 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 District at an election, the time, place and conditions of which election shall be as specified by a separate resolution of this Board of Directors.

Section 12. This Resolution shall take effect upon its adoption.

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**PASSED AND ADOPTED** this 28<sup>th</sup> day of September, 2004, by the Board of Directors of the Three Rivers Levee Improvement Authority, by the following vote:

AYES: Directors Griego and Webb

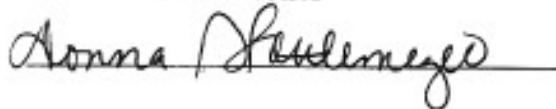
NOES: None

ABSENT: None

ABSTAIN: None

  
Chairperson

ATTEST: DONNA STOTTLEMEYER,  
SECRETARY



APPROVED AS TO FORM: COUNSEL TO  
THE AUTHORITY,  
DANIEL MONTGOMERY



20019.01:J7776  
9/13/04

Attachment 1  
 Three Rivers Levee Improvement Authority  
 Community Facilities District No. 2004-1  
 Maximum One-Time Special Tax For Original Parcels [1]

Updated as of: September 20, 2004

Assessor's Parcel Number	Project Name	Parcel Classification	Development Approval	Gross Developable Acres	Maximum One-Time Special Tax Per Gross Developable Acre	Original Parcel Maximum One-Time Special Tax	Prepayment Year	Prepayment Amount	Percent of Total
013-370-019	Deeper Ranch North	Original Parcel	Tentative Map	88.204	(\$18)	\$1,804,587	n/a		4.75%
013-370-049	Thoroughbred Estates	Original Parcel	Tentative Map	19.259	\$22,500	\$433,301	n/a		1.04%
013-370-050	Thoroughbred Estates	Original Parcel	Tentative Map	80.431	\$22,500	\$1,809,693	n/a		4.33%
014-260-003	Deeper Ranch North	Original Parcel	Tentative Map	46.696	\$22,500	\$1,060,683	n/a		2.91%
014-260-004	Thoroughbred Estates	Original Parcel	Tentative Map	9.911	\$22,500	\$223,007	n/a		0.53%
014-260-019	Wheeler Ranch	Original Parcel	Tentative Map	4.748	\$22,500	\$106,839	n/a		0.28%
014-260-042	Ward Farms	Original Parcel	Tentative Map	18.446	\$22,500	\$415,035	n/a		0.99%
014-260-046	Hawes Ranch	Original Parcel	Tentative Map	19.459	\$22,500	\$437,818	n/a		1.05%
014-260-047	Hawes Ranch	Original Parcel	Tentative Map	19.459	\$22,500	\$437,818	n/a		1.05%
014-260-049	Crossroads	Original Parcel	Tentative Map	9.223	\$22,500	\$207,518	n/a		0.50%
014-260-057	Ward Farms	Original Parcel	Tentative Map	4.612	\$22,500	\$103,759	n/a		0.25%
014-260-074	Crossroads	Original Parcel	Tentative Map	8.209	\$22,500	\$184,691	n/a		0.44%
014-260-076	Crossroads	Original Parcel	Tentative Map	7.904	\$22,500	\$177,842	n/a		0.43%
014-260-077	Crossroads	Original Parcel	Tentative Map	7.895	\$22,500	\$177,635	n/a		0.42%
014-260-102	Wheeler Ranch	Original Parcel	Tentative Map	279.432	\$22,500	\$6,287,661	n/a		16.04%
014-260-105	Ward Farms	Original Parcel	Tentative Map	16.528	\$22,500	\$371,871	n/a		0.89%
014-260-107	Ward Farms	Original Parcel	Tentative Map	22.965	\$22,500	\$516,719	n/a		1.24%
014-300-031	The Meadows	Original Parcel	Tentative Map	28.489	\$22,500	\$641,230	n/a		1.53%
014-300-016	Deeper Ranch South	Original Parcel	Tentative Map	97.500	\$22,500	\$2,193,750	n/a		5.25%
016-040-061	Ross Ranch	Original Parcel	None	139.200	\$22,500	\$3,132,000	n/a		7.69%
016-040-085	Rio Del Oro - Phase 2	Original Parcel	Tentative Map	13.852	\$22,500	\$312,345	n/a		0.75%
016-040-087	Rio Del Oro - Phase 2	Original Parcel	Tentative Map	30.476	\$22,500	\$685,710	n/a		1.64%
016-060-027	Plumas Lakes/KB Homes	Original Parcel	Tentative Map	77.311	\$22,500	\$1,739,498	n/a		4.16%
016-060-035	Rio Del Oro - Phase 2	Original Parcel	Tentative Map	34.569	\$22,500	\$777,803	n/a		1.86%
016-060-040	Rio Del Oro - Phase 2	Original Parcel	Tentative Map	69.050	\$22,500	\$1,552,625	n/a		3.17%
016-060-041	Rio Del Oro - Phase 2	Original Parcel	Tentative Map	30.698	\$22,500	\$690,705	n/a		1.65%
016-060-042	Rio Del Oro - Phase 2	Original Parcel	Tentative Map	46.443	\$22,500	\$1,044,968	n/a		2.50%
022-010-001	Creekside Village	Original Parcel	Tentative Map	26.845	\$22,500	\$604,001	n/a		1.44%
022-010-003	Creekside Village	Original Parcel	Tentative Map	1.162	\$22,500	\$26,147	n/a		0.06%
022-010-004	Creekside Village	Original Parcel	Tentative Map	14.743	\$22,500	\$331,727	n/a		0.79%
022-020-001	Woodside Village	Original Parcel	Tentative Map	62.662	\$22,500	\$1,409,891	n/a		3.37%
022-020-002	Woodside Village	Original Parcel	Tentative Map	5.521	\$22,500	\$124,223	n/a		0.30%
022-020-003	Woodside Village	Original Parcel	Tentative Map	5.392	\$22,500	\$121,311	n/a		0.29%
022-020-004	Woodside Village	Original Parcel	Tentative Map	47.286	\$22,500	\$1,064,151	n/a		2.54%
022-020-005	Riverside Meadows	Original Parcel	Tentative Map	26.813	\$22,500	\$603,284	n/a		1.44%
022-020-006	Riverside Meadows	Original Parcel	Tentative Map	42.938	\$22,500	\$966,101	n/a		2.31%
022-020-007	Riverside Meadows	Original Parcel	Tentative Map	14.351	\$22,500	\$322,693	n/a		0.77%
022-020-021	Riverside Meadows	Original Parcel	Tentative Map	5.201	\$22,500	\$117,014	n/a		0.28%

Prepared by CFS

12579 Special Tax Rates 1.xls 8/26/04

Attachment 1  
 Three Rivers Levee Improvement Authority  
 Community Facilities District No. 2004-1  
 Maximum One-Time Special Tax For Original Parcels [1]

Updated as of: September 20, 2004

Assessor's Parcel Number	Project Name	Parcel Classification	Development Approval	Gross Developable Acres	Maximum One-Time Special Tax		Prepayment Year	Prepayment Amount	Percent of Total
					Per Gross Developable Acre	Original Parcel Maximum One-Time Special Tax			
022-030-002	Riverside Meadows	Original Parcel	Tentative Map	9.813	\$22,500	\$220,781	n/a		0.53%
022-030-003	Riverside Meadows	Original Parcel	Tentative Map	26.387	\$22,500	\$593,717	n/a		1.42%
022-030-004	Riverside Meadows	Original Parcel	Tentative Map	28.669	\$22,500	\$645,048	n/a		1.54%
022-030-005	Riverside Meadows	Original Parcel	Tentative Map	16.779	\$22,500	\$377,537	n/a		0.90%
022-040-002	River Oaks South	Original Parcel	Tentative Map	36.550	\$22,500	\$822,375	n/a		1.97%
022-040-005	River Oaks South	Original Parcel	Tentative Map	7.521	\$22,500	\$169,223	n/a		0.40%
022-040-006	River Oaks South	Original Parcel	Tentative Map	9.758	\$22,500	\$219,553	n/a		0.53%
022-040-007	River Oaks East	Original Parcel	Tentative Map	31.053	\$22,500	\$698,684	n/a		1.67%
022-040-008	River Oaks East	Original Parcel	Tentative Map	67.877	\$22,500	\$1,527,242	n/a		3.65%
022-050-003	River Oaks North	Original Parcel	Tentative Map	10.309	\$22,500	\$231,962	n/a		0.55%
022-050-004	River Oaks North	Original Parcel	Tentative Map	26.961	\$22,500	\$606,614	n/a		1.45%
<b>Totals</b>				<b>1,858.475</b>		<b>\$41,815,684</b>			<b>100.00%</b>
<b>Tentative Map Acres</b>				<b>1,745.575</b>					

50.17

[1] Original Parcels are assigned a Maximum One-Time Special Tax based on the Gross Developable Acres of a Parcel multiplied by the Maximum One-Time Special Tax per Gross Developable Acre. As a Parcel is subdivided into Successor Parcels, these shall be no net loss of Maximum CFD Revenue. Taxable Parcels must either fully or partially prepay the Special Tax obligation prior to recordation of a final map. This table will be updated each Fiscal Year by the Administrator and used to calculate future Special Taxes.

[2] As verified by County as of June 30, 2004.

[3] Gross Developable Acreage (1,858) of Original Parcels with Tentative Maps as of June 30, 2004 are shown in this table.

[4] Gross Developable Acres excludes portions of projects zoned for other than residential uses.

[5] The Maximum One-Time Special Tax per Gross Developable Acre is increased by 3% annually in each Fiscal Year following the Base Year of 2004-2005.

[6] A large lot final map was recorded in April of 2004 for this APN. The large lot final map created a parcel with 77.311 GDAs. This parcel is owned by KB Home - North Bay Inc. The remaining parcels are owned by a single party and are not part of the CFD.