

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

DECLARING INTENTION TO FORM CITY OF ALAMEDA  
COMMUNITY FACILITIES DISTRICT NO. 25-1 (WEST MIDWAY  
FACILITIES), AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX  
THEREIN TO FINANCE PUBLIC FACILITIES IN AND FOR SUCH  
COMMUNITY FACILITIES DISTRICT

WHEREAS, under the City of Alameda Special Tax Financing Improvement Code, Section 3-70.1 et seq. of the Alameda Municipal Code (the "Law") and the Mello-Roos Community Facilities Act of 1982, being Section 53311 et seq. of the California Government Code (the "Act"), the City Council of the City of Alameda (the "City Council") is authorized to establish a community facilities district and a future annexation area, and to act as the legislative body for such community facilities district; and

WHEREAS, the City Council intends to form a community facilities district under the provisions of the Law, as augmented by the Act in these proceedings and in the any future proceedings to issue special tax bonds for such district; and

WHEREAS, the Law provides that for purposes of financing of, or contributing to the financing of, all or a portion of facilities to be financed by the community facilities district, the legislative body may designate a portion or portions of the district as one or more improvement areas (each an "Improvement Area") and that after the designation of an Improvement Area, all proceedings for purposes of a bond election and for the purpose of levying special taxes for payment of the bonds shall apply only to such Improvement Area for those specified facilities; and

WHEREAS, the City Council desires to proceed with the establishment of a community facilities district and designation of an initial Improvement Area therein (herein, "Improvement Area No. 1"), and a future annexation area related thereto ("Future Annexation Area"), all in order to finance costs of infrastructure necessary or incidental to new development in the City.

NOW, THEREFORE, BE RESOLVED, as follows:

1. It is proposed to establish a community facilities district, to designate Improvement Area No. 1, and to identify future annexation area within the City under the terms of the Law to finance costs of infrastructure necessary or incidental to new development in the City, which may include the payment of development impact fees related thereto.

2. The name proposed for the community facilities district is the "City of Alameda Community Facilities District No. 25-1 (West Midway Facilities)" (the "CFD"). The name proposed for the initial improvement area of the CFD is "Improvement Area No. 1 of City of Alameda Community Facilities District No. 25-1 (West Midway Facilities)".

The name proposed for the Future Annexation Area is the "City of Alameda Community Facilities District No. 25-1 (West Midway Facilities) (Future Annexation Area)".

Pursuant to Section 3-70.85 of the Law, the territory to be initially included in the CFD (as shown on the map described in Section 3 hereof) is hereby designated to include Improvement Area No. 1. The initial boundary of the CFD is coterminous with the initial boundary of Improvement Area No. 1.

3. The proposed boundaries of the CFD, Improvement Area No. 1 and the Future Annexation Area are as shown on the map of them on file with the Clerk, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars. The Clerk is hereby directed to record, or cause to be recorded, the map of the boundaries of the CFD, Improvement Area No. 1 and the Future Annexation Area in the office of the Alameda County Recorder within 15 days of the date of adoption of this Resolution. The City Council finds that the map is in the form and contains the matters prescribed by Section 3110 of the California Streets and Highways Code.

Parcels within the Future Annexation Area may be annexed to the CFD with the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed and all or any portions of territory that annex into the CFD from the Future Annexation Area or otherwise may be annexed into Improvement Area No. 1 or into a separate Improvement Area then in existence or to be designated at the time of such annexation (a "Future Improvement Area"), all without any requirement for additional public hearings, resolutions of the City Council or other additional proceedings.

In connection with establishing a Future Improvement Area, all proceedings for approval of an appropriations limit, the rate and method of apportionment and manner of collection of special taxes, and the authorization to incur bonded indebtedness may differ from Improvement Area No. 1 or any other Improvement Areas, all as set forth in the Unanimous Approval, and shall apply only to the parcel or parcels within such Future Improvement Area.

Likewise, all or any portions of territory that annex into the CFD from the Future Annexation Area or otherwise may be annexed into a separate zone of Improvement Area No. 1 or any Improvement Area then in existence or to be designated at the time of such annexation and no additional hearings or procedures are required and the rate and method of apportionment applicable to such zone may differ from other areas of the CFD as set forth in the Unanimous Approval and shall apply only to the parcel or parcels within such zone, all as provided in the Unanimous Approval.

4. Except to the extent that funds are otherwise available to the CFD to pay for the Facilities (as defined below), and/or the principal and interest as it becomes due on bonds issued by the City for each Improvement Area within the CFD to construct and/or acquire the Facilities, a special tax (the "Special Tax") sufficient to pay the costs

thereof, secured by recordation of a continuing lien against all non-exempt real property in the applicable Improvement Area of the CFD, will be levied annually within each Improvement Area, and collected in the same manner as ordinary ad valorem property taxes, or in such other manner as the City Council or its designee 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 Improvement Area No. 1 of the CFD, in sufficient detail to allow each landowner within Improvement Area No. 1 of the proposed CFD to estimate the maximum amount such owner will have to pay, are described in the Rate, Method of Apportionment and Manner of Collection of Special Tax attached hereto as Exhibit A and hereby incorporated herein (the "Rate and Method"). At such time as territory within the Future Annexation Area is annexed into the CFD pursuant to the Unanimous Approval, approval of a rate and method of apportionment for such territory may differ from that of other Improvement Areas as set forth in the Unanimous Approval, and shall provide sufficient detail to allow each landowner within the annexed territory to estimate the maximum amount such owner will have to pay.

The Special Tax shall not be levied in an Improvement Area after the fiscal year identified in the rate and method for such Improvement Area, except that the Special Tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

For Future Improvement Areas, a different rate and method may be adopted than the Rate and Method adopted for Improvement Area No. 1 if the annexed territory is designated as a separate zone or improvement area. No supplements to the Rate and Method for any of the Future Improvement Areas and no new rate and method will cause the maximum tax rate in the then-existing territory of the CFD (including Improvement Area No. 1) to increase. The designation as an improvement area of any territory annexing to the CFD, the maximum amount of bonded indebtedness and other debt for such improvement area, the facilities to be financed, the rate and method of apportionment of special tax for such improvement area and the appropriations limit for such improvement area shall be identified and approved in the Unanimous Approval executed by the applicable property owner(s) in connection with each annexation to the CFD from the Future Annexation Area. The annexation and related matters described in the Unanimous Approval shall be implemented and completed without the need for City Council approval as long as the following conditions are met:

- (i) The rate and method of apportionment of special tax for the new improvement area is prepared by a special tax consultant retained by the City.
- (ii) The rate and method of apportionment of special tax for the new improvement area substantially complies with the City's local goals and policies concerning the use of the Law.

(iii) The rate and method of apportionment of special tax for the new improvement area includes a mechanism that protects against revenue loss as a result of land use changes.

(iv) The Special Tax proposed to pay for the Facilities to be supplied within the territory annexed will be equal to the Special Taxes levied to pay for the same Facilities in previously-existing areas of the CFD and Improvement Area No. 1, except that (a) a higher Special Tax may be levied on territory annexing into the CFD to pay for the same Facilities to compensate for the interest and principal previously paid from Special Taxes in the original area of the CFD and Improvement Area No. 1, less any depreciation allocable to the financed Facilities, and (b) a higher Special Tax may be levied on territory annexing into the CFD to pay for new or additional Facilities, with or without bond financing.

5. The type of facilities proposed to be financed in whole or in part by the CFD, Improvement Area No. 1 and any Future Improvement Areas and pursuant to the Law shall consist of those items listed on Exhibit B hereto (the "Facilities"). The Council hereby determines that the Facilities are necessary to meet increased demands placed upon local agencies as the result of development occurring within the CFD and the Future Annexation Area. The financing of the costs of Facilities may include, without limitation, the payment of principal of and interest on bonds together with all direct, indirect periodic, and/or other related costs (including, without limitation, costs of administering the CFD, levying the Special Tax and administering the bonds, and establishing and replenishing reserve funds). Land annexed into the CFD pursuant to a Unanimous Approval may specify additional facilities to be financed by the Special Taxes levied on such annexed land, as set forth in the Unanimous Consent, without additional proceedings, provided the conditions set forth in this Section with respect to the original Facilities are met.

This City Council hereby finds that the provisions of Section 3-70.7 of the Law (relating to school facilities financed by a community facilities district) are inapplicable to the proposed CFD.

6. Except as may otherwise be provided by law or by the Rate and Method, all lands owned by any public entity, including the United States, the State of California and the City, or any departments or political subdivisions thereof, shall be omitted from the levy of the Special Tax. In the event that a portion of the property within the CFD shall become for any reason exempt, wholly or in part, from the levy of the Special Tax, the City Council will, on behalf of the CFD, increase the levy to the extent necessary upon the remaining property within the applicable Improvement Area which is not exempt in order to yield the required debt service payments and other annual expenses of such Improvement Area, if any, subject to the provisions of the applicable Rate and Method. It is anticipated that the Special Tax will be billed as a separate line item on the regular property tax bill. However, the City Council reserves the right to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of the City, including, but not limited to, direct billing by the City to the property owners and supplemental billing.

7. The levy of the Special Tax shall be subject to the approval of the applicable qualified electors of the CFD at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballot among the landowners in Improvement Area No. 1, with each owner having one vote for each acre or portion of an acre such owner owns in Improvement Area No. 1. The levy of the special tax on parcels within the Future Annexation Area and annexed to the CFD shall be subject to the approval of the qualified elector by execution of the Unanimous Approval, and a special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed to the CFD, without any requirement for further public hearings or additional proceedings.

8. It is the intention of the City Council, acting as the legislative body for the CFD, to cause bonds of the City to be issued for each Improvement Area pursuant to the Law to finance in whole or in part the construction and/or acquisition of Facilities. The bonds issued in these proceedings shall be callable in accordance with the provisions of the Law, and shall be issued in such series and bear interest payable semi-annually or in such other manner as the City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, shall mature not to exceed 50 years from the date of the issuance thereof and shall be as more specifically set forth in any resolution authorizing the issuance of such bonds.

9. The City Finance Director, as the officer having charge and control of the Facilities in and for the CFD, or the designee of such official, is hereby directed to cause and direct a study of said proposed CFD and the Facilities, and to cause to be prepared for filing at the public hearing the report required by Section 3-70.26 of the Law (the "CFD Report") presenting at least the following:

(a) A brief description of the Facilities proposed to be financed by type.

(b) An estimate of the cost of providing the Facilities, including the costs of the proposed bond financing, the City's administration of the CFD and incidental expenses as provided in Section 3-70.26 of the Law.

The CFD Report shall be made a part of the record of the public hearing specified below.

10. Pursuant to Section 3-70.9 of the Law, at any time either before or after the formation of the CFD, the legislative body may accept advances of funds or work in kind from any source, including, but not limited to, private persons or entities, and may provide, for the use of those funds or that work in kind for any authorized purpose, under all of the following conditions: (a) the proposal to repay the funds or the value or cost of the work in kind, whichever is less, is included in both this Resolution and in the resolution of formation of the district; (b) any proposed Special Taxes are approved by the qualified electors of the CFD pursuant to the Law; and (c) any work in kind accepted pursuant to

Section 3-70.9 of the Law is performed or constructed as if the work had been performed or constructed pursuant to plans approved by the City, and the work-in-kind shall be inspected by the City and found to be in compliance with applicable City building codes and standards. This Council finds that the City may accept advances of funds or work in kind if necessary, and may enter into an agreement (an "Acquisition Agreement"), with the person or entity advancing the work in-kind, to reimburse the person or entity for the value, or cost, whichever is less, of the work in-kind, as determined by the City Council, with or without interest, under the conditions specified in the Law and the Acquisition Agreement. The City and the developer of the project intend to enter into an Acquisition Agreement.

11. The City Council hereby sets Tuesday, September 2, 2025, at 7:00 p.m., at the City of Alameda City Hall Council Chambers located at 2263 Santa Clara Avenue, Alameda, California 94501, as the time and place when and where the City Council, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and the designation of Improvement Area No. 1 and the Future Annexation Area, and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD, the designation of Improvement Area No. 1 and the Future Annexation Area, and the levy of the Special Tax. At the hearing, testimony concerning the CFD, the designation of Improvement Area No. 1, the extent of the CFD and the Future Annexation Area, or the furnishing of the particular types of facilities will be heard and protests will be considered from registered voters residing within the CFD and persons owning real property within the CFD. Written protests by the owners of a majority of the land which would be subject to special taxation within the proposed CFD will require the suspension of proceedings for at least one year. Written protests must be filed with the City Clerk at or before the time fixed for the hearing. If such protests are directed only against certain elements of the proposed improvements or proposed special tax, and if such protests constitute a majority protest, only those elements shall be deleted from the proceedings.

12. The City Clerk is hereby directed to cause notice of the public hearing, attached hereto as Exhibit C, to be given by one-time publication in a newspaper published in the area of the CFD and the Future Annexation Area. The publication shall be completed at least 7 days before the date of the public hearing referenced above. The notice shall be substantially in the form specified in Section 3-70.27 of the Law and attached hereto, with the form summarizing the provisions hereof hereby specifically approved.

13. This Resolution shall take effect from and after its adoption.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 15<sup>th</sup> day of July 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set by hand and affixed the official seal of said City this 16<sup>th</sup> day of July 2025.

---

Lara Weisiger, City Clerk  
City of Alameda

Approved as to Form:

---

Yibin Shen, City Attorney  
City of Alameda

EXHIBIT A

[INSERT RATE AND METHOD OF APPORTIONMENT]



## EXHIBIT B

### DESCRIPTION OF FACILITIES ELIGIBLE FOR FINANCING BY THE CFD

The CFD shall be eligible to finance all or a portion of the costs of the following:

The acquisition and construction of: roadways, sanitary sewer systems and any components thereof, stormwater drainage systems and any components thereof, water systems and any components thereof, curbs, gutters and sidewalks, and street lights and traffic signals, all within and in the vicinity of the CFD; including the acquisition of any related right-of-way and other land needed for the installation of any such improvements, demolition of existing structures and site leveling needed for the installation of any such improvements, erosion control, landscaping, joint trench, acquisition and installation of street furniture, and other appurtenances.

The facilities eligible to be financed shall include the costs of design, engineering, and planning, the costs of any environmental or other studies, surveys or reports, the cost of any required environmental mitigation, soils testing, permits, plan check and inspection fees, insurance, legal and related overhead costs, coordination and supervision, City of Alameda staff and consultant costs, and any other costs or appurtenances related to any of the public improvements to be financed or any of the foregoing.

Authorized facilities include development impact fees paid and not otherwise reimbursed, whether standard City fees levied at the time of issuance of a building permit or required as part of the Development Agreement for the property. Fees include but are not limited to, Main Street Adaptation Contribution Fee, Sewer Connection Fee, City of Alameda Development Impact Fee ("DIF") (Public Safety Facilities Fee, General Public Facilities Fee, Transportation Fee, Park and Recreation Facilities Fee), Public Art Fee, Citywide Inclusionary Fee/Affordable Housing Fee and any other eligible fees from the City or other jurisdictions.

## EXHIBIT C

### FORM OF

#### NOTICE OF PUBLIC HEARING ON PROPOSED CITY OF ALAMEDA COMMUNITY FACILITIES DISTRICT NO. 25-1 (WEST MIDWAY FACILITIES), IMPROVEMENT AREA NO. 1 AND FUTURE ANNEXATION AREA

The City of Alameda is considering the formation of a community facilities district (the “CFD”), the designation of Improvement Area No. 1, and establish a future annexation area for the CFD (the “Future Annexation Area”) under the authority of the City of Alameda Special Tax Financing Improvement Code, Section 3-70.1 et seq. of the Alameda Municipal Code (the “Law”), to fund certain facilities related to new development within the City of Alameda, and to incur bonded indebtedness of the CFD.

This Notice contains a brief summary of the proposal, but you are referred to the City Council’s Resolution Declaring Intention to Form a Community Facilities District, Designate an Improvement Area therein, Establish a Future Annexation Area, Provide for Additional Future Improvement Areas Therein, and to Authorize the Levy of a Special Tax therein to Finance Public Facilities in and for Such Community Facilities District (Resolution No. \_\_\_\_\_, adopted July 15, 2025) and its Resolution Declaring Intention to Incur Bonded Indebtedness to Finance the Acquisition and Construction of Certain Facilities in and for a Community Facilities District and Improvement Areas Therein (Resolution No. \_\_\_\_\_, adopted July 15, 2025) for details of the proposals.

The proposal is to subject the property within the CFD to a special tax which will be used to pay for authorized facilities within the CFD, including paying principal and interest on bonds used to build facilities. The proceeds of the bonds will be used to pay for the facilities and other expenses set forth in the resolutions referred to in the preceding paragraph. A map showing the land proposed to be included in Improvement Area No. 1 of the CFD and the Future Annexation Area is on file with the City Clerk.

Property within the Future Annexation Area may be annexed to Improvement Area No. 1, any other Improvement Area then-existing, or a new Improvement Area of the CFD, and a special tax will be levied on such property, only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed to the CFD, without additional hearings or proceedings.

As set forth below, the City Council will hold a public hearing on the establishment of the CFD, the designation of Improvement Area No. 1, and the establishment of the Future Annexation Area, the facilities to be financed by the CFD, and the levy of the special tax within the CFD.

The proposal also includes authority to issue bonds to be repaid by the facilities portion of the special tax. The bonded indebtedness for the CFD is proposed in an amount not to exceed \$35,000,000 (the “Authorization”), initially allocated as follows: (i) for land within Improvement Area No. 1, \$26,000,000 and (ii) for land that may annex into

a Future Improvement Area from the Future Annexation Area, \$9,000,000. Neither the City of Alameda nor any person outside the CFD has any liability for the special tax or the bonds. The security for the bonds is limited to the property subject to the special tax within the applicable Improvement Area of the CFD.

In order to confer the authority upon the City Council of the City of Alameda to levy the special tax and to issue the bonds, a public hearing must be held on the proposal, then the City Council will decide whether to form the CFD, and finally the qualified electors within the CFD must approve the proposal by a two-thirds vote. Where the CFD is uninhabited (as is the case here) the qualified electors are, pursuant to law, the owners of property within the CFD.

This is the notice of the public hearing. The public hearing will be held during the City Council meeting on Tuesday, September 2, 2025, at 7:00 p.m., at the City of Alameda City Hall Council Chambers located at 2263 Santa Clara Avenue, Alameda, California 94501.

At the hearing, the testimony of all interested persons or potential special taxpayers for or against the formation of the CFD and the Future Annexation Area, the authorization to levy the special tax, and the authorization to issue the bonds will be heard.

If written protests against the proposed CFD are delivered to the City Clerk at or before the time set for the hearing by either registered voters residing within, or the owners of property within, the proposed CFD, they will be counted toward a possible majority protest. Such protests by a majority of the registered voters residing within the CFD or by the owners of a majority of the land area within CFD which is or will be subject to the special tax, if not withdrawn prior to the close of the hearing so as to reduce the value of the protests to less than a majority, will require the proposed CFD to be eliminated from immediate consideration, and prevent its being included in a subsequent proceeding for at least one year.

If written protests against the establishment of the proposed Future Annexation Area are delivered to the City Clerk at or before the time set for the hearing by either registered voters residing within, or the owners of property within, the proposed Future Annexation Area, they will be counted toward a possible majority protest. Such protests by a majority of the registered voters residing within the proposed Future Annexation Area or by the owners of a majority of the land area within the proposed Future Annexation Area which is or will be subject to the special tax when annexed to the CFD, if not withdrawn prior to the close of the hearing so as to reduce the value of the protests to less than a majority, the City Council shall take no further action to create the Future Annexation Area for a period of one year from the date of decision of the City Council.

If the City Council, after the public hearing, determines that a majority protest was not made at the hearing, the City Council may conduct an election by mailed ballot to levy a special tax within the CFD.

Questions should be directed to the undersigned, telephone (510) 747-4800.

Dated: \_\_\_\_\_, 2025

\_\_\_\_\_  
/s/ Lara Weisiger  
Lara Weisiger, City Clerk  
City of Alameda