

**STANDALONE TAX SHARING AGREEMENT
BETWEEN THE CITY OF FRESNO AND THE COUNTY OF FRESNO
REGARDING CALIFORNIA-WILLOW NO. 4 REORGANIZATION**

THIS STANDALONE TAX SHARING AGREEMENT BETWEEN THE CITY OF FRESNO AND THE COUNTY OF FRESNO REGARDING CALIFORNIA-WILLOW NO. 4 REORGANIZATION (AGREEMENT) is made and entered into on this _____ day of _____, 2023, by and between the CITY OF FRESNO, a municipal corporation of the State of California (CITY) and the COUNTY OF FRESNO, a political subdivision of the State of California (COUNTY).

RECITALS

- A. Revenue and Taxation Code Section 99 requires that CITY and COUNTY enter into a property tax sharing agreement prior to annexation approval of unincorporated COUNTY territory into CITY's jurisdictional limits by the Fresno Local Area Formation Commission (LAFCo).
- B. CITY and COUNTY were previously parties to that certain Amended and Restated Memorandum of Understanding, dated January 6, 2003 (the 2003 MOU), a master tax sharing agreement sanctioned by Revenue and Taxation Code Section 99(d).
- C. The 2003 MOU expired on August 29, 2020.
- D. On November 9, 2022, by Resolution No. 2022-244, CITY authorized submission of an annexation application to LAFCo for the area covered by CITY Annexation Application No. P22-00411, which area is more particularly set forth in **Exhibit A** hereto and incorporated herein by this reference (the ANNEXATION), "[s]ubject to approval of a Revenue and Taxation Code Section 99 tax sharing agreement between the City of Fresno and County of Fresno evidencing revenue neutrality to the City of Fresno as required by Fresno Municipal Code Section 15-6104(C)."
- E. In the absence of a master tax sharing agreement, the City and County now desire to enter into a standalone tax sharing agreement, using the real property tax apportionment formula provided by the 2003 MOU, but only for real property in the ANNEXATION, pursuant to Revenue and Taxation Code Section 99(a)(6), under the mutually agreed upon terms set forth herein.

F. The development of the real property identified in the ANNEXATION would best be served by being annexed to CITY. CITY and COUNTY further share a mutual interest in (1) the acquisition by CITY of the rights-of-way identified in **Exhibit B**, attached hereto and incorporated herein by this reference, as this annexation of additional territory by CITY and acquisition of the rights-of-way by CITY would serve the public interest by minimizing creation of peninsulas, corridors, and other distortions of boundaries. At COUNTY's request, CITY has agreed to include a plan to accomplish the aforementioned as part of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the covenants, conditions, and premises hereinafter contained to be kept and performed by the respective parties, it is mutually agreed as follows:

1. Definitions.

- a. **Base Property Tax Revenue** means Property Tax Revenue allocated by tax rate equivalents to all taxing jurisdictions as to the geographic area comprising a given tax rate area annexed in the fiscal year immediately preceding the tax year in which property tax revenues are apportioned pursuant to this Agreement, including the amount of State reimbursement for the homeowners' exemption.
- b. **Property Tax Increment** means revenue from the annual tax increment, as "annual tax increment" is defined in Section 98 of the Revenue and Taxation Code, attributable to the tax rate area for the respective fiscal year.
- c. **Substantially Developed** means real property which, prior to annexation, has an improvement value to land value ratio equal to or greater than 1.25:1, as determined by the Fresno County Assessor's records, as of the property tax lien date in the fiscal year in which the annexation becomes effective under the Cortese-Knox Local Government Reorganization Act, and on and after January 1, 2001, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

- d. **Property Tax Revenue** means Base Property Tax Revenue, plus the Property Tax Increment for a given tax rate area in a given fiscal year.

2. Property Tax Revenues.

- a. **General.** The Property Tax Revenue collected in relation to the annexation of the real property in the geographical area covered by the ANNEXATION shall be apportioned between CITY and COUNTY as set forth in sections 2.b. and 2.c. below. The parties acknowledge that, pursuant to Sections 54902, 54902.1, and 54903 of the Government Code and Sections 97 and 99 of the Revenue and Taxation Code, the distribution of such Property Tax Revenues will not be effective until the revenues are collected in the fiscal year following the calendar year in which the related statement of boundary changes and the related map or plat is filed with the County Assessor and the State Board of Equalization.

- b. **Property Not Substantially Developed.** Regarding real property in the ANNEXATION, which is not considered Substantially Developed at the time of annexation, COUNTY will retain all of its Base Property Tax Revenue upon the annexation of such geographical area to the CITY. The amount of the Property Tax Increment allocated to special districts whose services are assumed by CITY shall be combined with the Property Tax Increment allocated to COUNTY, the sum of which shall be allocated between CITY and COUNTY pursuant to the following ratio:

COUNTY: 62%

CITY: 38%

- c. **Substantially Developed Property.** Regarding the real property in the ANNEXATION, which is considered Substantially Developed at the time of annexation, Property Tax Revenue (base plus increment) will be reallocated as follows: a detaching or dissolving district's Property Tax Revenue (base plus increment) shall be combined with COUNTY's and the sum shall be allocated between CITY and COUNTY pursuant to the ratio set forth in section 2.b. above.

1 **3. Effective Date.** The Agreement shall not become effective until both (1) execution by
2 both parties hereto and (2) fulfillment of the condition precedent set forth herein.

3 a. **Condition Precedent.** It shall be a condition precedent of this Agreement that
4 the Developer of the initial ANNEXATION amends the conditions of approval of
5 Vesting Tentative Tract Map No. 6345 (part of Annexation Application No. P22-
6 00411) to require Developer to make up for revenue shortfalls addressed in City
7 of Fresno Resolution No. 2022-244, through an appropriate mechanism.

8 **4. Additional Covenants.** Not as conditions to the validity or enforceability of other
9 provisions of this Agreement, CITY and COUNTY agree as follows:

10 a. **Acquisition of Rights-of-Way.** Within a reasonable time prior to the recordation
11 of the ANNEXATION, CITY shall accept conveyances from COUNTY for, or
12 otherwise acquire, all road rights-of-way along S. Willow Avenue as identified in
13 **Exhibit B**. In regard to any portion(s) of road rights-of-way along S. Willow
14 Avenue shown in **Exhibit B**, for which the COUNTY does not have marketable
15 record title as of the Effective Date, CITY shall be responsible to acquire (by
16 purchase, eminent domain, or otherwise) said portion(s) of road rights-of-way.
17 Upon the acceptance or acquisition by CITY of the road rights-of-way identified in
18 **Exhibit B**, pursuant to this section 4.a., those rights-of-way shall become CITY
19 streets and the sole responsibility of CITY. As an alternative to the acceptance by
20 CITY of conveyances from COUNTY for or other acquisition of all road rights-of-
21 way shown in **Exhibit B** under this section 4.a., City may annex the territory
22 comprising all road rights-of-way shown in **Exhibit B**. CITY will not object to and
23 shall support the imposition by LAFCo of a condition of the ANNEXATION
24 requiring, prior to the recordation of the ANNEXATION, the acceptance by CITY
25 of conveyances from COUNTY for or other acquisition of all road rights-of-way
26 shown in **Exhibit B**.

27 b. **Enforcement.** COUNTY may enforce the covenants in section 4, inclusive of
28 sections 4.a., by any legal means, provided however that, once LAFCo issues a

1 certificate of completion pursuant to Section 57203 of the Government Code with
2 respect to the ANNEXATION, this section 4 does not authorize COUNTY to seek
3 LAFCo's invalidation of, or to withdraw support for, the proceedings for the
4 ANNEXATION.

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6 [Signatures follow on next page.]
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1 IN WITNESS WHEREOF, the parties have executed this Agreement at Fresno,
2 California, the day and year first above written.

3 CITY OF FRESNO,
4 a California municipal corporation

COUNTY OF FRESNO, a Political
Subdivision of the State of California

5
6 By: 
7 Georgeanne A. White
City Manager

By: _____
Sal Quintero, Chairman of the
Board of Supervisors of the County
of Fresno

8 APPROVED AS TO FORM:
9 ANDREW JANZ
10 City Attorney

ATTEST:
Bernice E. Seidel
Clerk to the Board of Supervisors
County of Fresno, State of California

11 By:  4/21/23
12 Jennifer M. Quintanilla Date
13 Senior Deputy City Attorney

By: _____
Deputy

14 ATTEST:
15 TODD STERMER, CMC
City Clerk

16 By:  4/26/2023
17 Deputy Date

18 Attachments:

Exhibit A – Proposed Annexation Boundaries

19 Exhibit B – Rights-of-way to be accepted or acquired by the City of Fresno
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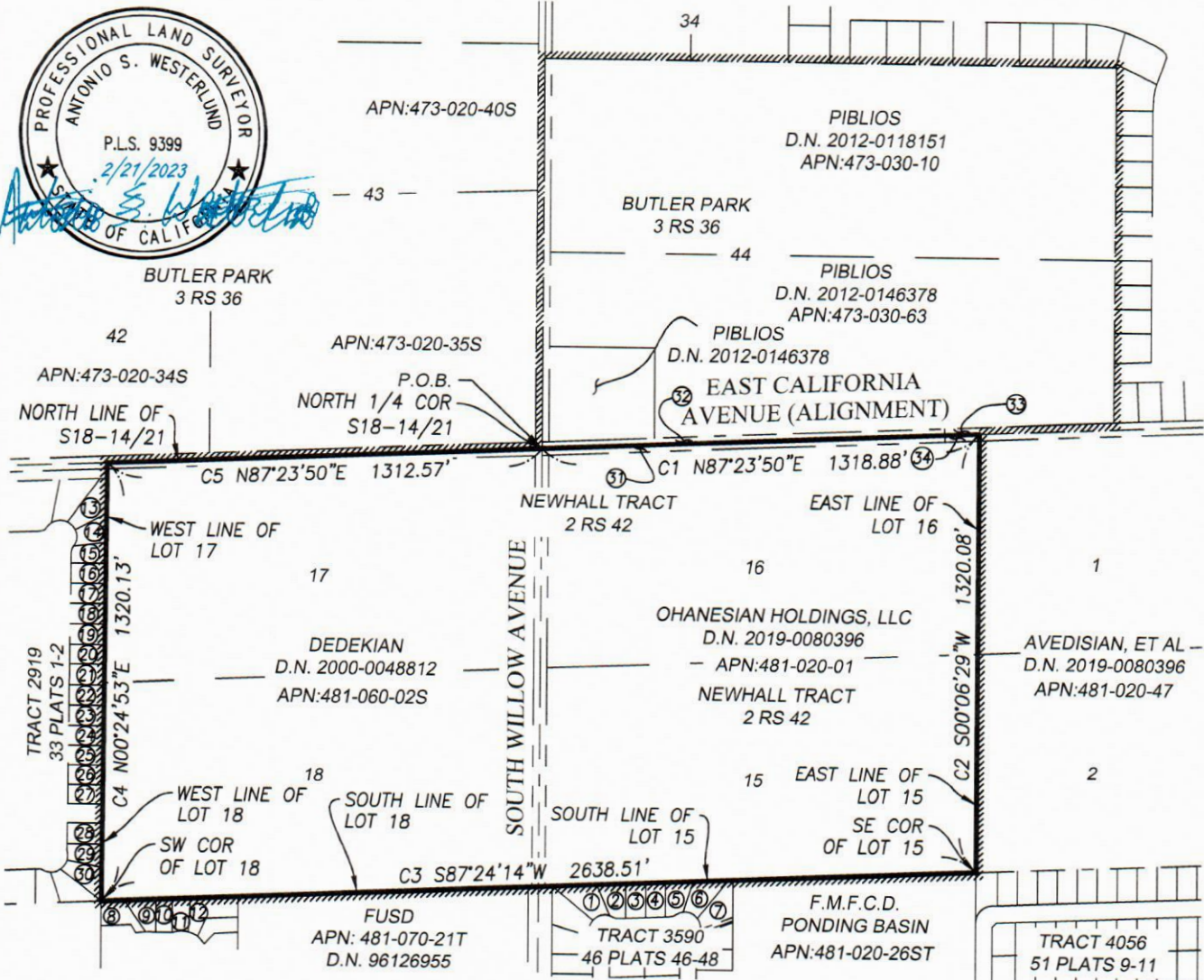
Exhibit A

ANNEXATION NO: RO-22-01

ALL OF LOTS 15-18, INCLUSIVE, OF NEWHALL TRACT, FILED IN BOOK 2 OF RECORDS OR SURVEY, AT PAGE 42, FRESNO COUNTY RECORDS, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.
AREA: 79.75 ACRES

CALIFORNIA-WILL NO. 4 REORGANIZATION

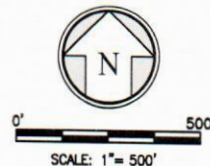
ANNEXATION TO THE CITY OF FRESNO AND DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT



LEGEND

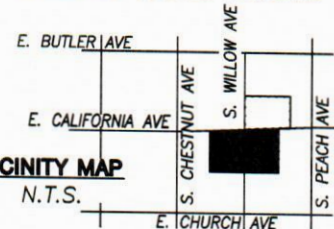
D.N. DOCUMENT NUMBER PER OFFICIAL RECORD OF FRESNO COUNTY
F.C.R. FRESNO COUNTY RECORDS
XX PLATS YY VOLUME XX OF PLATS, PAGE YY, F.C.R.
XX RS YY BOOK XX OF RECORD OF SURVEYS, PAGE YY, F.C.R.
① SEE SHEET 2 FOR APN TABLE

EXISTING PARCEL LINES
EXISTING CITY LIMITS
AREA BEING ANNEXED
RIGHT-OF-WAY
POINT OF BEGINNING
COURSE CALL



NOTE:

SEE SHEET 2
FOR ALL ADJACENT PROPERTY
ASSESSOR PARCEL NUMBERS



PROJECT NO.: 200272

DRAWN BY: MDG/TKF

QA/QC BY: ASW

SCALE: 1" = 500'

SHEET NO.:

1 of 2

EXHIBIT "B"

PLAT TO ACCOMPANY DESCRIPTION


ANNEXATION NO: RO-22-01
CITY OF FRESNO



601 POLLASKY AVE., STE. 301 TEL: (559) 449-2400
CLOVIS, CA 93612 WWW.QKINC.COM
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Legend

- Right-of-Way to be Accepted or Acquired by City of Fresno
-  California - Willow No. 4 Reorg.
- • City of Fresno Sphere of Influence



RIGHT-OF-WAY TO BE ACCEPTED OR ACQUIRED BY CITY OF FRESNO

Map Prepared by: GS
G:\4360Devs&Pin\GIS\Maps\Specific\