

RESOLUTION NO. 01-12

**RESOLUTION OF FORMATION OF THE
FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT**

Final Board Adopted Version

WHEREAS, reference is made to Resolutions No. 01-10 and No. 01-11 of this Board of Directors (this "Board") of the Fort Ord Reuse Authority ("FORA") adopted September 21, 2001 for the preliminary scope of the authorized public improvements and financing contemplated by these proceedings; and

WHEREAS, on November 9, 2001 at the time set for the public hearing by this Board's Resolution No. 01-10 the public hearing was conducted, and at the close of the public hearing this Board determined that a majority protest under Section 53324 of the Government Code was not made at the hearing;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Ord Reuse Authority as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.
2. There is hereby formed a community facilities district by this Board under the terms of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Division 2 of Title 5 of the California Government Code, commencing with Section 53311 (the "Act"). The boundaries of the community facilities district are shown on the boundary map approved by Resolution No. 01-09, adopted by this Board on September 21, 2001. The boundary map was recorded on October 5, 2001 in the Monterey County Recorder's Book of Assessment Maps,

Volume 4, Page 46, Document Number 2001084620 and a copy of the map is on file with the Clerk to this Board.

3. The name of the community facilities district is "Fort Ord Reuse Authority Basewide Community Facilities District" (the "CFD").

4. The types of public facilities proposed to be provided within the CFD are set forth in Exhibit A attached to this Resolution. It is expressly understood that the specific items enumerated in Exhibit A represent the transportation/transit facilities and other facilities presently identified in the capital improvement program of FORA (the "CIP"). The Board last updated the CIP on June 8, 2001. The Board will be reviewing and updating the CIP periodically to assure that required projects are implemented in a timely way to meet development needs. The CIP (1) defines the capital improvement projects or infrastructure required to accommodate development under the Fort Ord Base Reuse Plan, originally adopted by the FORA Board in June 1997; and (2) meets the mitigation requirements that were identified during the associated environmental approval process. The projects delineated in the June 8, 2001 Board-adopted CIP are listed in Exhibit A and therefore represent the present best understanding of this Board as to the basewide capital facilities needed to facilitate and enable the anticipated and orderly development of the property within the CFD; and it is further expressly understood that, in the course of development of such property, the CIP may be revised or amended to delete or revise one or more of the specific items enumerated in Exhibit A or to add new specific items not currently set forth in Exhibit A. It is the intention of this Board, to the fullest extent permitted by the Act, that the authorized public facilities of the CFD shall automatically be revised to conform to any such revisions or amendments to the CIP, with the result that any public facilities included in the CIP, whether in its present form or as later revised

or amended by FORA or its successor entity or entities, shall be authorized facilities of the CFD, without the necessity of corresponding proceedings pursuant to Sections 53330 and following of the Act.

5. The types of incidental expenses proposed to be incurred and authorized to be paid from the proceeds of the special tax or the proceeds of sale of bonds which may be issued upon the security of the special tax are set forth in Exhibit B attached to this Resolution.

6. Except where funds are otherwise available, a special tax sufficient to pay for all such facilities, including but not limited to debt service on any bonds issued by FORA or its successor entity or entities to finance the facilities and related incidental expenses, will be annually levied within the CFD. 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 taxable interests in the real property (whether fee title or possessory interests) within the CFD, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien cancelled in accordance with law or until levy and collection of the tax by FORA or its successor entity or entities ceases. The rate and method of apportionment of the special tax (the "Rate and Method of Apportionment") is set forth in Exhibit C attached to this Resolution. In accordance with Section 53321(d) of the Act the authority to levy the special tax for the CFD will expire after fiscal year 2013-14 or the termination of FORA, whichever is later, but in no circumstances shall the special tax be levied later than calendar year 2051.

7. Advances of funds or contributions of work in kind from any lawful source, specifically including but not limited to FORA or any local agency situated in whole or in part within the CFD boundary and owner(s) of property within the CFD, may be reimbursed from

bond proceeds or from special tax revenue or both to the extent of the lesser of the value or cost of the contribution, but any agreement to do so shall not constitute a debt or liability of FORA or its successor entity or entities.

8. The Executive Officer, Fort Ord Reuse Authority, 100 12th Street, Marina, California 93933, telephone (831) 883-3672 is designated as the person responsible for preparing or causing the preparation annually a current roll of special tax levy obligations by assessor's parcel number, and for responding to inquiries regarding estimates of future special tax levies. FORA may contract with private consultants to provide this service in lieu of the Executive Officer.

9. Any bonds issued in these proceedings, if any, shall be callable in accordance with the provisions of the Act and as more specifically to be set forth in any resolution authorizing issuance of bonds or any fiscal agent agreement, indenture, trust agreement or similar instrument approved by such resolution and providing for such issuance.

10. If the special tax is not paid as a one-time payment at the time specified in the Rate and Method of Apportionment and said special tax thereby becomes payable annually over a period of time as allowed in the Rate and Method of Apportionment, it is anticipated that the special tax will be billed as a separate line item on the regular property tax bill of the County of Monterey for taxes levied on the applicable category of property interests. However, this Board reserves the right, under Section 53340, to utilize any method of collecting the special tax which it shall, from time to time, determine to be in the best interests of FORA or its successor entity or entities, including, but not limited to, direct billing FORA or its successor entity or entities to the owners of the property interests which are subject to the special tax.

11. This Board hereby establishes the annual appropriations limit of the CFD at \$50.0 million for the 2001-2002 fiscal year.

12. It is the goal of the FORA Board that, pursuant to Section 55340.1 of the Act, public agencies owning property in the CFD that grant a leasehold or other possessory interest in the property to a nonexempt person or entity shall include, or cause to be included, in the contract creating a possessory interest a statement that the property interest may be subject to special taxation.

13. It is the goal of the FORA Board that all owners of property within the boundaries of the CFD will receive the form of notice required by Section 53341.5 of the Act, at the time set forth therein, as such Section may be amended from time to time. To comply with this goal, it is the policy of the FORA Board to provide Section 53340.2 notice of special tax to any individual requesting such notice or any owner of property subject to a special tax levied by the FORA Board within five business days of receiving a request for such notice.

14. It is the goal of the FORA Board that the rate and method of apportionment of the special tax be reasonable and equitable in apportioning the costs of the public facilities financed by the CFD to each of the properties within the boundaries of the CFD. Property subject to the special tax shall include possessory interest held by private entities located on public property. The rate and method of apportionment of the special tax will take into consideration all existing agreements for developer-funded projects, including credits for facilities (identified in the CIP) that are constructed and dedicated to a local agency in accordance with Paragraph 7, above. It is the policy of the Board to encourage pre-payment of the special tax obligation prior to issuance of a building permit for a development project and to selectively and seldom, if ever, use CFD bonds.

Except in the case of a one-time special tax payment, it is the goal of the FORA Board that if the special tax is paid on an annual basis, that the maximum CFD special tax on residential owner-occupied property, when taken together with ad valorem taxes, any other special taxes levied pursuant to the Act and special assessments applicable to such property, do not exceed in any year two percent (2%) of the greater of the assessed value or appraised value of such property. Special taxes on residential owner-occupied property, when taken together with ad valorem taxes, any other special taxes levied pursuant to the Act and special assessments applicable to such property, may exceed in any year two percent (2%) of the greater of the assessed value or appraised value of such property if the FORA Board determines at the time of issuance of bonds through the CFD that over the term of the bonds, the special taxes, ad valorem taxes and special assessments are expected to average two percent (2%) or less per year of the greater of the assessed value or appraised value of such property. It is further the policy of the FORA Board to comply with the provisions of Section 53321 of the Act with respect to the escalation of maximum taxes. If the special tax is paid as a one-time payment, as opposed to annually, this limitation of 2% of assessed or appraised value, and the limits on the escalation of maximum taxes, do not apply.

15. If an appraisal of land value is needed to collect the special tax that appraisal shall conform to the requirements set forth in this paragraph. An appraisal is a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information. The appraiser undertaking the appraisal of real property in the proposed CFD formed by the FORA Board shall be designated an MAI, Member of the Appraisal Institute, at the time of appraisal. Such appraiser shall certify

that he/she is thoroughly familiar with the recognized and acceptable appraisal methods, techniques and Standards of Professional Practice and Code of Ethics as set forth by the Appraisal Institute and Uniform Standards of Professional Appraisal Practice of The Appraisal Foundation.

At a minimum, the appraisal shall contain the following items:

- a. The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal;
- b. An adequate description of the physical characteristics of the property being appraised, location, zoning, present use, an analysis of highest and best use;
- c. All relevant and reliable approaches to value consistent with commonly accepted professional appraisal practices. If a discounted cash flow analysis is used, it should be supported with at least one other valuation method, such as a market approach using sales that are at the same stage of land development. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value;
- d. A description of comparable sales, including a description of all relevant physical, legal and economic factors such as parties to the transaction;
- e. A statement of the value of the real property; and,
- f. The effective date of valuation, date of appraisal, signature and certification of the appraiser.

No appraiser shall have any interest directly or indirectly in the real property being appraised for the FORA that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation.

The FORA Board may sell bonds pursuant to the Act only if it determines prior to the award of sale of bonds that the value of the real property that would be subject to the special tax to pay debt service on such bonds will be at least four times the principal amount of the bonds to be sold and the principal amount of all other bonds outstanding that are secured by a special tax levied pursuant to the Act on property within the CFD.

16. Based upon the Revised Certificate Re Landowners dated November 1, 2001 on file with the Clerk to the Board and presented to this Board, the qualified electors for the election to be held in these proceedings shall be the landowners owning land within the CFD. The election will be conducted as a mailed-ballot election, and this Board hereby designates the Clerk to the Board as the official to conduct the mailed-ballot election.

17. This Board now finds and determines that all proceedings up to and including the adoption of this Resolution were and are valid and in conformity with the requirements of the Mello-Roos Community Facilities Act. This determination and finding is final and conclusive in accordance with Government Code Section 53325.1(b).

18. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Fort Ord Reuse

Authority this 9th day of November 2001, by the following vote:

AYES: 10- Board Members Perrine, McCloud, Pendergrass, Johnson,
Potter, Calcagno, Barnes, Rubio, Mancini
and Russell

NOES: 0 - Board Members 0

ABSTAIN: 0 - Board Members 0

ABSENT: 3 Board Members Albert, Koffman, + Gustafson

I, JAMES E. PERRINE, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes thereof in Item 5d, pages 2-5 of the duly approved minutes dated Nov. 9, 2001.

DATED: 2/8/02

By: James E. Perrine
JAMES E. PERRINE
Chair, Board of Directors
Fort Ord Reuse Authority

EXHIBIT A

DESCRIPTION OF AUTHORIZED FACILITIES FORT ORD REUSE AUTHORITY BASEWIDE COMMUNITY FACILITIES DISTRICT

Generally, all work and activities to study, review environmental impacts and mitigation measures, plan and design, and all work and improvements to construct and install the public improvements itemized below, all to be located on public property and to include, as appropriate with the particular item, mobilization, clearing, grubbing, tree removal, environmental mitigation actions, grading, protective fencing and erosion control, trenching (including shoring and backfill), base and finish paving and pavement restoration, curbs, gutters and sidewalks, signage and striping, signalization, landscaping and irrigation, lighting, relocation of existing facilities and improvements which are in existence and are to be retained in a different location, and related appurtenant work and facilities:

Transportation/transit facilities*

Highway 1 (CIP #R3)	Gateway & misc. improvements (CIP #FO1)
Highway 68 Bypass Freeway (CIP #R6)	Abrams (CIP #FO2)
Highway 218 (CIP #R9)	12 th Street/Imjin Road (CIP #FO3)
Davis Road (CIP #1)	Blanco Road/Imjin Road (CIP #FO4)
Davis Road (CIP #2)	8th Street (CIP #FO5)
Blanco Road (CIP #3)	Inter-Garrison Road (CIP #FO6)
Reservation Road (CIP #4)	Gigling Road (CIP #FO7)
Del Monte Boulevard (CIP #5)	2nd Avenue (CIP #FO8)
Del Monte Boulevard (CIP #6)	General Jim Moore Boulevard (CIP #FO9)
California Avenue (CIP #7)	California Avenue (CIP #FO10)
Crescent Court (CIP #8)	Salinas Avenue (CIP #FO11)
Transit vehicles (CIP #T3)	Eucalyptus Road (CIP #FO12)
Intermodal centers (CIP #T22)	Eastside Road (CIP #FO13)

Other facilities

Potable water augmentation facilities
Storm drainage system
Habitat management
Public facilities (fire station)

The foregoing list of authorized facilities should be regarded as illustrative only and is intended to reflect the items identified in the current FORA capital improvement program ("CIP"), with the addition of habitat management costs on parcels owned by the University of California. As more fully set forth in Section 1 of this resolution, this list of authorized facilities shall be deemed modified, from time to time, to reflect any revisions or amendments in the CIP, whether such revisions or amendments are made and adopted by FORA or its successor entity or entities, which modify the public facilities deemed necessary for the orderly development of the property within the CFD.

*FORA Capital Improvement Program number for transportation/transit projects shown in parentheses.

EXHIBIT B

DESCRIPTION OF AUTHORIZED INCIDENTAL EXPENSES FORT ORD REUSE AUTHORITY BASEWIDE COMMUNITY FACILITIES DISTRICT

The following incidental expenses are authorized to be incurred and paid from proceeds of the special tax or, in the event bonds or other forms of indebtedness are issued, paid from the proceeds of sale thereof:

- Administrative staff time of personnel of FORA or its successor entity or entities, pertaining to the administration of the CFD including planning and management of construction of the authorized facilities listed in Exhibit A of this resolution.
- Services of special tax consultant or any other consultants providing services to FORA or its successor entity or entities with respect to any aspect of administration of the CFD including planning and management of construction of the authorized facilities listed in Exhibit A of this resolution.
- Fees or charges of the Monterey County Auditor or Tax Collector pertaining to the collection of the special tax on the property tax roll of the County.
- In the event bonds or other forms of indebtedness are issued, any fees or charges related to the issuance, sale, delivery and administration of the bonds and the proceeds of sale thereof, including but not limited to customary and ordinary costs of issuance of the indebtedness.
- Fees and expenses incurred by FORA or its successor entity or entities in connection with the enforcement of payment of the special tax obligation, including but not limited to fees and expenses of foreclosure and sale to enforce payment of delinquent special taxes.

EXHIBIT C

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX
FORT ORD REUSE AUTHORITY BASEWIDE COMMUNITY FACILITIES DISTRICT

I. Basis of Special Tax Levy

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 applicable to the land in the Fort Ord Reuse Authority (FORA) Basewide Community Facilities District (CFD) shall be levied and collected in each Fiscal Year, according to the tax liability determined by FORA through the application of the appropriate amount or rate, as described below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purpose, to the extent, and in the manner herein provided.

II. Definitions

Where used in this Exhibit C (Rate and Method of Apportionment of Special Tax), capitalized 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 map or other map of record.

“Act” means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

“Assessor's Parcel” means a lot or parcel in the CFD shown on an official map of the County Assessor of the County of Monterey and assigned a discrete identifying Assessor's Parcel Number.

“Assessor's Parcel Map” means an official map of the County Assessor of the County of Monterey designating parcels by Assessor's Parcel Number.

“Assessor's Parcel Number” means a discrete identifying number assigned to an Assessor's Parcel and shown on an Assessor's Parcel Map.

“Base Year” means the Fiscal Year beginning on July 1, 2001, and ending on June 30, 2002, during which the Notice of Special Tax Lien for the CFD is recorded.

“Board” means the governing board of the Fort Ord Reuse Authority as the legislative body for the CFD under the Act.

“CFD” means Fort Ord Reuse Authority Basewide Community Facilities District, Fort Ord Reuse Authority, County of Monterey, State of California.

“CFD Administrator” means an official of the Fort Ord Reuse Authority, or designee thereof, responsible for the levy and collection of CFD Special Taxes.

“County” means the County of Monterey, California.

“County Assessor” means the Assessor of the County of Monterey, California.

“Developed Property” means, for each Fiscal Year, all Property for which, prior to June 30 of the prior Fiscal Year and after September 1, 2001, either a building permit or a certificate of occupancy has been issued, whichever is issued earlier, that enables the construction of new buildings, the rehabilitation or renovation of housing existing as of September 1, 2001, or expansion of the useable area of buildings that is designed to accommodate additional employees and related impacts or that intensifies the use of a Property.

“Exempt Property” refers to Assessor’s Parcels within the CFD which currently meet, or upon final map recordation will meet, one of the following conditions which will provide an exemption from the levy of the Maximum Special Tax:

- Public Property except Possessory Interest Held by Non-Exempt Entity located on Public Property;
- Property which is, or will be designated for, public use including but not limited to streets, easements, rights-of way, detention basins, etc.;
- Property which is unmanned utility property;
- Property designated as park or as open space;
- Other property which has no intrinsic value upon foreclosure, such as sliver parcels at entries, monuments, landscaped parcels on a perimeter, etc.; and,
- Property exempt by operation of law.

“Existing Residential” means Property that is designated for low density, medium density, or high density housing uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1, and that will include the rehabilitation or renovation of housing existing on the former Fort Ord as of September 1, 2001. The CFD Administrator shall defer to the local jurisdiction with development approval authority over the Property for classification of the Property as either Existing Residential or New Residential as long as that definition is reflective of definitions for rehabilitated or renovated housing commonly used among local jurisdictions.

“Final Nonresidential Subdivision” means a subdivision of Property for the purposes of nonresidential development by a condominium plan or through the recordation of a final map, parcel map, or lot line adjustment, resulting in a final configuration that enables the issuance of building permits.

“Final Residential Subdivision” means a subdivision of Property for the purposes of residential development by a condominium plan or through the recordation of a final map, parcel map, or lot line adjustment, resulting in a final configuration that enables the issuance of building permits.

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

“FORA” means the Fort Ord Reuse Authority.

“Hotel” means Property that is designated for visitor serving uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1

“Incidental Expenses” means such expenses as authorized to be incurred and financed in the proposed financing program of the CFD, whether incurred by FORA or its successor entity or entities, for purposes of administration of the CFD and Special Tax.

“Industrial” means Property that is designated for business park/light industrial uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1

“Maximum Special Tax” means the One-time Special Tax Payment in accordance with Section IV thereof that can be levied in the CFD in any Fiscal Year on Taxable Property.

“New Residential” means Property that is designated for low density, medium density, or high density housing uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1, and that will not include the rehabilitation or renovation of housing existing on the former Fort Ord as of September 1, 2001. The CFD Administrator shall defer to the local jurisdiction with development approval authority over the Property for classification of the Property as either Existing Residential or New Residential as long as that definition is reflective of definitions for rehabilitated or renovated housing commonly used among local jurisdictions.

“Office” means Property that is designated for office/R&D uses as those uses are defined in the Fort Ord Base Reuse Plan, Table 3.4-1

“One-time Special Tax Payment” means payment of the Maximum Special Tax in a single annual payment in accordance with Section IV.

“Possessory Interest Held by Non-exempt Entity” means a non-exempt taxable interest in real property (whether fee title or possessory interest).

“Property” means Assessor’s Parcels (as of January 1 of the previous Fiscal Year, or through June 30 of the previous year if adjustments are made after January 1 by the County Assessor or Treasurer/Tax Collector).

“Public Property” means any Assessor’s Parcel that is (1) publicly owned, and is (2) normally exempt from the levy of general ad valorem property taxes under California law, including public streets, public schools, public parks and public drainage ways, public landscaping, public greenbelts, and public open space.

“Retail” means a means Property that is designated for convenience and specialty retail, neighborhood retail, and regional retail uses as those uses are defined in the Fort Ord Reuse Plan, Table 3.4-1

“Special Tax” means the special tax that may be levied under the Act in the CFD, in each Fiscal Year, on Taxable Property.

“Taxable Property” means any Assessor’s Parcel that is not Exempt Property. This term includes Developed Property and Undeveloped Property.

“Undeveloped Property” means, for each Fiscal Year, all Taxable Property that is not Developed Property.

III. Assignment to Land Use Categories

For each Fiscal Year, all Property shall be classified as Taxable Property or Exempt Property. Taxable property includes Possessory Interest Held by Non-Exempt Entity located on Public Property. All Taxable Property shall be subject to the Maximum Special Tax (or One-time Special Tax Payment) in accordance with the Maximum Special Tax Rates and method of apportionment described in Sections IV and V below. All Exempt Property shall not be subject to the Maximum Special Tax (or One-time Special Tax Payment).

For purposes of determining the applicable Maximum Special Tax (or One-time Special Tax Payment) for each Taxable Property, all Taxable Property shall be assigned to one of the land use classes designated in Table 1, below.

Property Containing More Than One Land Use Class

For Assessor's Parcel of Developed Property that contain more than one land use class shown in Table 1, the Maximum Special Tax (or One-time Special Tax Payment) for the Assessor’s Parcel shall be the sum of the Maximum Special Tax (or One-time Special Tax Payment) for all land use classes located on that Assessor's Parcel. For an Assessor's Parcel that contains either New Residential or Existing Residential Property and Property assigned to other land use classes, the Acreage of such Assessor's Parcel shall be allocated to each type of property based on the amount of Acreage designated for each land use class as determined by reference to the site plan approved for such Assessor's Parcel. The CFD Administrator's allocation to each type of property shall be final.

IV. Maximum Special Tax Rates

The Base Year Maximum Special Tax Rates (One-time Special Tax Payments) for each classification of Taxable Property except those listed under "Exceptions", below, are shown in Table 1.

Property Classification	Maximum Special Tax Rates (One-time Special Tax Payments)
Undeveloped Property	\$ - 0 -
Developed Property	
New Residential	\$34,324 / Dwelling Unit
Existing Residential	\$10,320 / Dwelling Unit
Office	\$ 4,499 / Acre
Industrial	\$ 4,499 / Acre
Retail	\$92,768 / Acre
Hotel	\$ 7,653 / Room

Increase in the Maximum Special Tax Rates

On each July 1, commencing July 1, 2002, the Maximum Special Tax Rates (One-time Special Tax Payments) shall be increased by the percentage change in the Engineering News Record's Construction Cost Index since the previous Fiscal Year.

For the purposes of compliance with Section 53321(d) of the Act, Property used for private residential purposes as defined in that section of the Act shall be New Residential or Existing Residential Property upon which the Maximum Special Tax is collected in a different manner per Section VI – Manner of Collection, below, subsequent to issuance of an occupancy permit, and not collected as a One-time Special Tax Payment. Maximum Special Tax payments on such property paid subsequent to issuance of an occupancy permit shall be increased by the lesser of two percent (2%) or the percentage change in the Engineering News Record's Construction Cost Index since the previous Fiscal Year. Also per Section 53321(d) of the Act such Maximum Special Tax payments shall not be levied after Fiscal Year 2013-14 or the termination of FORA, whichever is later, but in no circumstances shall the Special Tax be levied later than calendar year 2051. Finally, per Section 53321(d) of the Act under no circumstances will the special tax levied against any parcel subject to this paragraph be increased as a consequence of delinquency or default by the owner of any other parcel or parcels within the district by more than ten percent (10%).

Exceptions

Hayes Housing: For new residential units on Assessor's Parcel Number 031-051-012 (map index no. 127), also known as the Hayes Housing project, the Maximum Special Tax Rate per unit shall be the New Residential One-time Special Tax Payment for the applicable Fiscal Year less \$10,000.

Cypress-Patton: For that Property known as the Cypress-Patton housing project defined as the area within Assessor's Parcel Number 031-021-037 (map index no. 17) excluding all areas of said parcel south of 12th St., west of 2nd Ave., south of 13th St. and west of the easterly boundary of Highway 1, plus all the areas within Assessor's Parcel Numbers 031-021-010 (map index no. 36), 031-021-028 (map index no. 40), and 031-021-029 (map index no. 37), the Base Year Maximum Special Tax shall be \$4,638,400 in total for all new and existing residential units regardless of the number of units, increased at a rate up to two percent (2%) each Fiscal Year in accordance with the Increase in the Maximum Special Tax Rates section, above.

UC Property: UC Property consists of all land at the former Fort Ord owned or screened for transfer to the University of California ("UC"), consisting of the Assessor Parcel Numbers and Map Index Numbers as listed in the table below:

Assessor Parcel Number	Map Index Number
031-111-006	3
031-111-029	15
031-111-027	27
031-121-007	25
031-121-002	163
031-121-003	26
031-111-011	22
031-111-009	8
031-111-010	18
031-101-018	63
031-121-009	60
031-121-008	52

For development on UC Property, the actual cost of habitat management activities incurred by UC on UC Property will be credited against Special Tax due on UC Property to the extent that such habitat management activities are required by the Installation Wide Multispecies Habitat Management Plan for Fort Ord

("HMP") and its related Habitat Conservation Plan ("HCP") and to the extent that such actual costs are consistent with estimates made by the Center for Natural Lands Management or some other mutually acceptable third party of the cost of implementing the HMP and HCP on UC Property.

CSU Property: CSU Property consists of all land at the former Fort Ord owned or screened for transfer to the California State University ("CSU"), tentatively consisting of all or a portion of the Assessor Parcel Numbers and Map Index Numbers as listed in the table below:

Assessor Parcel Number	Map Index Number
031-041-012	100
031-071-007	113
031-071-010	96
031-071-021	224
031-101-001	68
031-101-004	82
031-101-005	83
031-101-006	95
031-101-010	87
031-101-011	91
031-101-012	86
031-101-013	61
031-101-017	79
031-101-020	76
031-101-021	84
031-101-022	75
031-101-023	85
031-101-024	80
031-101-029	64
031-101-030	70

All Possessory Interest Held by Non-Exempt Entity on CSU Property will be exempt from the Special Tax provided that CSU and FORA reach a mutually acceptable agreement for payment in lieu of the Special Tax. Such agreement may include a definition of CSU Property that varies from the list above based on more current information regarding property screened for transfer to CSU.

Marina Airport and Seaside Golf Course Per the definition of Developed Property, Assessor's Parcel Numbers 031-111-026 (map index no. 6), known as Marina Airport, and Assessor's Parcel Numbers 031-051-005 (map index

no. 124), known as Seaside Golf Course, will not be classified as Developed Property until a building permit is issued for the increase of square footage of a building or buildings through the addition of additional stories or a basement or any area outside the existing footprint of any building. Special taxes will only be paid on the new square footage being added.

V. Method of Apportionment of the Special Tax

For each Fiscal Year, beginning in Fiscal Year 2001/02, the Board shall levy the One-time Special Tax Payment on Taxable Property based on the Maximum Special Tax identified for each Property Classification. After a Taxable Property has paid the Maximum Special Tax, FORA may record a release of special tax lien for such Taxable Property.

VI. Manner of Collection

At the time of recordation of either a Final Residential Subdivision or Final Nonresidential Subdivision, a schedule for the payment of the Special Tax will be created and attached to the improvement agreement of the Subdivision. The schedule of payment will specify that the payment of Special Taxes is a condition of the receipt of a building permit or certificate of occupancy. The Special Tax is payable at the time a Parcel is classified as Developed Property. If not paid by the end of the Fiscal Year in which the Special Tax becomes payable, the One-time Special Tax Payment will be collected in the same manner and at the same time as ad valorem property taxes. However, FORA or its designee may directly bill and collect the Special Tax at a different time and/or in a different manner, if necessary to meet its financial obligation.