

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA ACTING AS
THE LEGISLATIVE BODY OF COMMUNITY FACILITIES
DISTRICT NO. 2024-1 (CITRUS BAY) OF THE CITY OF
CHULA VISTA, AUTHORIZING THE LEVY OF SPECIAL
TAXES IN SUCH COMMUNITY FACILITIES DISTRICT

WHEREAS, the City Council (the “City Council”) of the City of Chula Vista, California (the “City”), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors authorizing the levy of Special Taxes in the community facilities district, all as authorized pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1. Division 2, Title 5 of the Government Code of the State of California (the “Act”). This community facilities district shall hereinafter be referred to as Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista, County of San Diego, State of California (“CFD No. 2024-1”).

NOW, THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. This City Council does, by the passage of this Ordinance, authorize the levy of Special Taxes on taxable properties located in CFD No. 2024-1 pursuant to the Rate and Method of Apportionment of Special Tax for CFD No. 2024-1 as set forth in Exhibit 1 attached hereto and incorporated herein by this reference (the “Rate and Method”).

Section II. This City Council, acting as the legislative body of CFD No. 2024-1, is hereby further authorized, by resolution, to annually determine the Special Tax (as defined in the Rate and Method) to be levied within CFD No. 2024-1 for the then current tax year or future tax years; provided, however, the Special Tax to be levied shall not exceed the maximum Special Tax authorized to be levied pursuant to the Rate and Method.

Section III. The Special Taxes herein authorized to be levied, to the extent possible, 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 any case of delinquency as applicable for ad valorem taxes; provided, however, CFD No. 2024-1 may utilize a direct billing procedure for any Special Taxes that cannot be collected on the County of San Diego tax roll or may, by resolution, elect to collect the Special Taxes at a different time or in a different manner if necessary to meet its financial obligations.

Section IV. The Special Taxes authorized to be levied shall be secured by the lien imposed pursuant to Section 3114.5 and 3115.5 of the California Streets and Highways Code, which lien shall be a continuing lien and shall secure each levy of the Special Taxes.

Section V. Severability. If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the

remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section VI. Construction. The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section VII. Effective Date. This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section VIII. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Laura C. Black, AICP
Director of Development Services

Marco A. Verdugo
City Attorney

EXHIBIT 1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CITRUS BAY) OF THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

A Special Tax shall be levied on all Taxable Property within the boundaries of Community Facilities District No. 2024-1 (Citrus Bay) (“CFD No. 2024-1” and “CFD”) and collected each Fiscal Year commencing in Fiscal Year 2024-25, in an amount determined by the CFD Administrator through the application of the procedures described below. All of the real property within CFD No. 2024-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent, and in the manner herein provided.

1. DEFINITIONS

The 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. An Acre means 43,560 square feet of land. If the preceding maps for a land area are not available, the Acreage of such land area shall be determined by the City Engineer.

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, as amended.

“**Administrative Expenses**” means the following actual or reasonably estimated costs related to the administration of CFD No. 2024-1 including, but not limited to: the costs of preparing and computing the Annual Special Tax (whether by the City or designee thereof or both); the costs of collecting the Special Taxes (whether by the City, the County or otherwise); the costs of remitting the Special Taxes to the Fiscal Agent; the costs of the Fiscal Agent (including its legal counsel) in the discharge of the duties required of it under the Fiscal Agent Agreement; the costs to the City, CFD No. 2024-1, or any designee thereof complying with arbitrage rebate requirements, including without limitation rebate liability costs and periodic rebate calculations; the costs to the City, CFD No. 2024-1, or any designee thereof complying with disclosure or reporting requirements of the City or CFD No. 2024-1, associated with applicable federal and State laws; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs to the City, CFD No. 2024-1, or any designee thereof related to an appeal of the Special Tax; and the City’s annual administration fees and third party expenses. Administrative Expenses shall also include amounts for Special Tax delinquency monitoring and the estimated or advanced by the City or CFD No. 2024-1 for any other administrative purposes of CFD No. 2024-1, including attorney’s fees and other costs related to commencing and pursuing any foreclosure of delinquent Special Taxes.

“**Annual Special Tax**” means the Special Tax actually levied in any Fiscal Year on any Assessor’s Parcel.

“**Assessor**” means the Assessor of the County of San Diego.

“**Assessor’s Parcel**” means a lot or parcel shown on an Assessor’s Parcel Map with an assigned

Assessor's Parcel Number.

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

“Assessor's Parcel Number” means the number assigned to a parcel designated by the Assessor for purposes of identification.

“Assigned Special Tax” means the Special Tax of that name described in Section 3.A below.

“Backup Special Tax” means the Special Tax of that name described in Section 3.B below.

“Bonds” means any bonds or other debt of CFD No. 2024-1 issued or incurred whether in one or more series, secured by the levy of Special Taxes.

“Boundary Map” means a recorded map which indicates the boundaries of CFD No. 2024-1.

“Building Permit” means the first legal document issued by a local agency giving official permission for new construction. For purposes of this definition, “Building Permit” may or may not include any subsequent building permit document(s) authorizing new construction on an Assessor's Parcel that are issued or changed by the City after the first original issuance, as determined by the CFD Administrator as necessary to fairly allocate Special Tax to the Assessor's Parcel, provided that following such determination the Maximum Special Tax that may be levied on all Assessor's Parcels of Taxable Property will be at least 1.1 times maximum annual debt service on all outstanding Bonds plus the estimated annual Administrative Expenses.

“Building Square Footage” means all of the square footage of living area within the perimeter of a residential structure, not including any carport, walkway, garage, overhang, or similar area. The determination of Building Square Footage shall be made by the CFD Administrator by reference to the Building Permit(s) issued for such Assessor's Parcel and/or by reference to appropriate records kept by the City or County.

“Calendar Year” means the period commencing January 1 of any year and ending the following December 31.

“CFD Administrator” means an authorized representative of the City, or designee thereof, responsible for determining the Special Tax Requirement, for preparing the Annual Special Tax roll and/or calculating the Backup Special Tax.

“CFD No. 2024-1” means the City of Chula Vista Community Facilities District No. 2024-1 (Citrus Bay).

“City” means the City of Chula Vista, California.

“City Council” means the City Council of the City acting as the legislative body of CFD No. 2024-1 under the Act.

“Condominium” means a unit, whether attached or detached, meeting the statutory definition of a condominium contained in the California Civil Code Section 4285.

“County” means the County of San Diego, California.

“Debt Service” means for each Fiscal Year, the total amount of principal and interest payable on any Outstanding Bonds during the Calendar Year commencing on January 1 of such Fiscal Year.

“Developed Property” means for each Fiscal Year, all Taxable Property for which a Building Permit was issued prior to March 1 of the previous Fiscal Year. An Assessor’s Parcel classified as Developed Property but for which the Building Permit that caused such Assessor’s Parcel to be classified as Developed Property has been cancelled and/or voided prior to the Fiscal Year for which Special Taxes are being levied shall be reclassified as Undeveloped Property, provided that the levy of the Annual Special Tax after such reclassification shall not be less than 1.1 times the annual Debt Service on all Outstanding Bonds. If Bonds have not been issued, an Assessor’s Parcel classified as Developed Property for which such a Building Permit has been cancelled and/or voided shall be reclassified as Undeveloped Property.

“Exempt Property” means for each Fiscal Year, all Assessor’s Parcels designated as being exempt from Special Taxes pursuant to Section 5 below.

“Final Map” means a subdivision of property by recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.) or recordation of a condominium plan pursuant to California Civil Code 4285 that creates individual lots for which Building Permits may be issued without further subdivision.

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

“Fiscal Agent” means the fiscal agent, trustee, or paying agent under the Fiscal Agent Agreement.

“Fiscal Agent Agreement” means the agreement, indenture, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

“Land Use Class” means any of the classes listed in Table 1 or 2 under Section 3A below.

Note: Land Uses Class is not in reference to a property’s zoning designation.

“Lot(s)” means an individual legal lot created by a Final Map for which a Building Permit for residential construction has been or could be issued. Notwithstanding the foregoing, in the case of an individual legal lot created by such a Final Map upon which Condominiums are entitled to be developed, the number of Lots allocable to such legal lot for purposes of calculating the Backup Special Tax applicable to such Final Map shall equal the number of Condominiums which are permitted to be constructed on such legal lot as shown on such Final Map.

“Master Developer” means CWC Broadway CV 256 LLC or its successors or assignees.

“Maximum Special Tax” means for each Assessor’s Parcel, the maximum Special Tax, determined in accordance with Sections 3.C and 3.D below, which may be levied in a given Fiscal Year on such Assessor’s Parcel of Taxable Property.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for the purpose of constructing one or more non-residential units or structures, including, but not limited to commercial and industrial uses.

“Outstanding Bonds” means all Bonds which are deemed to be outstanding under the Fiscal Agent Agreement.

“Prepayment Amount” means the amount required to prepay the Special Tax Obligation in full for an Assessor’s Parcel as described in Section 8.A below.

“Property Owner Association Property” means any Assessor’s Parcel within the boundaries of CFD 2024-1 owned in fee by a property owner association, including any master or sub-association.

“Proportionately” or **“Proportionate”** means for Developed Property, that the ratio of the actual Special Tax levy to the applicable Assigned Special Tax or Backup Special Tax is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual Special Tax levy per Acre to the Maximum Special Tax per Acre is equal for all Assessor’s Parcels of Undeveloped Property. “Proportionately” may similarly be applied to other categories of Taxable Property as listed in Section 3 below.

“Public Property” means, for each Fiscal Year, any property within the boundaries of CFD 2024-1, which is owned by, or irrevocably offered for dedication to the federal government, the State of California, the County, the City or any other public agency as of June 30 of the prior Fiscal Year; provided however that any property owned by a public agency and leased to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified in accordance with its use. To ensure that property is classified as Public Property in the first Fiscal Year after it is acquired by or irrevocably offered for dedication to a public agency, the property owner shall notify the CFD Administrator in writing of such acquisition, offer, or dedication not later than June 30 of the Fiscal Year in which the acquisition, offer, or dedication occurred.

“Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for the purpose of constructing one or more Residential Units.

“Residential Unit” means each separate residential dwelling unit that comprises an independent facility capable of conveyance or rental, separate from adjacent residential dwelling units.

“Special Tax” means any special tax levied within CFD 2024-1 pursuant to the Act and this Rate and Method of Apportionment of Special Tax.

“Special Tax Obligation” means the total obligation of an Assessor’s Parcel of Taxable Property to pay the Special Tax for the remaining life of CFD 2024-1.

“Special Tax Requirement” means that amount required in any Fiscal Year to: (i) pay regularly scheduled Debt Service on all Outstanding Bonds; (ii) pay periodic costs on the Outstanding Bonds,

including but not limited to, credit enhancement and rebate payments on the Outstanding Bonds; (iii) pay Administrative Expenses; (iv) pay any amounts required to establish or replenish any reserve funds for all Outstanding Bonds; (v) pay directly for eligible development impact fees and the acquisition or construction of eligible facilities, provided the inclusion of such amount does not increase the levy of the Special Tax on Undeveloped Property; and (vi) pay for reasonably anticipated Special Tax delinquencies based on the delinquency rate for Special Taxes in the previous Fiscal Year; less (vii) a credit for funds available to reduce the Annual Special Tax levy, as determined by the CFD Administrator pursuant to the Fiscal Agent Agreement.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor’s Parcels within the boundaries of CFD, which are not exempt from the levy of the Special Tax pursuant to law or Section 5 below.

“**Undeveloped Property**” means, for each Fiscal Year, all Taxable Property not classified as Developed Property.

2. LAND USE CLASSIFICATION

Each Fiscal Year, beginning with Fiscal Year 2024-25, each Assessor’s Parcel within CFD 2024-1 shall be classified as Taxable Property or Exempt Property. In addition, all Taxable Property shall further be classified as Developed Property or Undeveloped Property, and all such Taxable Property shall be subject to the levy of Special Taxes in accordance with this Rate and Method of Apportionment of Special Tax determined pursuant to Sections 3 and 4 below. Furthermore, each Assessor’s Parcel of Developed Property shall be classified according to its applicable Land Use Class based on its Building Square Footage.

In the event a Building Permit is issued for one or more Residential Property Condominiums prior to March 1 of the previous Fiscal Year and an Assessor’s Parcel Number has not yet been assigned to each such Condominium for the current Fiscal Year, the applicable Assessor’s Parcel may be classified as both Developed Property and Undeveloped Property. In such an instance, the Special Taxes levied on such Assessor’s Parcel shall be the sum of the amount derived from the following (i) applying the Assigned Special Tax applicable to each Condominium for which a Building Permit was issued prior to March 1 of the previous Fiscal Year and (ii) levying the acreage allocable to such actual or planned Condominiums for which a Building Permit has not been issued prior to March 1 of the previous Fiscal Year as Undeveloped Property; the allocable acreage shall be computed on a pro-rata basis based on the relative number of remaining Condominiums to the total number of Condominiums entitled to be developed on such Assessor’s Parcel. The total number of Condominiums entitled to be developed on the applicable Assessor’s Parcel shall be determined from the recorded condominium map, condominium plan, applicable site plan, plot plan, or other appropriate records kept by the City as reasonably determined by the CFD Administrator.

3. SPECIAL TAX RATES

A. Assigned Special Tax for Developed Property

The Assigned Special Tax applicable to an Assessor’s Parcel classified as Developed Property commencing Fiscal Year 2024-25 shall be determined pursuant to Table 1 below.

Table 1

**Assigned Special Tax
Rates for Developed
Property**

<i>Land Use Class</i>	<i>Land Use Type</i>	<i>Building Square Footage</i>	<i>Assigned Special Tax</i>
1	Residential Property	< 1,201	\$2,702 per Residential Unit
2	Residential Property	1,201 to 1,400	\$2,752 per Residential Unit
3	Residential Property	1,401 to 1,600	\$2,802 per Residential Unit
4	Residential Property	> 1,600	\$2,812 per Residential Unit

On each July 1, commencing July 1, 2025 and ending July 1, 2035, the Assigned Special Tax for Developed Property shall be increased by two percent (2.0%) of the amount in effect in the prior Fiscal Year.

B. Backup Special Tax for Developed Property

When a Final Map or a condominium plan is recorded within CFD 2024-1, the Backup Special Tax for Assessor’s Parcels of Developed Property classified as Residential Property shall be determined as follows:

For each Assessor’s Parcel of Residential Property or for each Assessor’s Parcel of Undeveloped Property to be classified as Residential Property upon its development within the Final Map area of CFD 2024-1, the Backup Special Tax for Fiscal Year 2024-25 shall be the rate per Lot calculated according to the following formula:

$$\$151,512 \times A$$

$$B = \text{-----}$$

L

The terms have the following meanings:

- B = Backup Special Tax per Lot
- A = Acreage classified or to be classified as Residential Property in such Final Map. The land area applicable to a Condominium shall be computed from the Acreage of the Lot on which the Condominium is located, with the Acreage for such Lot allocated equally among all of the Condominiums located or to be located on such Lot.
- L = For a Final Map, the number of Lots which are classified or to be classified as Residential Property.

Notwithstanding the foregoing, if Assessor's Parcels of Residential Property or Undeveloped Property for which the Backup Special Tax has been determined are subsequently changed or modified by recordation of a new or amended Final Map, then the Backup Special Tax applicable to such Assessor's Parcels shall be recalculated to equal the total amount of Backup Special Tax that would have been generated if such change did not take place.

On each July 1, commencing July 1, 2025 and ending July 1, 2035, the Backup Special Tax applicable to each Assessor's Parcel of Residential shall be increased by two percent (2.00%) of the amount in effect in the prior Fiscal Year.

C. Maximum Special Tax for Developed Property

Each Fiscal Year, the Maximum Special Tax for an Assessor's Parcel of Developed Property shall be the greater of the applicable Assigned Special Tax or Backup Special Tax.

D. Maximum Special Tax for Undeveloped Property

The Maximum Special Tax for Undeveloped Property commencing in Fiscal Year 2024-25 shall be \$151,512 per Acre.

On each July 1, commencing July 1, 2025 and ending July 1, 2035, the Maximum Special Tax applicable to each Assessor's Parcel of Undeveloped Property shall be increased by two percent (2.00%) of the amount in effect in the prior Fiscal Year.

E. Multiple Land Use Classes

In some instances, an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that may be levied on such an Assessor's Parcel shall only be levied on the Residential Property Land Use Class located on such Assessor's Parcel.

F. Special Tax Reduction prior to issuance of Bonds

Prior to the issuance of Bonds, the Assigned Special Tax, Backup Special Tax, and Maximum Special Tax (collectively the "Special Tax Rates") on Taxable Property may be reduced in accordance with, and subject to the conditions set forth in this paragraph. Upon the City's receipt of a written request from property owner and the CFD Administrator, the Special Tax Rates on Taxable Property may be

reduced to a level which will provide not less than one hundred ten percent (110%) of the estimated debt service with respect to the amount of Bonds requested to be issued in such written request. If it is reasonably determined by the CFD Administrator that the total effective tax rate on Residential Property exceeds 2%, the Special Tax Rates may be reduced to the amount necessary to satisfy the maximum allowable effective tax rate requirement on Residential Property with the written consent of Master Developer, which consent shall not be unreasonably withheld, and the CFD Administrator. It shall not be required that reductions among each "Building Square Footage" range of Residential Property be proportional. Additionally, the "CFD Public Facilities Costs" amount in Section 8 shall be reduced commensurate with any reductions to the Special Tax Rates pursuant to this paragraph, as reasonably determined by the CFD Administrator. A certificate in substantially the form attached hereto as Exhibit "B" shall be used for purposes of evidencing the required written consent and effectuating the reduction to the Special Tax Rates. The reductions permitted pursuant to this paragraph shall be reflected in an amended Notice of Special Tax Lien which the City shall cause to be recorded.

Once bonds are issued for CFD No. 2024-1, this paragraph 3.F shall become void.

4. METHOD OF APPORTIONMENT

For each Fiscal Year, commencing Fiscal Year 2024-25, the CFD Administrator shall determine the Special Tax Requirement and levy the Special Tax on all Taxable Property in accordance with the following steps:

Step 1: The Special Tax shall be levied Proportionately on each Assessor's Parcel of Developed Property at up to 100% of the applicable Assigned Special Tax to satisfy the Special Tax Requirement;

Step 2: If additional monies are needed to satisfy the Special Tax Requirement after Step 1 has been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for Undeveloped Property as needed to satisfy the Special Tax Requirement;

Step 3: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, the Special Tax shall be increased Proportionately on each Assessor's Parcel of Developed Property up to 100% of the Maximum Special Tax for Developed Property as needed to satisfy the Special Tax Requirement.

Notwithstanding the above, under no circumstances will the Special Tax levied in any Fiscal Year against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased as a result of a delinquency or default in the payment of the Special Tax applicable to any other Assessor's Parcel within CFD 2024-1 by more than ten percent (10%) above what would have been levied in the absence of such delinquencies or defaults.

5. EXEMPTIONS

The CFD Administrator shall classify as Exempt Property (i) Assessor's Parcels of Public Property,

(ii) Assessor's Parcels of Property Owner Association Property, (iii) Assessor's Parcels which are

used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization, (iv) Non-Residential property including, but not limited to, commercial and industrial parcels, and (v) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement, provided that no such classification would reduce the sum of all Taxable Property in CFD 2024-1 to less than 4.46 Acres. Assessor's Parcels which cannot be classified as Exempt Property because such classification would reduce the sum of all Taxable Property in CFD 2024-1 to less than 4.46 Acres, shall be classified as Taxable Property and will continue to be subject to the CFD 2024-1 Special Taxes accordingly. Tax exempt status for the purpose of this paragraph will be assigned by the CFD Administrator in the chronological order in which property becomes eligible for classification as Exempt Property.

If the use of an Assessor's Parcel of Exempt Property changes so that such Assessor's Parcel is no longer classified as one of the uses set forth in the first paragraph of Section 5 above that would make such Assessor's Parcel eligible to be classified as Exempt Property, such Assessor's Parcel shall cease to be classified as Exempt Property and shall be deemed to be Taxable Property.

6. APPEALS

Any property owner who pays the Special Tax and claims the amount of the Special Tax levied on his or her Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error not later than thirty-six (36) months after first having paid the first installment of the Special Tax that is disputed. If following such consultation the CFD Administrator determines that an error has occurred, then the CFD Administrator shall take any of the following actions, in order of priority, in order to correct the error:

- (i) Amend the Special Tax levy on the property owner's Assessor's Parcel(s) for the current Fiscal Year prior to the payment date,
- (ii) Require the CFD to reimburse the property owner for the amount of the overpayment to the extent of available CFD funds, or
- (iii) Grant a credit against, eliminate or reduce the future Special Taxes on the property owner's Assessor's Parcel(s) in the amount of the overpayment.

If following such consultation and action by the CFD Administrator the property owner believes such error still exists, such person may file a written notice of appeal with the City Council. Upon the receipt of such notice, the City Council or designee may establish such procedures as deemed necessary to undertake the review of any such appeal. If the City Council or designee determines an error still exists, the CFD Administrator shall take any of the actions described as (i), (ii) and (iii) above, in order of priority, in order to correct the error.

The City Council or designee thereof shall interpret this Rate and Method of Apportionment of Special Tax for purposes of clarifying any ambiguities and make determinations relative to the administration of the Special Tax and any property owner appeals. The decision of the City Council or designee shall be final and binding as to all persons.

7. **COLLECTION OF SPECIAL TAXES**

Collection of the Annual Special Tax shall be made by the County in the same manner as ordinary ad valorem property taxes are collected and the Annual Special Tax shall be subject to the same penalties and the same lien priority in the case of delinquency as ad valorem taxes; provided, however, that the City Council may provide for (i) other means of collecting the Special Tax, including direct billings thereof to the property owners; and (ii) judicial foreclosure of delinquent Annual Special Taxes.

8. **PREPAYMENT OF SPECIAL TAX OBLIGATION**

A. **Prepayment in Full**

Property owners may prepay and permanently satisfy the Special Tax Obligation by a cash settlement with the City as permitted under Government Code Section 53344. The following definitions apply to this Section 8:

“CFD Public Facilities Costs” means an amount sufficient to pay development impact fees and acquire or construct the facilities to be financed under the Act and financing program for CFD 2024-1, or such lower number as shall be determined by the CFD Administrator.

“Improvement Fund” means the fund (regardless of its name) established pursuant to the Fiscal Agent Agreement to hold funds, which are currently available for expenditure to acquire or construct the facilities or pay development impact fees authorized to be funded by CFD No. 2024-1.

“Future Facilities Costs” means the CFD Public Facilities Costs minus (i) costs previously paid from the Improvement Fund to acquire or construct the facilities or pay for development impact fees, (ii) monies currently on deposit in the Improvement Fund, and (iii) monies currently on deposit in an escrow or other designated fund that are expected to be available to finance CFD Public Facilities Costs.

“Outstanding Bonds” means all Previously Issued Bonds, which remain outstanding as of the first interest and/or principal payment date following the current Fiscal Year excluding Bonds to be redeemed at a later date with proceeds of prior Special Tax prepayments.

“Previously Issued Bonds” means all Bonds that have been issued prior to the date of prepayment.

The Special Tax Obligation applicable to an Assessor’s Parcel of Developed Property, or Undeveloped Property for which a Building Permit has been issued may be prepaid and the obligation to pay the Special Tax for such Assessor’s Parcel permanently satisfied as described herein, provided that a prepayment may be made with respect to a particular Assessor’s Parcel only if there are no delinquent Special Taxes with respect to such Assessor’s Parcel at the time of prepayment. An owner of an Assessor’s Parcel eligible to prepay the Special Tax Obligation shall provide the CFD Administrator with written notice of intent to prepay, and designate or identify the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the Prepayment Amount for such Assessor’s Parcel within thirty (30) days of the request, and may charge a reasonable fee for providing this service. Prepayment must be made at least 60 days prior to any redemption date for the Bonds to be redeemed with the proceeds of such

prepaid Special Taxes, unless a shorter period is acceptable to the Fiscal Agent and the City.

The Prepayment Amount (defined below) shall be calculated for each applicable Assessor's Parcel or group of Assessor's Parcels as summarized below (capitalized terms as defined below):

Bond Redemption Amount plus Redemption Premium

plus Future Facilities Costs Prepayment Amount plus Defeasance Amount

plus Prepayment Administrative Fees and Expenses less Reserve Fund Credit

less Capitalized Interest Credit Total: equals Prepayment Amount

As of the proposed date of prepayment, the Prepayment Amount (defined in Step 14 below) shall be calculated as follows:

Step No.:

1. Confirm that no Special Tax delinquencies apply to such Assessor's Parcel.
2. For Assessor's Parcels of Developed Property, determine the Maximum Special Tax. For Assessor's Parcels of Undeveloped Property for which a Building Permit has been issued, compute the Maximum Special Tax for that Assessor's Parcel as though it was already designated as Developed Property, based upon the Building Permit which has already been issued for that Assessor's Parcel.
3. Divide the Maximum Special Tax computed pursuant to paragraph 2 by the total expected Maximum Special Tax revenue for CFD 2024-1 assuming all Building Permits have been issued (build-out) within CFD 2024-1, excluding any Assessor's Parcels for which the Special Tax Obligation has been previously prepaid.
4. Multiply the quotient computed pursuant to paragraph 3 by the Outstanding Bonds and round that number up to the nearest \$5,000 increment to compute the amount of Outstanding Bonds to be retired and prepaid for all applicable Assessor's Parcels (the "Bond Redemption Amount").
5. Multiply the Bond Redemption Amount computed pursuant to paragraph 4 by the applicable redemption premium (expressed as a percentage), if any, on the Outstanding Bonds to be redeemed at the first available call date (the "Redemption Premium").
6. Compute the Future Facilities Costs.
7. Multiply the quotient computed pursuant to paragraph 3 by the amount determined pursuant to paragraph 6 to compute the amount of Future Facilities Costs to be prepaid (the "Future Facilities Prepayment Amount").

8. Compute the amount needed to pay interest on the Bond Redemption Amount from the first bond interest and/or principal payment date following the current Fiscal Year until the expected redemption date for the Outstanding Bonds which, depending on the Fiscal Agent Agreement, may be as early as the next interest payment date.
9. Compute the amount the CFD Administrator reasonably expects to derive from the reinvestment of the Prepayment Amount less the Future Facilities Prepayment Amount and the Prepayment Administrative Fees from the date of prepayment until the redemption date for the Outstanding Bonds to be redeemed with the prepayment.
10. Subtract the amount computed in paragraph 9 from the amount computed in paragraph 8 (the “Defeasance Amount”).
11. Calculate the administrative fees and expenses of CFD No. 2024-1, including the costs of computation of the prepayment, the costs to invest the prepayment proceeds, the costs of redeeming the Outstanding Bonds to be redeemed with the prepayment, and the costs of recording any notices to evidence the prepayment and the redemption (the “Prepayment Administrative Fees”).
12. If reserve funds for the Outstanding Bonds, if any, are at or above 100% of the reserve requirement (as defined in the Fiscal Agent Agreement) on the prepayment calculation date, a reserve fund credit shall be calculated as a reduction in the applicable reserve fund for the Outstanding Bonds to be redeemed pursuant to the prepayment (the “Reserve Fund Credit”). No Reserve Fund Credit shall be granted if, after the Prepayment Amount is calculated, reserve funds are below 100% of the reserve requirement after taking into account such prepayment.
13. If any capitalized interest for the Outstanding Bonds will not have been expended at the time of the first interest and/or principal payment following the current Fiscal Year, a capitalized interest credit shall be calculated by multiplying the quotient computed pursuant to paragraph 3 by the expected balance in the capitalized interest fund after such first interest and/or principal payment (the “Capitalized Interest Credit”).
14. The amount to prepay the Special Tax Obligation is equal to the sum of the amounts computed pursuant to paragraphs 4, 5, 7, 10, and 11, less the amounts computed pursuant to paragraphs 12 and 13 (the “Prepayment Amount”).
15. From the Prepayment Amount, the sum of the amounts computed pursuant to paragraphs 4, 5, and 10, less the amounts computed pursuant to paragraphs 12 and 13 shall be deposited into the appropriate fund as established under the Fiscal Agent Agreement and be used to retire Outstanding Bonds or make Debt Service payments. The amount computed pursuant to paragraph 7 shall be deposited into the Construction Fund. The amount computed pursuant to paragraph 11 shall be retained by CFD No. 2024-1.

The Prepayment Amount may be sufficient to redeem an amount other than a \$5,000 increment of Bonds. In such cases, the increment above \$5,000 or integral multiple thereof will be retained in the appropriate fund established under the Fiscal Agent Agreement to redeem Bonds to be used with the next prepayment of Bonds.

The CFD Administrator will confirm that all previously levied Special Taxes have been paid in full. With respect to any Assessor's Parcel for which the Special Tax Obligation is prepaid in full, once the CFD Administrator has confirmed that all previously levied Special Taxes have been paid, the City Council shall cause a suitable notice to be recorded in compliance with the Act, to indicate the prepayment of the Special Tax Obligation and the release of the Special Tax lien on such Assessor's Parcel, and the obligation of the owner of such Assessor's Parcel to pay the Special Tax shall cease.

Notwithstanding the foregoing, no Special Tax prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

B. Partial Prepayment

The Special Tax on an Assessor's Parcel of Developed Property or Undeveloped Property for which a Building Permit has been issued may be partially prepaid. The amount of the prepayment shall be calculated as in Section 8.A.; except that a partial prepayment shall be calculated according to the following formula:

$$PP = (PE-A) \times F + A$$

These terms have the following meaning:

PP = the partial prepayment

PE = the Prepayment Amount calculated according to Section 8.A

F = the percentage by which the owner of the Assessor's Parcel(s) is partially prepaying the Special Tax Obligation

A = the Prepayment Administrative Fees and Expenses from Section 8.A

The owner of any Assessor's Parcel who desires such partial prepayment shall notify the CFD Administrator of (i) such owner's intent to partially prepay the Special Tax Obligation, (ii) the percentage by which the Special Tax Obligation shall be prepaid, and (iii) the company or agency that will be acting as the escrow agent, if any. The CFD Administrator shall provide the owner with a statement of the amount required for the partial prepayment of the Special Tax Obligation for an Assessor's Parcel within sixty (60) days of the request and may charge a reasonable fee for providing this service.

With respect to any Assessor's Parcel that is partially prepaid, the City shall (i) distribute the funds remitted to it according to Section 8.A., and (ii) indicate in the records of CFD No. 2024-1 that there has been a partial prepayment of the Special Tax Obligation and that a portion of the Special Tax with respect to such Assessor's Parcel, equal to the outstanding percentage (1.00 - F) of the Maximum

Special Tax, shall continue to be levied on such Assessor's Parcel.

Notwithstanding the foregoing, no partial prepayment shall be allowed unless the aggregate amount of Maximum Special Taxes less Administrative Expenses that may be levied on Taxable Property, respectively, after the proposed partial prepayment is at least 1.1 times the Debt Service on all Outstanding Bonds in each Fiscal Year.

9. TERM OF SPECIAL TAX

The Special Tax shall be levied as long as necessary to meet the Special Tax Requirement, but in any event not after Fiscal Year 2059-60. The Special Tax will cease to be levied in an earlier Fiscal Year if the CFD Administrator has determined that all required interest and principal payments on the Bonds have been paid, no delinquent Special Taxes remain uncollected, and the City has covenanted that it will not issue any more Bonds (other than refunding Bonds) to be supported by Special Taxes levied under this Rate and Method of Apportionment.

EXHIBIT A

SHEET 1 OF 1

**PROPOSED BOUNDARY OF
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(CITRUS BAY)
CITY OF CHULA VISTA
COUNTY OF SAN DIEGO, STATE OF CALIFORNIA**

I HEREBY CERTIFY THAT WITHIN THE MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CITRUS BAY), CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA AT A REGULAR MEETING THEREFOR, HELD ON THE 11th DAY OF June, 2024, BY ITS RESOLUTION NO. 2024-114

Claudia Novis for Kerry Bagshaw
CITY CLERK
CITY OF CHULA VISTA



FILED IN THE OFFICE OF THE CITY CLERK, CITY OF CHULA VISTA, THIS 21st DAY OF June, 2024.

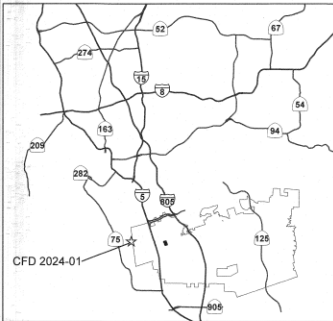
Claudia Novis for Kerry Bagshaw
CITY CLERK
CITY OF CHULA VISTA



RECORDED THIS 24th DAY OF JUNE, 2024 AT THE HOUR OF 1:14 O'CLOCK PM IN BOOK 52 PAGE 07 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

FEE: \$54.00 FILE NO. 2024-7000245
JORDAN Z. MARKS, ASSESSOR, RECORDER,
COUNTY CLERK

BY: *Cellette R...*
DEPUTY

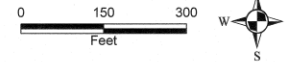


Legend

- Point Of Commencement
- Special Tax Boundary
- Current Parcel Boundary
- Parcel Boundary
- Lots

MAP REFERENCE NO.	ASSESSOR PARCEL NO.
1	Portion of 572-010-44

Coordinate System: NAD 1983 StatePlane California V FIPS 0406 Feet
Projection: Lambert Conformal Conic
Datum: North American 1983
False Easting: 6,561,666.666666666
False Northing: 1,640,416.666666667
Central Meridian: -116.25
Standard Parallel 1: 32.78333333333333
Standard Parallel 2: 33.88333333333333
Latitude Of Origin: 32.16666666666666



HARRIS & ASSOCIATES
101 PROGRESS, SUITE 250
IRVINE, CALIFORNIA 92618
800-827-4901

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS MAP SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE SAN DIEGO COUNTY ASSESSOR'S MAPS FOR FISCAL YEAR 2023-2024.

Being a Portion of Sections 03 and 04
T. 18S R. 02W
San Diego County

BK 52 PG 07

2024-7000245

2024-7000245

BK 52 PG 07

EXHIBIT 2

**CERTIFICATE TO AMEND THE SPECIAL TAX
COMMUNITY FACILITIES DISTRICT NO. 2024-1 (CITRUS BAY)
OF THE CITY OF CHULA VISTA, COUNTY OF SAN DIEGO
STATE OF CALIFORNIA**

TAX REDUCTION CERTIFICATE

1. The undersigned property owners hereby request modification of the following information in the Rate and Method of Apportionment of Special Tax (the "RMA") for Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista (the "CFD").
2. Pursuant to Section 3 of the Rate and Method of Apportionment, as attached to the Notice of Special Tax Lien, recorded in the Official Records of the County of San Diego as Instrument No. XXXXXX on MM/DD/YYYY, the County of San Diego (the "County") hereby reduces the Assigned Special Tax for Developed Property within the CFD as set forth in Table 1 of the RMA.
3. The information in Table 1, relating to the Assigned Special Tax for Developed Property within CFD No. 2021-01 (IA No. 1) shall be amended and restated in full as follows:

Table 1: Assigned Special Tax for Developed Property

<i>Land Use Class</i>	<i>Land Use Type</i>	<i>Building Square Footage</i>	<i>Assigned Special Tax</i>
1	Residential Property	< 1,201	\$ _____ per Residential Unit
2	Residential Property	1,201 to 1,400	\$ _____ per Residential Unit
3	Residential Property	1,401 to 1,600	\$ _____ per Residential Unit
4	Residential Property	> 1,600	\$ _____ per Residential Unit

4. The calculation of the Backup Special Tax for Assessor's Parcels of Developed Property within CFD 2024-1 classified as Residential Property shall be amended as follows:

For each Assessor's Parcel of Residential Property or for each Assessor's Parcel of Undeveloped Property to be classified as Residential Property upon its development within the Final Map area of CFD 2024-1, the Backup Special Tax for shall be the rate per Lot calculated according to the following formula:

$$B = \frac{\$ \text{_____} \times A}{\text{-----}} \\ L$$

The terms have the following meanings:

- B = Backup Special Tax per Lot
- A = Acreage classified or to be classified as Residential Property in such Final Map. The land area applicable to a Condominium shall be computed from the Acreage of the Lot on which the Condominium is located, with the Acreage for such Lot allocated equally among all of the Condominiums located or to be located on such Lot.
- L = For a Final Map, the number of Lots which are classified or to be classified as residential Property.

5. On each July 1, commencing July 1, 2025 and ending July 1, 2035, the Assigned Special Tax Rates in Table 1 and the Backup Special Tax applicable to each Assessor's Parcel of Residential shall be increased by two percent (2.00%) of the amount in effect in the prior Fiscal Year.
6. Section 3 of the RMA may only be modified prior to the issuance of Bonds.
7. Upon execution of the certificate by the County and the CFD, the County shall cause an amended Notice of Special Tax Lien for the CFD to be recorded reflecting the modifications set forth herein.

I hereby declare under penalty of perjury that the above representations are true and correct.

Property Owner:

By: _____ Date: _____

By execution hereof, the undersigned acknowledges, on behalf of the City of Chula Vista and CFD No. 2024-1(Citrus Bay) receipt of this Certificate and modification of the RMA as set forth in this Certificate.

City of Chula Vista

By: _____ Date: _____
CFD Administrator

Community Facilities District No. 2024-1 (Citrus Bay) of the City of Chula Vista

By: _____ Date: _____
CFD Administrator