

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

July 11, 2006

**FROM:** THOMAS L. SUTTON, Director  
Special Districts Department

PAT A. DENNEN, Fire Chief/Fire Warden  
San Bernardino County Consolidated Fire District

**SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION TO COMMUNITY FACILITIES DISTRICT NO. 2002-02 (CENTRAL VALLEY FIRE PROTECTION DISTRICT)**

**RECOMMENDATION:** Acting as the governing body of Community Facilities District No. 2002-02 (Central Valley Fire Protection District):

1. Conduct a public hearing to consider the annexation of Assessor Parcel No. 0234-011-14 into Community Facilities District No. 2002-02.
2. Make finding that a majority protest, pursuant to Government Code Sections 53324 and 53339.6, was not filed or made prior to the hearing.
3. Adopt (**Resolution No. 2006-273**) Calling Special Mailed-Ballot Election Respecting Proposed Annexation No.2.
4. Adopt (**Resolution No. 2006-274**) Declaring Election Results and Ordering Annexation No.2.

**BACKGROUND INFORMATION:** 9774 Calabash, LLC is developing a 592,000 square foot industrial building within the Kaiser Commerce Center. The property is located outside the current boundaries of Community Facilities District No. 2002-02 (CFD 2002-02), but the developer is required to annex its 26.5 acre property into CFD 2002-02 to receive fire protection services. This proposed annexation is referred to as Annexation No. 2 in the above-recommended two resolutions.

CFD 2002-02 was formed on August 6, 2002. This District was formed as a way of providing a financing mechanism to provide fire protection services from the Central Valley Fire Protection District to the Kaiser Commerce Center project located on the old Kaiser Steel site and to the unincorporated areas around this site. As authorized by the formation of CFD 2002-02, all new development within its boundaries (including the subject parcel if the annexation is approved) is subject to the levy of a special tax in the amount of \$565 per developed acre to assist with the cost of providing fire protection services to this area. A total tax amount of \$14,972 would be levied against the project.

Pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53339.4) (the "Act"), a public hearing is required to authorize proceedings to annex property into CFD No. 2002-02. Pursuant to Government Code Section 6061, a notice of hearing was published one time in a publication of general circulation in the area at least 7 days prior to the hearing date.

**Recommendation No. 1** allows the Board to conduct a public hearing, pursuant to the Act, to consider the annexation of Assessor Parcel No. 0234-011-14 into Community Facilities District No. 2002-02.

cc: w/Resolution  
SDD-Sutton  
SBCCFD-Dennen  
CC-Blakemore  
CAO-Thies  
File-SDD w/ attachments  
File-SBCCFD

tlh

Record of Action of the Board of Supervisors  
Resolution No's. 2006-273 & 2006-724

**APPROVED BOARD OF SUPERVISORS  
COUNTY OF SAN BERNARDINO**

|        |               |             |            |               |               |
|--------|---------------|-------------|------------|---------------|---------------|
| MOTION | <u>ABSENT</u> | <u>MOVE</u> | <u>AYE</u> | <u>ABSENT</u> | <u>SECOND</u> |
|        | 1             | 2           | 3          | 4             | 5             |

DENA M. SMITH, CLERK OF THE BOARD

BY \_\_\_\_\_

DATED: July 11, 2006



**CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION TO COMMUNITY FACILITIES  
DISTRICT NO. 2002-02 (CENTRAL VALLEY FIRE PROTECTION DISTRICT)**

**July 11, 2006**

**Page 2**

**Recommendation No. 2** allows the Board to make a finding that a majority protest has not been received by the time of the public hearing. This action further allows for the calling of a special mailed-ballot election.

**Recommendation No. 3** adopts a resolution that calls for a special mailed-ballot election on the question of the annexation of the subject parcel into CFD 2002-02. Since there are no registered voters within the proposed annexed property, the qualified elector for the election is the owner of the property (9774 Calabash, LLC). The owner has filed a waiver and consent, waiving all election time limits and the preparation of election materials. The ballot has been previously provided to the owner and the owner has returned it to the Clerk of the Board.

**Recommendation No. 4** adopts a resolution that declares the election results. If approved, the property will be annexed into CFD 2002-02 and will be subject to the levy of the special tax previously approved for that district.

**REVIEW BY OTHERS:** This item has been reviewed by County Counsel (Michelle Blakemore, Deputy County Counsel, 387-5445) on July 6, 2006; and by the County Administrative Office (Wayne Thies, Administrative Analyst, 387-5409) on July 6, 2006.

**FINANCIAL IMPACT:** This item has no financial impact to the District or the County General Fund. All costs associated with the annexation have been paid by the developer.

**SUPERVISORIAL DISTRICT(S):** Second

**PRESENTERS:** Thomas L. Sutton, 387-5967  
Pat A. Dennen, 387-5948

COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)  
ANNEXATION NO. 2

SPECIAL ELECTION BALLOT – PAGE 2

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT.

BALLOT MEASURE

Shall the Board of Supervisors of the County of San Bernardino be authorized to order the annexation of the property shown on the map entitled "Annexation Map No. 2" to its existing Community Facilities District No. 2002-2 ("CFD No. 2002-2") and levy the special tax previously authorized for CFD No. 2002-2 on said property to finance fire protection services, all as specified in its resolutions pertaining thereto?

MARK "YES" OR "NO"  
WITH AN "X":

YES  
\_\_\_\_\_

NO  
\_\_\_\_\_

Certification for Special Election Ballot

The undersigned is an authorized representative of the above-named landowner and is legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on July 11, 2006.

9774 CALABASH, LLC,  
a Delaware limited liability company

By: 18-Chai Corp., its Manager

By: Randolph F. Thomas (MC)  
(Signature)

RANDOLPH F. THOMAS V.P.  
(Print Name and Title)

In the event this Special Election Ballot is executed in reliance upon an "Appointment of Representative to Execute Waiver and Consent and to Cast Ballot," a photocopy of the dated and signed appointment form must be attached hereto prior to submission of this Special Election Ballot and the related Waiver and Consent to the Clerk.

RESOLUTION NO. 2006-273

RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION  
RESPECTING PROPOSED ANNEXATION NO. 2

Community Facilities District No. 2002-2  
(Central Valley FPD - Fire Protection Services)

WHEREAS, reference is made to the Resolution of Intention to Annex Property to Community Facilities District (the "Resolution of Intention"), adopted by this Board of Supervisors (this "Board") adopted on June 27, 2006, for the description of the petition received from 9774 Calabash, LLC (the "Owner"), as the sole owner of certain real property (the "Subject Property") which the Owner is requesting be annexed to the existing Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services) ("CFD No. 2002-2"); and

WHEREAS, this Board scheduled this same date as the date for the public hearing with respect to the proposed annexation of the Subject Property (the "Proposed Annexation"); and

WHEREAS, on this same date, at the time set for the public hearing by the Resolution of Intention, this Board conducted the public hearing, and at the close of the public hearing this Board determined that a majority protest under Sections 53324 and 53339.6 of the Government Code was not made at the hearing; and

WHEREAS, in order to proceed with the Proposed Annexation, as provided by the Resolution of Intention, the matter must be submitted to an election of the qualified electors in the territory of the Subject Property, as provided in the form of special election ballot attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, a Certificate Re Registered Voters and Landowners (the "Certificate") has been filed with the Clerk of this Board (the "Clerk"), certifying that at no time

during the ninety days preceding the close of the protest hearing on this date, were there ever any persons registered to vote within the territory of the Subject Property, with the result that, pursuant to Section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owner;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.

2. This Board accepts the Certificate heretofore filed in these proceedings and finds, in accordance therewith, that there presently are, and at all times during the ninety days just past there have been no registered voters residing within the boundaries of the Subject Property. Accordingly, under Section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owner.

3. This Board further finds and determines that the Owner is the sole landowner of record of the Subject Property and that the Certificate correctly sets forth the amount of property owned by the Owner, the number of votes to which the Owner is entitled pursuant to said Section 53326 being said number of acres rounded up to the nearest whole integer.

4. This Board further finds and determines that an authorized representative of the Owner has filed with the Clerk (a) the special election ballot pertaining to the Subject Property and (b) a waiver and consent, by which the time limits and related requirements respecting preparation and distribution of election materials are waived.



5. Pursuant to Sections 53326 and 53351 of the Government Code, this Board hereby calls an election, to be held and conducted forthwith upon adoption of this resolution, and sets this same date as the election date. Pursuant to Sections 53326 and 53339.7 of the Government Code, the election shall be conducted by mailed ballot; provided that personal service of the ballot is permitted under the terms of the waiver and consent on file with the Clerk and shall therefore be permitted and ratified. The action of the Clerk in having made personal service of the ballot, in the form of Exhibit A, to the Owner is hereby ratified.

6. The measure to be submitted to the qualified electors of the Subject Property shall be as set forth in Exhibit A.

7. The Clerk, having received the only eligible ballot prior to adoption of this resolution, shall immediately close the election and declare the results to this Board.

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

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: Board Members: Biane, Hansberger, Gonzales

NOES: Board Members:None

ABSENT: Board Members:Postmus, Ovitt

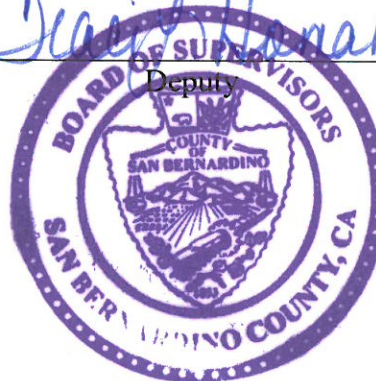
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STATE OF CALIFORNIA            )  
  )    ss.  
COUNTY OF SAN BERNARDINO)

I, Dena M. Smith, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true, and correct copy of the record of action taken by said Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of July 11, 2006, Item 81, tlh.

DENA M. SMITH  
Clerk of the Board

By: *Jean A. Homan*



COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)  
ANNEXATION NO. 2

**SPECIAL ELECTION BALLOT**

(Mailed-Ballot Election)

This ballot is for the use of the authorized representative of the following owner of land within the County of San Bernardino Community Facilities District No. 2002-2 ("CFD No. 2002-2"):

| <u>Name of Landowner</u> | <u>Number of Acres Owned</u> | <u>Total Votes</u> |
|--------------------------|------------------------------|--------------------|
| 9774 Calabash, LLC       | 26.00                        | 26                 |

According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the Board of Supervisors (the "Board") of the County of San Bernardino (the "County"), the above-named landowner is entitled to cast the number of votes shown above under the heading "Total Votes," representing the total votes for the property owned by said landowner.

In order to be counted, this ballot must be executed and certified below and be returned to the Clerk of the Board, either by mail or in person, prior to 10:00 A. M. on July 11, 2006, or as soon thereafter as the matter of the special election regarding Annexation No. 2 for CFD No. 2002-2 shall be considered by the Board at its meeting on said date, to:

Clerk of the Board of Supervisors  
County of San Bernardino  
385 North Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415

Mailing by July 11, 2006, will not be sufficient. The ballot must be physically received by the Clerk prior to the deadline in order to be counted.



RESOLUTION NO. 2006-274

RESOLUTION DECLARING ELECTION RESULTS  
AND ORDERING ANNEXATION NO. 2

Community Facilities District No. 2002-2  
(Central Valley FPD - Fire Protection Services)

WHEREAS, on this date, at the time set for the public hearing in the matter of annexing certain prescribed land (the "Subject Property") to Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services) ("CFD No. 2002-2") by its Resolution of Intention to Annex Property to Community Facilities District, this Board of Supervisors (this "Board") conducted the public hearing, and at the close of the public hearing, this Board determined that a majority protest under Section 53339.6 of the Government Code was not made at the hearing; and

WHEREAS, at the conclusion of the public hearing, this Board adopted its Resolution Calling Special Mailed-Ballot Election pursuant to Section 53339.7 of the Government Code; and

WHEREAS, by said resolution calling the election, the two questions of annexing the Subject Property and levying a special tax as previously authorized for property within CFD No. 2002-2 were combined into a single ballot measure pursuant to Section 53353.5 of the Government Code, as provided in the form of special election ballot attached thereto as Exhibit A; and

WHEREAS, a Certificate of Clerk re Receipt of Property Owner Waiver and Consent Form and Ballot and Declaring Election Results, dated this same date (the "Clerk's Certificate"), executed by the Clerk of this Board (the "Clerk"), has been filed with this Board, certifying that a completed ballot has been returned to the Clerk for the sole landowner-voter eligible to cast a

ballot in said special, with all votes cast as “Yes” votes in favor of the ballot measure, and further certifying on said basis that the special mailed-ballot election was closed; and

WHEREAS, this Board has received, reviewed and hereby accepts the Clerk’s Certificate and wishes by this resolution to declare the results of the special mailed-ballot election;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of San Bernardino as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.

2. This Board hereby finds and determines and declares that the ballot measure submitted to the qualified elector of the subject annexation to CFD No. 2002-2 has been passed and approved by that qualified elector in accordance with Sections 53339.8 and 53355 of the Government Code, and the Subject Property is hereby declared annexed to CFD No. 2002-2 and made subject to the special tax of CFD No. 2002-2 in accordance with the rate and method of apportionment of special tax previously approved for CFD No. 2002-2.

3. This Board hereby authorizes and directs the Clerk to cause the following:

a. the recordation with the San Bernardino County Recorder (the “County Recorder”) of the map entitled “Annexation Map No. 2 to County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services), which map is on file with the Clerk; and

b. the preparation and recordation with the County Recorder of a notice of special tax lien in accordance with the provisions of Section 3114.5 of the Streets and Highways Code and Section 53328.3 of the Government Code. Said notice shall be recorded in said County Recorder’s office within fifteen days of today’s date.

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

\* \* \* \*

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: Board Members: Biane, Hansberger, Gonzales

NOES: Board Members: None

ABSENT: Board Members: Postmus, Ovitt

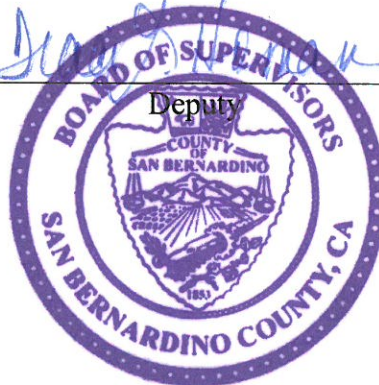
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STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO)

I, Dena M. Smith, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true, and correct copy of the record of action taken by said Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of July 11, 2006, Item 81, tlh.

DENA M. SMITH  
Clerk of the Board

By: *Dena M. Smith*



COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)

Gail -  
Dena never  
signed this -  
since we did not  
have everything

**CERTIFICATE OF CLERK RE RECEIPT OF  
PROPERTY OWNER WAIVER AND CONSENT FORMS  
AND BALLOTS AND DECLARING ELECTION RESULTS  
FOR ANNEXATION NO. 2**

I, Dena M. Smith, Clerk of the Board of Supervisors of the County of San Bernardino (the "County") hereby certify:

On or before July 11, 2006, in the meeting place of the Board of Supervisors of the County (the "Board"), in connection with the special mailed-ballot election called in these proceedings by the Board, I personally received (a) the signed and dated waiver and consent form and (b) the signed, dated and marked election ballot from 9774 Calabash, LLC, the sole landowner of the property which is the subject of this Annexation No. 2 to Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services, according to the Certificate Re Landowners filed in these proceedings.

Following such receipt, I personally, and in the presence of all persons present, examined the ballot and hereby certify the result of that examination and ballot count to be that the only ballot cast was cast in favor of the measure.

Based upon the foregoing, all votes that were cast having been cast "Yes", in favor of the ballot measure, the measure has therefore passed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on July 11, 2006.

---

Dena M. Smith  
Clerk of the Board of Supervisors

COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)  
ANNEXATION NO. 2

**WAIVER AND CONSENT  
RESPECTING CONDUCT OF MAILED-BALLOT, LANDOWNER ELECTION**

The undersigned is an authorized representative of 9774 Calabash, LLC (the "Owner"), the sole owner of land (the "Subject Property") shown on the exhibit map attached to the petition submitted to the Board of Supervisors (the "Board") of the County of San Bernardino (the "County"), requesting the annexation of the Subject Property to the County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services) ("CFD No. 2002-2").

The undersigned is a person legally entitled and authorized to cast the ballot for the Owner in the mailed-ballot election to be conducted on July 11, 2006, to determine whether the Subject Property shall be annexed to CFD No. 2002-2 and thereby made subject to the special tax of CFD No. 2002-2 pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the "Act").

The undersigned, on behalf of the Owner, hereby waives (and, with respect to Item 4, agrees to) each of the following:

1. any and all minimum time periods relative to the landowner-voter election to be held pursuant to Government Code Section 53339.7 of the Act;
2. the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Government Code Section 53327(b) of the Act;
3. the requirement to publish notice of the election under Government Code Section 53352 of the Act;
4. the requirements regarding the time to mail ballots to the qualified electors under Elections Code Section 4101, and agrees to accept either mailed service or personal service of the ballot;
5. the requirements regarding identification envelopes for the return of mailed ballots contained in Government Code Section 53327.5 of the Act; and
6. any and all defects in notice or procedure in the proceedings for the annexation of the Subject Property to CFD No. 2002-2, including but not limited to the conduct of the election, whether known or unknown (other than the right to have ballots accurately counted).



COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)  
ANNEXATION NO. 2

WAIVER AND CONSENT  
RESPECTING CONDUCT OF MAILED-BALLOT, LANDOWNER ELECTION


Page 2

The undersigned expressly acknowledges, represents and states that the election is being expedited by the County, pursuant to this waiver and consent, at the particular instance and request of the Owner.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration is executed on July 11, 2006.

9774 CALABASH, LLC,  
a Delaware limited liability company

By : 18-Chai Corp., its Manager

By Randolph F. Thomas   
(Signature)

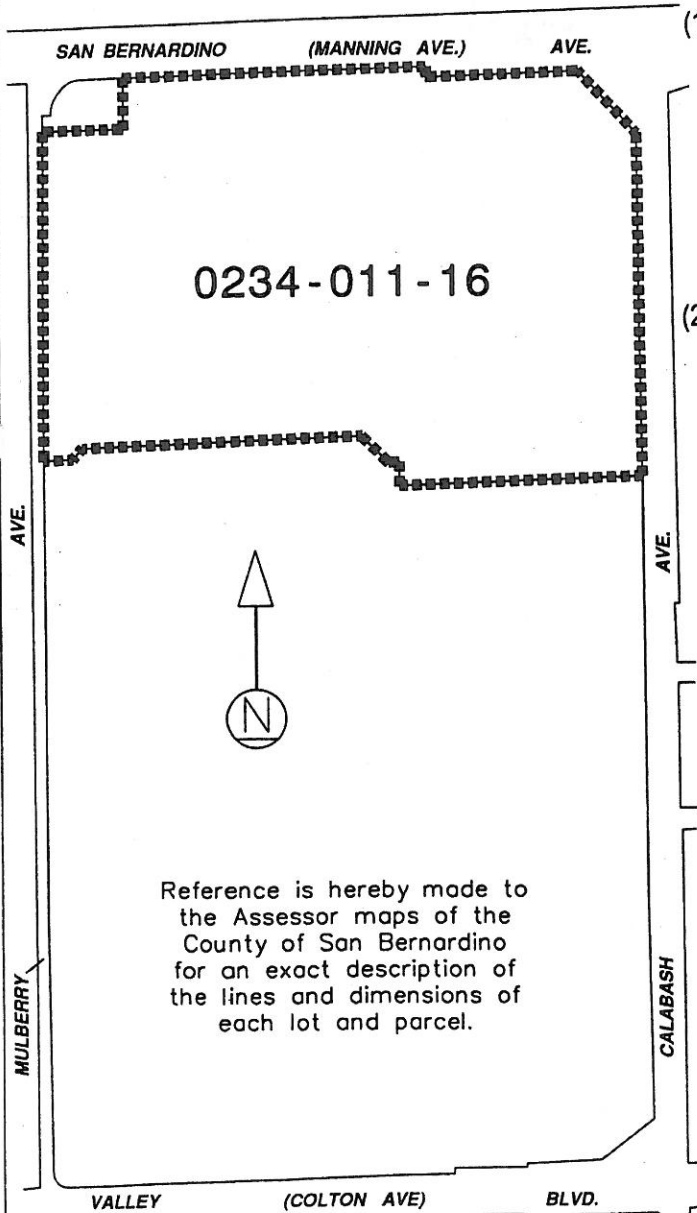
RANDOLPH F. THOMAS V.P.  
(Print Name and Title)

In the event this Waiver and Consent is executed in reliance upon an "Appointment of Representative to Execute Waiver and Consent and to Cast Ballot," a photocopy of the dated and signed appointment form must be attached hereto prior to submission of this Waiver and Consent and the related Special Election Ballot to the Clerk.

ANNEXATION MAP NO. 2 TO  
COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)  
COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA

80/79

Reference is hereby made to that certain map entitled "Proposed Boundaries of County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD--Fire Protection Services), County of San Bernardino, State of California," filed the 20th day of August, 2002, at the hour of 11:20 o'clock a.m. in Book 74 of Maps of Assessment and Community Facilities Districts at page 81, and as Instrument No. 2002-0435769, in the office of the County Recorder of the County of San Bernardino, State of California, which this Annexation Map affects.



(1) Filed in the office of the Clerk of the Board of Supervisors of the County of San Bernardino this 11th day of July, 2006.

Dena Smith  
Dena Smith  
Clerk of the Board, County of San Bernardino

(2) I hereby certify that the within map showing the proposed boundaries of Annexation No. 2 to County of San Bernardino Community Facilities District No. 2002-2, San Bernardino County, State of California, was approved by the Board of Supervisors at a regular meeting thereof, held on this 11th day of July, 2006, by its Resolution No. 2006-274.

Dena Smith  
Dena Smith  
Clerk of the Board, County of San Bernardino

(3) Filed this 27th day of July, 2006, at the hour of 10:43 o'clock A m, in Book 80 of Maps of Assessment and Community Facilities Districts at page 79 and as Instrument No. 2006-0510037 in the office of the County Recorder of San Bernardino County, State of California. AT THE REQUEST OF SAN BERNARDINO COUNTY IN THE AMOUNT OF \$-0-  
Larry Walker,  
Auditor/Controller-Recorder

By Dennis Demands  
Deputy

Fee 0  
Exempt recording requested,  
per CA Government Code §6103

LEGEND

■■■■■■■■ Boundaries of Annexation No. 2 to County of San Bernardino Community Facilities District No. 2002-2

0234-011-16 Assessor Parcel Number

80/79



**LARRY WALKER**  
Auditor/Controller – Recorder

3:16 PM  
NC

RECORDING REQUESTED BY AND  
WHEN RECORDED, PLEASE RETURN TO:

Dena M. Smith  
Clerk of the Board of Supervisors  
County of San Bernardino  
385 North Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415-0130

**P Counter**

Doc#: **2007 – 0573055**

**Titles: 1      Pages: 2**



|             |               |
|-------------|---------------|
| Fees        | 0.00          |
| Taxes       | 0.00          |
| Other       | 0.00          |
| <b>PAID</b> | <b>\$0.00</b> |

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CORRECTION TO AMENDED NOTICE OF SPECIAL TAX LIEN (ANNEXATION)**

COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD- FIRE PROTECTION SERVICES)  
COUNTY OF SAN BERNARDINO

Annexation No. 2

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code and Section 53339.8 of the Government Code, the undersigned, as the Clerk of the Board of Supervisors of the County of San Bernardino (the "County"), hereby gives notice of the following correction with respect to the instrument identified in paragraph (c) below as the "Amended Notice" and pertaining to the County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services) ("CFD No. 2002-2"):

(a) The original Notice of Special Tax Lien respecting CFD No. 2002-2 (the "Original Notice"), prepared in accordance with Section 3114.5 of the Streets and Highways Code and Section 53328.3 of the Government Code, was recorded in the office of the County Recorder of the County of San Bernardino (the "County Recorder") on August 20, 2002, as Document No. 2002-0435816. Reference is hereby made to the provisions of and the exhibits to the Original Notice, including without limitation the provisions of the rate and method of apportionment of special tax (the "RMA") which is attached to the Original Notice as Exhibit B. The recordation of the Original Notice established a lien on the parcels originally included in CFD No. 2002-2 to secure payment of the special tax levied on such parcels for CFD NO. 2002-2 to finance a portion of the cost of fire protection services and the administrative expenses to be incurred by the County in the course of administering CFD No. 2002-2.

(b) Thereafter, by virtue of annexation proceedings taken pursuant to Sections 53339 and following of the Government Code (said proceedings being referred to as "Annexation No. 2"), a parcel of land described as APN 0234-011-16 (the "Annexed Parcel") was annexed to CFD No. 2002-2.

(c) Following completion of the proceedings for Annexation No. 2, an "Amended Notice of Special Tax Lien (Annexation)" (the "Amended Notice") was recorded on August 10, 2006, in the County Recorder's office as Document No. 2006-

0546555. The purpose of the Amended Notice was to extend the lien of the special tax of CFD No. 2002-2 to the Annexed Parcel.

(d) The Amended Notice stated in error that the RMA was attached thereto as Exhibit B, but in fact it was not attached.

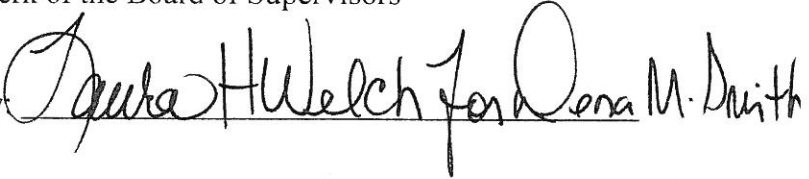
(e) The purpose of this correction is to confirm that the Amended Notice should have referred to the RMA by cross-reference to the Original Notice, all of the terms and provisions of which, including the RMA, apply with full force and effect to the Annexed Parcel.

In all respects other than the erroneous reference to the RMA as being attached as an exhibit when in fact it was not, the provisions of the Amended Notice are correct and shall remain in full force and effect, and the lien of the special tax established on the Annexed Parcel by virtue of the recordation of the Amended Notice shall remain in full force and effect.

For further information concerning the current and estimated future special tax liability of owners or purchasers of real property within CFD No. 2002-2 and subject to this special tax lien, interested persons should contact the Special Districts Department, 157 West Fifth Street, Second Floor, San Bernardino, CA 92415, telephone (909) 387-5950.

DATED: October 9, 2007

DENA M. SMITH  
Clerk of the Board of Supervisors

By  Paula H. Welch for Dena M. Smith



**LARRY WALKER**  
Auditor/Controller – Recorder

P Counter

RECORDING REQUESTED BY AND  
WHEN RECORDED, PLEASE RETURN TO:

Dena M. Smith  
Clerk of the Board of Supervisors  
County of San Bernardino  
385 North Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415-0130

Doc#: 2006 – 0546555



Titles: 1      Pages: 4

|       |        |
|-------|--------|
| Fees  | 0.00   |
| Taxes | 0.00   |
| Other | 0.00   |
| PAID  | \$0.00 |

*Replaced  
by Doc. # 2007-0573055  
10/10/2007 gW*

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**NOTICE OF SPECIAL TAX LIEN (ANNEXATION)**

COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD- FIRE PROTECTION SERVICES)  
COUNTY OF SAN BERNARDINO

**(ANNEXATION NO. 2)**

Pursuant to the requirements of Section 3114.5 of the Streets and Highways Code and Section 53328.3 of the Government Code, the undersigned, as the Clerk of the Board of Supervisors of the County of San Bernardino (the "County"), hereby gives notice that certain territory was annexed a to Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services), County of San Bernardino ("CFD No. 2002-2") (as more particularly set forth in that certain map entitled "Annexation Map No. 2 of Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services), County of San Bernardino" recorded on July 27, 2006, with the County Recorder of San Bernardino County in Book 80 of Maps of Assessment and Community Facilities Districts at Page 79, and as Instrument No. 2006-0510037), and the names of the owners and the assessor's tax parcel numbers of the real property annexed to the CFD No. 2002-2 and not exempt from the special tax, as of the date of recording this notice, are as set forth in Exhibit A attached hereto and made a part hereof.

The special tax is authorized to be levied within the territory annexed to CFD No. 2002-2, and the lien of the special tax is a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied, and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate, method of apportionment, and manner of collection of the authorized special tax for CFD No. 2002-2 is shown on Exhibit B attached hereto (consisting of pages 1-5, inclusive). The conditions under which the obligation to pay the special tax may be prepaid and permanently satisfied and the lien of the special tax canceled and the procedures for calculating the amount required for prepayment of the special tax are set forth in Section H of Exhibit B.



Notice is further given that upon the recording of this notice in the office of the San Bernardino County Recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property within the territory annexed to CFD No. 2002-2 in accordance with Section 3115.5 of the Streets and Highways Code.

For further information concerning the current and estimated future special tax liability of owners or purchasers of real property within the territory annexed to CFD No. 2002-2 and subject to this special tax lien, interested persons should contact the Special Districts Department, 157 West Fifth Street, Second Floor, San Bernardino, CA 92415, telephone (909) 387-5940.

DATED: August 10, 2006

DENA M. SMITH  
Clerk of the Board of Supervisors

By: 

**EXHIBIT A**

**List of Parcels Subject to the Special Tax**

The following is the list of parcels, which, as of the date of recordation of this Notice of Special Tax Lien (Annexation) , are subject to the special tax obligation of CFD No. 2002-2. This list is subject to modification without recordation of any further instrument, in accordance with the terms and conditions of the Rate and Method of Apportionment, attached to this Notice of Special Tax Lien as Exhibit B.

The general location and exterior boundary of the listed parcels annexed to CFD No. 2002-2 by Annexation #2 are shown on the Annexation Map referred to above on page 1 of this Notice of Special Tax Lien.

| <u>Parcel Description</u> | <u>Owner</u>       |
|---------------------------|--------------------|
| APN 0234-011-16           | 9774 Calabash, LLC |

**EXHIBIT B**

**Rate and Method of Apportionment of the Special Tax**

COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD - FIRE PROTECTION SERVICES)

**CERTIFICATE OF CLERK RE RECEIPT OF  
PROPERTY OWNER WAIVER AND CONSENT FORMS  
AND BALLOTS AND DECLARING ELECTION RESULTS  
FOR ANNEXATION NO. 2**

I, Dena M. Smith, Clerk of the Board of Supervisors of the County of San Bernardino (the "County") hereby certify:

On or before July 11, 2006, in the meeting place of the Board of Supervisors of the County (the "Board"), in connection with the special mailed-ballot election called in these proceedings by the Board, I personally received (a) the signed and dated waiver and consent form and (b) the signed, dated and marked election ballot from 9774 Calabash, LLC, the sole landowner of the property which is the subject of this Annexation No. 2 to Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services, according to the Certificate Re Landowners filed in these proceedings.

Following such receipt, I personally, and in the presence of all persons present, examined the ballot and hereby certify the result of that examination and ballot count to be that the only ballot cast was cast in favor of the measure.

Based upon the foregoing, all votes that were cast having been cast "Yes", in favor of the ballot measure, the measure has therefore passed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on July 11, 2006.



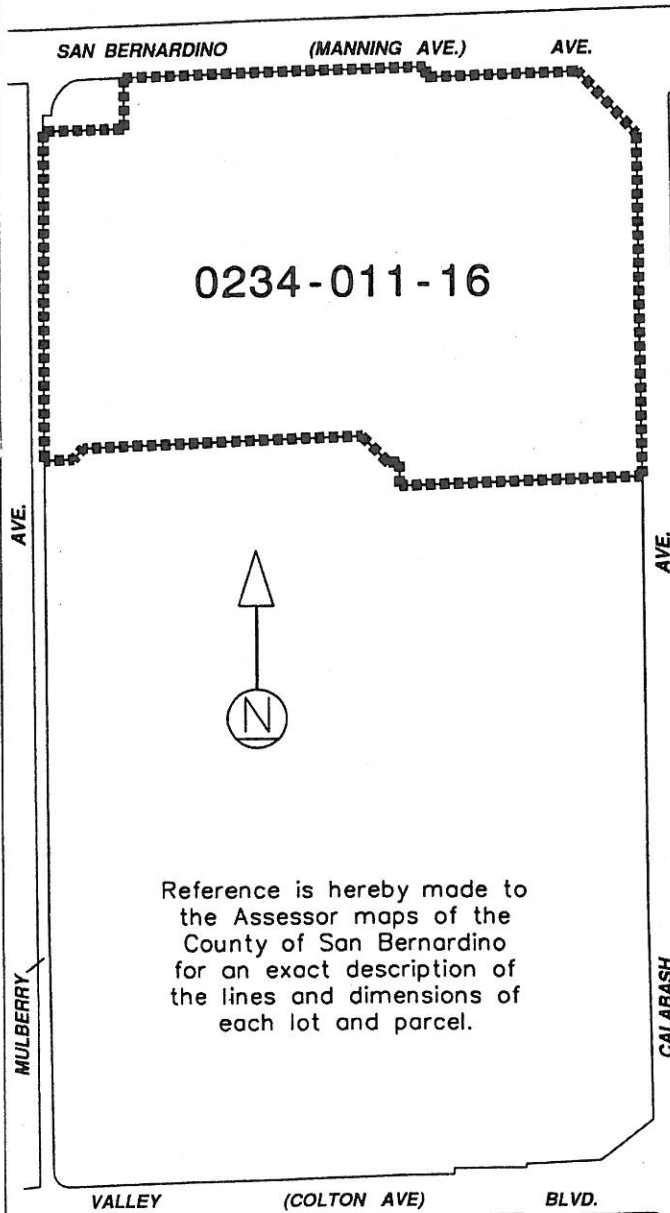
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Dena M. Smith  
Clerk of the Board of Supervisors

ANNEXATION MAP NO. 2 TO  
COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2002-2  
(CENTRAL VALLEY FPD--FIRE PROTECTION SERVICES)  
COUNTY OF SAN BERNARDINO  
STATE OF CALIFORNIA

80/79

Reference is hereby made to that certain map entitled "Proposed Boundaries of County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD--Fire Protection Services), County of San Bernardino, State of California," filed the 20th day of August, 2002, at the hour of 11:20 o'clock a.m. in Book 74 of Maps of Assessment and Community Facilities Districts at page 81, and as Instrument No. 2002-0435769, in the office of the County Recorder of the County of San Bernardino, State of California, which this Annexation Map affects.



(1) Filed in the office of the Clerk of the Board of Supervisors of the County of San Bernardino this 11th day of July, 2006.

Dena Smith  
Dena Smith  
Clerk of the Board, County of San Bernardino

(2) I hereby certify that the within map showing the proposed boundaries of Annexation No. 2 to County of San Bernardino Community Facilities District No. 2002-2, San Bernardino County, State of California, was approved by the Board of Supervisors at a regular meeting thereof, held on this 11th day of July, 2006, by its Resolution No. 2006-274.

Dena Smith  
Dena Smith  
Clerk of the Board, County of San Bernardino

(3) Filed this 27th day of JULY, 2006, at the hour of 10:43 o'clock A m, in Book 80 of Maps of Assessment and Community Facilities Districts at page 79 and as Instrument No.

2006-0510037 in the office of the County Recorder of San Bernardino County, State of California. AT THE REQUEST OF SAN BERNARDINO COUNTY IN THE AMOUNT OF B.O.  
Larry Walker,  
Auditor/Controller-Recorder

By Dana D. Demands  
Deputy

Fee 0  
Exempt recording requested,  
per CA Government Code §6103

LEGEND

|             |   |
|-------------|---|
| ■■■■■■■■    | Boundaries of Annexation No. 2 to County of San Bernardino Community Facilities District No. 2002-2 |
| 0234-011-16 | Assessor Parcel Number  |

66/08