

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

**September 25, 2007**

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

**SUBJECT:** CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION TO  
COMMUNITY FACILITIES DISTRICT 2002-02 (CENTRAL VALLEY FIRE  
PROTECTION DISTRICT)

**RECOMMENDATION:** Acting as the legislative body of Community Facilities District 2002-02 (Central Valley Fire Protection District), conduct a public hearing to consider the annexation of Assessor Parcel Number 0234-161-11 into Community Facilities District No. 2002-02 and adopt the following:

1. **Resolution No. 2007-329** declaring the Board's intention to annex parcel 0234-161-11 into Community Facilities District 2002-02.
2. **Resolution No. 2007-330** calling for a special mailed ballot election.
3. **Resolution No. 2007-331** declaring the results of the special mailed ballot election, ordering annexation, and directing the Clerk of the Board to cause the recordation of the annexation map and cause the preparation and recordation of the special tax lien within 15 days.

**BACKGROUND INFORMATION:** Calabash 10288, L.L.C. is developing a 577,000 square foot industrial building within the Kaiser Commerce Center. As a condition of County Land Use Services, the developer is required to annex their 25.10 acres of unincorporated property in the County into Community Facilities District 2002-02. Community Facilities District 2002-02 was formed on August 6, 2002 as a way of providing a financing mechanism to provide fire protection services from 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 Community Facilities District 2002-02, all new development within its boundaries will be levied an annual special tax in the amount of \$565 per developed acre to assist with the cost of providing fire protection services to this area.

Approval of this action will approve the various required resolutions annexing parcel 0234-161-11 into Community Facilities District 2002-02. **(APN 0234-161-11).**

Calabash 10288, L.L.C., the sole owner of the industrial building property, has requested that the property be annexed to Community Facilities District 2002-02. Calabash 10288, L.L.C has executed a "waiver and consent" form that requests annexation and waives various time period and mailed ballot voting/election related requirements in order to expedite approval.

**Page 1 of 2**

cc: w/ Resolutions & attachments  
SDD – Rigney  
SDD – Sutton  
Central Valley Fire Prot Dist c/o SDD  
A/C-R  
Assessor  
Planning  
Co. Counsel – Blakemore  
Co. Fire – Wurl  
CAO – Thies  
\*large map on file w/ Clerk of the Board  
File Resolutions & attachments –  
SDD-Central Valley Fire Protection Dist  
ed 10/22/07

Record of Action of the Board of Supervisors  
Resolution Nos. 2007-329, 2007-330 & 2007-331

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

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

**DENA M. SMITH, CLERK OF THE BOARD**

**BY** \_\_\_\_\_

**DATED:** September 25, 2007

ITEM 069

**BOARD OF SUPERVISORS  
CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION TO COMMUNITY FACILITIES  
DISTRICT 2002-02 (CENTRAL VALLEY FIRE PROTECTION DISTRICT)  
SEPTEMBER 25, 2007  
PAGE 2 OF 2**

Pursuant to the Mello-Roos Community Facilities Act of 1982, the above actions are required to authorize proceedings to annex property into Community Facilities District 2002-02.

**REVIEW BY OTHERS:** This item has been reviewed by County Counsel (Michelle Blakemore, Deputy Counsel, 387-5445) on September 17, 2007; County Fire (Danny R. Wurl, Deputy Chief, 387-5649) on September 10, 2007; and the County Administrative Office (Wayne Thies, Administrative Analyst, 387-5409) on September 17, 2007.

**FINANCIAL IMPACT:** All costs associated with the annexation have been paid by the developer. Beginning FY 2008-09 the property will be levied an annual tax of \$565 per developed acre for fire protection services. There is no impact on the County General Fund.

**SUPERVISORIAL DISTRICT(S):** Second

**PRESENTER:** Jeff Rigney, Deputy Director, 387-5941



RESOLUTION NO. 2007-329

RESOLUTION OF INTENTION  
TO ANNEX PROPERTY TO  
COMMUNITY FACILITIES DISTRICT

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

WHEREAS, in response to a petition (the "Petition") submitted by Calabash 10288, LLC (the "Owner"), as the sole owner of the privately-owned real property shown on an exhibit map attached to the Petition (the "Subject Property"), this Board proposes to annex the Subject Property to the existing community facilities district known as "Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services), County of San Bernardino, State of California" ("CFD No. 2002-2") as authorized by Article 3.5 of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the boundaries of CFD No. 2002-2 are set forth in the boundary map for CFD No. 2002-2, recorded on August 20, 2002, in Book 74 of Maps of Assessment and Community Facilities Districts, page 81, official records of the San Bernardino County Recorder; and

WHEREAS, the boundaries of the Subject Property are shown on a map entitled "Annexation Map No. 3" which is on file with the Clerk of this Board (the "Clerk"); and

WHEREAS, Sections 53339.2 and 53339.3 of the Act provides that legal proceedings for the annexation of property to a community facilities district pursuant to the Act shall be instituted by the adoption of a resolution of this Board declaring its intention as provided hereafter in this resolution;

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

1. This Board hereby finds and determines that public convenience and necessity require that the Subject Property be annexed to the existing territory of CFD No. 2002-2.

2. The types of services proposed to be provided within the Subject Property are the same as for the existing area of CFD No. 2002-2, namely fire protection services.

3. The plan for providing fire protection services within the existing area and the Subject Property shall be the plan presently in existence, as the same may be revised from time to time by the County of San Bernardino (the "County") or any agency of the County through which the County provides fire protection services.

4. Except where funds are otherwise available, a special tax will be annually levied on the Subject Property. 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 real property included in the Subject Property, and this lien shall continue in force and effect in perpetuity or until the levy and collection of the special tax obligation by the County ceases. The rate and method of apportionment of the special tax shall be as previously established for CFD No. 2002-2.

5. On the basis of the written consent and waiver form submitted to and on file with the Clerk of this Board by the Owner, as the landowner of 100% of the Subject Property, this Board hereby sets this same date, as soon as the matter may be heard following adoption of this resolution, in the Board Chambers on the First Floor of the County Government Center, 385 North Arrowhead Avenue, San Bernardino, California, as the time and place for the public hearing on the proposed annexation. At the hearing, testimony of all interested persons and

taxpayers for or against the proposed annexation will be heard and protests will be considered from both registered voters, if any, residing within CFD No. 2002-2 and persons owning real property within CFD No. 2002-2. As provided by the Act, written protests by a majority of the registered voters, if any, but including a minimum of six registered voters, or by the owners of a majority in area of the land within either the existing CFD No. 2002-2 or the proposed annexation area will constitute a "majority protest" and will require the suspension of proceedings for at least one year. Written protests must be filed with the Clerk at or before the time fixed for the hearing.

6. 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 San Bernardino. 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 the County, including, but not limited to, direct billing by the County to the property owners and supplemental billing.

7. On the basis of the information set forth in that certain certificate entitled "Certificate re Registered Voters and Landowners," on file with the Clerk of this Board, in the event that an election is held in these proceedings, it is the intention of this Board that the elector will be the Owner, as the sole landowner within the area of the Subject Property in accordance with Section 53339.7 of the Act.

8. This Board ratifies the publication by the Clerk of a notice of hearing, containing the matters specified by Section 53322 of the Act, one time in a newspaper in general circulation in the area of CFD No. 2002-2, said publication having occurred no later than seven days prior to the date of the public hearing.

\* \* \* \*

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

AYES: Board Members: Mitzelfelt, Biane, Hansberger

NOES: Board Members: None

ABSENT: Board Members: Ovitt, Gonzales


\*\*\*\*\*

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 September 25, 2007. Item #69 ed

Dena M. Smith  
Clerk of the Board

By:

  
Deputy



PETITION FOR THE ANNEXATION  
OF CERTAIN PRESCRIBED PROPERTY TO  
COMMUNITY FACILITIES DISTRICT NO. 2002-02  
(CENTRAL VALLEY FPD – FIRE PROTECTION SERVICES)

**TO THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO:**

Pursuant to Section 53339.2 of the California Government Code, the undersigned, as the authorized representative of Calabash, 10288, L.L.C., a Delaware limited liability company (the “Owner”), hereby represents and petitions as follows:

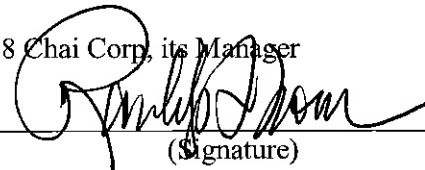
1. The Owner is the sole owner of the real property (the “Subject Property”), shown on the exhibit map attached hereto as Exhibit A and also identified as Assessor’s Parcel Number 0234-161-11, which real property is situated within the unincorporated area of San Bernardino County.

2. The Owner hereby petitions this Board of Supervisors (this “Board”) to (a) initiate and conduct legal proceedings pursuant to the 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”), to for the annexation of the Subject Property to the existing Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services), County of San Bernardino, State of California” (“CFD No. 2002-2”) and (b) conduct a landowner-voter election in accordance with the Act to obtain authorization to annex the Subject Property to CFD No. 2002-2 and thereby authorize the levy the previously-established special tax of CFD No. 2002-2 on the Subject Property.

Respectfully submitted,  
CALABASH 10288, L.L.C.  
a Delaware limited liability company

By : 18 Chai Corp, its Manager

By \_\_\_\_\_



(Signature)

RANDOLPH F. THOMAS VPRES  
(Print Name and Title)

RESOLUTION NO. 2007-330

RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION  
RESPECTING PROPOSED ANNEXATION

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 this same date, for the description of the petition received from Calabash 10288, L.L.C. (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 Section 53324 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 Section 53326 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, at a regular meeting of said Board held on the 25th day of September 2007, by the following vote of said Board:

AYES: Board Members: Mitzelfelt, Biane, Hansberger  
NOES: Board Members: None  
ABSENT: Board Members: Ovitt, Gonzales  
ABSTAINING: Board Members: None

  
Chair of the Board of Supervisors

~~ATTEST:  
Clerk of the Board of Supervisors~~

By: \_\_\_\_\_

SIGNED AND CERTIFIED THAT A COPY OF THIS DOCUMENT HAS BEEN DELIVERED TO THE CHAIRMAN OF THE BOARD  
DENISE M. SMITH  
Clerk of the Board of Supervisors  
of the County of San Bernardino  
By:   


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

**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>
Calabash 10288, LLC	25.10	25

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 September 25, 2007, or as soon thereafter as the matter of the special election 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 September 25 will not be sufficient. The ballot must be physically received by the Clerk prior to the deadline in order to be counted.

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

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. 3" 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 September 14, 2007.

CALABASH 10288, L.L.C.,  
a Delaware limited liability company

By: 18 Chair Corp, its Manager

By: 

(Signature)

RANDOLPH F. THOMAS V PRES

(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.

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

**CERTIFICATE RE REGISTERED VOTERS AND LANDOWNERS**

I, Jeff Rigney, the undersigned, hereby certify and declare:

I have reviewed and am therefore familiar with the "Annexation Map No. 3", showing the property (the "Subject Property") proposed to be annexed to existing Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services), County of San Bernardino, State of California ("CFD No. 2002-2"). I am familiar with the fact that, as confirmed by records of the San Bernardino County Assessor, the Subject Property, identified as Assessor's Parcel Number 0234-161-11, is owned by Calabash 10288, L.L.C.

I am familiar with and have personally inspected the Subject Property and have noted that there are no dwellings therein that might serve as habitation for registered voters. I have consulted with staff of the Registrar of Voters of San Bernardino County (the "Registrar") and confirmed that, according to the records of the Registrar, there are no registered voters residing within the territory of the Subject Property.

Based on the foregoing, I have determined that at no time during the ninety days preceding the date hereof were there ever any persons registered to vote within the territory of the Subject Property.

According to information in my possession respecting the Subject Property which I believe to be correct, the Subject Property consists of 25.10 gross acres.

I certify the foregoing to be true and correct as of 9/19, 2007.

By \_\_\_\_\_

  
Jeff Rigney, Deputy Director

Special Districts Department  
County of San Bernardino

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

**APPOINTMENT OF REPRESENTATIVE TO EXECUTE WAIVER AND CONSENT  
AND TO CAST SPECIAL ELECTION BALLOT  
IN MAILED-BALLOT, LANDOWNER ELECTION**

I, Randolph F. Thomas,  
[Print Name]

declare the following:

1. I am the authorized representative of Calabash 10288, LLC (the "Owner"), the sole owner of certain real property (the "Subject Property") proposed to be annexed to County of San Bernardino Community Facilities District No. 2002-2 (Central Valley FPD - Fire Protection Services) ("CFD No. 2002-2"), as set forth in a petition requesting such annexation filed with the Board of Supervisors (the "Board") of the County of San Bernardino (the "County").
2. I hereby appoint and authorize Jeff Rigney, to act in all respects for the Owner with respect to the Subject Property and the landowner election which is to be called and conducted to determine whether the Board shall be authorized to annex the Subject Property to CFD No. 2002-2 and thereby make the Subject Property subject to the special tax of CFD No. 2002-2. Without limiting the generality of the foregoing appointment and authorization, I authorize the above-named person to execute and submit to the Clerk of the Board each of the following on behalf of the Owner with respect to the Subject Property:
  - a. a Special Election Ballot in the form attached hereto as Exhibit A; and
  - b. a Waiver and Consent in the form attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to execute and provide this appointment on behalf of the Owner.

Dated September 14, 2007

CALABASH 10288, L.L.C.,  
a Delaware limited liability company

By: 18 Chai Corp, Its Manager

By   
(Signature)

RANDOLPH F. THOMAS UPRES  
(Print Name and Title)

**EXHIBIT A**

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

**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>
Calabash 10288, L.L.C.	25.10	25

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 September 25, 2007, or as soon thereafter as the matter of the special election 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  
San Bernardino, CA 92415

Mailing by September 25 will not be sufficient. The ballot must be physically received by the Clerk prior to the deadline in order to be counted.

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. 1" 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 \_\_\_\_\_, 2007.

CALABASH 10288, L.L.C.,  
a Delaware limited liability company  
By 18 Chai Corp, its Manager

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name



A-1  
**EXHIBIT B**

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

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

The undersigned is an authorized representative of Calabash 10288, L.L.C. (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 ballots for the Owner in the mailed-ballot election to be conducted on September 25, 2007, 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).

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 \_\_\_\_\_, 2007.

CALABASH 10288, L.L.C.  
a Delaware limited liability company  
By 18 Chai Corp, its Manager

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

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

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

The undersigned is an authorized representative of Calabash 10288, L.L.C.(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 ballots for the Owner in the mailed-ballot election to be conducted on September 25, 2007, 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)

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

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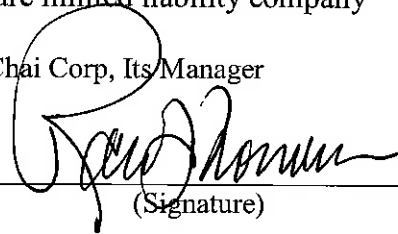
The undersigned expressly acknowledges, represents and states that the election is being expedited by the County, pursuant to this waiver and consent, at the particular instance and request of the Owner.

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 September 14, 2007.

CALABASH 10288, L.L.C.,  
a Delaware limited liability company

By : 18 Chai Corp, Its Manager

By \_\_\_\_\_



(Signature)

RANDOLPH E. THOMAS V.P.A.S?  
(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.

RESOLUTION NO. 2007-331

RESOLUTION DECLARING ELECTION RESULTS  
AND ORDERING ANNEXATION

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 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. 3 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: Mitzelfelt, Biane, Hansberger

NOES: Board Members: None


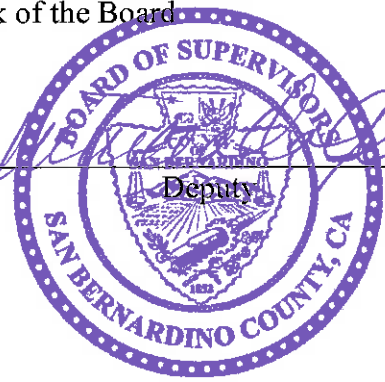
ABSENT: Board Members: Ovitt, Gonzales

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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 September 25, 2007. Item #69 ed

Dena M. Smith  
Clerk of the Board

By:   
Deputy  


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

Annexation No. 3

**CERTIFICATE OF CLERK RE RECEIPT OF  
PROPERTY OWNER WAIVER AND CONSENT FORM  
AND BALLOT AND DECLARING ELECTION RESULTS**

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

On September 25, 2007, 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 respecting Annexation No. 3 to Community Facilities District No. 2002-2 (Central Valley FPD – Fire Protection Services) (“CFD No. 2002-2”), I personally received (a) a signed and dated waiver and consent form and (b) a signed, dated and marked election ballot provided on behalf of Calabash 10288, LLC, the sole landowner listed on Exhibit A attached to the Certificate Re Registered Voters and Landowners previously filed with me.

Following such receipt, I personally, and in the presence of all persons present, examined the ballot, and I hereby certify the result of that count to be that the sole ballot cast was cast in favor of the annexation measure pertaining to Annexation No. 3 to CFD No. 2002-2.

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 September 25, 2007.



Dena M. Smith  
Clerk of the Board of Supervisors