

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

March 26, 2013

**FROM: JEFFREY O. RIGNEY, Director
Special Districts Department**

**SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION NO. 2 TO
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)**

RECOMMENDATION(S)

Acting as the governing body of Community Facilities District 2010-1 (East Valley), conduct a public hearing to consider the annexation of Assessor Parcel Numbers 0292-071-56-0000 and 0292-071-57-0000 into Community Facilities District 2010-1 and consider the following:

1. Rescind Resolution Numbers 2013-008 (Resolution of Intention), 2013-009 (Resolution Calling for a Special Mailed Ballot Election), and 2013-010 (Resolution Declaring Results) and direct the Clerk of the Board to cause the recordation of the Notice of Rescission of Amendment to Notice of Special Tax Lien within 15 days;
2. Adopt Resolution 2013-33 declaring the Board's intention to annex Assessor's Parcel Numbers 0292-071-56-0000 and 0292-071-57-0000 into Community Facilities District 2010-1;
3. Adopt Resolution 2013-34 calling for a special mailed ballot election; and
4. Adopt Resolution 2013-35 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.

Open/close hearing

(Presenter: Jeffrey O. Rigney, Director, 387-5967)

BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

All costs associated with the annexation have been paid by the sole property owner Prologis. Beginning in 2013-14, the property will be levied an annual special tax to pay the streetlight energy charges for the property. The 2013-14 special tax for 0292-071-56 is \$177.49. The 2013-14 special tax for 0292-071-57 is \$1,746.01. There is no net County cost (discretionary general fund) associated with approval of this item.

cc: w/ resolutions
SDD-Rigney
CAO-Brown
File - SDD/CFD 2010-1(East Valley)
jr 4/16/13

ITEM 55

Record of Action of the Board of Supervisors
COUNTY OF SAN BERNARDINO
Board of Supervisors

	APPROVE REC. NO. 1					
MOTION	<u>ABSENT</u>	<u>AYE</u>	<u>MOVE</u>	<u>SECOND</u>	<u>ABSENT</u>	
	1	2	3	4	5	
	APPROVE REC. NOS. 2 & 3					
MOTION	<u>ABSENT</u>	<u>AYE</u>	<u>MOVE</u>	<u>SECOND</u>	<u>ABSENT</u>	
	1	2	3	4	5	
	APPROVE REC. NO. 4					
MOTION	<u>ABSENT</u>	<u>AYE</u>	<u>SECOND</u>	<u>MOVE</u>	<u>ABSENT</u>	
	1	2	3	4	6	

LAURA H. WELCH, CLERK OF THE BOARD

BY _____

DATED: March 26, 2013

**CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION NO. 2 TO
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)
MARCH 26, 2013
PAGE 2 OF 2**

BACKGROUND INFORMATION

Approval of the above actions is required to authorize proceedings to annex property into Community Facilities District 2010-1, pursuant to the Mello-Roos Community Facilities Act of 1982.

Community Facilities District 2010-1 (East Valley) was formed in 2010 to provide an on-going financing mechanism for the streetlight energy charges in the unincorporated area of Redlands known as the "Donut Hole." Prologis is developing two Industrial High Cube Warehouse Distribution Facilities within the "Donut Hole" area on Assessor's Parcel Numbers 0292-071-56-0000 and 0292-071-57-0000. As a condition of County Development Code 83.09.030, the developer is required to address the issue of streetlight maintenance. Annexation of their 63.10 acres of unincorporated property in the County into Community Facilities District 2010-1 will address the streetlight maintenance issue. Ordinance No. 4127 was adopted by the Board of Supervisors on November 2, 2010 (Item No. 67) authorizing the levy of Special Taxes within Community Facilities District 2010-1 as set forth in the Rate and Method of Apportionment, which was included in the Notice of Special Tax recorded November 3, 2010, as Document No. 2010-0457542.

On January 29, 2013 (Item No. 85), a Public Hearing for Annexation No. 2 was held and Resolution Numbers 2013-08, 2013-09 and 2013-10 were approved and adopted by the Board of Supervisors. Due to an error in the Notice of Public Hearing, the Resolutions, along with recordation of the special tax lien, require rescinding.

Prologis, the sole owner of the property, has requested that the property be annexed to Community Facilities District 2010-1. The special tax for this property shall be calculated using the same Rate and Method of Apportionment as recorded in the Notice of Special Tax. The 2013-14 special tax for 0292-071-56 is \$177.49. The 2013-14 special tax for 0292-071-57 is \$1,746.01.

Prologis 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 of the annexation.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Dawn Messer, Deputy, 387-5455) on March 5, 2013; County Administrative Office (Jessica Brown, Administrative Analyst, 387-5510) on March 15, 2013.

RESOLUTION NO. 2013-33

**RESOLUTION OF INTENTION TO ANNEX PROPERTY
TO COMMUNITY FACILITIES DISTRICT**

COMMUNITY FACILITIES DISTRICT NO. 2010-1 (East Valley)

On Tuesday March 23, 2013, on motion of Supervisor Ramos, duly seconded by Supervisor Ovitt and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

**RESOLUTION OF INTENTION TO ANNEX PROPERTY
TO COMMUNITY FACILITIES DISTRICT**

**Community Facilities District No. 2010-1 (East Valley)
Annexation No. 2**

WHEREAS, in response to a petition (the "Petition") submitted by Prologis (the "Owner"), as the sole owner of the privately-owned real property shown on an exhibit map attached to the Petition (the "Subject Properties"), this Board proposes to annex the Subject Property (Assessor's Parcel Numbers 0292-071-56 and 0292-071-57) to the existing community facilities district known as "Community Facilities District No. 2010-1 (East Valley), County of San Bernardino, State of California" (CFD 2010-1) as authorized by Article 3.5 of the Mello-Roos Community Facilities Act of 1982 (the "Act"); and

WHEREAS, the boundaries of CFD No. 2010-1 are set forth in the boundary maps for CFD No. 2010-1, recorded on June 14, 2010, in Book No. 84 of Maps of Assessment and Community Facilities District at Pages 78-89 and in the Boundary Map of Annexation No. 1 to CFD No. 2010-1, recorded on March 29, 2012, in Book 85 of Maps of Assessment and Community Facilities Districts, at page 29 as Instrument No. 2012-0121778 in the official records of the San Bernardino County Recorder; and

WHEREAS, the boundaries of the Subject Property are shown on a map entitled "Proposed Boundaries of Annexation Map No. 2, Community Facilities District 2010-1 (East Valley), County of San Bernardino, State of California" 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. 2010-1.
2. The types of services proposed to be provided within the Subject Property are the same as for the existing area of CFD No. 2010-1, namely the funding energy charges for streetlights.
3. The plan for providing the funding of energy charges for streetlights 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 the funding of energy charges.

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 2010-1.

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. 2010-1 and persons owning real property within CFD No. 2010-1. 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 land within either the existing CFD No. 2010-1 or the proposed annexation area will constitute a "majority protest" and will require 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 "Voter Count Certification", on file with the Clerk of the 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. 2010-1, 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: SUPERVISORS: Rutherford, Ramos, Ovitt
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Lovingood, Gonzales

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

I, **LAURA H. WELCH**, 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 the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of March 26, 2013. #55 jr

LAURA H. WELCH
Clerk of the Board of Supervisors

By _____
Deputy



RESOLUTION NO. 2013-34

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

**COMMUNITY FACILITIES DISTRICT NO. 2010-1 (East Valley)
ANNEXATION NO. 2**

On Tuesday March 26, 2013, on motion of Supervisor Ramos, duly seconded by Supervisor Ovitt and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

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 Prologis (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. 2010-1 (East Valley) ("CFD No. 2010-1"); 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 Regarding 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) waiver and consent, by which the time limits and related requirements respecting preparation and distribution of election materials are waived.
5. Pursuant to Sections 5536 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, by the following vote:

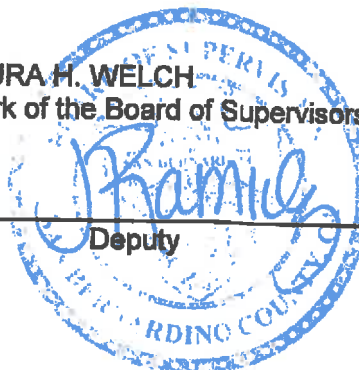
AYES: SUPERVISORS: Rutherford, Ramos, Ovitt
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: Lovingood, Gonzales

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

I, **LAURA H. WELCH**, 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 the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of March 26, 2013. #55 jr

LAURA H. WELCH
Clerk of the Board of Supervisors

By _____
Deputy



RESOLUTION NO. 2013-35

RESOLUTION DECLARING ELECTION RESULTS AND ORDERING ANNEXATION

COMMUNITY FACILITIES DISTRICT NO. 2010-1 (East Valley)

ANNEXATION NO. 2

On Tuesday March 26, 2013, on motion of Supervisor Ovitt, duly seconded by Supervisor Ramos and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

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. 2010-1 (East Valley) ("CFD No. 2010-1") 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. 2010-1 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 regarding 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 election, 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 finds and determines and declares that the ballot measure submitted to the qualified elector of CFD No. 2010-1 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. 2010-1 and made subject to the special tax of CFD No. 2010-1 in

accordance with the rate and method of apportionment of special tax previously approved for CFD No. 2010-1.

- 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. 2010-1 (East Valley), 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:

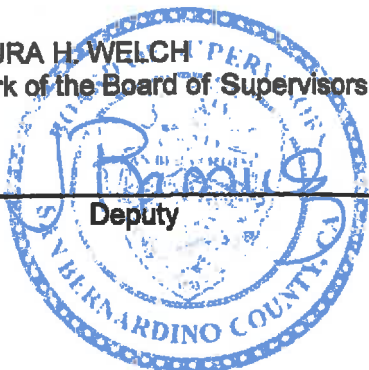
AYES:	SUPERVISORS:	Rutherford, Ramos, Ovitt
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	Lovingood, Gonzales

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

I, **LAURA H. WELCH**, 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 the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of March 26, 2013. #55

LAURA H. WELCH
 Clerk of the Board of Supervisors

By _____
 Deputy



RECORDING REQUESTED BY AND
WHEN RECORDED, PLEASE RETURN
TO:

Laura H. Welch
Clerk of the Board of
Supervisors
County of San Bernardino
385 North Arrowhead Ave. 2nd Floor
San Bernardino, CA 92415-0130

Exempt recording requested per CA Gov
Code 6103

Recorded in Official Records, County of San Bernardino

4/02/2013
1:54 PM
BN

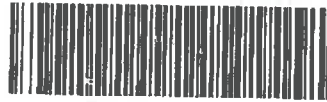


DENNIS DRAEGER
ASSESSOR - RECORDER - CLERK

P Counter

Doc#: 2013-0134561

Title: 1 Pages: 2



Fee 0.00
Taxes 0.00
Other 0.00
PAID 00.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF RESCISSION
OF AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

COMMUNITY FACILITIES DISTRICT NO. 2010-1
(EAST VALLEY)
COUNTY OF SAN BERNARDINO

Annexation No. 2

The undersigned, as the Clerk of the Board of Supervisors of the County of San Bernardino (the "County"), hereby gives notice that an Amendment to Notice of Special Tax Lien, Recorded on February 1, 2013 as Document No. 2013-0045044, which imposed a lien upon the parcels listed in Exhibit A attached hereto to secure payment of a special tax is hereby rescinded due to a procedural error.

DATED: 4/2/13

LAURA H. WELCH
Clerk of the Board of Supervisors

By:



EXHIBIT A

Additional Parcel Subject to the Special Tax

The general location and exterior boundary of the additional parcels of CFD No. 2010-1 described below is shown on the Annexation Map No. 2 referred to above on page 2 of this Amendment to Notice of Special Tax Lien.

<u>Parcel Description</u>	<u>Owner</u>	<u>Acres</u>	<u>Legal Description</u>
APN 0292-071-56-0000	Prologis	27.07	Parcel Map 19370 Parcel 2 Book 240 Page 46
APN 0292-071-57-0000	Prologis	36.03	Parcel Map 19370 Parcel 3 Book 240 Page 46

RECORDING REQUESTED BY AND
WHEN RECORDED, PLEASE RETURN TO:

Laura H. Welch
Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Avenue, 2nd Floor
San Bernardino, CA 92415-0130

Exempt recording requested per CA Gov Code
6103

Recorded in Official Records, County of San Bernardino



DENNIS DRAEGER
ASSESSOR - RECORDER - CLERK

P Counter

4/02/2013
1:54 PM
BN

Doc#: 2013-0134562



Titles: 1 Pages: 3

Fees	0.00
Taxes	0.00
Other	0.00
PAID	00.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AMENDMENT TO NOTICE OF SPECIAL TAX LIEN

COMMUNITY FACILITIES DISTRICT NO. 2010-1
(EAST VALLEY)
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 that a lien is hereby imposed upon the parcel or parcels listed in Exhibit A attached hereto to secure payment of a special tax which the Board of Supervisors of the County is authorized to levy. The special tax secured by this lien is authorized to be levied for the purpose of financing streetlight energy charges and the administrative expenses to be incurred by the County in the course of administering Community Facilities District No. 2010-1 (East Valley) ("CFD No. 2010-1").

The original Notice of Special Tax Lien respecting CFD No. 2010-1 was recorded in the office of the County Recorder of the County of San Bernardino on November 3, 2010, as Document No. 2010-0457542, and reference is hereby made to the provisions of and the exhibits to the original Notice of Special Tax Lien, all of which are applicable to the parcels listed in Exhibit A and all of which are incorporated herein by this reference. The purpose of this Amendment is to simply extend the lien of the original Notice of Special Tax Lien to the parcels listed in Exhibit A hereto.

The territory of CFD No. 2010-1, as originally established at the time of formation of CFD No. 2010-1 in 2010, is set forth in the boundary map of CFD No. 2010-1 recorded on June 14, 2010, in Book No. 84 of Maps of Assessment and Community Facilities District at Pages 78-89 and in the Boundary Map of Annexation No. 1 to CFD No. 2010-1, recorded on March 29, 2012, in Book 85 of Maps of Assessment and Community Facilities Districts, at page 29 as Instrument No. 2012-0121778 in the official records of the San Bernardino County Recorder. The territory which is added to CFD No. 2010-1 by this Annexation No. 2 is set forth in "Proposed Boundary Map of Annexation No. 2 to Community

Facilities District No. 2010-1 (East Valley), County of San Bernardino, State of California,” which has been recorded in the office of the San Bernardino County Recorder on April 1, 2013, in Book 85 of Maps of Assessment and Community Facilities Districts, at page 62 as Instrument No. 2013-0131597 (the “Annexation Map No. 2).

The special tax is authorized to be levied on the taxable parcels within CFD No. 2010-1, which taxable parcels now include the parcels listed in Exhibit A. 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. 2010-1 (the “Rate and Method of Apportionment”) is shown on Exhibit B attached to the original Notice of Special Tax Lien.

For further information concerning the current and estimated future special tax liability of owners or purchasers of real property within CFD No. 2010-1 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: _____

4/2/13

LAURA H. WELCH
Clerk of the Board of Supervisors

By: _____



EXHIBIT A

Additional Parcel Subject to the Special Tax

The following are additional parcels, which, as a result of the legal proceedings for Annexation No. 2, has been added to the list of parcels which are subject to the special tax obligation of CFD No. 2010-1. The original list of parcels which are subject to the special tax obligation of CFD No. 2010-1 is set forth as Exhibit A to the original Notice of Special Tax Lien.

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 the original Notice of Special Tax Lien as Exhibit B. Without limiting the generality of the foregoing sentence, the parcels listed below may be divided or subdivided, resulting in one or more new parcels with different APN descriptions and acreages, and ownership thereof is similarly subject to change without recordation of any further instrument.

The general location and exterior boundary of the additional parcels of CFD No. 2010-1 described below is shown on the Annexation Map No. 2 referred to above on page 2 of this Amendment to Notice of Special Tax Lien.

<u>Parcel Description</u>	<u>Owner</u>	<u>Acres</u>
APN 0292-071-56-0000	Prologis	27.07
APN 0292-071-57-0000	Prologis	36.03

**PROPOSED BOUNDARIES OF ANNEXATION NO. 2
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA**

EXEMPT RECORDING REQUESTED,
PER CA GOVERNMENT CODE
§§6103

FILED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO THIS _____ DAY OF _____, 2013.

Laura H. Welch, Clerk of the Board
County of San Bernardino

PREPARED BY:

TEI Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14348 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH: (714) 521-4811 FAX: (714) 521-4113

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

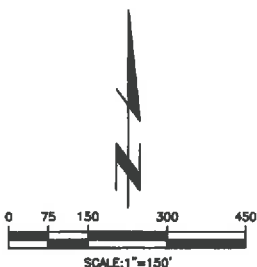
[Signature]
Bryan L. Thienes
P.L.S. NO. 5750
REG. EXP. 12/31/13

3/21/13
DATE



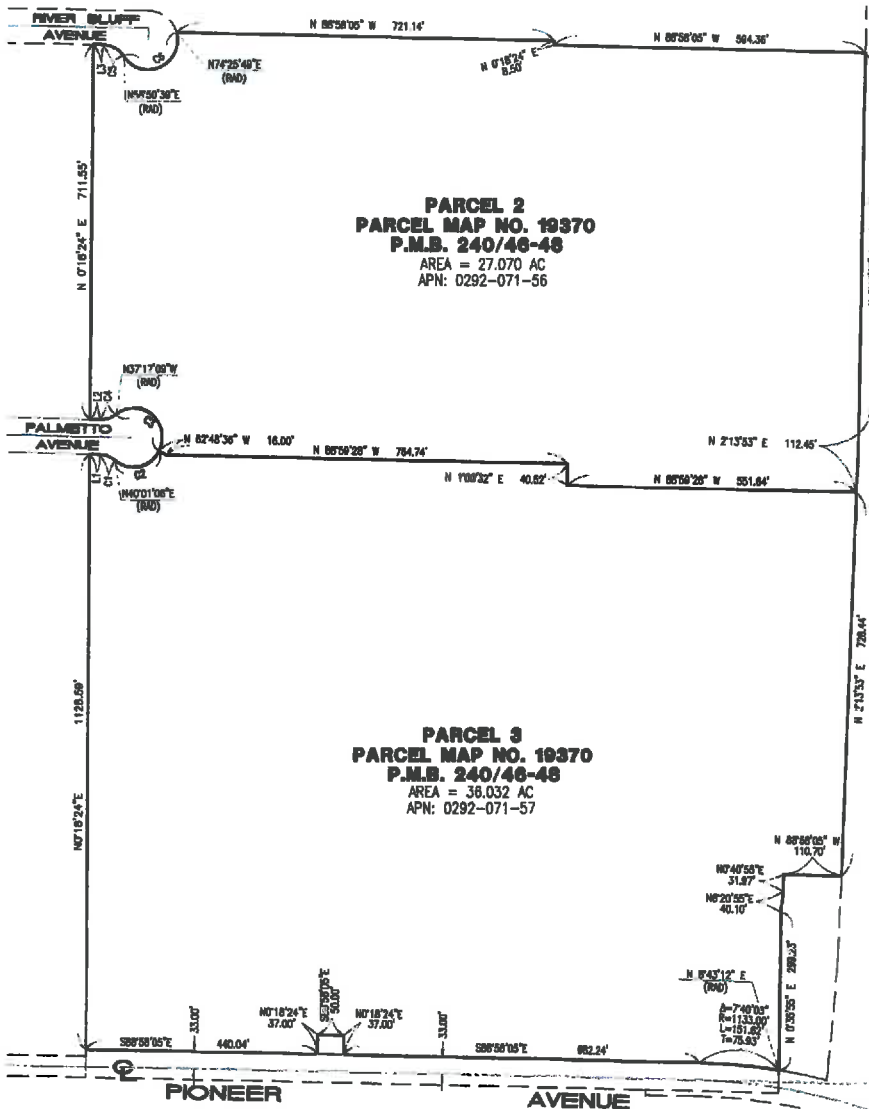
I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF ANNEXATION NO. 2 OF COUNTY OF SAN BERNARDINO COMMUNITY FACILITIES DISTRICT NO. 2010-1 (EAST VALLEY), SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO AT A REGULAR MEETING THEREOF, HELD ON THE DAY OF _____, 2013, BY ITS RESOLUTION NO. _____.

Laura H. Welch, Clerk of the Board
County of San Bernardino



LINE DATA		
INDEX	BEARING	LENGTH
L1	S89°35'01"E	18.16'
L2	S89°35'01"E	19.35'
L3	N89°35'05"W	18.00'

CURVE DATA				
INDEX	DELTA	RADIUS	LENGTH	TANGENT
C1	38°38'08"	40.00'	33.00'	17.18'
C2	102°46'43"	56.00'	100.50'	70.18'
C3	154°28'33"	56.00'	150.96'	247.24'
C4	38°38'08"	49.00'	33.00'	17.18'
C5	52°48'48"	49.00'	47.13'	25.95'
C6	162°24'50"	56.00'	168.74'	382.03'



ASSESSOR'S PARCEL NUMBER WITHIN THE BOUNDARIES OF ANNEXATION NO. 2, CFD 2010-1:

0292-071-56 AND 0292-071-57

REFERENCE IS MADE TO THE ASSESSOR MAPS OF THE COUNTY OF SAN BERNARDINO FOR A DESCRIPTION OF THE LINES AND DIMENSIONS OF THE LOT AND PARCEL, AND THE MAP OF THE BOUNDARIES OF COUNTY OF SAN BERNARDINO COMMUNITY FACILITIES DISTRICT NO. 2010-1 (EAST VALLEY) RECORDED ON JUNE 14, 2010, IN BOOK NO. 84 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGES 78-88, IN THE OFFICIAL RECORDS OF THE SAN BERNARDINO COUNTY RECORDER, STATE OF CALIFORNIA.

LEGAL DESCRIPTION:

PARCELS 2 AND 3 OF PARCEL MAP NO. 19370, FILED IN BOOK 240, PAGES 46 THROUGH 48 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE RECORDER OF SAN BERNARDINO COUNTY.

San Bernardino County Recorder's Certificate

This map has been filed under Document Number _____, this _____ day of _____, 2013, at _____ in Book _____ of Maps of Assessment and Community Facilities Districts at Page(s) _____, at the Request of the City of Ontario in the amount of \$ _____.

Dennis Droeger
Assessor-Recorder-Clerk
County of San Bernardino

By: _____
Deputy Recorder

EXHIBIT "A"

LEGAL DESCRIPTION
PARCEL 2 OF PARCEL MAP NO. 19370
P.M.B. 240 / 46-48

PARCEL 2 OF PARCEL MAP NO. 19370, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 240 PAGES 46 THROUGH 48, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHEASTERLY CORNER OF SAID PARCEL 2;

THENCE ALONG PROPERTY LINE OF SAID PARCEL 2 FOLLOWING SIXTEEN (16) COURSES:

- 1) SOUTH 00° 47' 57" WEST, 721.80 FEET;
- 2) SOUTH 02° 13' 53" WEST, 112.45 FEET;
- 3) NORTH 88° 59' 28" WEST, 551.64 FEET;
- 4) NORTH 01° 00' 32" EAST, 40.52 FEET;
- 5) NORTH 88° 59' 28" WEST, 764.74 FEET;
- 6) NORTH 62° 48' 36" WEST, 16.00 FEET TO A NON TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 56.00 FEET;
- 7) ALONG SAID NON TANGENT CURVE, THROUGH A CENTRAL ANGLE 154° 28' 33", AN ARC LENGTH OF 150.98 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 49.00 FEET, A RADIAL LINE TO BEGINNING OF SAID NON TANGENT CURVE BEARS SOUTH 62° 48' 36" EAST;
- 8) ALONG SAID REVERSE CURVE, THROUGH A CENTRAL ANGLE OF 38° 39' 08", AN ARC LENGTH OF 33.06 FEET, A RADIAL TO BEGINNING OF SAID REVERSE CURVE BEARS SOUTH 37° 17' 09" EAST;
- 9) NORTH 88° 38' 01" WEST, 19.38 FEET;
- 10) NORTH 00° 18' 24" EAST, 711.55 FEET;
- 11) SOUTH 88° 58' 05" EAST, 18.08 FEET TO A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 49.00 FEET;
- 12) ALONG SAID TANGENT CURVE, THROUGH A CENTRAL OF 55° 48' 45", AN ARC LENGTH OF 47.73 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 56.00 FEET;
- 13) ALONG SAID REVERSE CURVE, THROUGH A CENTRAL ANGLE OF 162° 24' 50", AN ARC LENGTH OF 158.74 FEET, A RADIAL LINE TO BEGINNING OF SAID REVERSE CURVE BEARS SOUTH 56° 50' 39" WEST;
- 14) SOUTH 88° 58' 05" EAST, 721.14 FEET;
- 15) SOUTH 00° 18' 24" WEST, 8.50 FEET;
- 16) SOUTH 88° 58' 05" EAST, 594.36 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION IS FOR CONVENIENCE PURPOSES ONLY AND IS NOT INTENDED FOR ANY GRANT OR CONVEYANCE OF LAND WHICH WOULD BE IN VIOLATION OF THE SUBDIVISION MAP ACT.

EXHIBIT "A"

LEGAL DESCRIPTION
PARCEL 3 OF PARCEL MAP NO. 19370
P.M.B. 240 / 46-48

PARCEL 3 OF PARCEL MAP NO. 19370, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 240 PAGES 46 THROUGH 48, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL 3;

THENCE ALONG PROPERTY LINE OF SAID PARCEL 3 FOLLOWING SIXTEEN (19) COURSES:

- 1) NORTH 00° 18' 24" EAST, 1128.59 FEET;
- 2) SOUTH 88° 38' 01" EAST, 18.16 FEET TO A TANGENT CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 49.00 FEET;
- 3) ALONG SAID TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 38° 39' 08", AN ARC LENGTH OF 33.06 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 56.00 FEET;
- 4) ALONG SAID REVERSE CURVE, THROUGH A CENTRAL ANGLE OF 102° 49' 43", AN ARC LENGTH OF 100.50 FEET, A RADIAL LINE TO THE BEGINNING OF SAID REVERSE CURVE BEARS SOUTH 40° 01' 06" WEST;
- 5) SOUTH 62° 48' 36" EAST, 16.00 FEET;
- 6) SOUTH 88° 59' 28" EAST 764.74 FEET
- 7) SOUTH 01° 00' 32" WEST, 40.52 FEET;
- 8) SOUTH 88° 59' 28" EAST, 551.64 FEET;
- 9) SOUTH 02° 13' 53" WEST, 728.44 FEET;
- 10) NORTH 88° 58' 05" WEST, 110.70 FEET;
- 11) SOUTH 00° 40' 55" WEST, 31.97 FEET;
- 12) SOUTH 06° 20' 55" WEST, 40.10 FEET;
- 13) SOUTH 00° 35' 55" WEST, 299.23 FEET TO A NON TANGENT CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 1133.00 FEET;
- 14) ALONG SAID NON TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 07° 40' 03", AN ARC LENGTH OF 151.62 FEET, A RADIAL LINE TO THE BEGINNING OF SAID NON TANGENT CURVE BEARS NORTH 08° 41' 58" EAST;
- 15) NORTH 88° 58' 05" WEST, 682.24 FEET;
- 16) NORTH 00° 18' 24" EAST, 37.00 FEET;
- 17) NORTH 88° 58' 05" WEST, 50.00 FEET;
- 18) SOUTH 00° 18' 24" WEST, 37.00 FEET;
- 19) NORTH 88° 58' 05" WEST, 440.04 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION IS FOR CONVENIENCE PURPOSES ONLY AND IS NOT INTENDED FOR ANY GRANT OR CONVEYANCE OF LAND WHICH WOULD BE IN VIOLATION OF THE SUBDIVISION MAP ACT.

EXHIBIT "A"

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE OF PART THEREOF.

DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION



BRIAN L. THIENES
P.L.S. No. 5750
REG. EXP. 12/31/13

2/20/13
DATE



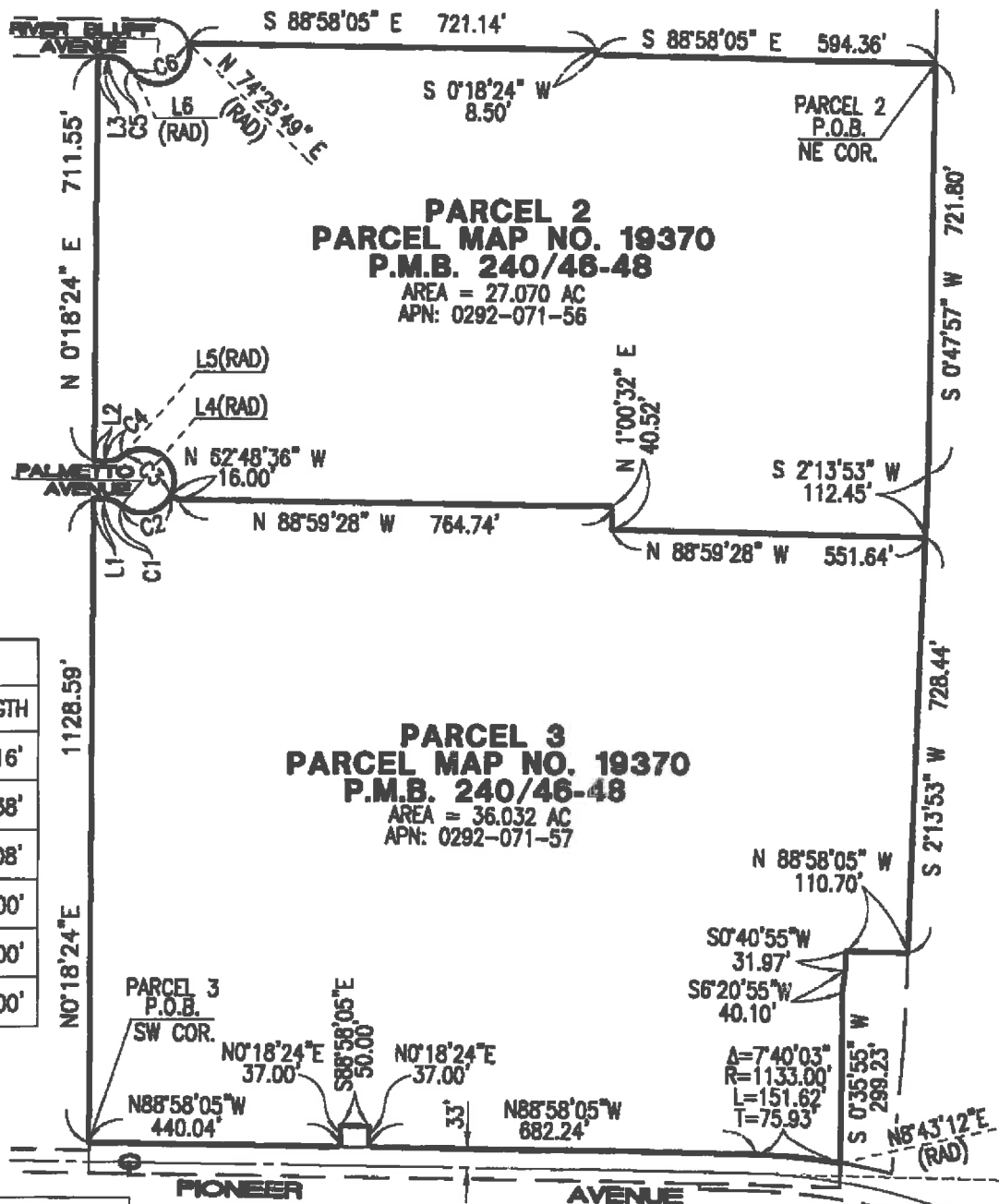
O:\2729\2729GICFD\LEGAL DESCRIPTION-PARCELS2and3.doc
Last Update: 10/16/12

SCALE: 1" = 300'

EXHIBIT "B"

SHEET 1 OF 1

PARCELS 2 AND 3 OF PARCEL MAP NO. 19370
P.M.B. 240 PAGES 46-48



LINE DATA		
INDEX	BEARING	LENGTH
L1	S88°38'01"E	18.16'
L2	N88°38'01"W	19.38'
L3	S88°58'05"E	18.08'
L4	N40°01'06"E	49.00'
L5	S37°17'09"E	49.00'
L6	N56°50'39"E	49.00'

CURVE DATA				
INDEX	DELTA	RADIUS	LENGTH	TANGENT
C1	38°39'08"	49.00'	33.06'	17.18'
C2	102°49'43"	56.00'	100.50'	70.19'
C3	154°28'33"	56.00'	150.98'	247.24'

C4	38°39'08"	49.00'	33.06'	17.18'
C5	55°48'45"	49.00'	47.73'	25.95'
C6	162°24'50"	56.00'	158.74'	382.03'

SURVEYOR:

PREPARED UNDER THE SUPERVISION OF:

[Signature]
BRIAN L. THIENES
P.L.S. NO. 5750

2/20/13
DATE

REG. EXP. DEC. 31, 2013



Last Update: 10/16/12
O:\2722g\CFD\2722g_CFD-LD.dwg

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

**ANNEXATION NO. 2
COUNTY OF SAN BERNARDINO
COMMUNITY FACILITIES DISTRICT NO. 2010-1
(EAST VALLEY)**

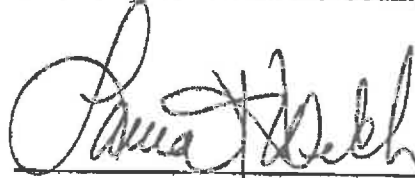
**CERTIFICATE OF THE CLERK OF THE BOARD OF
SUPERVISORS IN DATE OF SPECIAL ELECTION**

I, Laura H. Welch, Clerk of the Board of Supervisors of the County of San Bernardino (the "County"), hereby certify as follows:

(a) I am the election official responsible for conducting the special election referred to herein; and

(b) pursuant to California Government Code Section 53326(a), I do hereby certify to the holding of the special election on Tuesday, March 26, 2013, for the purpose of submitting to the qualified electors of Annexation No. 2 of County of San Bernardino Community Facilities District No. 2010-1 (East Valley) the proposition to levy a special tax within the Annexation No. 2 area to finance street light maintenance to be paid for by the Annexation No. 2 area, as provided in Resolution No. ~~2013-24~~ calling the special election, proposed to be adopted by the Board of Supervisors of the County, on March 26, 2013.

Dated: March 26, 2013



Laura H. Welch,
Clerk of the Board of Supervisors of the
County of San Bernardino

