

**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. 3 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 Number 0292-055-25-0000 into Community Facilities District 2010-1 and adopt the following:

1. Adopt **Resolution No. 2013-36** declaring the Board's intention to annex Assessor's Parcel Number 0292-055-25-0000 into Community Facilities District 2010-1;
2. Adopt **Resolution No. 2013-37** calling for a special mailed ballot election; and
3. Adopt **Resolution No. 2013-38** 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 0292-055-25-0000 is \$979.06. There is no net County cost (discretionary general fund) associated with approval of this item.

**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.

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

**ITEM 56**

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

	<b>APPROVE REC. NO. 1 &amp; 2</b>				
MOTION	<u>ABSENT</u>	<u>AYE</u>	<u>MOVE</u>	<u>SECOND</u>	<u>ABSENT</u>
	1	2	3	4	5
		<b>APPROVE REC. NO. 3</b>			
MOTION	<u>ABSENT</u>	<u>AYE</u>	<u>SECOND</u>	<u>MOVE</u>	<u>ABSENT</u>
	1	2	3	4	5

**LAURA H. WELCH, CLERK OF THE BOARD**

BY \_\_\_\_\_

DATED: March 26, 2013

**CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION NO. 3 TO  
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)  
MARCH 26, 2013  
PAGE 2 OF 2**

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 building a 425,000 square-foot industrial building to be used as a "High Cube" warehouse distribution facility within the "Donut Hole" area on Assessor's Parcel Number 0292-055-25-0000. As a condition of County Development Code 83.09.030, the developer is required to address the issue of streetlight maintenance. Annexation of their 18.3 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 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. The 2013-14 special tax for 0292-055-25-0000 is \$979.06.

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.

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. 2010-1.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Dawn Messer, Deputy, 387-5455) on March 4, 2013; County Administrative Office (Jessica Brown, Administrative Analyst, 387-5510) on March 15, 2013.

**RESOLUTION NO. 2013-36**

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

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

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.

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

**Community Facilities District No. 2010-1 (East Valley)  
Annexation No. 3**

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 Number 0292-055-25) 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, 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 in the Boundary Map of Annexation No. 2 to CFD 2010-1, approved by the Board on this same date; and

WHEREAS, the boundaries of the Subject Property are shown on a map entitled "Proposed Boundaries of Annexation Map No. 3, 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. #56 jr

LAURA H. WELCH  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy



**RESOLUTION NO. 2013-37**

**RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION  
RESPECTING PROPOSED ANNEXATION NO. 3**

**COMMUNITY FACILITIES DISTRICT NO. 2010-1 (East Valley)  
ANNEXATION NO. 3**

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 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 preceeding 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

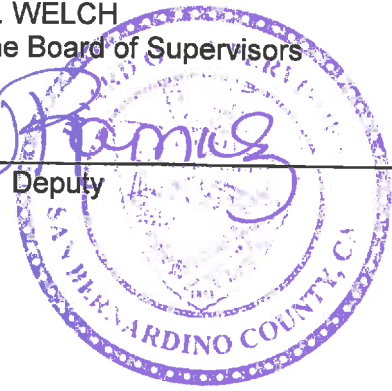
\* \* \* \* \*

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. #56 jr

LAURA H. WELCH  
Clerk of the Board of Supervisors

By James  
Deputy





**RESOLUTION NO. 2013-38**

**RESOLUTION DECLARING ELECTION RESULTS AND ORDERING ANNEXATION**

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

**ANNEXATION NO. 3**

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. 3 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:	Rutherfod, Ramos, Ovitt
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	Lovingood, Gonzales

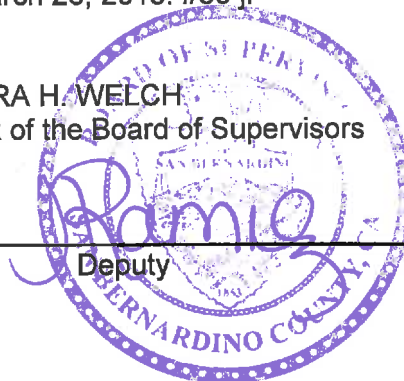
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STATE OF CALIFORNIA            )  
   )  
 COUNTY OF SAN BERNARDINO    )        ss.

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. #56 jr

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 Avenue, 2nd Floor  
 San Bernardino, CA 92415-0130

**Exempt recording requested per CA Gov Code  
 6103**



**DENNIS DRAEGER**  
 ASSESSOR – RECORDER – CLERK

P Counter

Doc#: 2013-0143580



Titles: 1 Pages: 3

Fees	0.00
Taxes	0.00
Other	0.00
<b>PAID</b>	<b>00.00</b>

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. 3

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, 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 and in the Boundary Map of Annexation No. 2 to CFD No. 2010-1, recorded on April 1, 2013, in Book 85 of Maps of Assessment and Community Facilities Districts, at page 62 as Instrument No. 2013-0131597, in the official records of the San

Bernardino County Recorder. The territory which is added to CFD No. 2010-1 by this Annexation No. 3 is set forth in "Proposed Boundary Map of Annexation No. 3 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 5, 2013, in Book 85 of Maps of Assessment and Community Facilities Districts, at page 64 as Instrument No. 2013-0141654 (the "Annexation Map No. 3).

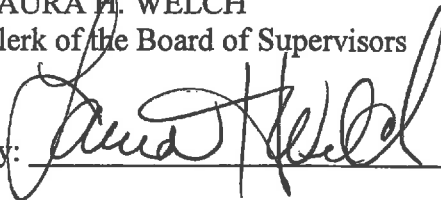
The special tax is authorized to be levied on the taxable parcels within CFD No. 2010-1, which taxable parcels now include the parcels listed in Exhibit A. The lien of the special tax is a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect 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: 4/8/13

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. 3, 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 0292-055-25-0000	Prologis, L.P.	18.3

**Legal Description:**

Lot 3 and Lot 4, Block 5, Henry L. Williams Tract, a Subdivision of Block 74, Rancho San Bernardino, in the County of San Bernardino, State of California, as per Plat recorded in Book 11, of Maps Page 17, in the records of County of San Bernardino

**PROPOSED BOUNDARIES OF ANNEXATION NO. 3  
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA**

EXEMPT RECORDING REQUESTED,  
SECTION 20, GOVERNMENT CODE  
§ 660103

PAGE 1 OF 1

FILED IN THE OFFICE OF THE CLERK OF THE  
BOARD OF SUPERVISORS OF THE COUNTY OF  
SAN BERNARDINO THIS 25th DAY OF  
MAY 2013.

LORNA H. WELCH, CLERK OF THE BOARD  
COUNTY OF SAN BERNARDINO

PREPARED BY:

**TEI Thomas Engineering, Inc.**  
1048 DORNINGTON ROAD SUITE 200  
LA BREA, CALIFORNIA 90008  
PH: (714) 801-4011 INFO@TEI-INC.COM

**SURVEYOR:**

PREPARED UNDER THE DIRECTION OF:

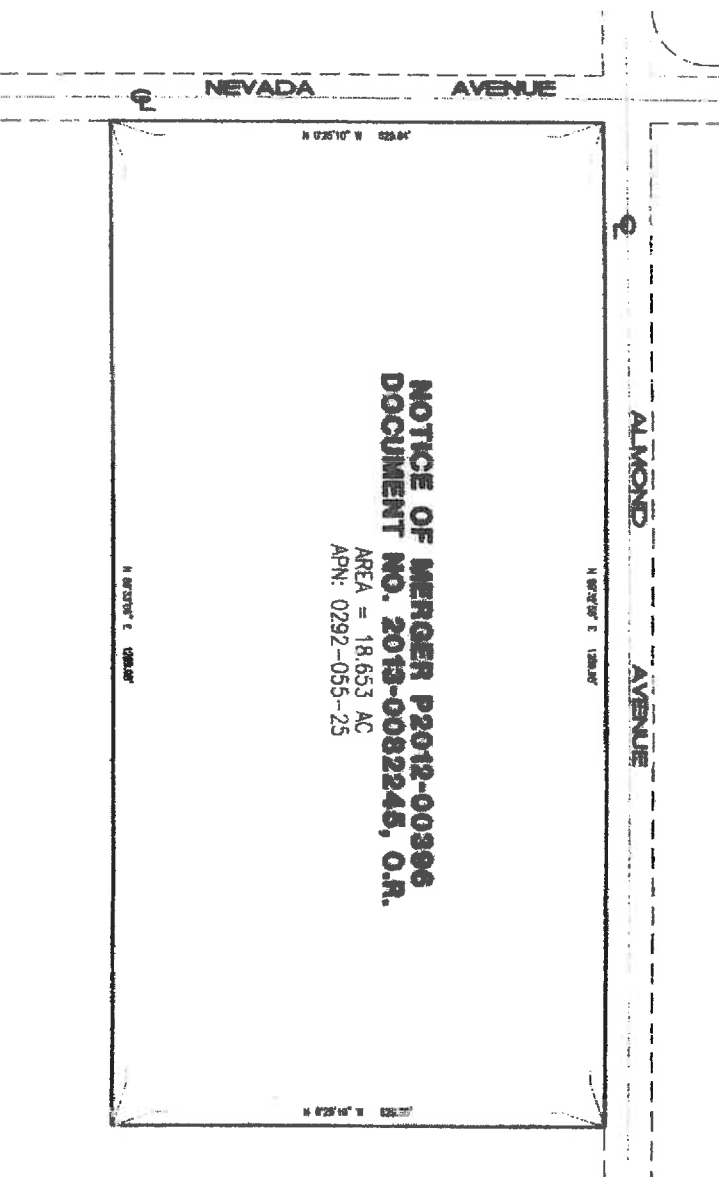
*[Signature]*  
DANIEL L. HARRIS  
REGISTERED PROFESSIONAL SURVEYOR  
NO. 12743  
EXPIRES 12/31/13

2/10/10  
DATE



LORNA H. WELCH, CLERK OF THE BOARD  
COUNTY OF SAN BERNARDINO

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING  
THE PROPOSED BOUNDARIES OF ANNEXATION NO. 3  
OF THE COUNTY OF SAN BERNARDINO COMMUNITY  
FACILITIES DISTRICT NO. 2010-1 (EAST VALLEY), SAN  
BERNARDINO COUNTY, CALIFORNIA, WAS  
APPROVED BY THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SAN BERNARDINO AT A REGULAR  
MEETING HELD ON THE DAY OF March 14,  
2013 BY ITS RESOLUTION NO. 2013-57



**NOTICE OF MERGER P2012-00366  
DOCUMENT NO. 2013-0082245, C.R.**

AREA = 18.653 AC  
APN: 0292-055-25

ASSESSOR'S PARCEL NUMBER WITHIN THE  
BOUNDARIES OF ANNEXATION NO. 3  
C/D 2010-1:

0292-055-25

REFERENCE IS MADE TO THE ASSESSOR MAPS  
OF THE COUNTY OF SAN BERNARDINO FOR A  
DESCRIPTION OF THE LINES AND DIMENSIONS  
OF THE LOTS AND PARCELS OF THE  
RECORDS OF COUNTY OF SAN BERNARDINO  
REVENUE AND COMMODITY FACILITIES DISTRICT  
NO. 2010-1 (EAST VALLEY) RECEIVED ON  
JUNE 14, 2010, IN BOOK NO. 24 OF MAPS  
OF ASSESSMENT AND COMMODITY FACILITIES  
DISTRICT NO. 2010-1, AS WELL AS THE  
MAPS OF ASSESSMENT AND COMMODITY  
FACILITIES DISTRICT AT PAGE 28 AND  
29 OF MAPS OF ASSESSMENT AND COMMODITY  
FACILITIES DISTRICT NO. 2010-1, AS WELL AS  
THE RECORDS OF THE SAN BERNARDINO  
COUNTY RECORDER, STATE OF CALIFORNIA.

**LEGAL DESCRIPTION:**

LAND DESCRIBED IN NOTICE OF MERGER  
P2012-00366 RECORDED FEBRUARY 22, 2012  
AS BEING THE SAN BERNARDINO COUNTY  
RECORDS OF COUNTY OF SAN BERNARDINO  
REVENUE AND COMMODITY FACILITIES  
DISTRICT NO. 2010-1, AS WELL AS THE  
RECORDS OF COUNTY OF SAN BERNARDINO  
REVENUE AND COMMODITY FACILITIES  
DISTRICT AT PAGE 28 AND 29 OF MAPS OF  
ASSESSMENT AND COMMODITY FACILITIES  
DISTRICT NO. 2010-1, AS WELL AS THE  
RECORDS OF THE SAN BERNARDINO  
COUNTY RECORDER, STATE OF CALIFORNIA.

- BEHAVING AT THE MOST NORTHWESTLY  
CORNER OF SAID PARCEL 1;  
THENCE ALONG THE BOUNDARY OF SAID  
PARCEL 1, THE FOLLOWING FOUR (4)  
COURSES:
- 1) NORTH 89° 32' 52" EAST 1288.06 FEET;
  - 2) SOUTH 89° 25' 19" EAST 628.09 FEET;
  - 3) SOUTH 89° 27' 02" WEST 1028.84 FEET;
  - 4) TO THE POINT OF BEGINNING.

San Bernardino County Recorder's Certificate  
This map has been filed under Document  
Number 2013-0082245, this 25th day of  
May, 2013, at Escondido, in the  
County of San Bernardino, State of  
California, of the Records of the  
County of San Bernardino, in the amount of  
\$ 1.00.

Dennis Deaeger  
Assistant Recorder - Clerk  
County of San Bernardino  
By: *[Signature]*  
Deputy Recorder

PETITION FOR THE ANNEXATION  
OF CERTAIN PRESCRIBED PROPERTY TO  
COMMUNITY FACILITIES DISTRICT NO. 2010-1 (EAST VALLEY)

**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 PROLOGIS (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 0292-055-25 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, (Sections 53311 et seq. of the of the California Government Code) (the "Act"), for the annexation of the Subject Property to the existing Community Facilities District No. 2010-1 (East Valley), County of San Bernardino, State of California ("CFD No. 2010-1") and (b) conduct a landowner election in accordance with the Act to obtain authorization to annex the Subject Property to CFD 2010-1 and thereby authorize to levy the previously-established special tax for streetlight services of CFD 2010-1 on the Subject Property.

Respectfully Submitted,

By:

  
\_\_\_\_\_  
Signature

Scott Mulkey, Vice President – Regional Development Manager  
Printed Name and Title

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Bernardino }

on FEB 14 2013 before me, DAWN A. McFIRE, Notary Public

personally appeared Scott Mackay Here Insert Name and Title of the Officer  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Dawn A. Martinez  
Signature of Notary Public

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*



**Description of Attached Document**

Title or Type of Document: Petition For The Annulment

Document Date: FEB. 12 2013 Number of Pages: 1

Signer(s) Other Than Named Above: NA

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: _____ <input type="checkbox"/> Individual <input type="checkbox"/> Corporate Officer — Title(s): _____ <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General <input type="checkbox"/> Attorney in Fact <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator <input type="checkbox"/> Other: _____ Signer Is Representing: _____	 <small>Top of thumb here</small>	Signer's Name: _____ <input type="checkbox"/> Individual <input type="checkbox"/> Corporate Officer — Title(s): _____ <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General <input type="checkbox"/> Attorney in Fact <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator <input type="checkbox"/> Other: _____ Signer Is Representing: _____	 <small>Top of thumb here</small>
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# EXHIBIT "A"

**LEGAL DESCRIPTION**  
**NOTICE OF MERGER P201200396**  
**DOCUMENT NO. 2013-0082245, O.R.**

LAND DESCRIBED IN NOTICE OF MERGER P201200396 RECORDED FEBRUARY 26, 2013 AS DOCUMENT NO. 2013-0082245, OF OFFICIAL RECORDS IN THE OFFICE OF THE RECORDER OF COUNTY OF SAN BERNARDINO, DESCRIBED AS FOLLOWS:

**BEGINNING AT THE MOST NORTHWESTERLY CORNER OF SAID PARCEL 1;**


**THENCE ALONG THE BOUNDARY OF SAID PARCEL 1, THE FOLLOWING FOUR (4) COURSES:**

- 1) NORTH 89° 32' 58" EAST, 1289.95 FEET;
- 2) SOUTH 00° 25' 19" EAST, 629.89 FEET;
- 3) SOUTH 89° 33' 06" WEST, 1289.98 FEET;
- 4) NORTH 00° 25' 10" WEST, 629.84 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 "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

2/28/13  
DATE



SCALE: 1" = 200'

# EXHIBIT "B"

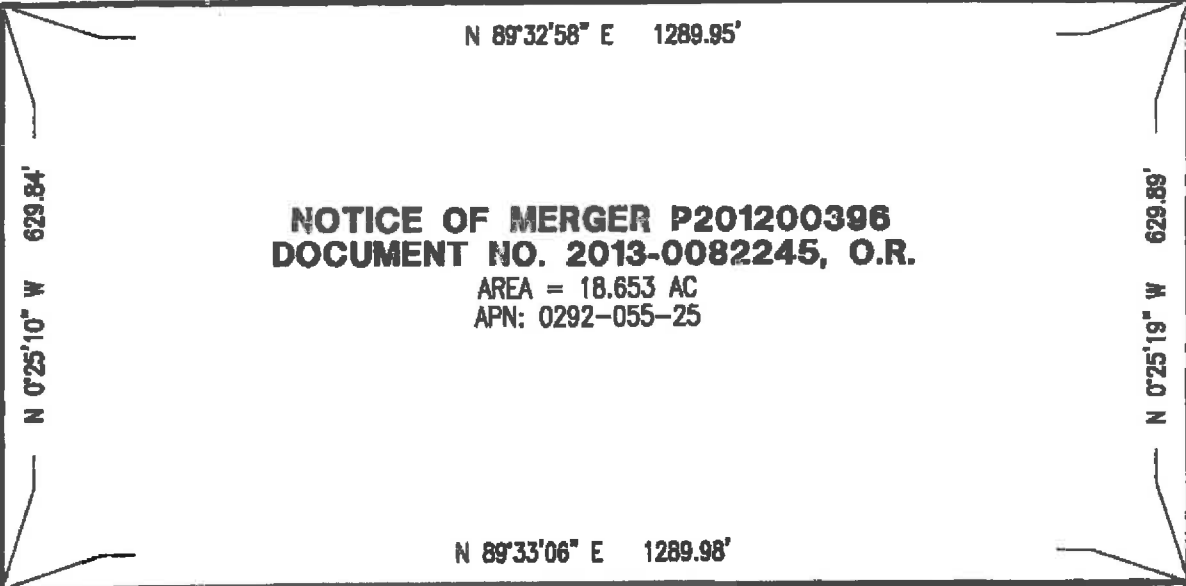
SHEET 1 OF 1

PARCEL 1 OF LOT MERGER  
DOCUMENT NO. 2013-0082245, O.R.



**ALMOND AVENUE**

**NEVADA AVENUE**



**NOTICE OF MERGER P201200396**  
**DOCUMENT NO. 2013-0082245, O.R.**

AREA = 18.653 AC  
APN: 0292-055-25

**SURVEYOR:**

PREPARED UNDER THE SUPERVISION OF:

Last Update: 2/28/13  
O:\3104\CFD\3104\_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

*[Handwritten Signature]*  
 2/28/13  
 BRIAN L. THIENES  
 P.L.S. NO. 5750  
 REG. EXP. DEC. 31, 2013



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

**Annexation No. 3**  
**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. 2010-1 ("CFD No. 2010-1"):

<u>Name of Landowner</u>	<u>Number of Acres Owned</u>	<u>Total Votes</u>
Prologis	18.3	18

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 Tuesday, March 26, 2013, or as soon thereafter as the matter of the special election for CFD No. 2010-1 Annexation No. 3 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 March 26, 2013 will not be sufficient. The ballot must be physically received by the Clerk prior to the deadline in order to be counted.

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

Annexation No. 3

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. 2010-1 ("CFD No. 2010-1") and levy the special tax previously authorized for CFD No. 2010-1 on said property to finance streetlight services, all as specified in its resolutions pertaining thereto?	Mark "YES" OR "NO <u>WITH AN "X"</u> <u>YES</u> _____ <u>NO</u> _____
---	--

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 \_\_\_\_\_, 2013.

PROLOGIS

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

\_\_\_\_\_  
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.

**ANNEXATION NO. 3  
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. 3 of County of San Bernardino Community Facilities District No. 2010-1 (East Valley) the proposition to levy a special tax within the Annexation No. 3 area to finance street light maintenance to be paid for by the Annexation No. 3 area, as provided in Resolution No: ~~2013-37~~ 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

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

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

The undersigned is an authorized representative of Prologis, L.P. (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. 2010-1 (East Valley) ("CFD No. 2010-1").

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 March 26, 2013, to determine whether the Subject Property shall be annexed to CFD No. 2010-1 and thereby made subject to the special tax of CFD No. 2010-1 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 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 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;
4. the requirements regarding identification envelopes for the return of mailed ballots contained in Government Code Section 53327.5 of the Act; and
5. any and all defects in notice or procedure in the proceedings for the annexation of the Subject Property to CFD No. 2010-1, 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 Owner.

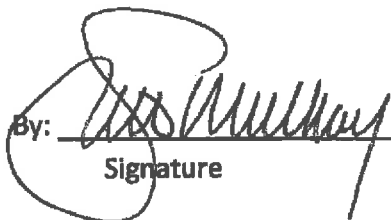
**COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2010-1 (EAST VALLEY)**

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

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 December 14, 2012.

PROLOGIS, L.P.  
a Delaware limited partnership

By: Prologis, Inc., a Maryland  
corporation, its general partner

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

Scott Mulkay, VP - Regional Development Manager  
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.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Bernardino

On Dec. 14, 2012 before me, Joann A. Martinez, Notary Public

personally appeared Scott Muekay

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature Joann A. Martinez  
Signature of Notary Public

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: County of San Bernardino Community Facilities District No. 2010-1

Document Date: n/a Number of Pages: 2

Signer(s) Other Than Named Above: n/a

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: n/a

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: n/a

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_





**Michael J. Scarpello**  
Registrar of Voters

**County of San Bernardino**  
Community Services Group

---

**ELECTIONS OFFICE of the REGISTRAR OF VOTERS**

777 East Rialto Avenue, San Bernardino, CA 92415 • Phone (909) 387-8300 • Fax (909) 387-2022 • www.sberov.com

**Voter Count Certification**  
CSA 70 EV-1 CFD 2010-1 Annex# 3

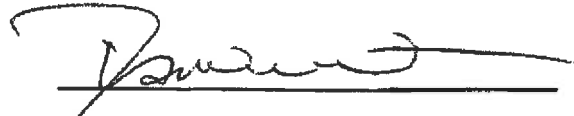
3020

Gail Joe, Assessment Tech  
Special Districts Department  
County of San Bernardino

This certificate confirms that the Registrar of Voters Office has examined the records of registrations on file within the above area and that as of February 22, 2013 registered voters were found as follows:

**Within the area: 0**

**Within the surrounding areas: 0**

  
\_\_\_\_\_  
Deputy Registrar of Voters



**ASSISTANT SECRETARY'S CERTIFICATE**

The undersigned, Jessica L. Polgar, being an Assistant Secretary of Prologis, Inc., a Maryland corporation ("Prologis"), the general partner of Prologis, L.P., a Delaware limited partnership (the "Partnership"), does hereby certify as follows:

1. That pursuant to resolutions adopted by the Board of Directors of Prologis on May 3, 2012 (the "Resolutions"), the Authorized Officers of Prologis are empowered and authorized, acting on behalf of Prologis in its individual capacity, and on behalf of its subsidiaries, without further specific authority from the Board of Directors (including any committee thereof), to enter into on behalf of and to bind Prologis and its subsidiaries with respect to the matters set forth therein. Such Resolutions have not been amended, superseded or revoked and are in full force and effect on the date hereof and shall remain in effect until such time the Resolutions are revoked.

2. That as of the date hereof, Scott M. Mulkay, Vice President, is an Authorized Officer, as defined in the Resolutions, and as such has the authority to execute real estate documents on behalf of Prologis, being the general partner of the Partnership.

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the 17<sup>th</sup> day of December, 2012.

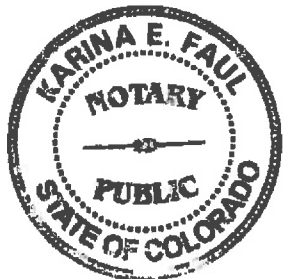
  
\_\_\_\_\_  
Jessica L. Polgar  
Assistant Secretary

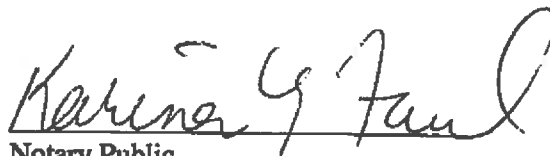
STATE OF COLORADO )  
 ) ss.  
CITY & COUNTY OF DENVER )

The foregoing document was acknowledged before me this 17<sup>th</sup> day of December, 2012, by Jessica L. Polgar, in her capacity as an Assistant Secretary of Prologis, Inc., a Maryland corporation.

Witness my hand and official seal.

[SEAL]



  
\_\_\_\_\_  
Notary Public

My Commission Expires: April 6, 2016