

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

June 3, 2014

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

**SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION NO. 5 TO  
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY) FOR  
STREETLIGHTING SERVICES**

**RECOMMENDATION(S)**

Conduct a public hearing to:

1. Adopt **Resolution 2014-101** declaring the Board of Supervisors' intention to annex Assessor Parcel Number 0292-053-15 into Community Facilities District 2010-1 for the purpose of streetlighting services.
2. Adopt **Resolution 2014-102** calling for a special mailed ballot election.
3. Adopt **Resolution 2014-103** 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.

Hearing Opened

Public Comment: Bob Nelson

Hearing Closed

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

**BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES**

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

- Promote public/private collaboration and projects that help to meet the needs of the county residents.

**Ensure Development of a Well-Planned, Balanced, and Sustainable County**

- Prioritize Investments in services and amenities for County unincorporated communities

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The annual cost of the street lights will be funded by a special tax assessed and collected through the annual property taxes for this parcel which is to be annexed to Community Facilities District 2010-1 (CFD 2010-1) beginning in 2014-15. All costs of the annexation are paid for by the Developer (KTR Empire III, LLC). The total 2014-15 special tax for the parcel is included in this annexation is \$1,264.

Page 1 of 2

cc: w/resolutions  
SDD-Rigney  
SDD-Reception  
CAO-Brown  
SDD-Joe w/ Map & Docs for  
Recordation 6/4/14  
File - SDD/CFD 2010-1 (East Valley)  
jr 6/30/14

**ITEM 87**

Record of Action of the Board of Supervisors  
COUNTY OF SAN BERNARDINO  
Board of Supervisors  
APPROVED REC. NOS. 1 & 2

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

LAURA H. WELCH, CLERK OF THE BOARD

BY \_\_\_\_\_

DATED: June 03, 2014

**CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION NO. 5 TO  
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY) FOR  
STREETLIGHTING SERVICES  
JUNE 3, 2014  
PAGE 2 OF 2**

**BACKGROUND INFORMATION**

CFD 2010-1 provides streetlighting services for 46 existing parcels in the unincorporated area of the County adjacent to the City of Redlands. Funding for the streetlighting services is provided through special taxes assessed on the affected parcels. The recommended actions will annex Assessor Parcel Number 0292-053-15 into CFD 2010-1 and will provide an ongoing funding mechanism for the streetlight energy charges associated with the development of the parcel.

Special Districts Department has been collaborating with the developer of this project to ensure that the streetlight planning requirements of the development are met and that financing of the streetlight services are provided for on a long term basis with the annexation of the parcel into CFD 2010-1. This development will help meet the needs of the residents, promote economic growth to the community, and ensure a well-planned, balanced and sustainable County by providing financing of streetlighting services for the new development. This development will provide employment opportunities to the residents of the County of San Bernardino.

KTR Empire III, LLC, is the sole owner of the property and has requested that the property be annexed to Community Facilities District 2010-1. The special tax for this property is calculated using the same Rate and Method of Apportionment as recorded in the Notice of Special Tax.

KTR Empire III, LLC 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 County Counsel, 387-5455) on May 12, 2014; Finance (Jessica Brown, Administrative Analyst, 387-4919) on May 16, 2014; and County Finance and Administration (Mary Jane Olhasso, Assistant Executive Officer, 387-4599) on May 19, 2014.

**RESOLUTION NO. 2014-101**

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

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

On Tuesday June 3, 2014, on motion of Supervisor Ramos, duly seconded by Supervisor Lovingood 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. 5**

WHEREAS, in response to a petition (the "Petition") submitted by KTR Empire III, 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 (Assessor's Parcel Number 0292-053-15-0000) 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 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 and in the Boundary Map of Annexation No. 3 to CFD 2010-1, recorded April 5, 2013, in Book 85 of Maps of Assessment and Community Facilities Districts, at page 64 as Instrument No. 2013-0141654 and in the Boundary Map of Annexation No. 4 to CFD 2010-1, recorded April 17, 2014, in Book 86 of Maps of Assessment and Community Facilities Districts, at page 15 as Instrument No. 2014-0136204; and

WHEREAS, the boundaries of the Subject Property are shown on a map entitled "Proposed Boundaries of Annexation Map No. 4, 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:	Lovingood,Rutherford,Ramos,Ovitt,Gonzales
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

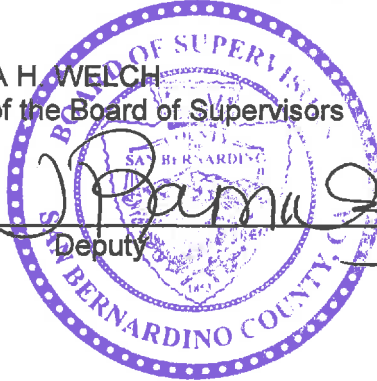
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STATE OF CALIFORNIA            )  
  )  
COUNTY OF SAN BERNARDINO    )        ss.

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 June 3, 2014. #87 jr

LAURA H. WELCH  
Clerk of the Board of Supervisors

By Deputy





**RESOLUTION NO. 2014-102**

**RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION  
RESPECTING PROPOSED ANNEXATION NO. 5**

**COMMUNITY FACILITIES DISTRICT NO. 2010-1 (East Valley)  
ANNEXATION NO. 5**

On Tuesday June 3, 2014, on motion of Supervisor Ramos, duly seconded by Supervisor Lovingood 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 KTR Empire III, LLC (the "Owner"), as the sole owner of certain real property (the "Subject Property") which the Owner is requesting be annexed to the existing Community Facilities District No. 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 53326 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:	Lovingood, Rutherford, Ramos, Ovitt, Gonzales
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

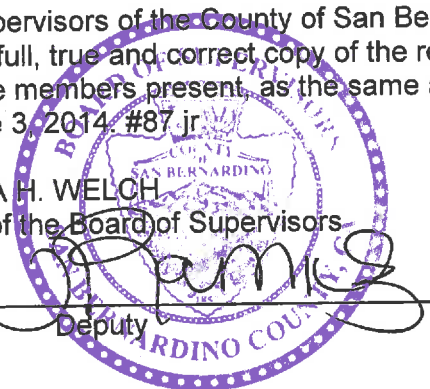
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STATE OF CALIFORNIA            )  
   )  
 COUNTY OF SAN BERNARDINO    )        ss.

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 June 3, 2014. #87 jr

LAURA H. WELCH  
 Clerk of the Board of Supervisors

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





**RESOLUTION NO. 2014-103**

**RESOLUTION DECLARING ELECTION RESULTS AND ORDERING ANNEXATION**

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

**ANNEXATION NO. 5**

On Tuesday June 3, 2014, 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, 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 "Proposed Boundaries of Annexation No. 5, Community Facilities District No. 2010-1 (East Valley), County of San Bernardino, State of California" 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:	Lovingood, Rutherford, Ramos, Ovitt, Gonzales
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	None

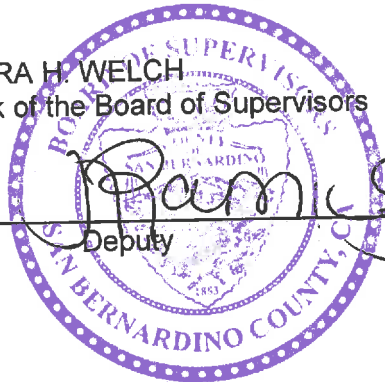
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STATE OF CALIFORNIA            )  
   )  
 COUNTY OF SAN BERNARDINO    )        ss.

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 June 3, 2014. #87 jr

LAURA H. WELCH  
 Clerk of the Board of Supervisors

By  Deputy



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 KTR Empire III, LLC (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 0292-053-15 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

A. Donald Chase, Jr., Partner

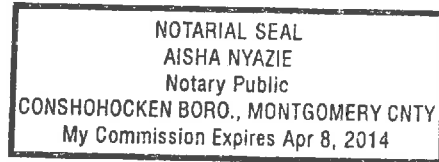
Printed Name and Title

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss  
COUNTY OF MONTGOMERY )

On the 16<sup>th</sup> day of January, 2014, before me, a notary public in and for the State and County aforesaid, personally appeared A. Donald Chase, Jr., who acknowledged himself/herself to be the Partner of KTR EMPIRE III LLC, a DE LLC, and that he/she as such officer, being authorized to do, executed the foregoing instrument for the purposes therein contained by signing the name of A. Donald Chase, Jr. by himself/herself as such Partner.

IN WITNESS HEREOF, I hereunto set my hand and official seal.

Aisha Nyazie  
Notary Public



# EXHIBIT "A"

## LEGAL DESCRIPTION NOTICE OF MERGER NO. P201200064

LAND DESCRIBED IN NOTICE OF MERGER NO. P201200064, IN THE UNINCORPORATED COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED JUNE 27, 2012 AS INSTRUMENT NO. 2012-0256924, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

LOT 1 IN BLOCK 6 OF MAP OF 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, RECORDS OF SAID COUNTY, TOGETHER WITH LOT 2, BLOCK 6, HENRY L. WILLIAMS TRACT, AS PER PLAT RECORDED IN BOOK 11 OF MAPS, PAGE 17, RECORDS OF SAN BERNARDINO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHEAST CORNER OF SAID PARCEL 1, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF ALMOND AVENUE, A PUBLIC STREET, 63.00 FEET WIDE AND NEVADA STREET, A PUBLIC STREET, 88.00 FEET WIDE;

THENCE SOUTHERLY ALONG SAID CENTERLINE OF NEVADA STREET, THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 00°25'05" EAST 659.88 FEET;
- 2) SOUTH 89°33'40" WEST 1319.93 FEET;
- 3) NORTH 00°25'47" WEST 659.91 FEET TO THE CENTERLINE OF SAID ALMOND AVENUE;
- 4) NORTH 89°33'44" EAST 1320.08 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.**



BRIAN L. THIENES  
P.L.S. No. 5750  
REG. EXP. 12/31/15

4/30/14  
DATE

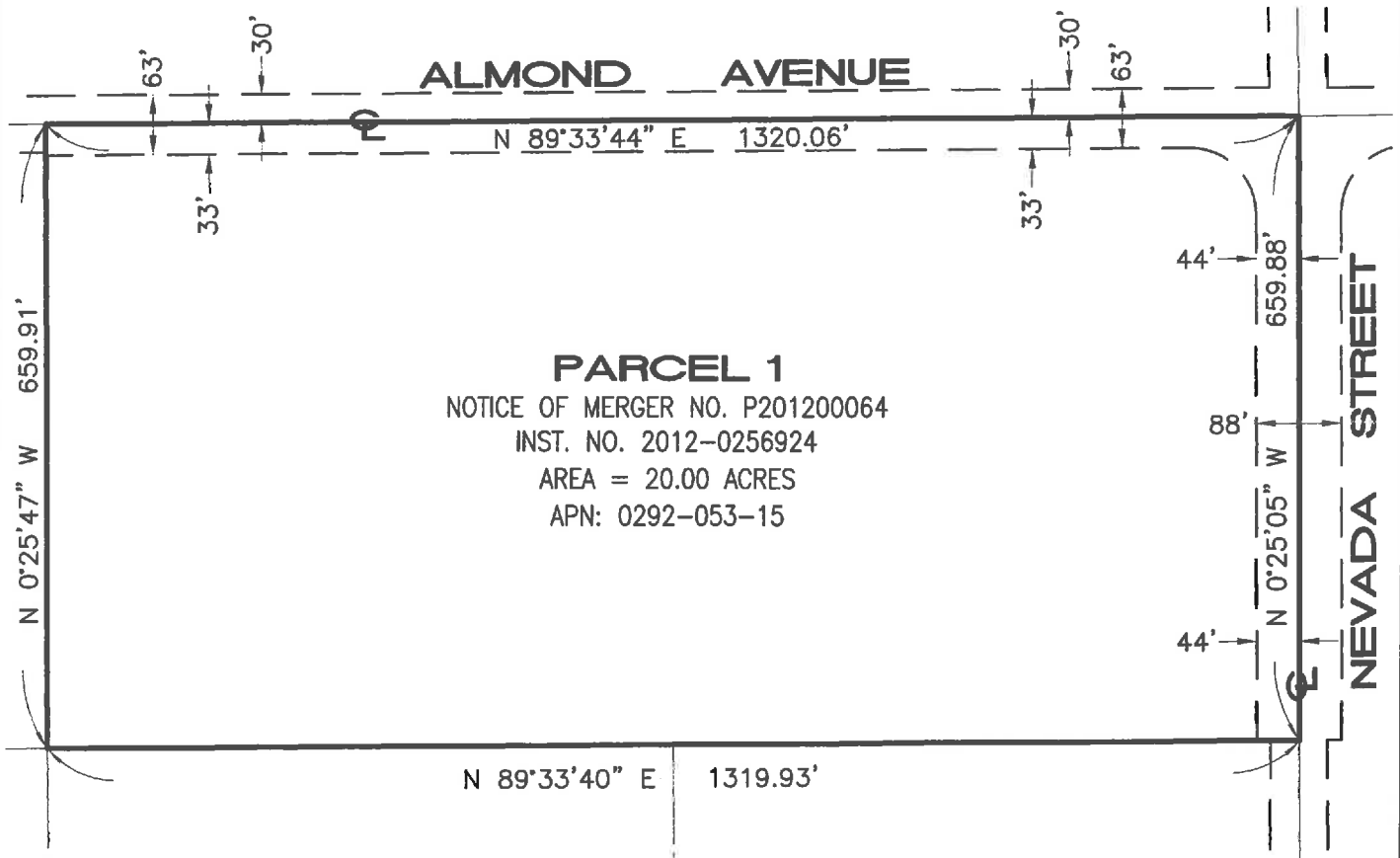


SCALE: 1" = 200'

SHEET 1 OF 1

# EXHIBIT "B"

NOTICE OF MERGER NO. P201200064  
INSTRUMENT NO. 2012-0256924



**PARCEL 1**  
 NOTICE OF MERGER NO. P201200064  
 INST. NO. 2012-0256924  
 AREA = 20.00 ACRES  
 APN: 0292-053-15

### SURVEYOR:

PREPARED UNDER THE SUPERVISION OF:

Last Update: 4/30/14  
O:\2700-2799\2724\2724f\CFD\8-2724f\_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

*Brian L. Thienes* 4/30/14  
 BRIAN L. THIENES  
 P.L.S. NO. 5750  
 REG. EXP. DEC. 31, 2015



**ACTION BY UNANIMOUS WRITTEN CONSENT OF  
THE SOLE MEMBER OF KTR EMPIRE III LLC**

The undersigned, being the sole member (the “**Member**”) of **KTR EMPIRE III LLC**, a Delaware limited liability company (the “**Company**”), acting pursuant to Delaware Limited Liability Company Act, 6 Del. C. 18 and the Operating Agreement of the Company, effective as of November 14, 2011, consents to the adoption of, and does hereby adopt, the following resolutions as the sole Member of the Company:


**WHEREAS**, the Company desires to add each of A. Donald Chase, J. Peter Lloyd, and Frank Ryan as authorized signatories of the Company to execute agreements and documents on behalf of the Company.

**RESOLVED**, that each of A. Donald Chase, J. Peter Lloyd, and Frank Ryan are hereby, authorized and directed to execute agreements and other documents as an “Authorized Signatory” of the Company, and to take all other actions, which each may deem from time to time necessary or desirable in order to carry out the business of the Company.

[signature page follows]

IN WITNESS WHEREOF, the undersigned have executed this Action By Unanimous Written Consent as of this 6 day of May, 2014.

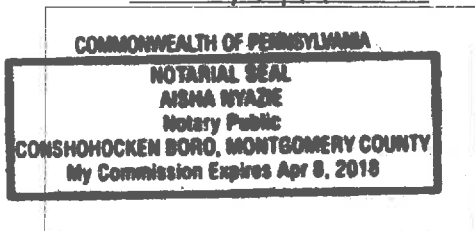
**KTR PROPERTY TRUST I**, a Maryland real estate investment trust

By:   
Name: Stephen J. Butte  
Its: Senior Vice President


COMMONWEALTH OF PENNSYLVANIA )  
 ) ss:  
COUNTY OF MONTGOMERY )

I certify that I know or have satisfactory evidence that Stephen J. Butte is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Senior Vice President of KTR PROPERTY TRUST I, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 5/6/14



(Use this space for notarial stamp/seal)

  
Notary Public  
Print Name: Aisha Nyazie  
My commission expires: 4-8-2018



PROPOSED BOUNDARIES OF ANNEXATION NO. 5  
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)  
COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA

PAGE 1 OF 1

EXEMPT RECORDING REQUESTED,  
PER CA GOVERNMENT CODE  
§66103

FILED IN THE OFFICE OF THE CLERK OF THE  
BOARD OF SUPERVISORS OF THE COUNTY OF  
SAN BERNARDINO THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2014.

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 MESA, CALIFORNIA 90540  
PH: (714) 331-4811 FAX: (714) 331-4123

SURVEYOR:

PREPARED UNDER THE DIRECTION OF:

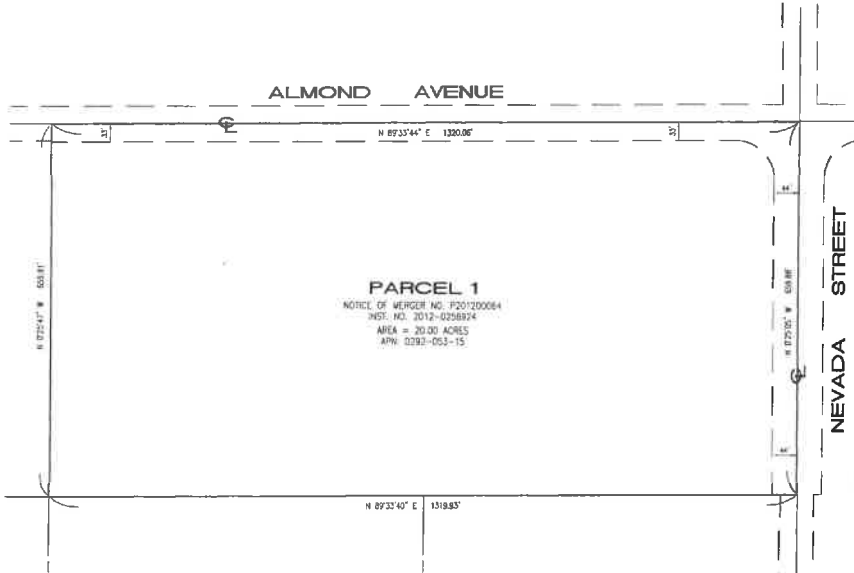
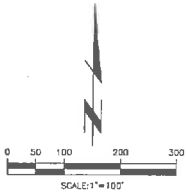
BRYAN L. THIONES  
P.L.S. NO. 5290  
REG. EXP. 12/31/15

DATE



I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING  
THE PROPOSED BOUNDARIES OF ANNEXATION NO. 5  
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 \_\_\_\_\_  
2014, BY ITS RESOLUTION NO. \_\_\_\_\_

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



ASSESSOR'S PARCEL NUMBER WITHIN THE  
BOUNDARIES OF ANNEXATION NO. 2,  
CFD 2010-1:  
0882-053-15

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  
76-86, ON MARCH 29, 2012, IN BOOK NO.  
85 OF MAPS OF ASSESSMENT AND  
COMMUNITY FACILITIES DISTRICT AT PAGE 29  
AND ON JANUARY 31, 2013, IN BOOK NO.  
85 OF MAPS OF ASSESSMENT AND  
COMMUNITY FACILITIES DISTRICT AT PAGE 64  
AND ON APRIL 5, 2013, IN BOOK NO. 85  
OF MAPS OF ASSESSMENT AND COMMUNITY  
FACILITIES DISTRICT AT PAGE 64 AND ON  
APRIL 12, 2014, IN BOOK 86 OF MAPS OF  
ASSESSMENT AND COMMUNITY FACILITIES  
DISTRICT AT PAGE 13 IN THE OFFICIAL  
RECORDS OF THE SAN BERNARDINO COUNTY  
RECORDER, STATE OF CALIFORNIA.

LEGAL DESCRIPTION:

LAND DESCRIBED IN NOTICE OF MERGER NO. P201200064,  
IN THE INCORPORATED COUNTY OF SAN BERNARDINO,  
STATE OF CALIFORNIA, AS PER DOCUMENT RECORDED  
JUNE 27, 2012 AS INSTRUMENT NO. 2012-0258974 OF  
OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY  
RECORDER OF SAID COUNTY, MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

LOT 1 IN BLOCK 6 OF MAP OF 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, RECORDS OF SAID COUNTY.

NOTE: THE RECORDS SHOW THAT AREA AND DISTANCES OF  
SAID LOT ARE COMPUTED TO THE CENTER OF ALL  
ADJOINING STREETS AND ROAD.

TOGETHER WITH:

LOT 2, BLOCK 6, HENRY L. WILLIAMS TRACT, AS PER PLAT  
RECORDED IN BOOK 11 OF MAPS, PAGE 17, RECORDS OF  
SAN BERNARDINO COUNTY.

San Bernardino County Recorder's Certificate

This map has been filed under Document  
Number \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_, 2014, 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 Draeger  
Assessor-Recorder-Clerk  
County of San Bernardino

By: \_\_\_\_\_  
Deputy Recorder



**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 KTR EMPIRE III, LLC (the "Owner"), the sole owner of land (the "Subject Property") shown on the exhibit map attached to the petition submitted to the Board of Supervisors (the "Board") of the County of San Bernardino (the "County"), requesting the annexation of the Subject Property to the County of San Bernardino Community Facilities District No. 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 June 3rd 2014, 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:

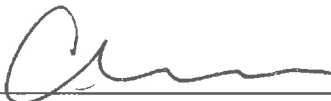
1. any and all minimum time periods relative to the landowner election to be held pursuant to Government Code Section 53339.7 of the Act;
2. the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Government Code 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 February, 2014.

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

A. Donald Chase, Jr., Partner  
Printed name and title

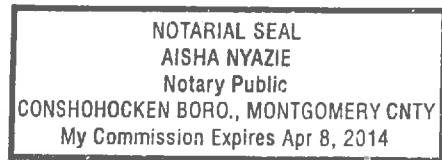
In the event this Waiver and Consent is executed in reliance upon an "Appointment of Representative to Execute Waiver and Consent and to Cast Ballot", a photocopy of the dated and signed appointment form must be attached hereto prior to submission of this Waiver and Consent and the related Special Election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

COMMONWEALTH OF PENNSYLVANIA )  
 ) ss  
COUNTY OF MONTGOMERY )

On the 16<sup>th</sup> day of January, 2014, before me, a notary public in and for the State and County aforesaid, personally appeared A. Donald Chase, Jr., who acknowledged himself/herself to be the Partner of KTR EMPIRE III LLC, a DE LLC, and that he/she as such officer, being authorized to do, executed the foregoing instrument for the purposes therein contained by signing the name of A. Donald Chase, Jr. by himself/herself as such Partner.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Aisha Nyazie  
Notary Public







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.sbcountyelections.com

Michael J. Scarpello  
Registrar of Voters

May 9, 2014

County of San Bernardino  
Special Districts Department  
Attention: Gail Joe  
157 W. 5<sup>th</sup> Street, 2<sup>nd</sup> Floor  
San Bernardino, CA 92415-0450

Dear Ms. Joe:

On April 29, 2014, the San Bernardino County Elections Office received a request to provide a Certification of Registered Voters for CFD 2010-1 (Existing and parcel requesting to be annexed). Our office has examined the records of voter registrations on file within this district, and hereby certifies the following information as of May 8, 2014:

**CFD 2010-1 (Existing)**

**Registered voters within the area: 0**  
**Registered voters within the surrounding areas: 0**

**CFD 2010-1 (Annexation)**

**Registered voters within the area: 0**  
**Registered voters within the surrounding areas: 0**

As shown on the enclosed invoice, the cost for providing the requested information is \$219.32.

If you have any questions, please feel free to contact the Elections Office at (909) 387-8300.

Sincerely,

Michael J. Scarpello  
Registrar of Voters

Enclosure

BOARD OF SUPERVISORS

ROBERT A. LOVINGOOD - First District • JANICE RUTHERFORD - Second District • JAMES RAMOS - Third District • GARY C. OVITT - Fourth District • JOSIE GONZALES - Fifth District  
GREGORY C. DEVEREAUX - Chief Executive Officer





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

**Annexation No. 5**  
**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>
KTR Empire III, LLC	20.00	20.00

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, June 3, 2014, or as soon thereafter as the matter of the special election for CFD No. 2010-1 Annexation No. 5 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 June 3, 2014 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. 5  
SPECIAL ELECTION BALLOT – PAGE 2

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

BALLOT MEASURE

	Mark "YES" OR "NO WITH AN "X"
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. 5" 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?	<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 \_\_\_\_\_, 2014.

KTR Empire III, LLC

By: \_\_\_\_\_  
A. Donald Chase Jr.  
Partner, Senior Vice President

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. 5  
COUNTY OF SAN BERNARDINO  
COMMUNITY FACILITIES DISTRICT NO. 2010-1  
(EAST VALLEY)**

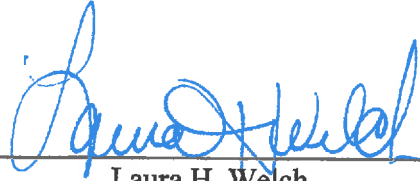
**CERTIFICATE OF THE CLERK OF THE BOARD OF  
SUPERVISORS IN DATE OF SPECIAL ELECTION**

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, June 3, 2014, for the purpose of submitting to the qualified electors of Annexation No. 5 of County of San Bernardino Community Facilities District No. 2010-1 (East Valley) the proposition to levy a special tax within the Annexation No. 5 area to finance street light maintenance to be paid for by the Annexation No. 5 area, as provided in Resolution No. 2014-102 calling the special election, proposed to be adopted by the Board of Supervisors of the County, on June 3, 2014.

Dated: June 3, 2014



---

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



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**

---

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. 5

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 and in the Boundary Map of Annexation No. 3 to CFD 2010-1, recorded April 5, 2013 , in Book 85 of Maps of Assessment and Community Facilities Districts, at page 64 as Instrument No. 2013-0141654. and in the Boundary Map of Annexation No. 4 to CFD 2010-1, recorded April 17, 2014 , in Book 86 of Maps of Assessment and Community Facilities Districts, at page 15 as Instrument No. 2014-0136204. The territory which is added to CFD No. 2010-1 by this Annexation No. 5 is set forth in "Proposed Boundary Map of Annexation No. 5 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 June XX, 2014, in Book XX of Maps of Assessment and Community Facilities Districts, at page XX as Instrument No. 2014-XXXXXXX (the "Annexation Map No. 4).

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: \_\_\_\_\_

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. 5, 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. 5 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>
0292-053-15-0000	KTR EMPIRE III LLC	20.00

Legal Description:

Land described in Notice of Merger No. P201200064 in the Unincorporated County of San Bernardino, State of California, as per document recorded June 27, 2012 as Instrument No. 2012-0256924 of Official Records, in the Office of the County Recorder of said County, more particularly described as follows:

Lot 1 in Block 6 of Map of 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, records of said County.

NOTE: The records show that area and distances of said lot are computed to the center of all adjoining streets and roads.

Together with:

Lot 2, Block 6, Henry L. Williams, As per Plat recorded in Book 11 of Maps, Page 17, Records of San Bernardino County.

