

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

March 27, 2012

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

**SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION TO
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)**

RECOMMENDATION(S)

Conduct a public hearing to consider the annexation of Assessor Parcel Number 0292-052-24-0000 into Community Facilities District 2010-1 and adopt the following:

1. **Resolution No. 2012-40** declaring the Board's intention to annex Assessor's Parcel Number 0292-052-24 -0000 into Community Facilities District 2010-1.
2. **Resolution No. 2012-41** calling for a special mailed ballot election.
3. **Resolution No. 2012-42** 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

(Affected Districts: Third)

(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 Watson Land Company. Beginning 2012-13 the property will be levied an annual special tax to pay the streetlight energy charges for the property. There is no impact to the County's General Fund.

BACKGROUND INFORMATION

Community Facilities District 2010-1 (CFD 2010-1) 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". Watson Land Company is developing a 550,500 square foot Industrial High Cube Warehouse Distribution Facility within CFD 2010-1 on Assessor's Parcel Number 0292-052-24-0000. As a condition of County Development Code 83.09.030, the developer is required to address the issue of streetlight maintenance. Annexation of their 26.1 acres of unincorporated property in the County into Community Facilities District 2010-1, will

Page 1 of 2

cc: w/ resolutions
SDD-Rigney
SDD-Watkins
SDD-Joe
CAO-Brown
File - SDD/CFD 2010-1
(East Valley) w/ attach
jr 4/6/12

ITEM 84

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

MOTION	APPROVE REC. 1 & 2				
	SECOND	AYE	MOVE	ABSENT	AYE
	1	2	3	4	5

MOTION	APPROVE REC. NO. 3 (Election Passed)				
	SECOND	AYE	MOVE	ABSENT	AYE
	1	2	3	4	5

LAURA H. WELCH, CLERK OF THE BOARD

BY _____

DATED: March 27, 2012

**CONDUCT A PUBLIC HEARING TO CONSIDER ANNEXATION TO
COMMUNITY FACILITIES DISTRICT 2010-1 (EAST VALLEY)
MARCH 27, 2012
PAGE 2 OF 2**

address the streetlight maintenance issue and approval of this item will authorize the proceedings of annexation (pursuant to the Mello-Roos Community Facilities Act of 1982).

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. 2010-04542.

Watson Land Company, the sole owner of the property under consideration for annexation, 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. Watson Land Company 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 (Charles S. Scolastico, Principal Assistant, 387-5281) on March 12, 2012; County Administrative Office (Jessica Brown, Administrative Analyst, 387-5510) on March 15, 2012.

RESOLUTION NO. 2012-40

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

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

On Tuesday March 27, 2012, on motion of Supervisor Derry, duly seconded by Supervisor Mitzelfelt 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)

WHEREAS, in response to a petition (the "Petition") submitted by Watson Land Company (the "Owner"), as the sole owner of the privately-owned real property shown on an exhibit map attached to the Petition (the "Subject Property"), this Board proposes to annex the Subject Property to the existing community facilities district known as "Community Facilities District No. 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 map 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 official records of the San Bernardino County Recorder; and

WHEREAS, the boundaries of the Subject Property are shown on a map entitled "Proposed Boundaries of Annexation Map No. 1, 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 "Certificate regarding registered Voters and Landowners," 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:	Mitzelfelt, Rutherford, Derry, Gonzales
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	Ovitt

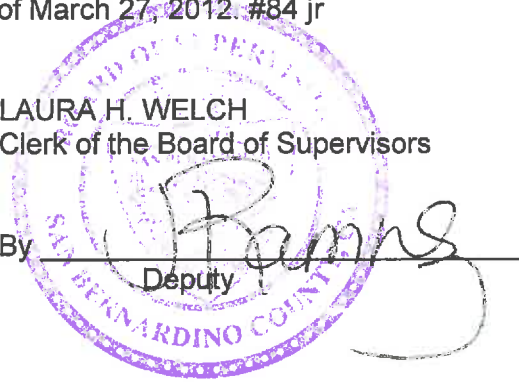
STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

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 27, 2012. #84 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 Watson Land Company, a California corporation (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 Numbers 0292-052-24-0000 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,

Watson Land Company

By:

Signature

Printed Name and Title

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles



On July 10, 2011 before me, Rose A. Ackert, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Rose A. Ackert
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/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 Rose A. Ackert
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: _____

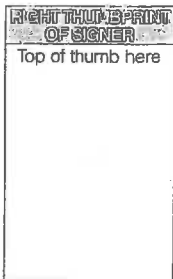
Document Date: _____ Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

EXHIBIT "A"
LEGAL DESCRIPTION

THAT CERTAIN DOCUMENT PURSUANT TO LOT MERGER EVL 1004-11, AS EVIDENCED BY DOCUMENT RECORDED DECEMBER 28, 2011 AS INSTRUMENT NO. 2011-0549110 OF OFFICIAL RECORDS, BEING DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS 4 AND 5, TOGETHER WITH A PORTION OF THE WEST ONE-HALF OF LOTS 3 AND 6 IN BLOCK 7 OF THE MAP OF HENRY L. WILLIAMS TRACT, AS SHOWN BY MAP ON FILE IN BOOK 11 OF MAPS AT PAGE 17 THEREOF, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA.


BEGINNING AT A POINT IN THE NORTHERLY LINE OF ALMOND AVENUE, ALSO BEING THE NORTHWEST CORNER OF PARCEL 2 OF THE GRANT OF EASEMENT RECORDED OCTOBER 4, 2005 AS DOCUMENT NO. 2005-0745041 OF OFFICIAL RECORDS, SAID CORNER LYING 33.00 FEET NORTHERLY OF THE CENTERLINE OF SAID ALMOND AVENUE AND 41.25 FEET EASTERLY OF THE CENTERLINE OF CALIFORNIA STREET; THENCE NORTH 89°51'48" EAST 948.81 FEET ALONG THE NORTHERLY LINE OF SAID ALMOND AVENUE TO THE EASTERLY LINE OF THE SAID WEST ONE-HALF OF LOT 6; THENCE NORTH 00°08'05" WEST 1219.96 FEET ALONG THE EASTERLY LINE OF THE SAID WEST ONE-HALF OF LOTS 3 AND 6 TO THE SOUTHERLY LINE OF SAN BERNARDINO AVENUE, ALSO BEING THE SOUTHERLY LINE OF PARCEL 1 OF SAID GRANT OF EASEMENT, SAID LINE LYING 60.00 FEET DISTANT SOUTHERLY OF AND PARALLEL WITH THE CENTERLINE OF SAN BERNARDINO AVENUE; THENCE SOUTH 89°51'39" WEST 949.07 FEET ALONG SAID SOUTHERLY LINE TO THE EASTERLY LINE OF SAID CALIFORNIA STREET, LYING 41.25' EASTERLY OF AND PARALLEL WITH THE CENTERLINE OF SAID CALIFORNIA STREET; THENCE LEAVING SAID SOUTHERLY LINE AND ALONG THE EASTERLY LINE OF SAID CALIFORNIA STREET, SOUTH 00°08'05" EAST 1226.92 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,164,293 SQ. FT. OR 26.729 AC. OF LAND, (MORE OR LESS).

THE ABOVE "METES AND BOUNDS" PORTION OF THIS DESCRIPTION IS FOR REPORT PURPOSES ONLY AND SHOULD NOT BE USED FOR CONVEYANCE.

EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION:

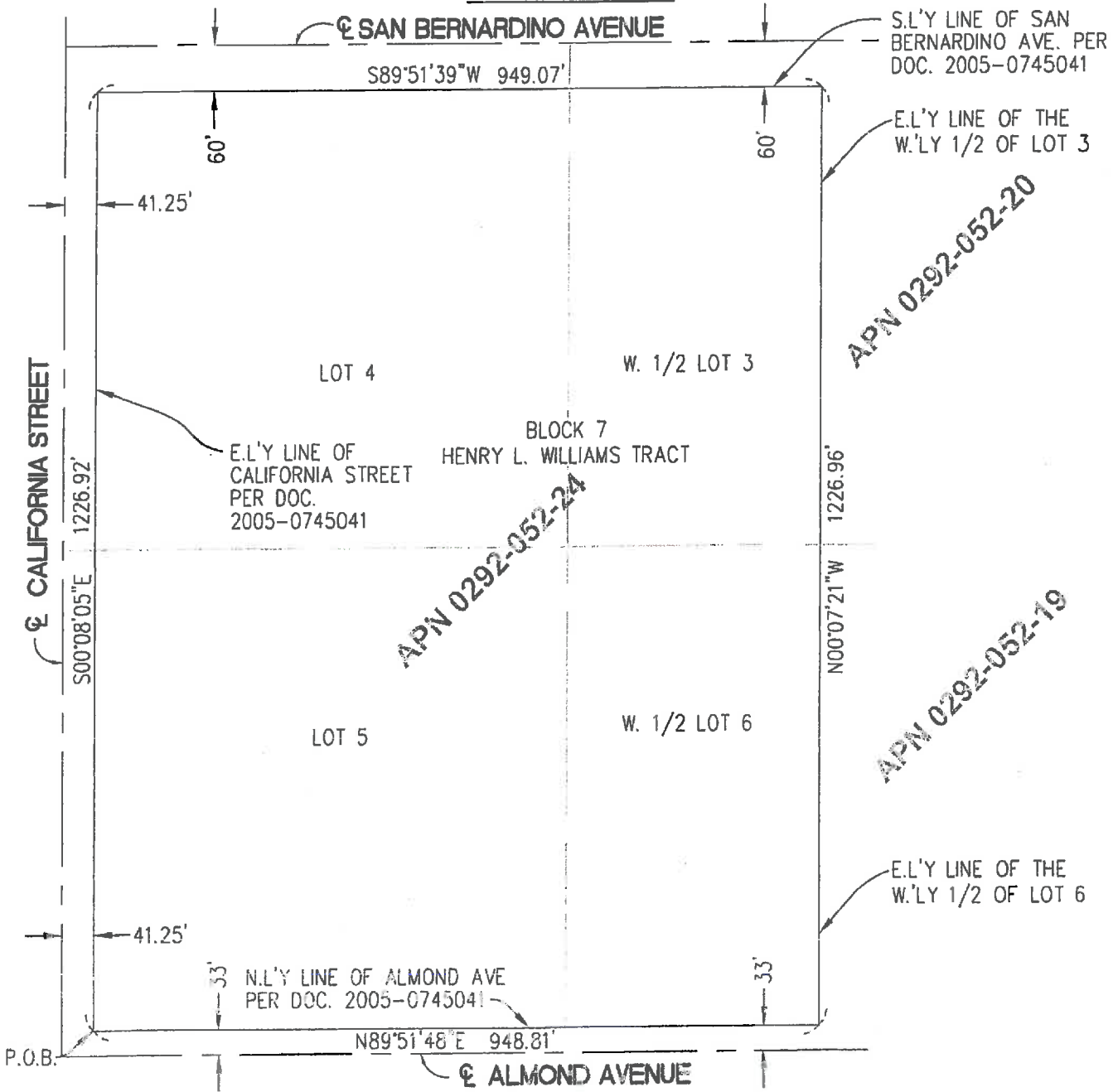


MATTHEW H OKUBO, P.L.S. 8686 DATE 2/10/2012
LICENSE EXPIRES: 12/31/13



EXHIBIT "B"

SHEET 1 OF 1



TITLE:
**COUNTY OF SAN BERNARDINO
LEGAL DESCRIPTION EXHIBIT**

Hall & Foreman, Inc.

Engineering · Planning · Surveying

14297 CAJON AVE, SUITE 101 · VICTORVILLE, CA 92392 · 760-524-9100

DATE OF PREPARATION: 2/10/2012



RESOLUTION NO. 2012-41

**RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION
RESPECTING PROPOSED ANNEXATION**

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

On Tuesday March 27, 2012, on motion of Supervisor Derry, duly seconded by Supervisor Mitzelfelt 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 Watson Land Company (the "Owner"), as the sole owner of certain real property (the "Subject Property") which the Owner is requesting be annexed to the existing Community Facilities District No. 2010-1 (East Valley) ("CFD No. 2010-1"); and

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

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

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

WHEREAS, a Certificate Regarding Registered Voters and Landowners (the "Certificate") has been filed with the Clerk of this Board (the "Clerk"), certifying that at no time during the ninety days preceding the close of the protest hearing on this date, were there ever any persons registered to vote within the territory of the Subject Property, with the result that, pursuant to Section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owner;

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

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

2. This Board accepts the Certificate heretofore filed in these proceedings and finds, in accordance therewith, that there presently are, and at all times during the ninety days just past there have been no registered voters residing within the boundaries of the Subject Property. Accordingly, under Section 53326 of the Government Code, the qualified electors for the proposed special election shall be the Owner.
3. This Board further finds and determines that the Owner is the sole landowner of record of the Subject Property and that the Certificate correctly sets forth the amount of property owned by the Owner, the number of votes to which the Owner is entitled pursuant to said Section 53326 being said number of acres rounded up to the nearest whole integer.
4. This Board further finds and determines that an authorized representative of the Owner has filed with the Clerk (a) the special election ballot pertaining to the Subject Property and (b) waiver and consent, by which the time limits and related requirements respecting preparation and distribution of election materials are waived.
5. Pursuant to Sections 5536 and 53351 of the Government Code, this Board hereby calls an election to be held and conducted forthwith upon adoption of this resolution, and sets this same date as the election date. Pursuant to Section 53326 of the Government Code, the election shall be conducted by mailed ballot; provided that personal service of the ballot is permitted under the terms of the waiver and consent on file with the Clerk and shall therefore be permitted and ratified. The action of the Clerk in having made personal service of the ballot, in the form of Exhibit A, to the Owner is hereby ratified.
6. The measure to be submitted to the qualified electors of the Subject Property shall be as set forth in Exhibit A.
7. The Clerk having received the only eligible ballot prior to adoption of this resolution, shall immediately close the election and declare the results to this Board.
8. This resolution shall take effect from and after its adoption.

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

AYES:	SUPERVISORS:	Mitzelfelt, Rutherford, Derry, Gonzales
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	Ovitt

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 27, 2012. #84 jr

LAURA H. WELCH
Clerk of the Board of Supervisors

By _____



Deputy

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

**Annexation No. 1
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>
Watson Land Company	26.1	26

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

In order to be counted, this ballot must be executed and certified below and be returned to the Clerk of the Board, either by mail or in person, prior to 10:00 a.m. on March 27, 2012, or as soon thereafter as the matter of the special election for CFD No. 2010-1 Annexation No. 1 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 27, 2012 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)**

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. 1" 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?

YES

NO

Certification for Special Election Ballot

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____, 2012.

WATSON LAND COMPANY

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.

EXHIBIT B
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 Watson Land Company, a California corporation (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 27, 2012, 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 1-30, 2012.

WATSON LAND COMPANY

By: _____

Signature

Craig B. Halverson, Vice President

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

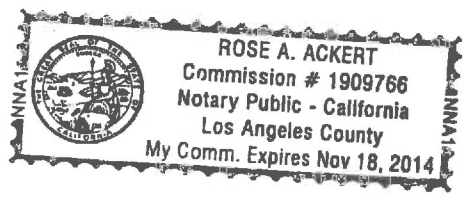
State of California

County of Los Angeles

On JANUARY 30, 2012 before me, ROSE A. ACKERT, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared CRAIG B. HALVerson
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/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.

Signature Rose A. Ackert
Signature of Notary Public

Place Notary Seal Above

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: Waiver and Consent

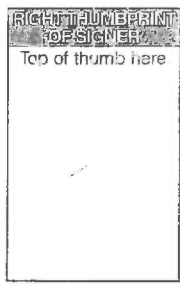
Document Date: 1-30-2012 Number of Pages: 3 (incl Notary)

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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



Signer Is Representing: _____

Signer's Name: _____

- 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.sbcrov.com

Voter Count Certification

apn029205224

2991

Special Districts Department
County of San Bernardino
Assessment Technician: Gail Joe

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 29, 2012 registered voters were found as follows:

Within the area: 0

Within the surrounding areas: 0

Deputy Registrar of Voters

RESOLUTION NO. 2012-42

RESOLUTION DECLARING ELECTION RESULTS AND ORDERING ANNEXATION

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

ANNEXATION NO. 1

On Tuesday March 27, 2012, on motion of Supervisor Derry, duly seconded by Supervisor Mitzelfelt 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. 1 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:	Mitzelfelt, Rutherford, Derry, Gonzales
NOES:	SUPERVISORS:	None
ABSENT:	SUPERVISORS:	Ovitt

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 27, 2012 #84 jr.

LAURA H. WELCH
Clerk of the Board of Supervisors

By _____
Deputy



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

Exempt recording requested,
per CA Government Code 6103

Filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino this _____ day of _____, 2012.

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

Prepared by:

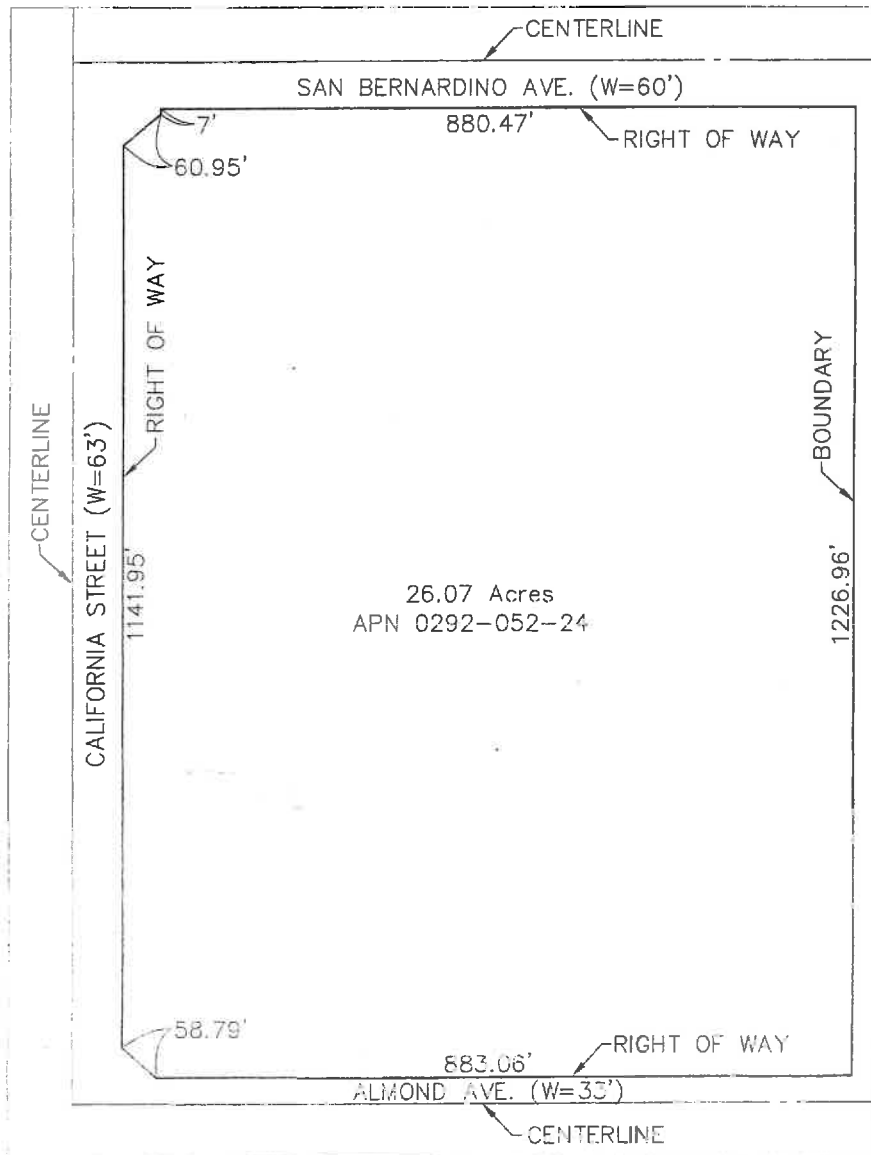
Name: Hall & Foreman, Inc.
Mailing: 17782 17th Street, Suite 200
Justin, CA 92780

Signature and License Stamp



I hereby certify that the within map showing the proposed boundaries of Annexation No. 1 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 regular meeting thereof, held on the _____ day of _____, 2012, 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. 1, CFD 2010-1:

Assessors Parcel Number(s): 0292-052-24

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. B4 of Maps of Assessment and Community Facilities District at Pages 78-89 in the official records of the San Bernardino County Recorder, State of California

LEGAL DESCRIPTION

LOTS 4 AND 5 AND THE WEST ONE-HALF OF LOTS 3 AND 6, BLOCK 7, HENRY L. WILLIAMS TRACT IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11 OF MAPS, PAGE 17, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SAN BERNARDINO COUNTY RECORDERS CERTIFICATE

This map has been filed under the Document Number _____ this _____ day of _____, 2012, at _____ in book _____ of _____ Maps of Assessment and Community Facilities Districts at Page(s) _____ at the request of _____ in the amount of \$ _____

Dennis Draeger, Assessor-Recorder-Clerk
County of San Bernardino
By: _____
Deputy Recorder



DENNIS DRAEGER
ASSESSOR - RECORDER - CLERK

P Counter

Doc#: 2012-0125385

Titles: 1 Pages: 3



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

Sandy Rose

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. 1

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 parcel 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 parcel 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 2002, 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 official records of the San Bernardino County Recorder. The territory which is added to CFD No. 2010-1 by this Annexation No. 1 is set forth in "Proposed Boundary Map of Annexation No. 1 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 March 29, 2012, in Book 85 of Maps of Assessment and

Community Facilities Districts, at page 29 as Instrument No. 2012-0121778 (the "Annexation Map No. 1).

The special tax is authorized to be levied on the taxable parcels within CFD No. 2010-1, which taxable parcels now include the parcel listed in Exhibit A. The lien of the special tax is a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied, and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate, method of apportionment, and manner of collection of the authorized special tax for CFD No. 2010-1 (the "Rate and Method of Apportionment") is shown on Exhibit B attached to the original Notice of Special Tax Lien.

For further information concerning the current and estimated future special tax liability of owners or purchasers of real property within CFD No. 2010-1 and subject to this special tax lien, interested persons should contact the Special Districts Department, 157 West Fifth Street, Second Floor, San Bernardino, CA 92415, telephone (909) 387-5940.

DATED: 4/2/12

LAURA H. WELCH
Clerk of the Board of Supervisors

By:  _____

EXHIBIT A

Additional Parcel Subject to the Special Tax

The following is the additional parcel, which, as a result of the legal proceedings for Annexation No. 1, 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 parcel 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 parcel of CFD No. 2010-1 described below is shown on the Annexation Map No. 1 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 0292-052-24	Watson Land Company	26.1

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

Exempt recording requested,
per CA Government Code 6103

Filed in the Office of the Clerk of the Board of Supervisors of the County of San Bernardino this 29th day of March, 2012.

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

Prepared by:

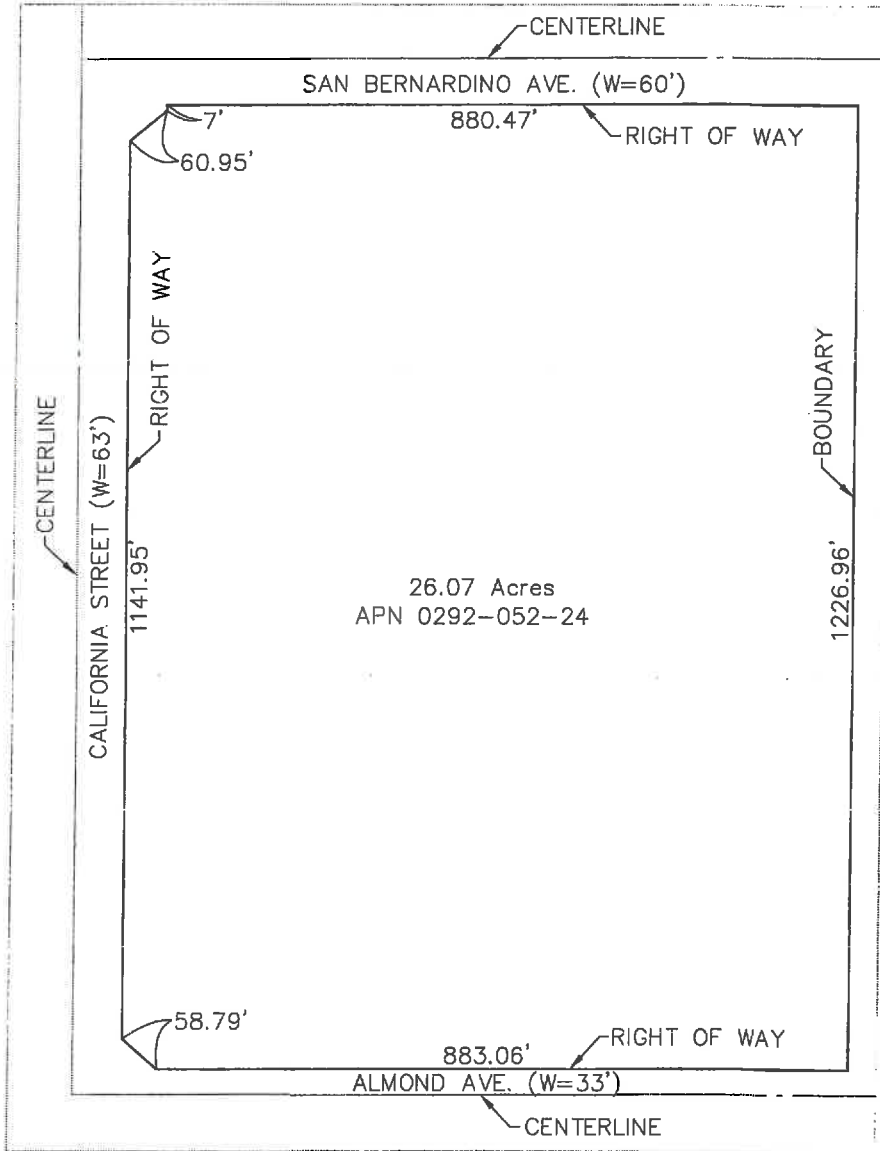
Name: Hall & Foreman, Inc.
Mailing: 17782 17th Street, Suite 200
Tustin, CA 92780

Signature and license stamp



I hereby certify that the within map showing the proposed boundaries of Annexation No. 1 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 regular meeting thereof, held on the 29th day of March, 2012, by its Resolution No. 2012-40

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



Assessor's Parcel Number within the Boundaries of Annexation No. 1, CFD 2010-1:

Assessor's Parcel Number(s): 0292-052-24

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LEGAL DESCRIPTION

LOTS 4 AND 5 AND THE WEST ONE-HALF OF LOTS 3 AND 6, BLOCK 7, HENRY L WILLIAMS TRACT IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11 OF MAPS, PAGE 17, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SAN BERNARDINO COUNTY RECORDERS CERTIFICATE

This map has been filed under the Document Number 2012-0121778 this 29th day of March, 2012, at 2:48 PM in book 82 of Maps of Assessment and Community Facilities Districts at Page(s) 29 at the request of COUNTY OF SAN BERNARDINO in the amount of \$ 0.00

Dennis Draeger, Assessor-Recorder-Clerk
County of San Bernardino
By: [Signature]
Deputy Recorder

Recorded in Official Records,
County of San Bernardino
Date: 2012-03-17 2:50 PM
2/28/2012 2:50 PM

Drawing Name: S:\DRAFT\A\Map\0292-052-24\052-24 Annexation Exhibit.dwg
Last Update: Feb 17, 2012 11:11:11 AM by: MGrant

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

**Annexation No. 1
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>
Watson Land Company	26.1	26

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

In order to be counted, this ballot must be executed and certified below and be returned to the Clerk of the Board, either by mail or in person, prior to 10:00 a.m. on March 13, 2012, or as soon thereafter as the matter of the special election for CFD No. 2010-1 Annexation No. 1 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 27, 2012 will not be sufficient. The ballot must be physically received by the Clerk prior to the deadline in order to be counted.

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

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. 1" 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?

YES

X

NO

—

Certification for Special Election Ballot

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 2/29, 2012.

WATSON LAND COMPANY

By: 
Signature

Craig B. Johnson, General Counsel
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.