

TO: CITY COUNCIL OF THE CITY OF MERCED
FROM: LANDOWNER REQUESTING ANNEXATION TO
COMMUNITY FACILITY DISTRICT 2003-2 (SERVICES)

**COMMUNITY FACILITY DISTRICT 2003-2 (SERVICES)
OF THE CITY OF MERCED
ANNEXATION NO. 9
(Improvement Area No. 33)**

**CONSENT AND WAIVER OF CERTAIN
PROCEDURES AND TIME REQUIREMENTS WITH RESPECT
TO PUBLIC HEARING AND LANDOWNER ELECTION**

The undersigned, on behalf of the landowner (the “Owner”), does hereby certify under penalty of perjury that the following statements are all true and correct:

1. The undersigned is authorized to represent the Owner identified below and is its designated representative to give the consent and waiver contained herein to the Community Facilities District No. 2003-2 of the City of Merced (the “CFD”), with respect to the inclusion of its properties within the CFD, to be annexed under the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”), being Chapter 2.5 of Part 1 of Division 2 of title 5 (commencing with Section 53311) of the California Government Code.

2. The undersigned hereby certifies that as of the date indicated opposite his signature, the Owner listed herein is the owner of certain property within the proposed boundaries of the proposed Annexation No. 9 to the CFD described in Exhibit “A” hereto (the “Property”), which Property consists of approximately 5.92 acres of land. There are no registered voters residing within the Property, and there have been, and to the undersigned’s best knowledge there will be, none during the 90-day period preceding the August 1, 2016 public hearing to be conducted by the City Council pursuant to Government Code Section 53339.3.

3. The Owner has had an opportunity to consult with legal counsel with respect to the matters contained herein and is fully and completely informed of and understands the matters contained herein.

4. The Owner hereby requests that the CFD conduct an annexation proceeding as soon as possible notwithstanding Section 53339.3(f) of the Act, hereby waives the requirement of Section 53339.3(f) of the Act requiring at least thirty days between adoption of the resolution of intention to annex and the holding of a public hearing, hereby consents to the legislative body of the CFD holding the public hearing on August 1, 2016, and hereby indemnifies the CFD and its officers, agents, successors and assigns from and against all claims, losses and damages, including legal fees and expenses, arising out of or due to Section 53339.3(f) of the Act.

5. On or about July 8, 2016, the Owner and the appropriate officers thereof were made aware of the August 1, 2016 public hearing to be held regarding the proposed annexation of the Property to the CFD and the imposition of the special tax. The Owner agrees that it received adequate notice of the hearing. The Owner and the appropriate officers thereof have received necessary and relevant information regarding the CFD and the imposition of the special tax and the City has made available to the Owner sufficient opportunity to obtain such information.

6. The Owner expressly waives all notice requirements relating to the public hearing to be conducted on August 1, 2016, whether by posting, publishing or mailing, and whether such requirements are found in the California Government Code or other laws or procedures.

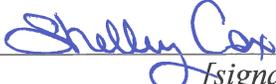
7. In accordance with the provisions of the Act, and specifically Sections 53339.7, 53326(a) and 53327(b) thereof allowing certain time and conduct requirements relative to a special landowner election to be waived with the unanimous consent of all the landowners to be included in Annexation No. 9 to the CFD and concurrence of the election official conducting the election, the Owner (i) expressly consents to the conduct of the special election at the earliest possible time following the adoption by the City Council of a resolution calling the election and (ii) expressly waives any requirement to have the special election conducted within the time periods specified in Section 53326 of the Act or in the California Elections Code.

8. The Owner waives any requirement for the mailing of the ballot for the special election and expressly agree that said election may be conducted by mailed or hand-delivered ballot to be returned as quickly as possible to the designated election official, being the office of the City Clerk of the City and the undersigned request that the results of said election be canvassed and reported to the City Clerk at the same meeting of the City as the public hearing on the annexation to the CFD or the next available meeting.

9. The Owner expressly waives all applicable waiting periods for the election and waives the requirement for analysis and arguments relating to the special election, as set forth in Section 53327 of the Act, and consents to not having such materials provided to the landowner in the ballot packet, and expressly waives any requirements as to the form of the ballot.

10. The Owner expressly waives all notice requirements relating to hearings and special elections, whether by posting, publishing or mailing, and whether such requirements are found in the California Elections Code, the California Government Code or other laws or procedures, including but not limited to any notice provided for by compliance with the provisions of Section 4101 of the California Elections Code.

11. The Owner hereby appoints Shelley Cox, as its authorized representative to vote in the election referred to herein and certifies that his or her true and exact signature is set forth below:



[signature]

12. The Owner hereby consents to and expressly waives any and all claims based on any irregularity, error, mistake or departure from the provisions of the Act or other laws of the State and any and all laws and requirements incorporated therein, and no step or action in any proceeding relative to the CFD or the special election therein shall be invalidated or affected by any such irregularity, error, mistake or departure.

IN WITNESS WHEREOF, I hereunto set my hand this 11 day of July, 2016.

OWNER:

ME-5, INC., a California corporation

By: *Della Wathen*

Name: Della Wathen

Title: President

12th FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MERCED THIS
DAY OF July, 2016.

Frank Quarta ACMP
City Clerk

EXHIBIT A

DESCRIPTION OF PROPERTY

APN(S): 231-040-001

The following described property is situated in the City of Merced, County of Merced, State of California:

Remainder Lot E as shown on that map entitled "Final Map for Mansionette Estates Unit 2," recorded in Volume 55, Page 12 of Merced County Records; also known as Assessor's Parcel Number (APN) 231-040-001.