

06/10/2021

TO: CITY COUNCIL OF THE CITY OF MERCED

FROM: 59 Petroleum, LLC

**CONSENT AND WAIVER
COMMUNITY FACILITY DISTRICT 2003-2 (SERVICES)
OF THE CITY OF MERCED
ANNEXATION NO. 19**

(Improvement Area No. 43)

The undersigned landowner does hereby certify under penalty of perjury that the following statements are all true and correct:

1. The undersigned is authorized to represent the 59 Petroleum, LLC (the “Landowner”), 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 Landowner listed herein is the owner of certain property within the proposed boundaries of the proposed Annexation No. 19 to the CFD described in Exhibit “A” hereto (the “Property”), which Property consists of approximately 2.8 acres of land. Given that the Property is vacant, 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 public hearing to be scheduled and conducted by the City Council pursuant to Government Code Section 53339.3.

3. The Landowner 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. On or about February 3, 2020, the Landowner and the appropriate officers thereof were made aware of proceedings to be held regarding the proposed annexation of the Property to the CFD and the imposition of the special tax. The Landowner acknowledges that it anticipates receiving adequate notice of the hearing to be scheduled by the City Council. The Landowner and the appropriate officers

ATTACHMENT 4

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 Landowner sufficient opportunity to obtain such information.

5. The Landowner understands that a special mailed-ballot, landowner election will be held to determine whether the Property will be annexed to the CFD, and further understands that if the Property is annexed, authority will be conferred on CFD to levy an annual special tax on the Property to finance certain public services, including, but not limited to, public safety services, landscape maintenance, park and parkway maintenance, and flood control services. The undersigned, on behalf of the Landowner, requests that the election be conducted at the earliest possible date. The undersigned is the person legally entitled and authorized to execute this Consent and Waiver with respect to the Property in connection with the landowner, mailed-ballot election on the annexation.

6. 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. 19 to the CFD and concurrence of the election official conducting the election, the undersigned on behalf of the Landowner (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.

7. The undersigned 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.

8. The undersigned 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.

9. The undersigned 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.

10. The undersigned 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.

11. The undersigned, on behalf of the Landowner, hereby consents to the levy and collection of the special tax on the Property and hereby waives any and all rights to challenge the inclusion of the Property in the CFD and any and all other proceedings related thereto.

12. Finally, the undersigned, on behalf of the Landowner, hereby authorizes Scott McBride, Director of Development Services of the City of Merced, and Venus Rodriguez, Finance Officer of the City of Merced, and their successors in office, or any of them, to act in all respects for the Property and for the Landowner in casting the votes and executing the ballot assigned to the Property.

IN WITNESS WHEREOF, I hereunto set my hand this 10 day of June, 2021.

LANDOWNER:

59 Petroleum, LLC, a California limited liability company

By:  _____
Inderjeet Singh, Manager

TAX PAYER ID: 82-4221097

ADDRESS: 560 Pine Creek Circle
Fairfield, CA 94534

TELEPHONE: 707-333-3444

EMAIL: inder24@ymail.com

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF
MERCED THIS _____ DAY OF _____, 2021.

City Clerk

EXHIBIT A

All that certain real property in the City of Merced, County of Merced, State of California, described below:

Parcels 1 and 4 as shown on that certain map entitled "Parcel Map for Louann Bianchi," recorded in Book 117, Page 45 of Merced County Records.

Also known as Assessor's Parcel Number (APN):

057-200-089

057-200-091