

TO: CITY COUNCIL OF THE MERCED

FROM: STONEFIELD HOME, INC., A CALIFORNIA CORPORATION

**UNANIMOUS APPROVAL AND CONSENT TO ANNEXATION TO
COMMUNITY FACILITY DISTRICT NO. 2003-2 (SERVICES)
OF THE CITY OF MERCED
AND ACKNOWLEDGMENT OF LIEN**

**ANNEXATION NO. 27
(IMPROVEMENT AREA NO. 44)**

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

1. The undersigned is/are duly authorized to represent Stonefield Home, Inc., a California corporation (the "Property Owner") and possess all authority necessary to execute this Unanimous Approval and Consent to Annexation.

2. The Property Owner is the present sole owner and holder of title to certain real property (the "Property") as described on Exhibit "A" attached hereto. The Property consists of 9.71 acres and was designated as future annexation area to the Community Facilities District No. 2003-2 (Services) of the City of Merced (the "CFD") formed 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.

3. The undersigned hereby certifies that there are no registered voters residing within the Property.

4. Prior to March 16, 2020, a petition was submitted to the City of Merced (the "City") requesting that the Property be designated as future annexation area to the CFD.

5. On March 16, 2020, the legislative body of the CFD adopted Resolution No. 2020-08 declaring its intent to provide for the future annexation of the Property. The CFD adopted a report which described the Property and specified the type of facilities to be provided (the "CFD Report").

6. On April 20, 2020, the legislative body of the CFD conducted a consolidated, noticed public hearing pursuant to Sections 53339.5 and 53349 of the Act, in which all persons desiring to be heard on all matters pertaining to the designation of the Property for future annexation, the levy of the special tax, and all other matters as set forth in Resolution No. 2020-14, were heard and a full and fair hearing was held.

7. At the conclusion of the hearing and pursuant to Section 53339.7 of the Act, the legislative body of the CFD determined to provide for the annexation of the Property upon the unanimous approval of the owners of each parcel of the Property. The maximum special tax rate and the services are as specified in a CFD Report and the revised rate and method of apportionment prepared by Goodwin & Associates on file with the CFD which have been provided to the undersigned.

8. The Property Owner and the appropriate officers of thereof have received necessary and relevant information regarding the annexation of the Property to the CFD and the imposition of the special tax from the City and the City has made available to the Property Owner sufficient opportunity to obtain such information. The Property Owner has had adequate opportunity to review such materials and consult with its own counsel and advisors, if the Property Owner so chose. The Property Owner understands that the City, its staff, council members, attorneys, consultants and advisors do not represent the Property Owner in the annexation of the Property to the CFD and have no duty to advise the Property Owner. Moreover, the Owner has read and understands the rate and method of apportionment and its maximum special tax rates.

9. The Property Owner hereby understands and hereby unanimously approves and consents to the annexation of the Property to the CFD, which annexation shall now be referred to as "Annexation No. 27 of the CFD (Improvement Area No. 44)." The Property Owner hereby acknowledges that the map entitled "Boundary of Community Facilities District No. 2003-2 (Services) of the City of Merced, Annexation No. 27, City of Merced, County of Merced, State of California" which will be recorded with the County Recorder for the County of Merced now designates the boundaries of the Property as part of "Annexation No. 27."

10. This Unanimous Approval constitutes the unanimous approval of the Property Owner in favor of the annexation of the Property to the CFD, and the levy of the Special Tax within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act. Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this

Section 8 for purposes of the California Constitution, including but not limited to Articles XIII A and XIII C.

11. The Property Owner hereby acknowledges that no further hearings or procedures are necessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the Special Tax to allow it to properly complete this Unanimous Approval. The Property Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the Special Tax.

12. The Property Owner hereby acknowledges that upon the recording of an amended notice of special tax lien pursuant to Streets and Highways Code Sections 3114.5 and 3117.5, a continuing lien to secure each levy of the special tax will attach to all nonexempt real property within the Property, and the lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until the collection of the special tax by the legislative body ceases.

13. The Property Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation the preparation of an impartial analysis, arguments, or rebuttals concerning elections as provided for by Sections 9160 to 9167, inclusive, and Section 9190 of the Elections Code, and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, and with any other time limits or requirements pertaining to this Unanimous Approval.

14. The Property Owner hereby authorizes the CFD to execute and cause to be recorded in the Office of the County Recorder of the County of Merced a Notice of Special Tax Lien in accordance with Streets and Highways Code section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the CFD. The Property Owner further represents that there is no currently pending transfer of the Property, or anticipated transfer of the Property, that will affect the ability to record a Notice of Special Tax Lien or complete any other procedural steps described in this Unanimous Approval.

15. The Property Owner hereby agrees to comply with Section 53341.5 of

the Government Code with respect to disclosures about the Special Tax to prospective purchasers of the Property or any part of it.

16. The Property Owner hereby represents that (i) the signature page of this Unanimous Approval identifies all persons and entities holding title to the Property, and (ii) no consent or approval of any third party is required for the Property Owner's execution of this Unanimous Approval except for any such consent or approval that the Property Owner has already obtained.

17. This Unanimous Approval shall be effective upon its execution and delivery.

IN WITNESS WHEREOF, I hereunto set my hand this 12 day of February, 2024.

DEVELOPER:

STONEFIELD HOME, INC., A CALIFORNIA CORPORATION

By: 

Title: 

TAX PAYER ID: 32-0439641

ADDRESS: 923 E. Pacheco Blvd., Suite C
Los Banos, CA 93665

TELEPHONE: (209) 826-6200

EMAIL: _____

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF
MERCED THIS _____ DAY OF _____, 2024.

City Clerk

EXHIBIT A

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

Assessor's Parcel Number (APN): 259-130-045