

RECORDING REQUESTED BY
AND RETURN TO:

City of Merced
Attn: Julie Nelson
678 West 18th Street
Merced, California 95341

**PROPERTY OWNER'S IRREVOCABLE WAIVER AND CONSENT
ENCUMBERING PROPERTY AND BINDING FUTURE OWNERS
SHORTENING TIME PERIODS AND WAIVING VARIOUS
PUBLIC HEARING AND ELECTION REQUIREMENTS FOR
ANNEXATION PROCEEDINGS**

**COMMUNITY FACILITY DISTRICT 2003-2 (SERVICES)
OF THE CITY OF MERCED
ANNEXATION NO. 16**

(Improvement Area No. 22)

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 Lennar Homes of California, Inc., a California corporation (the "Landowner") and is its designated representative to petition and 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 is the owner of certain property within the proposed boundaries of the proposed Annexation No. 13 to the CFD described in Exhibit "A" hereto (the "Property"), which Property consists of approximately 35 acres of land. There have not been, and to the undersigned's best knowledge there will not be, 12 registered voters residing within the Property for each day during the 90-day

period preceding the November 2, 2020 public hearing to be conducted by the City Council pursuant to Government Code Section 53339.3.

3. The undersigned 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 City requires that new development provide for the funding of certain public services and maintenance, including, but not limited to, public safety services, landscape maintenance, park and parkway maintenance, and flood control services (“Services”), through the annexation to an existing community facilities district sufficient to support the provision of Services to the development on the Property.

5. In fulfillment of the conditions of approval of Landowner’s development, the landowner hereby requests the annexation to Improvement Area No. 22 of the City of Merced Community Facilities District No. 2003-2 (Services) pursuant to the Act over and including the Property for purposes of providing Services to the development on the Property.

6. The Landowner represents that by the time of the public hearing on the annexation of the Property to the CFD, and by the time of the proposed mailed-ballot election, the Landowner may have sold some or all of the Property to others. The Landowner further represents that this Petition, Waiver and Consent is intended to bind the purchasers and future owners of the Property and to be as fully operative with respect to the Property as if the purchasers and future owners were the Landowner, and were represented by the Landowner at the time this Petition, Waiver and Consent is executed by the Landowner.

7. The undersigned represents and promises that the Landowner will disclose the existence and effect of this Petition, Waiver and Consent to all prospective purchasers of the Property, or any portion thereof, prior to entering into any agreement or contract to transfer the Property, or any portion thereof (or, if that has already occurred, prior to close of escrow) and obtain an executed form of the Petition, Waiver and Consent attached hereto as Exhibit B; but the undersigned acknowledges, on behalf of the Landowner, that the effectiveness of this Petition, Waiver and Consent, and its irrevocability, does not depend upon the Landowner doing so.

8. The Landowner acknowledges that certain City procedures with respect to the Property are being conducted and expedited by the City in reliance on this Petition, Waiver and Consent being irrevocable, and that it is irrevocable.

9. The Landowner hereby requests that the District conduct an annexation proceeding as soon as possible notwithstanding Section 53321 of the Act, hereby waives the requirement of Section 53321 of the Act requiring at least 30 days between adoption of the resolution of intention to annex and the public hearing, hereby consents to the legislative body of the District setting the public hearing for 14 days from the adoption of the resolution of intention to annex, and hereby indemnifies the District 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 53321 of the Act.

10. On or about October 7, 2020, the Landowner and the appropriate officers thereof were made aware of the November 2, 2020 public hearing to be held regarding the proposed annexation of the Property to the CFD and the imposition of the special tax. The Landowner agrees that it received adequate notice of the hearing. The Landowner 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 Landowner sufficient opportunity to obtain such information.

11. 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. 16 to the CFD and concurrence of the election official conducting the election, the undersigned (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.

12. 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

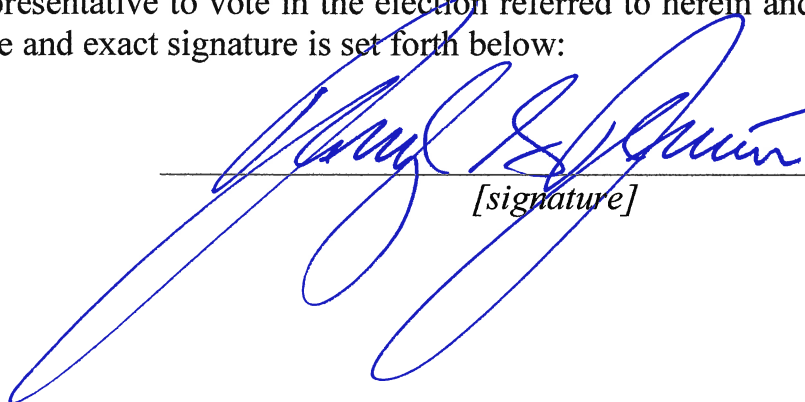
City Clerk at the same meeting of the City as the public hearing on the annexation to the CFD or the next available meeting.

13. 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.

14. 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.

15. 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. With respect to or all or a portion of the Property, the undersigned hereby ratifies and consents to the actions of the CFD and consents to the 2020-21 special tax levy and collection thereof on the County of Merced ax roll for the portion of the Property to be levied in such year.

16. The undersigned hereby appoints Darryl S. Denius, 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]

IN WITNESS WHEREOF, I hereunto set my hand this 12TH day of OCTOBER, 2020.

OWNER: LENNAR HOMES OF CALIFORNIA,
INC., a California Corporation

By: 
Darryl S. Denius, Vice President

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF
MERCED THIS _____ DAY OF _____, 2020.

City Clerk

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Fresno)

On October 12, 2020 before me, Christine Collins, Notary Public personally appeared Darryl S. Denius, 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



(Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
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 _____ (Seal)

EXHIBIT A

LEGAL DESCRIPTION

All those lots as shown on the Final Map entitled “Moraga of Merced Unit No. 2,” recorded in Book 82, Pages 13 through 20, Merced County Records, excepting therefrom Lots 470, 471, 472, 473, 474, & 475, and Lots H, J, and K

Also known as Assessor’s Parcel Numbers (APNs): see next page.

008-480-001	008-480-039	008-490-005	008-490-043	008-500-003	008-500-047
008-480-002	008-480-040	008-490-006	008-490-044	008-500-004	008-500-048
008-480-003	008-480-041	008-490-007	008-490-045	008-500-005	008-500-049
008-480-004	008-480-042	008-490-008	008-490-046	008-500-006	008-500-050
008-480-005	008-480-043	008-490-009	008-490-047	008-500-007	008-500-051
008-480-006	008-480-044	008-490-010	008-490-048	008-500-008	008-500-052
008-480-007	008-480-045	008-490-011	008-490-049	008-500-009	008-500-053
008-480-008	008-480-046	008-490-012	008-490-050	008-500-010	008-500-054
008-480-009	008-480-047	008-490-013	008-490-051	008-500-011	008-500-055
008-480-010	008-480-048	008-490-014	008-490-052	008-500-012	008-500-056
008-480-011	008-480-049	008-490-015	008-490-053	008-500-013	008-500-057
008-480-012	008-480-050	008-490-016	008-490-054	008-500-014	008-500-058
008-480-013	008-480-051	008-490-017	008-490-055	008-500-015	008-500-059
008-480-014	008-480-052	008-490-018	008-490-056	008-500-016	008-500-060
008-480-015	008-480-053	008-490-019	008-490-057	008-500-017	008-500-061
008-480-016	008-480-054	008-490-020	008-490-058	008-500-018	008-500-062
008-480-017	008-480-055	008-490-021	008-490-059	008-500-019	008-500-063
008-480-018	008-480-056	008-490-022	008-490-060	008-500-020	008-500-064
008-480-019	008-480-057	008-490-023	008-490-061	008-500-021	008-500-065
008-480-020	008-480-058	008-490-024	008-490-062	008-500-022	008-500-066
008-480-021	008-480-059	008-490-025	008-490-063	008-500-023	008-500-067
008-480-022	008-480-060	008-490-026	008-490-064	008-500-024	008-500-068
008-480-023	008-480-061	008-490-027	008-490-065	008-500-025	008-500-069
008-480-024	008-480-062	008-490-028	008-490-066	008-500-026	008-500-070
008-480-025	008-480-063	008-490-029	008-490-067	008-500-027	008-500-071
008-480-026	008-480-064	008-490-030	008-490-068	008-500-028	008-500-072
008-480-027	008-480-065	008-490-031	008-490-069	008-500-029	008-500-073
008-480-028	008-480-066	008-490-032	008-490-070	008-500-030	008-500-074
008-480-029	008-480-067	008-490-033	008-490-071	008-500-031	008-500-075
008-480-030	008-480-068	008-490-034	008-490-072	008-500-032	008-500-076
008-480-031	008-480-069	008-490-035	008-490-073	008-500-033	008-500-077
008-480-032	008-480-070	008-490-036	008-490-074	008-500-040	008-500-078
008-480-033	008-480-071	008-490-037	008-490-075	008-500-041	008-500-079
008-480-034	008-480-072	008-490-038	008-490-076	008-500-042	008-500-080
008-480-035	008-490-001	008-490-039	008-490-077	008-500-043	008-500-081
008-480-036	008-490-002	008-490-040	008-490-079	008-500-044	008-500-082
008-480-037	008-490-003	008-490-041	008-500-001	008-500-045	008-500-083
008-480-038	008-490-004	008-490-042	008-500-002	008-500-046	008-500-084

EXHIBIT B

FORM OF PETITION, WAIVER AND CONSENT

(Homeowners)

TO: CITY COUNCIL OF THE CITY OF MERCED

FROM: PROPERTY OWNER REQUESTING ANNEXATION TO
COMMUNITY FACILITY DISTRICT 2003-2 (SERVICES)

**PROPERTY OWNERS' IRREVOCABLE PETITION, WAIVER AND CONSENT
ENCUMBERING PROPERTY, SHORTENING TIME PERIODS AND WAIVING
VARIOUS REQUIREMENTS FOR CONDUCTING A MAILED-BALLOT ELECTION
IN ANNEXATION PROCEEDINGS AND APPOINTMENT OF REPRESENTATIVE TO
ACT FOR PROPERTY OWNER IN VOTING AND CASTING BALLOT**

**COMMUNITY FACILITY DISTRICT 2003-2 (SERVICES)
OF THE CITY OF MERCED
ANNEXATION NO. 16**

(Improvement Area No. 22)

I [We], _____

_____,
(print name[s]) (referred to in this document collectively as the "Undersigned") declare under penalty of perjury that the following statements are all true and correct:

1. [check one]:

_____ **The Undersigned are ALL of the owners (hereinafter the "Owners")**

OR

_____ **The Undersigned is the authorized representative of, and in executing this document is acting for, ALL of the Owners (and has attached hereto evidence of the Undersigned's authority to act for ALL of the Owners in this regard, which Owners are listed here: _____)**

_____)...

of the real property listed for which **a legal description is attached as Schedule A** (hereinafter referred to as the "Property") which is proposed to be annexed to Community Facilities District No. 2003-2 of the City of Merced (Services) (the "District"), 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.

B-1

2. The Undersigned understands that a special mailed-ballot, landowner election will be held to determine whether the Property will be annexed to the District, and further understands that if the Property is annexed, authority will be conferred on the District to levy an annual special tax on the Property to finance certain public services and maintenance, including, but not limited to, public safety services, landscape maintenance, park and parkway maintenance, and flood control services (“Services”).

3. The Undersigned, on behalf of the Owners, represents that the Owners were made aware of the District, have received necessary and relevant information regarding the District and the imposition of the special tax, including having executed the California Property Tax Disclosure Report For New Construction/New Homes, dated _____ (the “Disclosure Notice”) attached hereto as Schedule B and incorporated herein by reference.

4. The Undersigned, on behalf of the Owners, acknowledges that certain City procedures with respect to the Property are being conducted and expedited by the City in reliance on this Waiver, Consent and Appointment being irrevocable, and that it is irrevocable.

5. The Undersigned, on behalf of the Owners, requests that the election be conducted at the earliest possible date. The Undersigned is the person legally entitled and authorized to execute this Waiver, Consent and Appointment with respect to the Property in connection with the landowner, mailed-ballot election on the annexation. The City requires that new development provide for the funding of the Services through the annexation to an existing community facilities district sufficient to support the provision of Services to the development on the Property.

6. In fulfillment of the conditions of approval of development for the Property, the Undersigned, on behalf of the Owners, hereby requests the annexation to Improvement Area No. 22 of the City of Merced Community Facilities District No. 2003-2 (Services) pursuant to the Act over and including the Property for purposes of providing Services to the development on the Property.

7. The Undersigned, on behalf of the Owners, hereby requests that the District conduct an annexation proceeding as soon as possible notwithstanding Section 53321(e) of the Act, hereby waives the requirement of Section 53321(e) of the Act requiring at least 30 days between adoption of the resolution of intention to annex and the public hearing, hereby consents to the legislative body of the District setting the public hearing for 14 days from the adoption of the resolution of intention to annex, and hereby indemnifies the District 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 53321(e) of the Act.

8. On or about October __, 2020, the Undersigned was made aware of the November 2, 2020 public hearing to be held regarding the proposed annexation of the Property to the District and the imposition of the special tax. The Undersigned agrees that it received adequate notice of the hearing and necessary and relevant information regarding the District and the imposition of the special tax and the City has made available to the Undersigned sufficient opportunity to obtain such information.

9. 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. 16 to the District and concurrence of the election official conducting the election, the Undersigned (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.

10. 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 District or the next available meeting.

11. 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.

12. 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.

13. The Undersigned, on behalf of the Owners, hereby authorizes Darryl S. Denius, Vice President of Lennar Homes of California, Inc., a California corporation, to act in all respects for the Property and for the Owners in casting the votes and executing the ballot assigned to the Property.

14. The Undersigned, on behalf of the Owners, 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 District and any and all other proceedings related thereto. The Undersigned, on behalf of the Owners, hereby ratifies and consents to the actions of the CFD with respect to the Property and consents to the 2020-21 special tax levy of the Property, if any, and collection thereof on the County of Merced tax roll.

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

Signature: _____ Date: _____

Print Name: _____

ACKNOWLEDGED BY:

Lennar Homes of California, Inc., a California corporation

By: _____
_____, Vice President

Date: _____

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MERCED THIS
____ DAY OF _____, 2020.

City Clerk

SCHEDULE A

LEGAL DESCRIPTION

Assessor's Parcel Number (APN): _____ in the City of Merced, County of Merced, State of California.

B-A-1

SCHEDULE B

Executed Copy of
California Property Tax Disclosure Report For New Construction/New Homes

B-B-1