#### RESOLUTION NO. 19-138

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES) OF THE COUNTY OF FRESNO, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES, AND TO INCLUDE SUCH ANNEXATION TERRITORY IN THE DISTRICT FOR PURPOSES OF THE APPROPRIATIONS LIMIT OF THE DISTRICT.

WHEREAS, under Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing at section 53311) of the California Government Code, commonly known as the Mello-Roos Community Facilities Act of 1982 (collectively, the "Act"), the Board of Supervisors (this "Board") of the County of Fresno (the "County") is authorized to establish a community facilities district, and to act as the legislative body for such district; and

WHEREAS, section 53313(a) of the Act provides that police protection services are among the services that may be provided and financed by a community facilities district pursuant to the Act; and

WHEREAS, on March 28, 2006, this Board duly adopted its Resolution No. R-06-196 (the "Resolution of Intention to Form the District"), a Resolution of the Board of Supervisors of the County of Fresno, California, Declaring its Intention to Establish Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno (the "District") and to Authorize the Levy of a Special Tax therein to Finance Certain Services pursuant to the Act; and

WHEREAS, on May 2, 2006, this Board duly adopted its Resolution No. R-06-293 (the "Resolution of Formation") a Resolution of the Board of Supervisors of the County of Fresno of Formation, Establishing Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno, Authorizing the Levy of a Special Tax Within the District, Approving an Initial Appropriations Limit of the District, and Calling a Special Election for the Purpose of Submitting the Levy of the Special Tax, and the Establishment of an Initial Appropriations Limit, to a Vote of the Qualified Electors Within the District; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and the Act, this Board, following a publicly-noticed protest hearing in which there was no Majority Protest (as that term is defined in the Resolution of Formation), and all protests were overruled, duly ordered the establishment and formation of the District, and a special election for the Special Tax Levy and an Initial Appropriations Limit of the District (as those terms are defined in the Resolution of Formation); and

**WHEREAS,** on May 2, 2006, this Board duly submitted the questions of the levy of the Special Tax and the establishment of an Initial Appropriations Limit of the District to the qualified electors of the District, as required by the provisions of Resolution of Formation and the Act; and

**WHEREAS**, pursuant to the Resolution of Formation, the Clerk of the Board, at the direction of this Board, on May 2, 2006, duly held the special election of the qualified electors of the District, as a landowner election, where 100 percent of the

qualified electors of the District voted in favor of the combined proposition of the Special Tax Levy and Establishment of an Initial Appropriation Limit of the District; and

WHEREAS, on May 2, 2006, this Board duly adopted its Resolution No. R-06-294 (the "Resolution Declaring Election Results") a Resolution Declaring Results of Special Landowner Election for Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno, and Directing the Recordation of the Notice of Special Tax Lien; and

WHEREAS, the provisions of the Resolution of Intention to Form the District, the Resolution of Formation, and Resolution Declaring Election Results (collectively, the "District Formation Resolutions") are incorporated as if fully set forth in this Resolution; and

WHEREAS, copies of the District Formation Resolutions are on file with the Clerk of the Board, and are available for public inspection during the normal office hours of the Clerk of the Board; and

WHEREAS, in light of this Board's actions, findings, approvals and directives in connection with the District Formation Resolutions, the District was duly established, the Special Tax Levy and Initial Appropriations Limit of the District were duly approved, and the notice of the Special Tax lien for the District was duly recorded in the office of the County Recorder; and

WHEREAS, the previously established and formed District continues to be established; and

**WHEREAS**, the District continues to exist and function in accordance with the provisions of the Act; and

WHEREAS, the Act authorizes this Board to annex territory to the District as provided in Article 3.5 of the Act for the purpose of financing the County's provision of services authorized under the Act through a special tax levy imposed upon all nonexempt real property located therein; and

**WHEREAS,** section 53339 of the Act provides that the territory to be annexed to the District need not be contiguous to territory currently included in the District; and

WHEREAS, this Board has previously duly conducted and completed proceedings, including a landowner special election, for the annexation of territory to the District for the purpose of financing the County's provision of Services (defined herein) through a special tax levy imposed upon all nonexempt real property located therein, the Special Tax Levy for such annexation territory and inclusion of such annexation territory in the District for the purpose of the Appropriations Limit of the District (defined herein) were duly approved, and the amendment to the notice of the special tax lien for the District regarding such annexation territory was duly recorded in the office of the County Recorder; and

WHEREAS, this Board has approved and authorized on behalf of the County the execution of the Agreement entered into by and between the County and the following landowners (each a "Landowner," and collectively, the "Landowners") for certain territory

in the unincorporated areas of the County (the territory of each Landowner's land is a "Project Territory"), generally described as follows (and shown and described more particularly in Exhibit "A" to this Resolution, titled "Annexation Map No. 10A of Community Facilities district No. 2006-01 (Police Protection Services, County of Fresno, State of California"):

- 3B Development Inc., a California Corporation, for Tract Map No. 6189 situated in the Millerton Specific Plan area, located in the unincorporated area of the County; and
- Ashlan & Hayes Investments LLC, a Limited Liability Company, for the parcels identified by Assessor's Parcel Numbers 300-542-16S, 300-542-17S, 300-542-18S, 300-542-39, 300-542-40, 300-542-41, and 300-542-48 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.
- 3. Assemi Group Inc., a California Corporation, for Tract Map No. 6226 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.
- 4. Grantor Real Estate Investments LLC, a Limited Liability Company, for Tract Map No. 4976 and the parcels identified by Assessor's Parcel Numbers 300-340-13S and 300-542-03 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.
- 5. Locans Investments LLC, a Limited Liability Company, for the parcels identified by Assessor's Parcel Numbers 300-350-28S, 300-542-15S, 300-542-32, 300-542-33, and 300-542-52 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.
- 6. Millerton Investments LLC, a Limited Liability Company, for Tract Map No. 5430 and the parcels identified by Assessor's Parcel Numbers 300-340-60S and 300-542-51 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.
- WC Millerton Developers Inc., a California Corporation, for Tract Map No. 4934 situated in the Millerton Specific Plan area, located in the unincorporated area of the County

WHEREAS, the Agreement is on file with the Clerk of the Board at the time that this Board considered and adopted this Resolution, and the Agreement have been executed by the Landowner, and the Agreement are available for public inspection during the normal office hours of the Clerk of the Board; and

WHEREAS, under the Agreement, each Landowner, as the sole owner of all of the real property in its Project Territory, has separately petitioned and requested this Board to institute proceedings to annex to the District all of the Project Territory described in its Agreement in order to provide for the ongoing financing for the continual provision of certain police protection services, as further described herein, within each Project Territory; and **WHEREAS,** such police protection services shall be provided for new residential development that requires such additional police protection services in the proposed Annexation Territory, defined below; and

WHEREAS, under the Agreement, each Landowner represents and warrants to the County that it owns 100 percent of all of its land within its Project Territory, which, collectively, will constitute all of the territory of land proposed to be annexed to the District (collectively, the "Annexation Territory"); and

WHEREAS, under the Agreement, each Landowner represents, covenants, and warrants to County and agree it is the sole owner of the entire fee interest of all of the real property within its Project Territory, including all rights, title and interest therein, and all land and improvements thereon and therein located within its Project Territory (referred to in the Agreement as the "Developer's Real Property"), and that there always have been, always are, and always will be less than 12 registered voters residing in its Project Territory from 90 days before the Landowner's execution of the Agreement, and continuing thereafter without interruption through and until the conclusion of the proceedings for the annexation of its Project Territory to the District, and the imposition of the Special Tax Lien upon all nonexempt real property located in its Project Territory, in order to permit the County to proceed with and successfully complete the landowner voter election procedures for the proposed annexation, as authorized under section 53326 of the Act, and the recordation of the Agreement to the notice of the Special Tax Lien, as authorized under section 5339.8 of the Act; and

**WHEREAS**, the County has confirmed that each Landowner is the sole owner of all of the land in its Project Territory proposed for annexation to the District; and

WHEREAS, this Board having received such petition and Agreement from the Landowner now desires to institute proceedings for and to proceed with the proposed annexation of the Annexation Territory to the District to finance the costs of police protection services to meet the demands of new development in all of the Project Territories covered by such petitions.

**NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND** by this Board as follows:

**1. Recitals.** This Board finds that all of the foregoing recitals are true and correct.

2. Petition. This Board finds that the Landowners, collectively, own 100 percent of the proposed Annexation Territory, and that the petition in the Agreement is signed by the requisite number of owners of land proposed to be annexed to the proposed District (i.e., owners of land proposed to be annexed to the District, as required by section 53339.2 of the Act, and to the extent applicable, owners of not less than ten percent of the area of land proposed to be annexed to the District, as provided by sections 53318(c) and 53319(d) of the Act), and hereby declares that such findings are final and conclusive.

**3. Authority.** This Board proposes to conduct proceedings to annex the proposed Annexation Territory to the District pursuant to the Act. These annexation proceedings are authorized by the Act, and this Board is the legislative body of the

District that is authorized by the Act to conduct these annexation proceedings. This Resolution is being duly adopted pursuant to sections 53339.2 and 53339.3 of the Act.

4. Name of the District and designation of proposed Annexation Territory. The name of the District is Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno. All references in this Resolution to the "District" mean the existing District, including all territory previously annexed to the District. The territory included in the District generally is described in General Description of Territory of Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno, Exhibit "C" to this Resolution, which is attached hereto and incorporated herein by this reference.

The detailed description and boundary map of the territory of the original District is more fully described in the District Formation Resolutions. The detailed description and boundary map of the territory annexed to the original District is more fully described in the applicable resolutions of this Board relative to each annexation, all of which are on file with the Clerk of the Board.

The designation of the proposed Annexation Territory is "Annexation Territory No. 10A of Community Facilities District No. 2006-01 (Police Protection Services), County of Fresno."

5. Intention to Annex. This Board hereby determines that the public convenience and necessity require that the proposed Annexation Territory be added to the District in order to pay for the required and authorized new Services generated from new development within the proposed Annexation Territory, and this Board hereby declares its intention to annex the proposed Annexation Territory to the District.

6. Boundaries described. The exterior boundaries of the territory proposed for annexation to the District are as shown and described on the map and description of the proposed Annexation Territory on file with the Clerk of the Board (and as described in Exhibit "A" to this Resolution, titled "Annexation Map No. 10A of Community Facilities District No. 2006-01 (Police Protection Services), County of Fresno, State of California," which is attached hereto and incorporated herein by this reference, the "Boundary Map," and which is available for public inspection during the normal office hours of the Clerk of the Board), which exterior boundaries of the Boundary Map are hereby preliminarily approved and to which Boundary Map reference is hereby made for further particulars. Such territory described in the Boundary Map includes the entirety of any parcel subject to taxation by the District upon annexation, and therefore a portion of such territory is outside of areas of tracts or subdivisions referred to herein. The Clerk of the Board is hereby directed to do the following pursuant to California Streets and Highway Code section 3111:

A. On the original and on at least one copy of the Boundary Map, the Clerk of the Board shall endorse his or her certificate evidencing the date and adoption by this Board of this Resolution;

B. File the original of the Boundary Map in his or her Office; and

C. File, or cause to be filed, a copy of the Boundary Map of the proposed Annexation Territory in the Office of the Fresno County Recorder <u>within 15 days</u> of the date of this Board's adoption of this

Resolution, but in any event <u>at least 15 days prior to</u> the public hearing by this Board specified below.

Notwithstanding anything stated to the contrary in this Resolution, prior to the Clerk of the Board filing the copy of the Boundary Map of the proposed Annexation Territory in the Office of the Fresno County Recorder, as provided in this section 6, above, the Clerk of the Board, or his or her designee, shall be authorized, upon the approval of County Counsel, or his or her designee, to make such minor changes, corrections or clarifications (each, a "Clarification," and collectively, "Clarifications") to the Boundary Map in order to further carry out the intent of this Resolution, or to otherwise conform such Boundary Map to the requirements of the law, except that such Clarifications shall not include changing the exterior boundaries of the Boundary Map. Any Clarifications made by the Clerk or his or her designee, and approved by County Counsel or his or her designee, pursuant to this paragraph (i) will be noted in the records of the Clerk of the Board, and (ii) are hereby deemed approved by this Board as if made by this Board.

**7. Services.** The type of services proposed to be financed by the District in the proposed Annexation Territory and pursuant to the Act shall consist of the following services (collectively, the "Services"):

The County Sheriff's Office provision of police protection services, which includes County sworn officers providing police protection services, and all related facilities, equipment, vehicles, and supplies for all such services. Individual sworn officers providing such police protection services, and related facilities, equipment, vehicles, and supplies for all such services, need not be specifically dedicated to the provision of such services within the territory of the proposed District. The staffing of such sworn officers may be calculated and accounted for on the basis of full-time equivalency of a sworn officer or officers.

Any or all of the Services may be of the same type of police protection services provided by the County within the District.

8. Increased demands. This Board hereby determines that the Services are necessary to meet increased demands for such Services placed upon local agencies, including the County, as a result of new residential development occurring within the proposed Annexation Territory. This Board hereby further finds that the Services will be additional services to currently provided law enforcement services, since the Services are to be provided for new residential development in the proposed Annexation Territory, and, therefore, such Services will not supplant any services already available within the proposed Annexation Territory when the proposed Annexation Territory will be annexed to the District.

**9. The plan for sharing Services.** Subject to section 7, above, and section 10, below, (i) the County, through the County Sheriff, plans to share the provision of Services within the District and the proposed Annexation Territory so that the Services will be provided, to the extent reasonably possible, in common within the District and the proposed Annexation Territory, and (ii) the County, through the County Sheriff, reserves the absolute right, in the County Sheriff's discretion, to cause the provision of Services within the District, including the proposed Annexation Territory, in such manner, places and times as the County Sheriff shall deem appropriate under the circumstances.

10. **Special Tax.** Commencing County fiscal year 2019-20, except where funds are otherwise available to the District (including the proposed Annexation Territory) to pay for the Services, a special tax upon Residential Property and upon Multi-Family Property, (as those terms are defined in Exhibit "B," below) (collectively, the "Special Tax") sufficient to pay the costs and expenses of such Services (including the cost and expenses of annually administering the District's (including the proposed Annexation Territory's) provision of such Services, and annual escalation factor for increased costs and expenses of such Services and administrative costs and expenses. as further provided in this Resolution), secured by a recordation of a continuing lien against all non-exempt real property in the proposed Annexation Territory, will be annually levied within the territory of the proposed Annexation Territory, and shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes; except that the CFD Administrator (as defined in Exhibit "B, below) may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if necessary to meet the financial obligations of the District (including the proposed Annexation Territory) or as otherwise determined appropriate by the CFD Administrator. The proposed rate (subject to the annual escalation factor) and method of apportionment of the Special Tax among the parcels of real property located within the territory of the proposed Annexation Territory in sufficient detail to allow each landowner, or resident, within the proposed Annexation Territory to estimate the maximum amount that he or she shall be required to pay annually, are described in the Special Tax Rate and Method of Apportionment, Exhibit "B," which is attached hereto and incorporated herein by this reference.

The Special Tax proposed to pay Services to be provided within the proposed Annexation Territory is equal to the special tax levied to pay for the same type of police protection services provided in the District.

There will not be any alteration in the special tax rate (which includes an annual escalation factor for increased costs and expenses of police protection services and administrative costs and expenses) levied within the District as a result of the proposed annexation of the Annexation Territory to the District.

Notwithstanding anything stated to the contrary in this Resolution, this Board acknowledges that the Special Tax provides only partial funding for the police protection services to be provided within the District, including the proposed Annexation Territory.

**11. Exempt property.** All of the real property in the proposed Annexation Territory, unless exempted by law or by the provisions of the Special Tax Rate and Method of Apportionment, shall be taxed for the purposes, to the extent and in the manner provided in the Special Tax Rate and Method of Apportionment.

12. Proposed accountability measure. The County shall use the separate District account or accounts into which any Special Tax proceeds will be deposited and used in connection with the Services, and related administrative costs and expenses, to be financed and provided by the District, including the proposed Annexation Territory, consistent with the provisions of this Resolution. So long as the Special Tax proceeds are accounted for and used within the District in accordance with this section 12, the County shall not be required to further account for or use such Special Tax proceeds on

the basis of its origin from the proposed Annexation Territory, the District, or any other territory to be annexed to the District.

**13. Public Hearing**. <u>Tuesday, June 4, 2019, at 9:00 A.M.</u>, or as soon as possible thereafter, in the Fresno County Hall of Records, 2281 Tulare Street, 3<sup>rd</sup> Floor, Fresno, California 93721, shall be, and the same are hereby appointed and fixed as the date, time and place when this Board, as the legislative body for the District, will conduct a public hearing (the "Public Hearing"), pursuant to the Act, including without limitation, sections 53339.5 through 53339.7 of the Act, on the proposed annexation of the Annexation Territory to the District, the rate and method of apportionment of the Special Tax, and all other matters as set forth in this Resolution, and this Board shall consider and finally determine whether the public interest, convenience and necessity require the annexation of the proposed Annexation Territory to the District, the ration Territory to the District, the special Tax within the proposed Annexation Territory, and any other matter set forth in this Resolution.

Based on the representation of the Landowners concerning their respective ownership of their respective Project Territories proposed to be annexed to the District and the number of registered voters who have been, are, and will be residing in the Landowners' Project Territories during the relevant period provided hereinabove (which, collectively was, is, and will be less than 12 registered voters), and other findings of this Board, as provided hereinabove, this Board anticipates that the election for the levy of the Special Tax shall be according to the landowner voting procedures in section 53326 of the Act.

At the date, time and place for the Public Hearing, (i) protests against the proposals described in this Resolution, including, without limitation the annexation of the proposed Annexation Territory to the District, may be made orally or in writing by any interested persons or taxpayer to this Board, and (ii) the testimony of all interested persons for and against any or all of such matters will be heard by this Board. Any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularities and defects to which objection is made. All written protests shall be filed with the Clerk of the Board prior to the time fixed for the Public Hearing. This Board may waive any irregularities in the form or content of any written protests may be withdrawn in writing at any time before the conclusion of the Public Hearing.

As provided, in relevant part, by section 53339.6 of the Act, if 50 percent or more of the registered voters, or six registered voters, whichever is more, residing within the District, or if the owners of one-half or more of the area of land in the territory included in the District, <u>or</u> if the owners of one-half or more of the area of land in the proposed Annexation Territory, file written protests against the proposed annexation of Annexation Territory to the District, and protests are not withdrawn so as to reduce the protests to less than a majority (in either case, a "Majority Protest"), no further proceedings shall be undertaken for a period of one year from the date of decision of this Board on the issues discussed at the Public Hearing.

14. Notice of Public Hearing. The Clerk of the Board is hereby directed to cause notice of the Public Hearing to be given by publication one time in a newspaper of general circulation published in the area of the proposed Annexation Territory and of the District, such publication to be pursuant to California Government Code section 6061.

The publication shall be completed <u>at least seven days before</u> the date of the Public Hearing specified above. The Clerk of the Board also shall cause notice of such Public Hearing to be given to each landowner within the proposed Annexation Territory by first class mail, postage prepaid, to each such landowner's address as it appears on the last equalized assessment role of the Assessor-Recorder of the County, or as otherwise known to the Clerk of the Board to be correct. The mailing shall be completed <u>at least 15 days before</u> the date of such Public Hearing. Each of the notices, a copy of which is on file with the Clerk of the Board (and available for public inspection during the normal office hours of the Clerk of the Board), shall be substantially in the form specified by section 53339.4 of the Act, with the form summarizing the provisions of this Resolution (including any revisions as may be made and deemed necessary by the Clerk of the Board, and upon the approval of County Counsel or his or her designee) hereby specifically approved.

**15. Election and voting procedures.** If, following the Public Hearing described in section 13, above, there is no Majority Protest against the proposed annexation of the Annexation Territory to the District, this Board, pursuant to the Act, including without limitation, section 53339.7 of the Act, at a special election, may submit to the qualified electors of the proposed Annexation Territory subject to such levy the questions of (i) the levy of the Special Tax within the proposed Annexation Territory, and (ii) whether the annual appropriations limit of the District, as defined in Article XIIIB, section 8(h) of the California Constitution (the "Appropriations Limit"), as provided in section 53325.7 of the Act, should include the proposed Annexation Territory.

The Appropriations Limit previously was established by this Board, upon the vote of the necessary number of qualified electors establishing the District, with the expectation of this Board that the District later would include annexed territories added to the District. Therefore, the question of the Appropriations Limit, above, is provided for in this Resolution.

Pursuant to section 53353.5 of the Act, this Board is authorized to, and will, combine the propositions relating to the levy of the Special Tax and the Appropriations Limit, under the Act, into one ballot proposition.

This Board confirms that the Board previously has specified, and the necessary number of qualified electors of the District have approved, and therefore established the initial amount of the Appropriations Limit of the District to be <u>\$201,000,000</u>. This Board anticipates that, at the time of the special election, the then-current amount of the Appropriations Limit of the District will be <u>\$323,748,642</u>. The question for the Appropriations Limit with regard to the proposed Annexation Territory, above, shall become effective immediately for, and include, the proposed Annexation Territory if approved by the qualified electors voting thereon and shall be adjusted in accordance with applicable provisions of the Act and the California Constitution. This Board finds that, because of the timing of when such special election will be held, the Appropriations Limit of the District for County fiscal year 2019-20 cannot yet be calculated under the Act and the California Constitution, and therefore such then-current amount of such Appropriations Limit of the District shall be referenced herein.

The ballots and proposed voting procedures shall be given by mail to or personal service upon the landowners in the proposed Annexation Territory. The Elections Official (designated by this Board in section 16, below) may provide a sample ballot and proposed voting procedures to the landowners in advance of the election.

The particulars of the voting procedures and canvas of the election shall be further described in this Board's resolution calling a landowner special election, and this Board's resolution declaring the results of the landowner special election.

The vote of the combined propositions, above, will be by the landowners (or their respective authorized representatives acting on their behalf and in their place) who are the owners of record at the close of the Public Hearing of the land in the proposed Annexation Territory that is not exempt from the Special Tax, with such landowners (or respective authorized representatives acting on behalf and in their place) having one vote for each acre or portion of an acre of such land that such landowner owns within the proposed Annexation Territory.

The approval for the levy of the Special Tax shall be deemed to be given if twothirds of the votes cast by qualified electors upon the proposition of levying the Special Tax in the proposed Annexation Territory are in favor of levying the Special Tax.

After the canvass of returns of the special election, above, if this Board determines that two-thirds of the votes cast by qualified electors upon the proposition of levying the Special Tax in the proposed Annexation Territory are in favor of levying the Special Tax, this Board shall determine that the proposed Annexation Territory is added to and part of the District with full legal effect, and this Board may levy the Special Tax within the Annexation Territory, as specified in this Resolution, and as authorized by section 53339.8 of the Act.

**16. Elections Official.** This Board hereby designates the Clerk of the Board, or his or her designee, as the Elections Official under the Act, to conduct the special election, to provide all ballots, and to receive all ballots until the close of the special election.

17. Officers authorized to take further action. Each of the following County officers is hereby authorized to take any and all other necessary or appropriate actions, and to provide and execute such documents, instruments and certificates, either individually or collectively, in order to carry out the fullest intent of this Resolution and subsequent proceedings of this Board for the annexation of the proposed Annexation Territory to the District, the levy of the Special Tax, the application of the Appropriations Limit to the proposed Annexation Territory, and the conduct of the election of the levy of the Special Tax and the application of the Appropriations Limit to the proposed Annexation Territory referred to herein: the County Administrative Officer or his or her designee; the Director of the Department of Public Works and Planning or his or her designee, the County Auditor-Controller/Treasurer-Tax Collector or his or her designee, the County Counsel or his or her designee, and such other County officers or their respective designees who shall be required to assist them.

**18. Compliance with law.** This Board hereby finds and determines that it took all of the foregoing actions, and made all of the foregoing findings, in full compliance with the law, including, without limitation, the Act and any other statute referred to herein. All findings of this Board pursuant to this Resolution are and shall be final and conclusive.

**19.** Effective Date. This Resolution shall take effect upon its adoption.

THE FOREGOING RESOLUTION was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this <u>23rd</u> day of <u>April</u>, 2019, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

NOES: None

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ABSENT: None

ABSTAINED: None

Nathan Magsig, Chairman of the Board of Supervisors of the County of Fresno

ATTEST: Bernice E. Seidel Clerk of the Board of Supervisors County of Fresno, State of California

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By\_ Deputy

AGENDA #<u>49</u> RESOLUTION #<u>19-138</u>

## **EXHIBIT A**

# (POLICE PROTECTION SERVICES), COUNTY OF FRESNO, STATE OF CALIFORNIA ANNEXATION MAP NO. 10A OF COMMUNITY FACILITIES DISTRICT NO. 2006-01 IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

### SITE #1

1, HEREY CERTRY THAT THE WITHIN UND STOWNIC BOUNDARES OF ANEXATION NO. TOA OF COMMUNIT FACURES DISTRET NO. 2006-01 (POLICE PROTECTION SERVESS), COUNT OF FRESNO, STATE OF CALIFORNIA WIS APPROVED BY THE BOHD OF SUFERIOSOPS OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA WIS APPROVED BY THE BOHD OF SUFERIOSOPS OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA WIS APPROVED BY THE BOHD OF SUFERIOSOPS OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA WIS APPROVED BY THE BOHD OF SUFFERIOR SERVESS). 2019.

PRECISION

PLANNING DSURVEYING CIVIL ENGINEERINC 1234 O STREET, FRESNO, CALIFORNIA 93721 TEL: 559.449.4500 FAX: 559.449.4515 WWW.PRECISIONENG.NET

FILED IN THE OFFICE OF THE CLERK TO THE BOARD OF SUPERVISORS THIS \_ DAY OF

ASSMT

ASSESSOR'S PARCEL NO

SITE NO.

TRACT MAP NO.

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300-032-125

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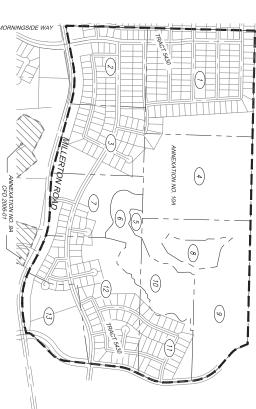
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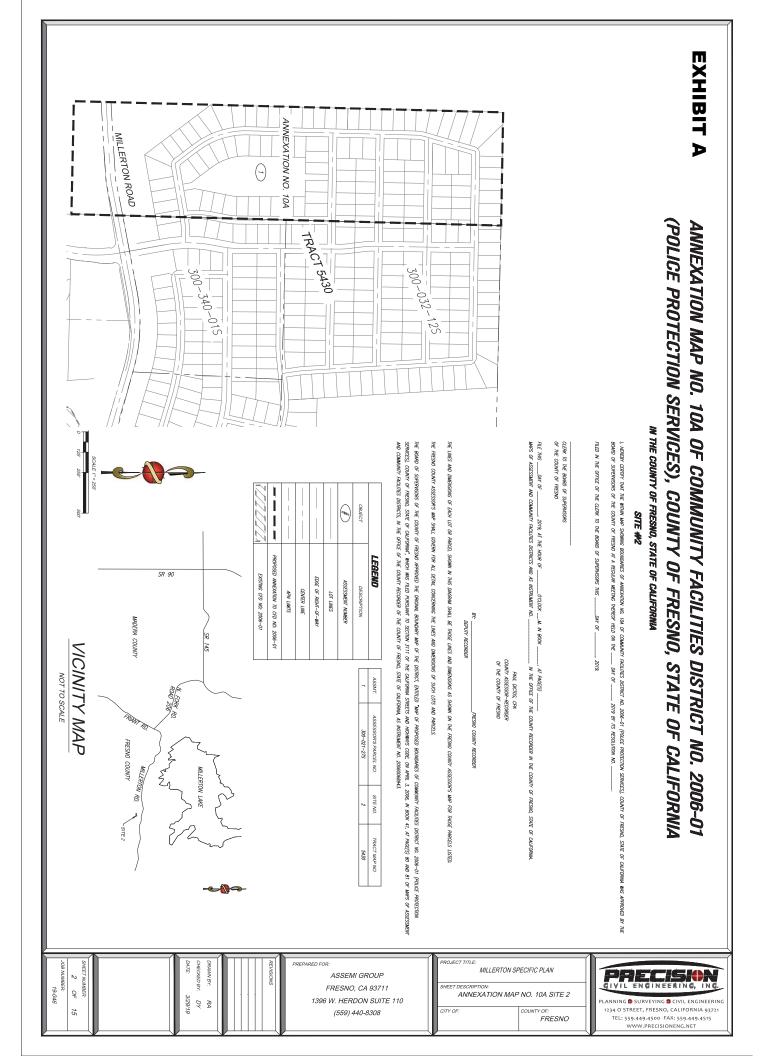
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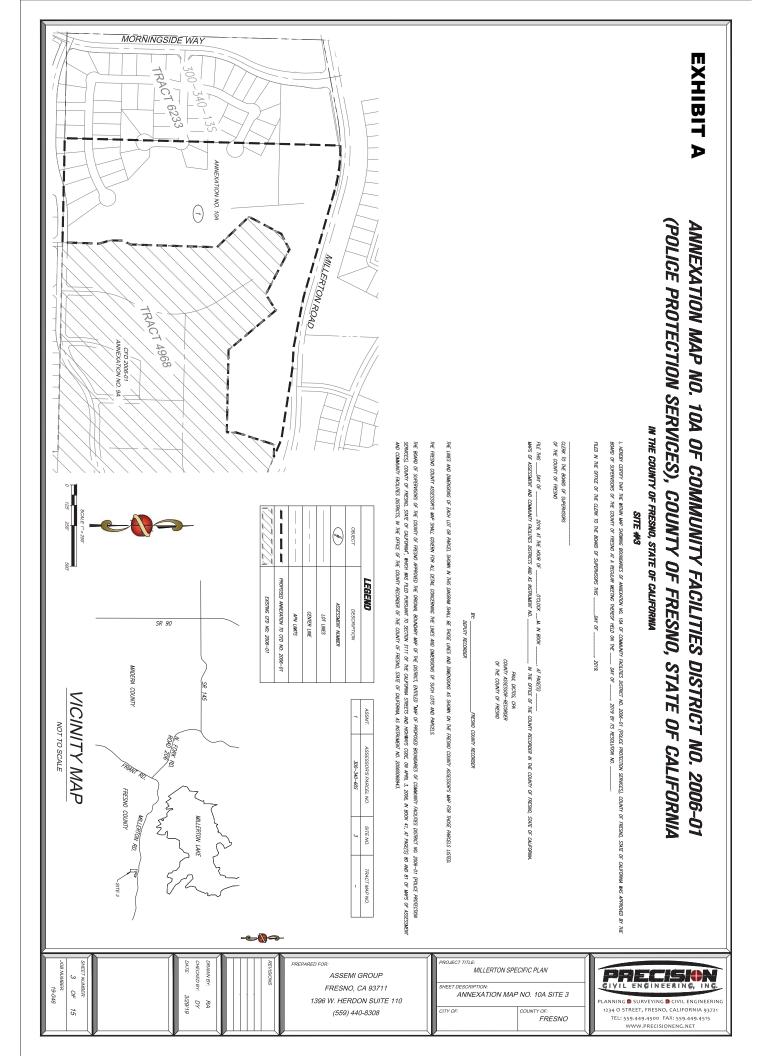
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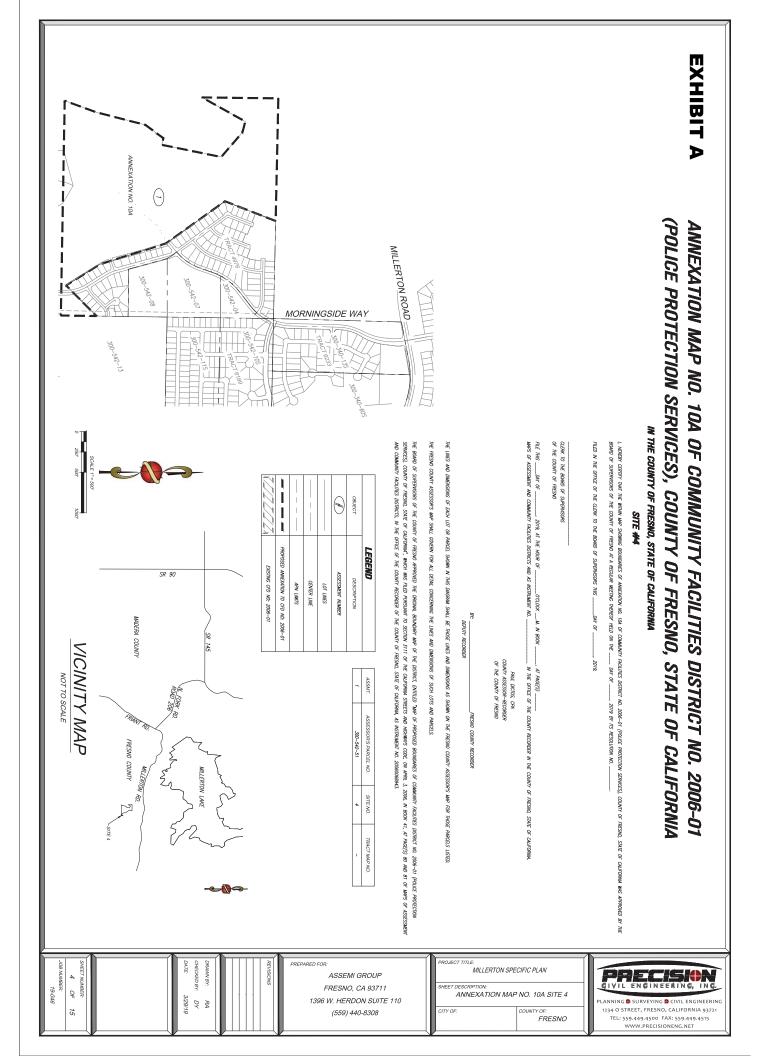
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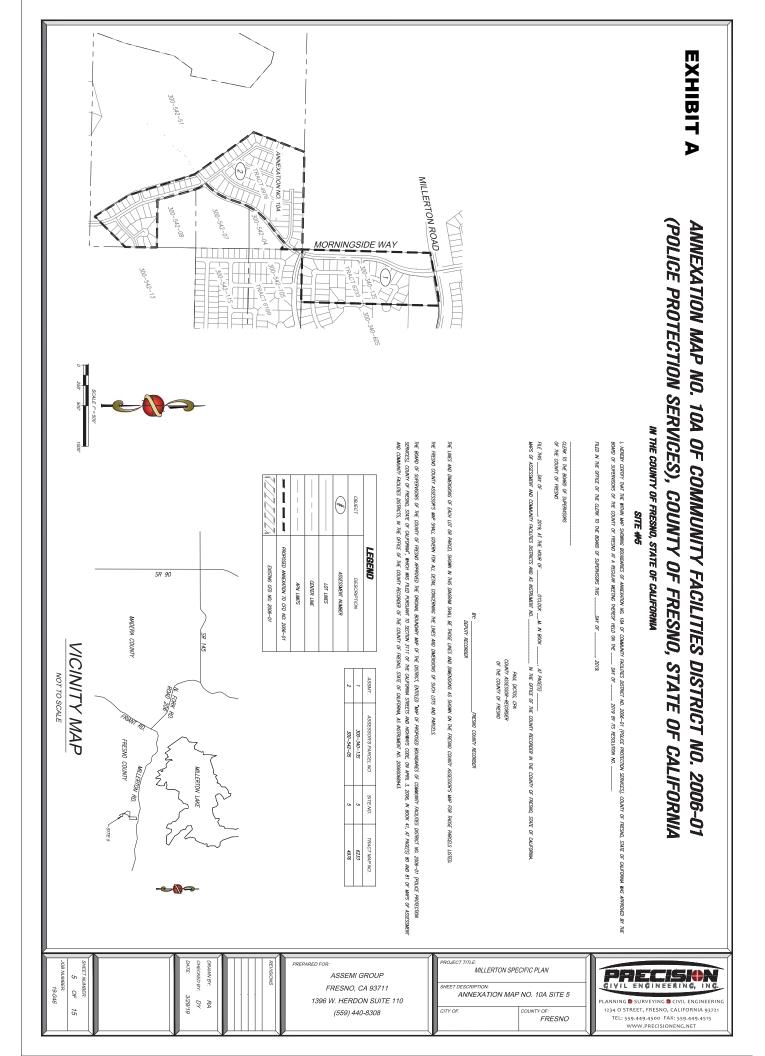
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0 250° 5			V71517151	1 1 1 1				<b>A</b>	OBJECT		PERHSORS OF THE COUNTY ( Y OF FRESNO, STATE OF CALL ACUTIES DISTRICTS, IN THE C	ITY ASSESSOR'S MAP SHALL G	MENSIONS OF EACH LOT OR F			_DAY OF, 2019, AT SSMENT AND COMMUNITY FACILITY	CLERK TO THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESHO
00" 1000"			EXISTING OFD NO: 2006-01	PROPOSED ANNEXATION TO CFD NO: 2006-01	APN LIMITS	CENTER LINE	LOT LINES	ASSESSMENT NUMBER	DESCRIPTION	LEGEND	FRESHO JHPRORED THE DORONAL BOUNDARY MH O FORMA", MINCH MAS FILED PURSUMAT TO SECTION 311 7FTICE OF THE COUNTY RECORDER OF THE COUNTY OF	THE FRESHO COUNTY ASSESSOR'S MAP SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS AND PARCELS.	PARCEL SHOWN IN THIS DIAGRAM SHALL BE THOSE LINE	BY: DEPUTY RECORDER		FLE THSDAY OF, 2019, AT THE HOUR OFO'CLOCXA IN BOOK WAPS OF ASSESSMENT AND COMMANN'T FACITIES OUTRETS AND AS INSTRUMENT IND	-
VICINITY MAP	MUDERA COUNTY	SR 145					<b>i</b>				HE BAND OF SUPERNONS OF HE CANNY OF FRESHO APPROVED HE DRIVAL BANDARY MP OF THE DASTRET, KUTLED "MP OF PROPOSED BANDANES OF CAMMANY FACUES DISTRET IN 2006-01 (POLCE PROTECTION SEPARES), COMMY OF FRESHO, SHIE OF CALFORMY, MNCH MAS FLED FUNSUMI TO SECTION 3111 OF THE CALFORM STREETS AND HOMMINS CODE, CM APPL 3, 2006, M BOX 41, AT PACES) BO AND 81 OF MAPS OF ASSESSMENT AND COMMANY FACUES DISTRETS, IN THE OFFICE OF THE COMMY RECOVER OF THE COMMY OF FRESHO, SHIE OF OUTCHAM, AS INSTRUMENT IN. 2006008943.	MAENSIONS OF SUCH LOTS AND PARCELS.	THE LINES AND DURENSIONS OF EACH LOT OR PARTEL SHOWN IN THIS DUARNUM SHULL BE THOSE LINES AND DURENSIONS AS SHOWN ON THE FRESHO COUNTY ASSESSOR'S WAP FOR THOSE PARTELS LISTED.	FRESMO COUMY RECORDER	PHL COUNTY OF PRESNO OF THE COUNTY OF PRESNO		
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SHEET NUMBER: 1 OF 15 JOB NUMBER: 19-046	DATE: 328/19	DRAWN BY: RA CHECKED BY: DY		PREPARED FOR: ASSEMI GROUP FRESNO, CA 93711 1396 W. HERDON SUITE 110 (559) 440-8308							CA 93711 DN SUITE 110	PROJECT TITLE: MILLERTON SPECIFIC PLAN SHEET DESCRIPTION: ANNEXATION MAP NO. 10A SITE 1 CITY OF: FRESNO					

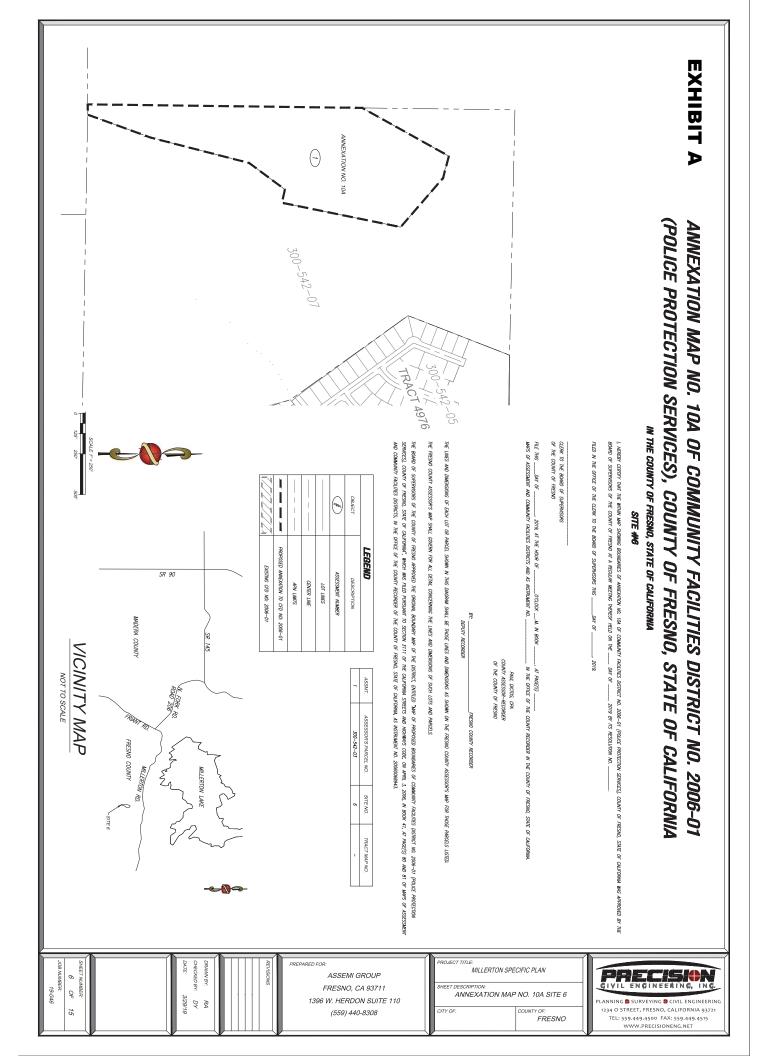


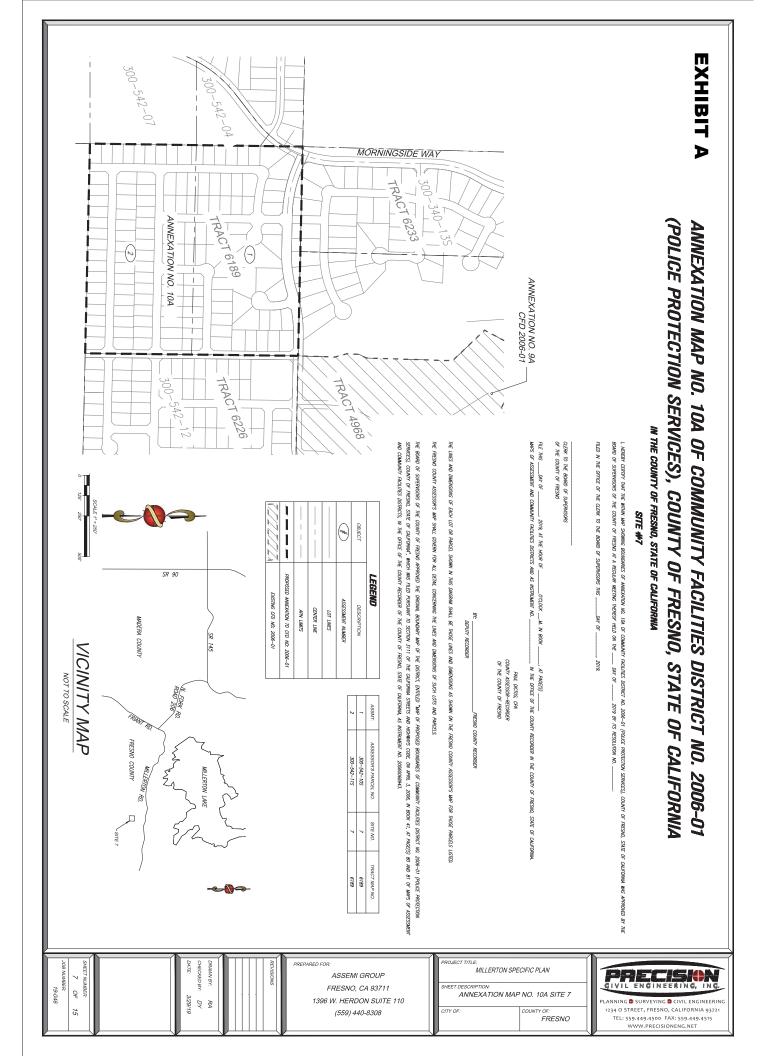


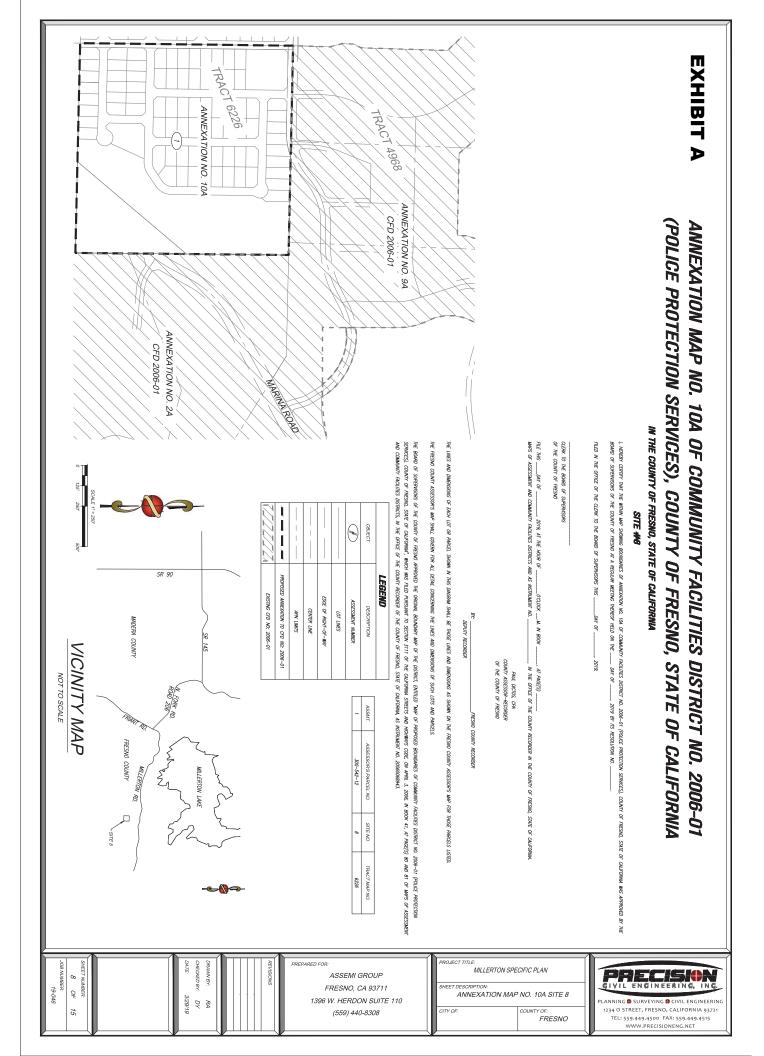


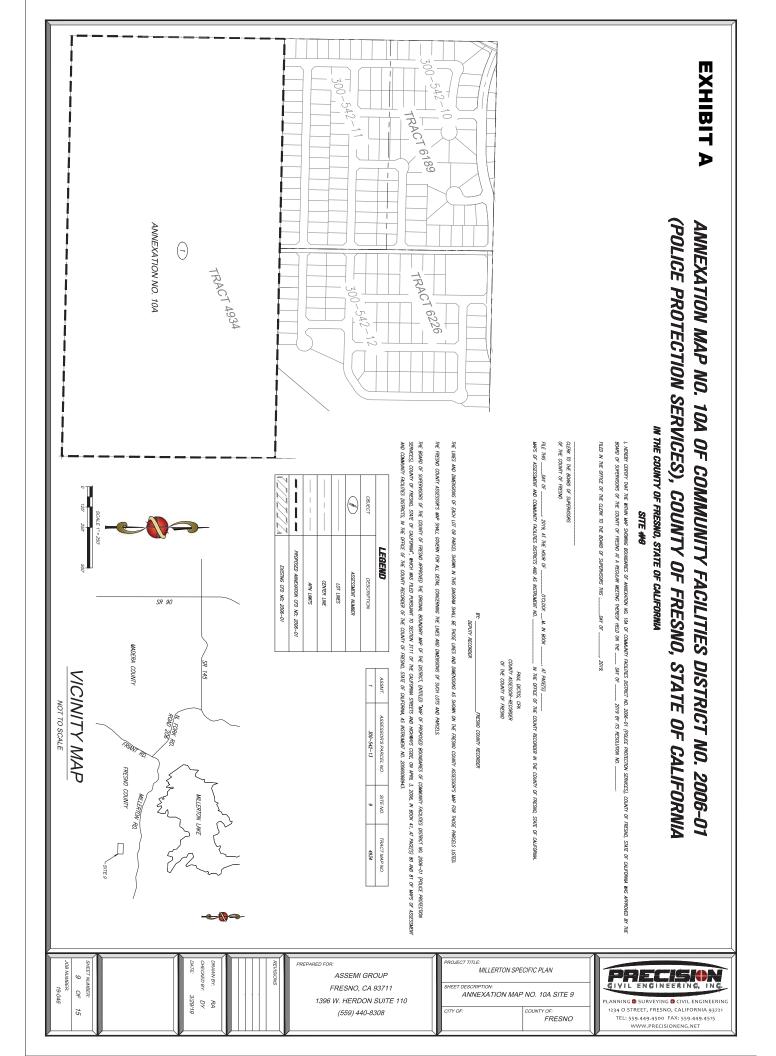


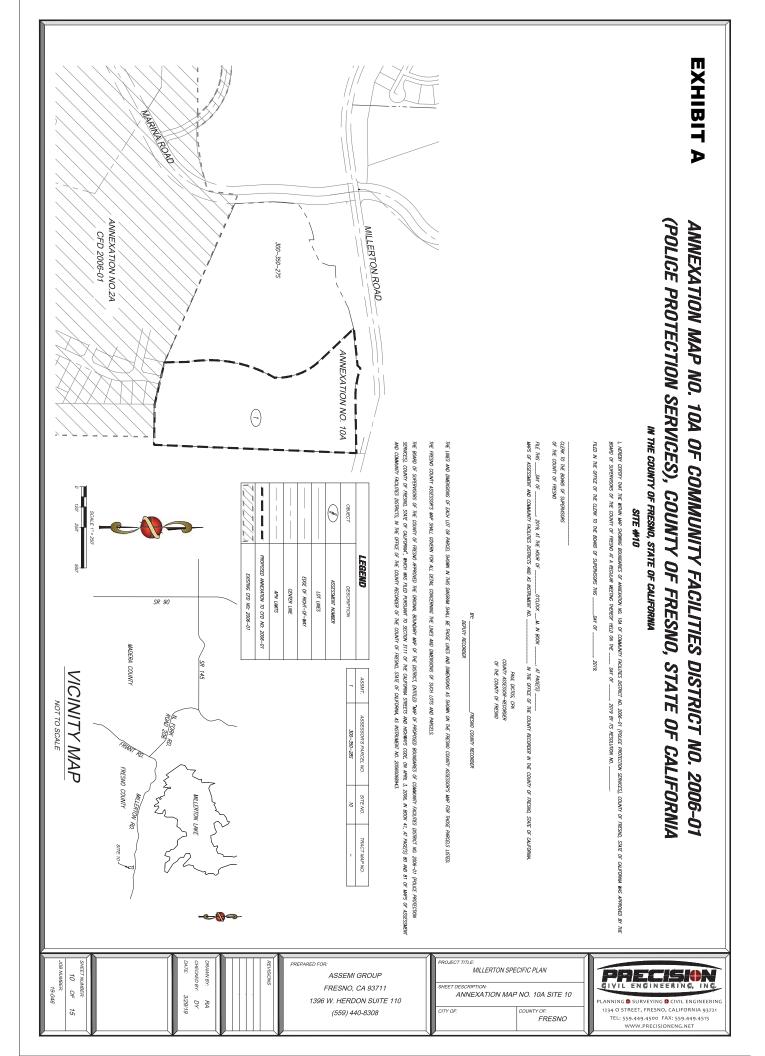


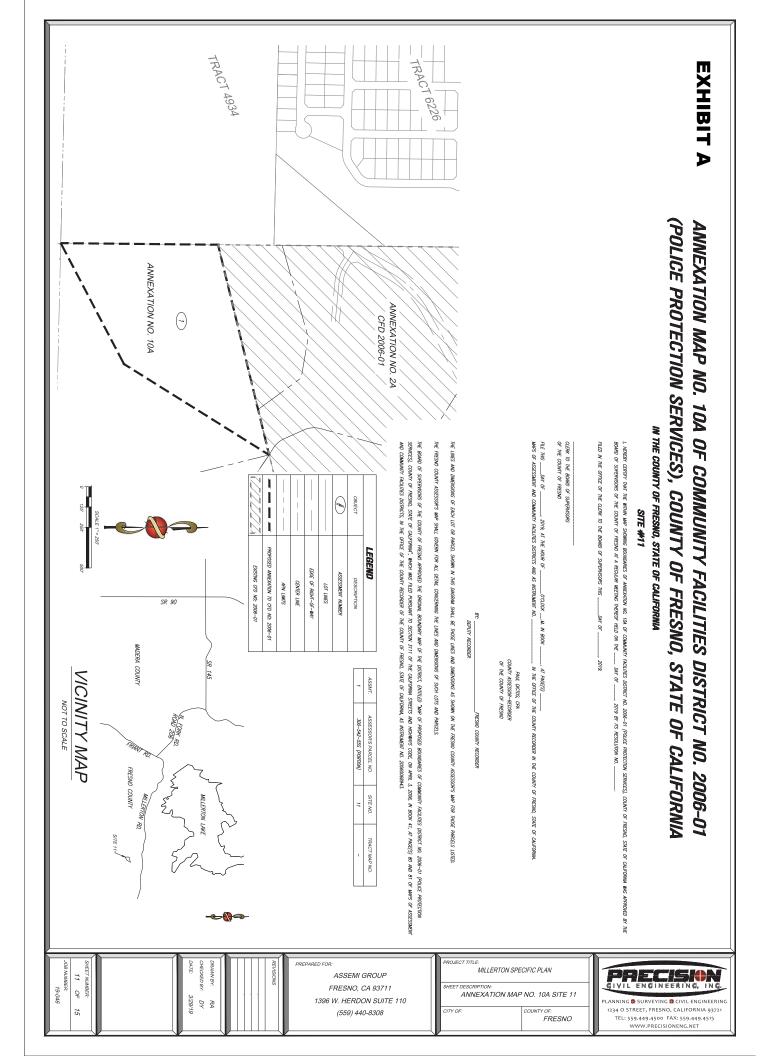


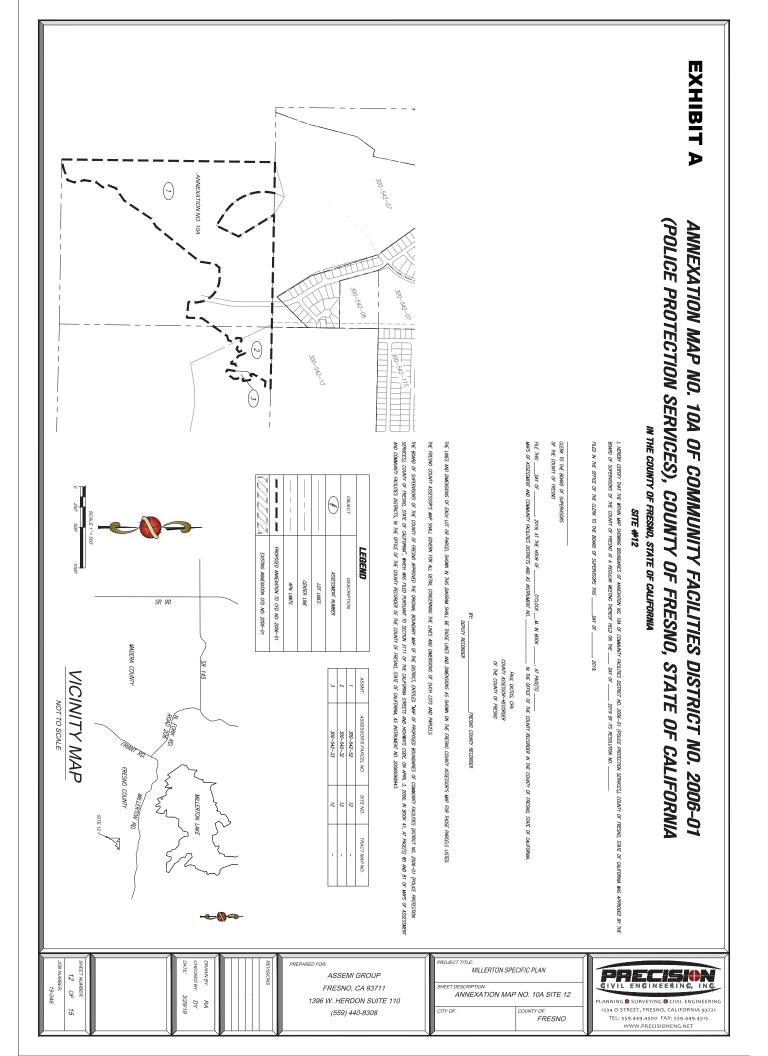


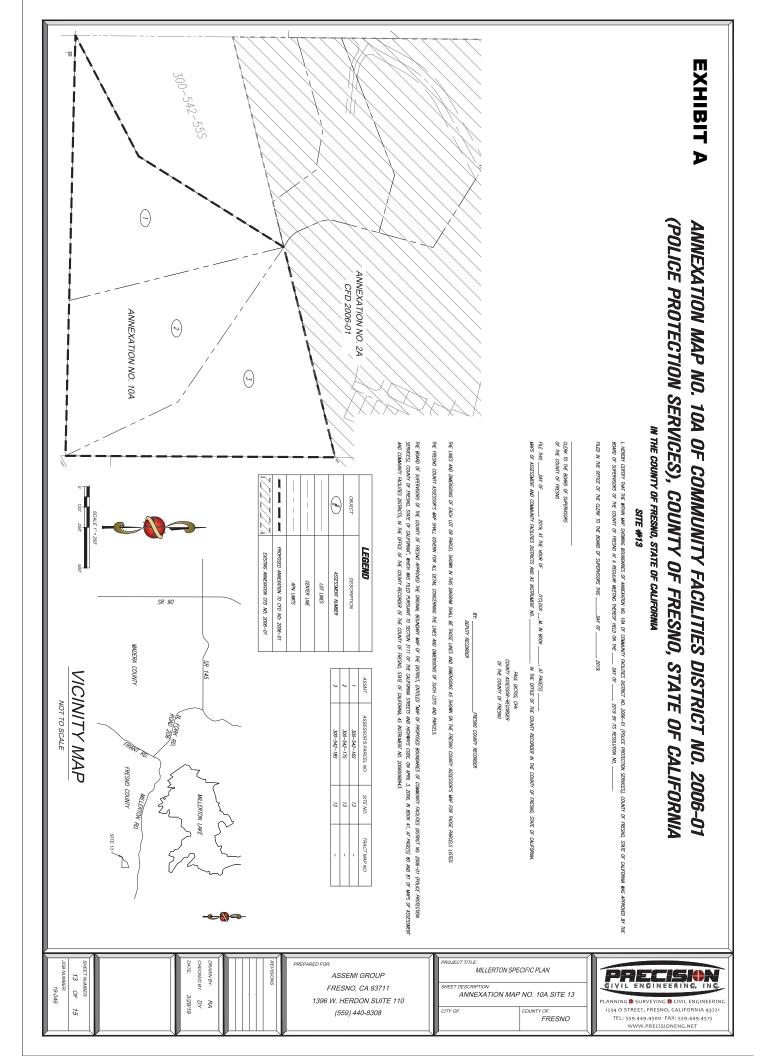


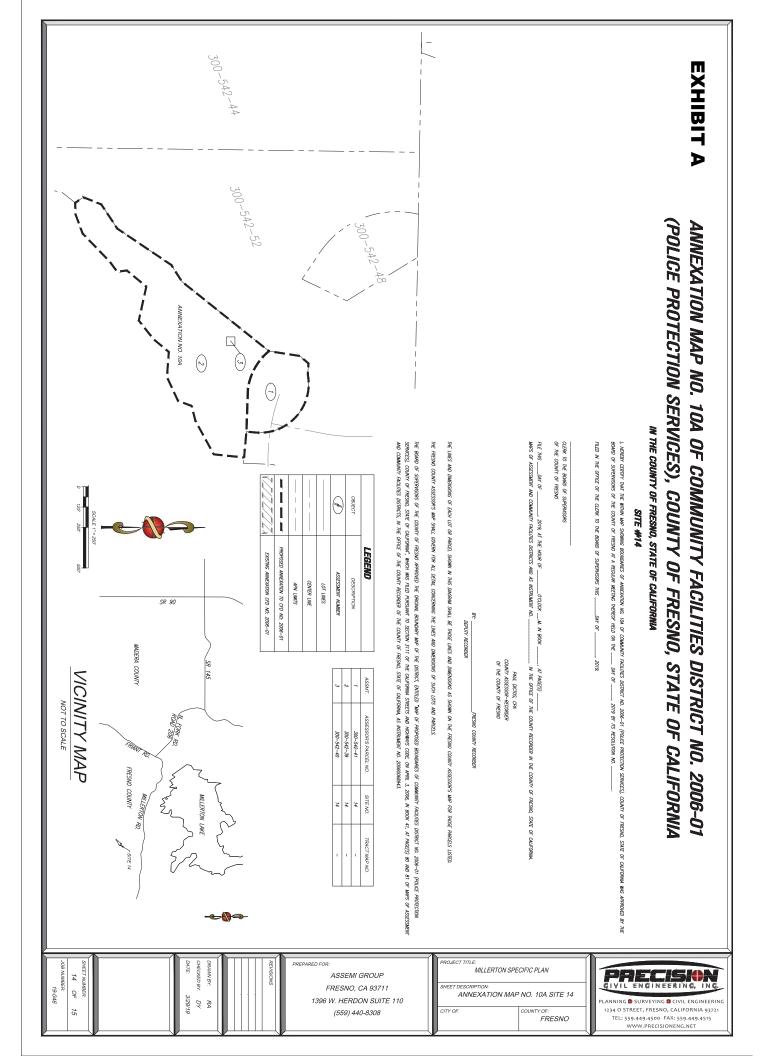


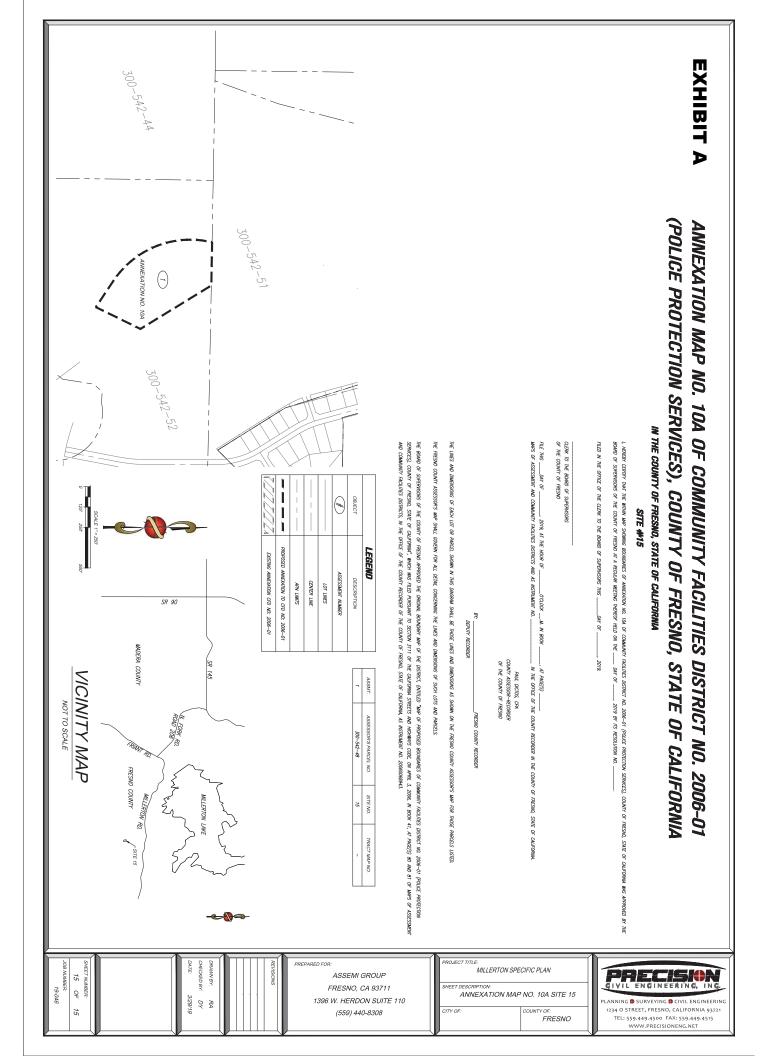












#### EXHIBIT A

The land referred to is situated in the County of Fresno, City of Friant, State of California, and is described as follows:

Parcels 1, 18, 19, and 20 of Parcel Map No. 3179 in the unincorporated area of the County of Fresno, State of California, according to the Amended Map thereof recorded in Book 34, Page 94 of Parcel Maps, Fresno County Records.

EXCEPTING THEREFROM all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation, by Deed dated October 26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Instrument No. 76311.

APN: 300-032-12 as to Parcel 1 300-340-03 as to Parcel 18 300-340-01 as to Parcel 19 300-021-27 as to Parcel 20

SITE 1 SITE 2

#### EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

#### PARCEL ONE: SITE 1

That portion of Parcel A of Lot Line Adjustment No. 01-17, recorded in Document No. 20020139830, Official Records Fresno County, situate in Section 10, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, being portions of Parcels 3 and 4, of Parcel Map No. 3179, according to the Amended Map thereof, recorded in Book 34 of Parcel Maps, at Page 94, Fresno County Records, being more particularly described as follows:

Beginning at a point on the Southerly line of said Parcel 3, said point bears South 88° 10' 20" East, a distance of 85.41 feet from the Southwest corner of said Parcel 3; thence

- 1) North 03° 34' 40" West, a distance of 170.05 feet; thence
- 2) North 24° 30′ 04″ West, a distance of 35.61 feet; thence
- 3) North 07° 32′ 54″ West, a distance of 51.75 feet; thence
- 4) North 03° 32′ 30″ East, a distance of 54.49 feet; thence
- 5) North 14° 28' 23" West, a distance of 108.93 feet; thence
- 6) North 02° 57′ 19″ East, a distance of 104.61 feet; thence
- 7) South 39° 59′ 09″ East, a distance of 144.54 feet to the beginning of a tangent curve, concave Northeasterly, and having a radius of 117.50 feet; thence
- 8) Easterly along the arc of said tangent curve, through a central angle of 40° 11′ 50″, an arc distance of 82.43 feet; thence
- 9) South 80° 10′ 59″ East, a distance of 215.08 feet; thence
- 10) South 13° 35′ 23″ East, a distance of 115.70 feet; thence
- 11) South 06° 47' 35" East, a distance of 57.75 feet; thence
- 12) South 01° 39′ 31″ East, a distance of 73.06 feet; thence
- 13) South 26° 59′ 18″ West, a distance of 108.73 feet to said South line of Parcel 3; thence leaving said line
- 14) Continuing South 26° 59′ 18″ West, a distance of 40.43 feet to the beginning of a tangent curve, concave Southeasterly, and having a radius of 167.50 feet; thence
- 15) Southerly along the arc of said tangent curve, through a central angle of 21° 43′ 59″, an arc distance of 63.53 feet to a point of reverse curvature with a curve concave to the West, having a radius of 132.50 feet; thence
- 16) Southerly along the arc of said reverse curve, through a central angle of 25° 17′ 33″, an arc distance of 58.49 feet; thence
- 17) South 30° 32' 52" West, a distance of 134.54 feet to the beginning of a tangent curve, concave Northwesterly and having a radius of 132.50 feet; thence

- 18) Southwesterly along the arc of said tangent curve, through a central angle of 23° 00' 19", an arc distance of 53.19 feet; thence
- 19) South 53° 33' 10" West, a distance of 127.42 feet; thence
- 20) North 53° 43' 13" West, a distance of 160.87 feet; thence
- 21) North 34° 40′ 56″ East, a distance of 76.26 feet; thence
- 22) North 17° 08' 33" East, a distance of 120.61 feet; thence
- 23) North 00° 19′ 55″ East, a distance of 119.45 feet to the point of beginning.

This legal description is made pursuant to Certificate of Compliance Placer 06-32(A), recorded September 30, 2008, as Instrument No. 2008-140700 of Official Records.

ALSO EXCEPTING THEREFROM all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation, by Deed dated October 26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311

APN: 300-032-65

#### PARCEL TWO:

#### SITE 1

That portion of Parcel B of Lot Line Adjustment No. 01-17, recorded in Document No. 20020139830, Official Records Fresno County, situate in Section 10, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, being a portion of Parcel 4, of Parcel Map No. 3179, according to the Amended Map thereof, recorded in Book 34 of Parcel Maps, at Page 94, Fresno County Records, being more particularly described as follows:

Beginning at the Southeast corner of said Parcel 4, said point also being on the centerline of an easement, a described by that Deed recorded on March 21, 1984, as Document No. 84027331 of Official Records of Fresno County; thence

- 1) North 88° 01' 09" West, along the South boundary line of said Parcel 4, a distance of 906.06 feet to the Northeast corner of said Parcel 16; thence
- 2) North 88° 00′ 49″ West, continuing along said South boundary line of Parcel 4, a distance of 52.26 feet; thence leaving said line
- 3) North 33° 37' 58" East, a distance of 48.65 feet; thence
- 4) South 86° 41' 49" East, a distance of 13.46 feet; thence
- 5) North 34° 59′ 26″ East, a distance of 28.87 feet; thence
- 6) North 81° 20′ 15″ East, a distance of 43.28 feet; thence
- 7) North 36° 39' 48" East, a distance of 45.81 feet; thence
- 8) South 52° 40′ 26″ East, a distance of 53.46 feet; thence
- 9) North 60° 12′ 08″ East, a distance of 121.33 feet; thence
- 10) North 36° 04' 52" East, a distance of 57.15 feet; thence
- 11) North 01° 54' 08" East, a distance of 51.42 feet; thence
- 12) North 15° 07' 29" West, a distance of 145.83 feet; thence
- 13) North 26° 37' 11" East, a distance of 45.12 feet; thence

- 14) North 52° 20′ 01″ East, a distance of 64.44 feet to the beginning of a tangent curve, concave Westerly, and having a radius of 55.00 feet; thence
- 15) Northerly along the arc of said tangent curve, through a central angle of 95° 37′ 03″, an arc distance of 91.79 feet; thence
- 16) North 43° 17′ 02″ West, a distance of 37.97 feet; thence
- 17) North 00° 06' 49" East, a distance of 31.30 feet; thence
- 18) South 88° 10' 20" East, a distance of 142.26 feet; thence
- 19) North 19° 34' 50" East, a distance of 42.00 feet to a point on the North line of said Parcel 4, said point being a distant 1093.32 feet from the Northwest corner of said Parcel 4; thence
- 20) South 88° 10' 20" East, along said North line, a distance of 629.32 feet to the Northeast corner of said Parcel 4; said corner being also on said centerline of said perpetual easement and right of way; thence continuing to follow said Easterly boundary along the subsequent courses and distances
- 21) South 03° 41' 33" East, along the Easterly boundary of said Parcel 4, a distance of 258.17 feet to the beginning of a tangent curve, concaving Westerly and having a radius of 500.00 feet; thence
- 22) Southwesterly along the arc of said tangent curve, through a central angle of 29° 26' 30", an arc distance of 256.93 feet along the East line of said Parcel 4; thence
- 23) South 25° 44′ 57″ West, a distance of 150.65 feet to the point of beginning.

This legal description is made pursuant to Certificate of Compliance Placer 06-32(B), recorded September 30, 2008, as Instrument No. 2008-140701 of Official Records.

ALSO EXCEPTING THEREFROM all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation, by Deed dated October 26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311

APN: 300-032-66

#### PARCEL THREE:

#### SITE 1

That certain real property situate in Section 10, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, being all of Parcel 2 and portions of Parcel 3, Parcel 4, Parcel 16 and Parcel 17, of Parcel Map No. 3179, according to the Amended Map thereof, recorded in Book 34 of Parcel Maps, at Page 94, Fresno County Records, being more particularly described as follows:

All of Parcel 2, together with Parcel 3 and Parcel 4 as shown on said Map, excepting therefrom the following described portion of said Parcel 3 and said Parcel 4:

Beginning at a point on the Southerly line of said Parcel 3, said point bears South 88° 10' 20" East, a distance of 85.41 feet from the Southwest corner of said Parcel 3; thence

- 1) North 03° 34' 40" West, a distance of 170.05 feet; thence
- 2) North 24° 30′ 04″ West, a distance of 35.61 feet; thence

- 3) North 07° 32′ 54″ West, a distance of 51.75 feet; thence
- 4) North 03° 32′ 30″ East, a distance of 54.49 feet; thence
- 5) North 14° 28' 23" West, a distance of 108.93 feet; thence
- 6) North 02° 57′ 19″ East, a distance of 104.61 feet; thence
- 7) South 39° 59′ 09″ East, a distance of 144.54 feet to the beginning of a tangent curve, concave Northeasterly and having a radius of 117.50 feet; thence
- 8) Easterly along the arc of said tangent curve, through a central angle of 40° 11′ 50″, an arc distance of 82.43 feet; thence
- 9) South 80° 10' 59" East, a distance of 215.08 feet; thence
- 10) South 13° 35' 23" East, a distance of 115.70 feet; thence
- 11) South 06° 47' 35" East, a distance of 57.75 feet; thence
- 12) South 01° 39′ 31″ East, a distance of 73.06 feet; thence
- 13) South 26° 59′ 18″ West, a distance of 108.73 feet to said South line of Parcel 3; thence leaving said line
- 14) Continuing South 26° 59′ 18″ West, a distance of 40.43 feet to the beginning of a tangent curve, concave Southeasterly and having a radius of 167.50 feet; thence
- 15) Southerly along the arc of said tangent curve, through a central angle of 21° 43′ 59″, an arc distance of 63.53 feet to a point of reverse curvature with a curve concave to the West, having a radius of 132.50 feet; thence
- 16) Southerly along the arc of said reverse curve, through a central angle of 25° 17′ 33″, an arc distance of 58.49 feet; thence
- 17) South 30° 32' 52" West, a distance of 134.54 feet to the beginning of a tangent curve, concave Northwesterly and having a radius of 132.50 feet; thence
- 18) Southwesterly along the arc of said tangent curve, through a central angle of 23° 00' 09", an arc distance of 53.19 feet; thence
- 19) South 53° 33' 10" West, a distance of 127.42 feet; thence
- 20) North 53° 43' 13" West, a distance of 160.87 feet; thence
- 21) North 34° 40′ 56″ East, a distance of 76.26 feet; thence
- 22) North 17° 08′ 33″ East, a distance of 120.61 feet; thence
- 23) North 00° 19′ 55″ East, a distance of 119.45 feet to the point of beginning.

ALSO EXCEPTING THEREFROM the following described portion of said Parcel 4:

Beginning at the Southeast corner of said Parcel 4, said point also being on the centerline of an easement, as described by that Deed recorded on March 21, 1984, as Document No. 84027331 of Official Records of Fresno County; thence

- 24) North 88° 01' 09" West, along the South boundary line of said Parcel 4, a distance of 960.06 feet to the Northeast corner of said Parcel 16; thence
- 25) North 88° 00′ 49″ West, continuing along said South boundary line of Parcel 4, a distance of 52.26 feet; thence leaving said line
- 26) North 33° 37' 58" East, a distance of 48.65 feet; thence
- 27) South 86° 41' 49" East, a distance of 13.46 feet; thence
- 28) North 34° 59' 26" East, a distance of 28.87 feet; thence

- 29) North 81° 20′ 15″ East, a distance of 43.28 feet; thence
- 30) North 36° 39′ 48″ East, a distance of 45.81 feet; thence
- 31) South 52° 40′ 26″ East, a distance of 53.46 feet; thence
- 32) North 60° 12′ 08″ East, a distance of 121.33 feet; thence
- 33) North 36° 04' 52" East, a distance of 57.15 feet; thence
- 34) North 01° 54′ 08″ East, a distance of 51.42 feet; thence
- 35) North 15° 07' 29" West, a distance of 145.83 feet; thence
- 36) North 26° 37' 11" East, a distance of 45.12 feet; thence
- 37) North 52° 20′ 01″ East, a distance of 64.44 feet to the beginning of a tangent curve, concave Westerly, and having a radius of 55.00 feet; thence
- 38) Northerly along the arc of said tangent curve, through a central angle of 95° 37' 03", an arc distance of 91.79 feet; thence
- 39) North 43° 17' 02" West, a distance of 37.97 feet; thence
- 40) North 00° 06' 49" East, a distance of 31.30 feet; thence
- 41) South 88° 10' 20" East, a distance of 142.26 feet; thence
- 42) North 19° 34' 50" East, a distance of 42.00 feet to a point on the North line of said Parcel 4, said point being a distant 1093.32 feet from the Northwest corner of said Parcel 4; thence
- 43) South 88° 10' 20" East, along said North line, a distance of 629.32 feet to the Northeast corner of said Parcel 4; said corner being also on said centerline of said perpetual easement and right of way; thence continuing to follow said Easterly boundary along the subsequent courses and distances
- 44) South 03° 41' 33" East, along the Easterly boundary of said Parcel 4, a distance of 258.17 feet to the beginning of a tangent curve, concaving Westerly and having a radius of 500.00 feet; thence
- 45) Southwesterly, along the arc of said tangent curve, through a central angle of 29° 26' 30", an arc distance of 256.93 feet along the East line of said Parcel 4; thence
- 46) South 25° 44′ 57″ West a distance of 150.65 feet to the point of beginning.

TOGETHER WITH the following described portion of said Parcel 17;

Beginning at the Northeast corner of said Parcel 17 of said Parcel Map; thence

- 47) South 02° 27' 56" West, along the East line of said Parcel 17, a distance of 449.00 feet; thence leaving said line
- 48) South 86° 19' 32" West, a distance of 40.44 feet; thence
- 49) North 54° 56' 18" West, a distance of 67.72 feet; thence
- 50) North 44° 26' 34" West, a distance of 80.51 feet; thence
- 51) North 78° 08' 56" West, a distance of 46.90 feet; thence
- 52) South 59° 51' 39" West, a distance of 46.99 feet; thence
- 53) South 79° 04' 36" West, a distance of 92.88 feet; thence
- 54) North 87° 42′ 38″ West, a distance of 68.89 feet; thence
- 55) North 73° 25′ 16″ West, a distance of 103.49 feet; thence

- 56) North 51° 58' 10" West, a distance of 38.42 feet to the beg of a tangent curve, concave Easterly and having a radius of 150.00 feet; thence
- 57) Northwesterly along the arc of said tangent curve, through a central angle of 78° 52' 27", an arc distance of 206.49 feet; thence
- 58) North 26° 54′ 17″ East, a distance of 73.98 feet; thence
- 59) North 02° 27' 46" East, a distance of 97.45 feet, to the North line of said Parcel 17; thence
- 60) South 88° 01' 49" East, along said North line, a distance of 551.50 feet to the point of beginning.

ALSO TOGETHER WITH the following described portion of said Parcel 16:

Beginning at the Northwest corner of said Parcel 16; thence

- 61) South 88° 40′ 49″ East, along the North line of said Parcel 16, a distance of 640.26 feet; thence leaving said line
- 62) South 18° 19' 33" West, a distance of 28.37 feet; thence
- 63) South 35° 29′ 44″ West, a distance of 30.20 feet; thence
- 64) South 49° 52' 55" West, a distance of 38.53 feet; thence
- 65) North 78° 11′ 42″ West, a distance of 27.37 feet; thence
- 66) South 40° 43' 47" West, a distance of 51.24 feet; thence
- 67) North 88° 40′ 06″ West, a distance of 41.90 feet; thence
- 68) South 15° 08' 58" West, a distance of 73.29 feet; thence
- 69) South 46° 09' 43" West, a distance of 55.48 feet; thence
- 70) South 36° 36' 49" West, a distance of 63.28 feet to the beginning point of a tangent curve concave Northerly and having a radius of 80.00 feet; thence
- 71) Westerly along the arc of said tangent curve, through a central angle of 80° 04' 45", an arc distance of 111.81 feet; thence
- 72) North 63° 18' 26" West, a distance of 68.81 feet; thence
- 73) North 67° 22' 27" West, a distance of 48.38 feet; thence
- 74) North 48° 13' 57" West, a distance of 30.67 feet; thence
- 75) North 17° 02′ 16″ West, a distance of 42.79 feet; thence
- 76) North 87° 28′ 10″ West, a distance of 57.59 feet; thence
- 77) South 15° 33' 44" West, a distance of 211.75 feet; thence
- 78) South 47° 56' 20" West, a distance of 64.91 feet to a point on the West line of said Parcel 16 distant 730.34 feet from the Southwest corner of said Parcel; thence
- 79) North 02° 27' 56" East, along said West line, a distance of 449.00 feet to the point of beginning.

This legal description is made pursuant to Certificate of Compliance Placer 06-33(A), recorded September 30, 2008, as Instrument No. 2008-140703 of Official Records.

ALSO EXCEPTING THEREFROM all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation, by Deed dated October

26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311

APN: 300-032-47; 300-032-68; 300-032-69; 300-340-16; and 300-340-36

#### PARCEL FOUR:

#### SITE 1

That certain real property situate in Section 10, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, being a portion Parcel 17 of Parcel Map No. 3179, according to the Amended Map thereof, recorded in Book 34 of Parcel Maps, at Page 94, Fresno County Records, being more particularly described as follows:

All of said Parcel 17, excepting therefrom the following described portion:

Beginning at the Northeast corner of said Parcel 17, of said Parcel Map; thence

- 1) South 02° 27′ 56″ West, along the East line of said Parcel 17, a distance of 449.00 feet; thence leaving said line
- 2) South 86° 19' 32" West, a distance of 40.44 feet; thence
- 3) North 54° 56′ 18″ West, a distance of 67.72 feet; thence
- 4) North 44° 26' 34" West, a distance of 80.51 feet; thence
- 5) North 78° 08′ 56″ West, a distance of 46.90 feet; thence
- 6) South 59° 51′ 39″ West, a distance of 46.99 feet; thence
- 7) South 79° 04' 36" West, a distance of 92.88 feet; thence
- 8) North 87° 42' 38" West, a distance of 68.89 feet; thence
- 9) North 73° 25′ 16″ West, a distance of 103.49 feet; thence
- 10) North 51° 58' 10" West, a distance of 38.42 feet to the beginning of a tangent curve, concave Easterly and having a radius of 150.00 feet; thence
- 11) Northwesterly along the arc of said tangent curve, through a central angle of 78° 52' 27", an arc distance of 206.49 feet; thence
- 12) North 26° 54′ 17″ East, a distance of 73.98 feet; thence
- 13) North 02° 27' 46" East, a distance of 97.45 feet, to the North line of said Parcel 17; thence
- 14) South 88° 01' 49" East, along said North line, a distance of 551.50 feet to the point of beginning.

This legal description is made pursuant to Certificate of Compliance Placer 06-32(C), recorded September 30, 2008, as Instrument No. 2008-140702 of Official Records.

ALSO EXCEPTING THEREFROM all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation, by Deed dated October

26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311

APN: 300-340-30

#### PARCEL FIVE:

#### SITE 1

That certain real property situate in Section 10, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, being a portion of Parcel 15 and Parcel 16, of Parcel Map No. 3179, according to the Amended Map thereof, recorded in Book 34 of Parcel Maps, at Page 94, Fresno County Records, being more particularly described as follows:

Beginning at the Northwest corner of said Parcel 15; thence

- South ° 01' 09" East, along the North line of said Parcel 15, a distance of 960.06 feet to the Northeast corner of said Parcel, said point also being on the centerline of an easement as described by that Deed recorded on March 21, 1984, as Document No. 84027331 of Official Records Fresno County; thence continuing along the East line of said Parcel 15, following the subsequent courses and distances
- 2) South 25° 44′ 57″ West, a distance of 80.81 feet to the beginning of a tangent curve, concave Easterly and having a radius of 500.00 feet; thence
- 3) Southerly along the arc of said tangent curve, through a central angle of 18° 57' 19", an arc distance of 165.42 feet along said easement; thence
- 4) South 06° 47′ 38″ West, a distance of 395.29 feet along said easement; thence
- 5) North 83° 12′ 22″ West, a distance of 52.77 feet along said easement to a tangent curve, concave Southerly and having a radius of 206.00 feet; thence
- 6) Westerly along the arc of said tangent curve, through a central angle of 12° 57' 42", an arc distance of 46.60 feet; thence leaving said East line
- 7) South 83° 49' 56" West, a distance of 768.81 feet, to the West line of said Parcel 15; thence
- 8) North 02° 28′ 05″ East, along said West line, a distance of 733.32 feet to the point of beginning.

TOGETHER WITH the following described portion of said Parcel 16:

All of said Parcel 16 excepting therefrom the following described portion:

Beginning at the Northwest corner of said Parcel 16; thence

- 9) South 88° 00' 49" East, along the North line of said Parcel 16, a distance of 640.26 feet; thence leaving said line
- 10) South 18° 19' 33" West, a distance of 28.37 feet; thence
- 11) South 35° 29′ 44″ West, a distance of 30.20 feet; thence
- 12) South 49° 52′ 55″ West, a distance of 38.53 feet; thence
- 13) North 78° 11' 42" West, a distance of 27.37 feet; thence

- 14) South 40° 43' 47" West, a distance of 51.24 feet; thence
- 15) North 88° 40′ 06″ West, a distance of 41.90 feet; thence
- 16) South 15° 08' 58" West, a distance of 73.29 feet; thence
- 17) South 46° 09' 43" West, a distance of 55.48 feet; thence
- 18) South 36° 36' 49" West, a distance of 63.28 feet to the beginning point of a tangent curve concave Northeasterly and having a radius of 80.00 feet; thence
- 19) Westerly along the arc of said tangent curve, through a central angle of 80° 04' 45", an arc distance of 111.81 feet; thence
- 20) North 63° 18' 26" West, a distance of 68.81 feet; thence
- 21) North 67° 22' 27" West, a distance of 48.38 feet; thence
- 22) North 48° 13' 57" West, a distance of 30.67 feet; thence
- 23) North 17° 02′ 16″ West, a distance of 42.79 feet; thence
- 24) North 87° 28' 10" West, a distance of 57.59 feet; thence
- 25) South 15° 33' 44" West, a distance of 211.75 feet; thence
- 26) South 47° 56′ 20″ West, a distance of 64.91 feet to a point on the West line of said Parcel 16 distant 730.34 feet from the Southwest corner of said Parcel; thence
- 27) North 02° 27' 56" East, along said West line, a distance of 449.00 feet to the point of beginning

ALSO EXCEPTING the following described portion of said Parcel 16:

Beginning at the Southeast corner of said Parcel 16; thence

- 28) North 02° 28' 05" East, along the East line of said Parcel 16, a distance of 713.15 feet; thence leaving said line
- 29) South 83° 49′ 56″ West, a distance of 95.20 feet; thence
- 30) South 05° 05′ 45″ East, a distance of 182.13 feet; thence
- 31) South 04° 21′ 10″ West, a distance of 91.90 feet; thence
- 32) South 08° 43' 30" West, a distance of 28.62 feet; thence
- 33) South 15° 17' 15" West, a distance of 57.23 feet; thence
- 34) South 21° 23' 56" West, a distance of 54.53 feet; thence
- 35) South 46° 44' 14" West, a distance of 261.69 feet, to the Southerly boundary of said Parcel 16, said point also being the beginning of a non-tangent curve concave Northerly and having a radius of 886.91 feet, a radial to said point bears South 23° 15' 53" West; thence
- 36) Easterly, following the Southerly boundary of said Parcel 16, along the arc of said nontangent curve, through a central angle of 14° 16' 48", an arc distance of 221.05 to the point of beginning.

This legal description is made pursuant to Certificate of Compliance Placer 06-33(B), recorded September 30, 2008, as Instrument No. 2008-140704 of Official Records.

ALSO EXCEPTING THEREFROM all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation, by Deed dated October

26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311

APN: 300-340-37

#### PARCEL SIX:

### SITE 1

That certain real property situate in Section 10, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof, being a portion of Parcel 15 and Parcel 16 of Parcel Map No. 3179, according to the Amended Map thereof, recorded in Book 34 of Parcel Maps, at Page 94, Fresno County Records, being more particularly described as follows:

All of said Parcel 15, excepting the following described portion:

Beginning at the Northwest corner of said Parcel 15; thence;

- South 88° 01' 09" East, along the North line of said Parcel 15, a distance of 960.06 feet to the Northeast corner of said Parcel, said point also being on the centerline of an easement as described by that Deed recorded on March 21, 1984, as Document No. 84027331 of Official Records, Fresno County; thence continuing along the East line of said Parcel 15, following the subsequent coursed and distances:
- 2) South 25° 44′ 57″ West, a distance of 80.81 feet to the beginning of a tangent curve, concave Easterly and having a radius of 500.00 feet; thence
- 3) Southerly along the arc of said tangent curve, through a central angle of 18° 57′ 19″, an arc distance of 165.42 feet along said easement; thence
- 4) South 06° 47′ 38″ West, a distance of 395.29 feet along said easement; thence
- 5) North 83° 12′ 22″ West, a distance of 52.77 feet along said easement to a tangent curve, concave Southerly and having a radius of 206.00 feet; thence
- 6) Westerly along the arc of said tangent curve, through a central angle of 12° 57' 42", an arc distance of 46.60 feet; thence leaving said line
- 7) South 83° 49′ 56″ West, a distance of 768.81 feet, to the West line of said Parcel 15; thence
- 8) North 02° 28′ 05″ East, along said West line, a distance of 733.32 feet to the point of beginning.

TOGETHER WITH the following described portion of said Parcel 16:

Beginning at the Southeast corner of said Parcel 16; thence

- 9) North 02° 28' 05" East, along the East line of said Parcel 16, a distance of 713.15 feet; thence leaving said line
- 10) South 83° 49′ 56″ West, a distance of 95.20 feet; thence
- 11) South 05° 05' 45" East, a distance of 182.13 feet; thence
- 12) South 04° 21' 10" West, a distance of 91.90 feet; thence
- 13) South 08° 43' 30" West, a distance of 28.62 feet; thence
- 14) South 15° 17' 15" West, a distance of 57.23 feet; thence

- 15) South 21° 23′ 56″ West, a distance of 54.53 feet; thence
- 16) South 26° 44' 14" West, a distance of 261.69 feet to the Southerly boundary of said Parcel 16, said point also being the beginning of a non-tangent curve concave Northerly and having a radius of 886.91 feet, a radial to said point bears South 23° 15' 53" West; thence
- 17) Easterly following the Southerly boundary of said Parcel 16 along the arc of said nontangent curve, through a central angle of 14° 16′ 48″, an arc distance of 221.05 to the point of beginning.

This legal description is made pursuant to Certificate of Compliance Placer 06-33(C), recorded September 30, 2008, as Instrument No. 2008-140705 of Official Records.

ALSO EXCEPTING THEREFROM all oil, gas and minerals lying below a depth of 500 feet as conveyed to Carlsberg Resources Corporation, a California corporation, by Deed dated October 26, 1970, recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311

APN: 300-340-38

# EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

Tract I:

### SITE 8

The Northeast quarter of the Northwest quarter of Section 15, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

APN: 300-542-12

Tract II:

### SITE 9

The South half of the Northwest quarter of Section 15, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof.

APN: 300-542-13

Tract III:

# SITE 5 / SITE 7

Parcels 1, 3 and 4 of Parcel Map No. 5988, recorded in Book 41 of Parcel Maps, at Page 22, Fresno County Records.

EXCEPTING THEREFROM all oil, gas, minerals, hydrocarbons and kindred substances lying below a depth of 500 feet, but without the right of surface entry, as granted to Carlsberg Resources Corporation, a California corporation, by Deed recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Instrument No. 76311.

APN: 300-340-13 300-542-10 300-542-11

Tract IV:

### SITE 3

PARCEL 2 OF PARCEL MAP NO. 5988, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 41 PAGE 22 PARCEL MAPS, FRESNO COUNTY RECORDS; EXCEPTING THEREFROM ALL OIL, GAS, MINERALS, HYDROCARBONS AND KINDRED SUBSTANCES LYING BELOW A DEPTH OF 500 FEET BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS GRANTED TO CARLSBERG RESOURCES CORPORATION, A CALIFORNIA CORPORATION, BY DEED RECORDED OCTOBER 30, 1970, IN BOOK 5832 PAGE 371 OF OFFICIAL RECORDS, INSTRUMENT NO. 76311.

EXCEPTING THEREFROM A PORTION OF SAID PARCEL 2 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE ALONG THE EAST LINE OF SAID PARCEL 2 NORTH 01°47′08″ EAST A DISTANCE OF 227.35 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-1);

THENCE NORTH 15°24'03" WEST A DISTANCE OF 73.70 FEET;

THENCE NORTH 01°47′08″ EAST PARALLEL WITH AND 21.78 FEET WESTERLY FROM EAST LINE OF SAID PARCEL 2, A DISTANCE OF 75.29 FEET;

THENCE NORTH 26°56'00" EAST A DISTANCE OF 51.24 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 2;

THENCE ALONG SAID EAST LINE SOUTH 01°47′08″ WEST A DISTANCE OF 192.08 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-1).

ALSO EXCEPTING THEREFROM A PORTION OF SAID PARCEL 2 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE ALONG THE EAST LINE OF SAID PARCEL 2 NORTH 01°47′08″ EAST A DISTANCE OF 950.66 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-2);

THENCE NORTH 43°29'57" WEST A DISTANCE OF 272.21 FEET;

THENCE NORTH 27°53'00" EAST A DISTANCE OF 224.53 FEET;

THENCE NORTH 62°31'36" EAST A DISTANCE OF 108.51 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 2;

THENCE ALONG SAID EAST LINE SOUTH 01°47′08″ WEST A DISTANCE OF 446.20 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-2).

TOGETHER WITH PORTIONS OF PARCELS 20 AND 21 OF PARCEL MAP NO. 5349 RECORDED IN BOOK 34 AT PAGES 19 AND 20 OF PARCEL MAPS, FRESNO COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE ALONG THE WEST LINE OF SAID PARCEL 2 NORTH 01°47′08" EAST A DISTANCE OF 1396.86 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-3);

THENCE SOUTH 62°15′02″ EAST A DISTANCE OF 311.63 FEET;

THENCE NORTH 58°08'13" EAST A DISTANCE OF 116.44 FEET;

THENCE SOUTH 39°59'15" EAST A DISTANCE OF 379.36 FEET;

THENCE SOUTH 88°45'40" EAST A DISTANCE OF 506.61 FEET;

THENCE NORTH 01°14'20" EAST A DISTANCE OF 57.39 FEET;

THENCE NORTH 17°48'29" EAST A DISTANCE OF 245.56 FEET;

THENCE NORTH 88°45'40" WEST A DISTANCE OF 75.50 FEET;

THENCE NORTH 66°34'29" WEST A DISTANCE OF 115.47 FEET;

THENCE NORTH 81°09'12" WEST A DISTANCE OF 441.68 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MILLERTON ROAD AS DESCRIBED IN DOCUMENT NUMBER 23913, RECORDED IN BOOK 6568, PAGE 294, OFFICIAL RECORDS OF FRESNO COUNTY;

THENCE WESTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE OF MILLERTON ROAD TO THE NORTHWEST CORNER OF LOT 21 OF SAID MAP;

THENCE ALONG THE WEST LINE OF SAID PARCEL 21 SOUTH 01°47′08″ WEST A DISTANCE OF 171.32 FEET TO THE TRUE POINT OF BEGINNING (P.O.B-3).

EXCEPTING THEREFROM all oil, gas, minerals, hydrocarbons and kindred substances lying below a depth of 500 feet, but without the right of surface entry, as granted to Carlsberg Resources Corporation, a California corporation, by Deed recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Instrument No. 76311.

APN: 300-340-60 (new, not yet assessed)

### EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

Tract I:

### SITE 14

PARCEL 1:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT PLAT, DESCRIBED AS FOLLOWS

BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF SECTION 16; THENCE NORTH 00° 45' 27" EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF SECTION 16, A DISTANCE OF 561.69 FEET; THENCE SOUTH 89° 14' 33" EAST A DISTANCE OF 304.27 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 21° 51' 10" EAST A DISTANCE OF 118.88 FEET; THENCE NORTH 56° 24' 02" EAST A DISTANCE OF 179.21 FEET; THENCE NORTH 33° 56' 18" EAST A DISTANCE OF 399.53 FEET; THENCE NORTH 57° 18' 52" EAST A DISTANCE OF 122.18 FEET: THENCE NORTH 38° 37' 13" EAST A DISTANCE OF 684.84 FEET; THENCE NORTH 08° 57' 22" EAST A DISTANCE OF 31.86 FEET; THENCE SOUTH 61° 22' 23" EAST A DISTANCE OF 126.23 FEET TO THE POINT OF A CURVE, CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 900.00 FEET, THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 22° 42' 58", AN ARC DISTANCE OF 356.82 FEET; THENCE SOUTH 84° 05' 21" EAST A DISTANCE OF 237.09 FEET; THENCE SOUTH 05° 54' 39" WEST A DISTANCE OF 175.72 FEET; THENCE SOUTH 61° 58' 27" WEST A DISTANCE OF 250.16 FEET: THENCE SOUTH 76° 17' 09" WEST A DISTANCE OF 95.71 FEET: THENCE SOUTH 18° 26' 44" WEST A DISTANCE OF 88.84 FEET; THENCE SOUTH 65° 36' 00" WEST A DISTANCE OF 167.40 FEET; THENCE NORTH 85° 38' 04" WEST A DISTANCE OF 156.14 FEET; THENCE SOUTH 40° 46' 52" WEST DISTANCE OF 124.15 FEET; THENCE SOUTH 51° 22' 50" WEST A DISTANCE OF 146.37 FEET; THENCE NORTH 77° 07' 28" WEST A DISTANCE OF 219.61 FEET; THENCE SOUTH 39° 42' 59" WEST A DISTANCE OF 156.83 FEET; THENCE SOUTH 06° 13' 47" EAST A DISTANCE OF 62.96 FEET; THENCE SOUTH 53° 59' 22" WEST A DISTANCE OF 77.43 FEET; THENCE SOUTH 47° 32' 43" WEST A DISTANCE OF 258.78 FEET; THENCE SOUTH 71° 13' 52" WEST A DISTANCE OF 121.62 FEET, THENCE NORTH 88° 09' 34" WEST A DISTANCE OF 62.73 FEET, THENCE NORTH 34° 29' 44" WEST A DISTANCE OF 60.87 FEET TO THE TRUE POINT OF BEGINNING.

APN: 300-542-39 300-542-40

### SITE 14

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT PLAT, DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF SECTION 16; THENCE NORTH 00° 45' 27" EAST, ALONG THE WEST LINE OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHEAST QUARTER OF SECTION 16, A DISTANCE OF 561.69 FEET; THENCE SOUTH 89° 14' 33" EAST A DISTANCE OF 304.27 FEET, THENCE NORTH 21° 51' 10" EAST A DISTANCE OF 118.88 FEET; THENCE NORTH 56° 24' 02" EAST A DISTANCE OF 179.21 FEET; THENCE NORTH 33° 56' 18" EAST A DISTANCE OF 399.53 FEET; THENCE NORTH 57° 18' 52" EAST A DISTANCE OF 122.18 FEET; THENCE NORTH 38° 37' 13" EAST A DISTANCE OF 684.84 FEET; THENCE NORTH 08° 57' 22" EAST A DISTANCE OF 31.86 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 08° 57' 22" EAST A DISTANCE OF 161.08 FEET; THENCE NORTH 40° 57' 32" EAST A DISTANCE OF 69.43 FEET; THENCE SOUTH 87° 07' 00" EAST A DISTANCE OF 69.89 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, WITH A RADIUS OF 300.00 FEET (THE RADIAL TO SAID POINT BEARS NORTH 10° 56' 13" WEST), THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 106° 50' 52", AN ARC DISTANCE OF 559.45 FEET: THENCE SOUTH 05° 54' 39" WEST A DISTANCE OF 52.82 FEET, THENCE NORTH 84° 05' 21" WEST A DISTANCE OF 41.19 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 900.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 22° 42' 58", AN ARC DISTANCE OF 356.82 FEET; THENCE NORTH 61° 22' 23" WEST A DISTANCE OF 126.23 FEET TO THE TRUE POINT OF BEGINNING.

APN: 300-542-41

#### PARCEL 3:

### SITE 15

THAT PORTION OF THE EAST HALF OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT PLAT, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE NORTH 69° 57' 24" EAST A DISTANCE OF 446.22 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 64° 45' 59" EAST, A DISTANCE OF 249.90 FEET; THENCE SOUTH 36° 37' 58" EAST A DISTANCE OF 511.79 FEET; THENCE SOUTH 20° 52' 54" WEST, A DISTANCE OF 305.34 FEET; THENCE NORTH 61° 22' 23" WEST, A DISTANCE OF 198.44 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 560.00 FEET; THENCE NORTHWESTERLY AND NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE 84° 03' 01", AN ARC DISTANCE OF 821.49 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING NORTH OF SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN.

THIS LEGAL DESCRIPTION IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE APPROVING A LOT LINE ADJUSTMENT, CERTIFICATE NO. 12-18, RECORDED MAY 24, 2013, AS INSTRUMENT NO. 2013-0075084 OF OFFICIAL RECORDS.

APN: 300-542-48

Tract II:

### **SITE 12**

Portions of Section 15 and Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 16; thence

- South 88° 20' 25" East, along the North line of said Northeast quarter, a distance of 1,509.93 feet to the Northwest corner of that Parcel of land described in Document No. 2006-0143583, Official Records of Fresno County; thence along the Westerly boundary of said Parcel following subsequent courses and distances
- 2) South 21° 41' 28" West, a distance of 670.08 feet;
- 3) South 35° 31' 20" East, a distance of 830.19 feet; thence
- 4) South 40° 21' 32" East, a distance of 60.00 feet; thence
- 5) North 49° 38' 28" East, a distance of 27.92 feet; thence
- 6) South 14° 49′ 50" East, a distance of 871.78 feet; thence
- 7) South 31° 36′ 17" East, a distance of 489.62 feet; thence
- North 45° 31' 54" East, a distance of 531.57 feet to the East line of said Northeast quarter of Section 16; thence
- South 01° 13' 22" West, along said East line, a distance of 439.13 feet to the Northwest corner of the Southwest quarter of said Section 15; thence
- 10) South 88° 13' 13" East, along the North line of said Southwest quarter, a distance of 755.75 feet to the centerline of White Fox Creek; thence along said centerline following the subsequent courses and distances
- 11) South 19° 56′ 46" West, a distance of 72.49 feet; thence
- 12) North 85° 00' 30" West, a distance of 64.24 feet; thence

13) South 31° 16' 41" West, a distance of 173.07 feet; thence 14) South 07° 32' 49" West, a distance of 30.34 feet; thence 15) South 60° 14' 25" East, a distance of 15.12 feet; thence 16) North 51° 58' 21" East, a distance of 50.64 feet; thence 17) South 68° 02' 55" East, a distance of 20.01 feet; thence 18) South 08° 04' 11" East, a distance of 109.28 feet; thence 19) South 42° 12' 02" West, a distance of 12.77 feet; thence 20) North 87° 31′ 46" West, a distance of 32.39 feet; thence 21) South 37° 15′ 35" West, a distance of 11.40 feet; thence 22) South 17° 57' 04" East, a distance of 71.26 feet; thence 23) South 03° 52' 53" West, a distance of 37.55 feet; thence 24) South 37° 58' 25" West, a distance of 77.17 feet; thence 25) South 58° 06' 28" West, a distance of 52.04 feet; thence 26) North 55° 36' 08" West, a distance of 24.13 feet; thence 27) North 10° 41' 15" East, a distance of 88.28 feet; thence 28) North 35° 44' 47" West, a distance of 13.78 feet; thence 29) North 82° 10′ 48" West, a distance of 56.38 feet; thence 30) South 70° 01' 31" West, a distance of 25.44 feet; thence 31) South 02° 10′ 27" East, a distance of 47.81 feet; thence 32) South 87° 49' 33" West, a distance of 23.35 feet; thence 33) North 25° 34' 05" West, a distance of 33.23 feet; thence 34) North 45° 05′ 04" West, a distance of 87.86 feet; thence 35) North 21° 03' 30" West, a distance of 82.48 feet; thence 36) South 66° 29' 29" West, a distance of 48.38 feet; thence 37) North 27° 08' 46" West, a distance of 61.63 feet; thence

- 38) South 54° 42' 00" West, a distance of 49.76 feet; thence
- 39) North 80° 26' 10" West, a distance of 123.11 feet; thence
- 40) South 62° 09' 18" West, a distance of 30.53 feet; thence
- 41) South 02° 44' 45" West, a distance of 47.97 feet; thence
- 42) South 41° 03' 28" East, a distance of 73.48 feet; thence
- 43) South 24° 09' 27" West, a distance of 53,77 feet; thence
- 44) South 75° 42' 11" West, a distance of 52.74 feet; thence
- 45) South 35° 36' 50" West, a distance of 206.11 feet to a point on the West line of said Southwest quarter of Section 15, said point being a distance of 721.70 feet Southerly of said Northwest corner of the Southwest quarter, thence leaving said West line and continuing along said centerline of White Fox Creek.
- 46) South 35° 36' 50" West, a distance of 172.00 feet, thence leaving said centerline
- 47) South 02° 29' 55" West, a distance of 186.99 feet to the Northeasterly corner of that Parcel of land described in Document No. 2002-0037453, Official Records of Fresno County, thence along the Northwesterly boundary of a said Parcel following the subsequent courses and distances
- 48) North 83° 40' 49" West, a distance of 195.90 feet, thence
- 49) North 06° 19′ 11" East, a distance of 52.82 feet to the beginning of a tangent curve, concave to the Southwest, with a radius of 300.00 feet, thence along said curve
- 50) Northwesterly, through a central angle of 106° 50′ 52", an arc distance of 559.45 feet, thence
- 51) North 86° 42' 28" West, 69.89 feet, thence
- 52) South 41° 22' 04" West, 69.43 feet, thence
- 53) South 09° 21′ 54" West, a distance of 192.94 feet, thence
- 54) South 39° 01' 45" West, a distance of 684.84 feet, thence
- 55) South 57° 43' 24" West, a distance of 122.18 feet, thence
- 56) South 34° 20′ 50" West, a distance of 399.53 feet, thence
- 57) South 56° 48' 34" West, a distance of 179.21 feet, thence
- 58) South 22° 15′ 42" West, a distance of 118.88 feet, thence

- 59) South 34° 05′ 12" East, a distance of 60.87 feet, thence leaving said Northwesterly boundary
- 60) South 38° 49' 04" West, a distance of 106.13 feet, returning to said centerline of White Fox Creek, thence along said centerline following the subsequent courses and distances
- 61) South 10° 05′ 17" West, a distance of 146.41 feet, thence
- 62) South 12° 27′ 46″ East, a distance of 128.54 feet, thence
- 63) South 20° 18' 39" West, a distance of 86.52 feet, thence
- 64) South 71° 09' 21" West, a distance of 160.16 feet, thence
- 65) South 57° 24' 44" West, a distance of 39.40 feet to the South line of the Southeast quarter of said Sec t ion 16; thence
- 66) North 88° 48' 08" West, along said South line, a distance of 70.53 feet to the Southwest corner of the East half of the West half of said Southeast quarter, thence
- 67) North 01° 09' 59" East, along the West line of said East half, a distance of 988.87 feet to the most Southwesterly corner of that Parcel of land described in Document No. 2002-0037456, Official Records of Fresno County, thence along the Easterly boundary of said Parcel following the subsequent courses and distances:
- 68) South 88° 17' 13" East, a distance of 172.04 feet, thence
- 69) North 50° 29' 02" East, a distance of 229.77 feet, thence
- 70) North 37° 55' 01" East, a distance of 582.64 feet, thence
- 71) North 44° 57' 55" East, a distance of 366.25 feet, thence
- 72) South 60° 57' 51" East, a distance of 178.34 feet, thence
- 73) North 21° 17' 26" East, a distance of 578.19 feet, thence
- 74) North 36° 13' 26" West, a distance of 681.91 feet, thence
- 75) North 00° 55' 14" West, a distance of 634.33 feet, thence
- 76) North 35° 39' 41" West, a distance of 126.89 feet, thence
- 77) North 49° 38' 17" East, a distance of 67.61 feet, thence
- 78) North 40° 21′ 43" West, a distance of 119.90 feet to the beginning of a tangent curve, concave to the Southwest, with a radius of 360.00 feet, thence along said curve

- 79) Northwesterly, through a central angle of 16° 11' 26", an arc distance of 101.73 feet, thence
- 80) North 06° 09' 27" West, a distance of 306.42 feet, thence
- 81) North 88° 20' 01' West, a distance of 298.19 feet, thence
- 82) South 45° 06' 32" West, a distance of 167.09 feet, thence
- 83) North 88° 57' 00' West, a distance of 84.95 feet, thence
- 84) South 03° 16' 52" West, a distance of 127.97 feet, thence
- 85) South 06° 39′ 54" East, a distance of 61.17 feet, thence
- 86) South 02° 53' 11" West, a distance of 363.84 feet, thence
- 87) North 63° 00′ 46" East, a distance of 442.99 feet, thence
- 88) South 35° 42′ 32" East, a distance of 146.77 feet, thence
- 89) South 39° 24' 48" West, a distance of 98.07 feet, thence
- 90) South 53° 32′ 51" West, a distance of 704.59 feet, thence
- 91) South 01° 09' 59" West, 397.31 feet to the Northwest corner of said East half; thence
- 92) North 88° 34' 23" West, along the South line of said Northeast quarter of Section 16, a distance of 613.41 feet to the Southeasterly corner of that Parcel of land described in Document No. 2002-0037457, Official Records of Fresno County; thence along the Easterly boundary of said Parcel following the subsequent courses and distances:
- 93) North 20° 25' 28" East, a distance of 413.22 feet, thence
- 94) North 14° 51' 32" East, a distance of 626.05 feet, thence
- 95) North 36° 58' 51" East, a distance of 273.76 feet, thence
- 96) South 76° 43' 35" East, a distance of 83.61 feet, thence
- 97) North 11° 58' 51" East, a distance of 745.82 feet, thence
- 98) North 48° 42' 42" West, a distance of 398.99 feet, thence
- 99) North 74° 41' 00" West, a distance of 139.69 feet, thence
- 100) South 29° 28' 42" West, a distance of 611.16 feet to the West line of said Northeast quarter of Section 16; thence

101) North 01° 08' 39" East, along the West line of said Northeast quarter, a distance of 940.87 feet to the point of beginning.

This legal is made pursuant to that certain Certificate of Compliance recorded August 22, 2008 as Instrument No. 2008-0120599 of Official Records.

Together with that portion of the East half of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the United States Government Plat, described as follows:

Beginning at the Northwest corner of the East half of the West half of the Southeast guarter of said Section 16; thence North 00° 45′ 27" East a distance of 397.31 feet; thence North 53° 08′ 19" East, a distance of 704.59 feet; thence North 39° 00' 16" East, a distance of 98.07 feet; thence North 36° 07' 04" West, a distance of 146.77 feet; thence South 62° 36' 14" West, a distance of 442.99 feet; thence North 02° 28' 39" East, a distance of 363.84 feet; thence North 07° 04' 26" West, a distance of 61.17 feet; thence North 02° 52' 20" East, a distance of 127.97 feet; thence South 89° 21' 32" East, a distance of 84.95 feet; thence North 44° 42' 00" East, a distance of 167.09 feet; thence South 88° 44' 33" East, a distance of 298.19 feet; thence South 06° 33' 59" East, a distance of 306.42 feet to a point on a non-tangent curve, concave to the Southwest, with a radius of 360.00 feet (the radial to said point bears North 33° 02' 19" East); thence Southeasterly along said curve, through a central angle of 16° 11' 26", an arc distance of 101.73 feet; thence South 40° 46′ 15" East, a distance of 119.90 feet; thence South 49° 13′ 45" West, a distance of 67.61 feet; thence South 36° 04' 13" East, a distance of 126.89 feet; thence South 01° 19' 46" East, a distance of 634.33 feet; thence South 36° 37' 58" East, a distance of 681.91 feet; thence South 20° 52' 54" West, a distance of 578.18 feet; thence North 61° 22' 23" West, a distance of 178.34 feet; thence South 44° 33' 23" West, a distance of 366.25 feet; thence South 37° 30' 29" West, a distance of 582.64 feet; thence South 50° 04' 30" West, a distance of 229.77 feet; thence North 88° 41' 45" West, a distance of 172.04 feet to a point on the West line of the East half of the West half of the Southeast guarter of said Sect ion 16; thence North 00° 45' 27" East, along said West line of the East half of the West half of the Southeast guarter of Section 16, a distance of 1,637.46 feet to the point of beginning.

EXCEPTING THEREFROM that portion thereof described as follows:

Commencing at the Northwest corner of the East half of the West half of the Southeast quarter of said Section 16; thence North 69° 57′ 24" East, a distance of 446.22 feet to the true point of beginning of this description; thence South 64° 45′ 59" East, a distance of 249.90 feet; thence South 36° 37′ 58" East, a distance of 511.79 feet; thence South 20° 52′ 54" West, a distance of 305.34 feet; thence North 61° 22′ 23" West, a distance of 198.44 feet to the point of curvature of a curve, concave to the Northeast, with a radius of 560.00 feet; thence Northwesterly and Northeasterly along said curve, through a central angle 84° 03′ 01", an arc distance of 821.49 feet to the true point of beginning.

EXCEPTING THEREFROM that portion lying North of the South line of the Northeast quarter of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian.

This legal description is made pursuant to that certain Certificate Approving a Lot Line Adjustment, Certificate No. 12-18 shown as Parcel C, recorded May 24, 2013, as Instrument No. 13-75084 of Official Records.

APN: 300-542-32 300-542-33 300-542-52

Tract III:

#### SITE 4

Portions of Section 15 and Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of said Section 16; thence

- South 88° 20' 25" East, along the North line of said Northeast quarter, a distance of 1,509.93 feet to the Northwest corner of that parcel of land described in Document No. 2006-0143583, Official Records of Fresno County; thence along the Westerly boundary of said Parcel following subsequent courses and distances
- 2) South 21° 41′ 28″ West, a distance of 670.08 feet;
- 3) South 35° 31' 20" East, a distance of 830.19 feet; thence
- 4) South 40° 21' 32" East, a distance of 60.00 feet; thence
- 5) North 49° 38' 28" East, a distance of 27.92 feet; thence
- 6) South 14° 49′ 50″ East, a distance of 871.78 feet; thence
- 7) South 31° 36' 17" East, a distance of 489.62 feet; thence
- 8) North 45° 31′ 54″ East, a distance of 531.57 feet to the East line of said Northeast quarter of Section 16; thence
- 9) South 01° 13' 22" West, along said East line, a distance of 439.13 feet to the Northwest corner of the Southwest quarter of said Section 15; thence
- 10) South 88° 13′ 13″ East, along the North line of said Southwest quarter, a distance of 755.75 feet to the centerline of White Fox Creek; thence along said centerline following the subsequent courses and distances
- 11) South 19° 56' 46" West, a distance of 72.49 feet; thence
- 12) North 85° 00' 30" West, a distance of 64.24 feet; thence
- 13) South 31° 16' 41" West, a distance of 173.07 feet; thence
- 14) South 07° 32′ 49″ West, a distance of 30.34 feet; thence
- 15) South 60° 14' 25" East, a distance of 15.12 feet; thence
- 16) North 51° 58' 21" East, a distance of 50.64 feet; thence

17	) South 68° 02'	55" East, a distance of 20.01 feet; thence
18	) South 08° 04'	11" East, a distance of 109.28 feet; thence
19	) South 42° 12'	02" West, a distance of 12.77 feet; thence
20	) North 87° 31'	46" West, a distance of 32.39 feet; thence
21	) South 37° 15'	35" West, a distance of 11.40 feet; thence
22	) South 17° 57'	04" East, a distance of 71.26 feet; thence
23	) South 03° 52'	53" West, a distance of 77.17 feet; thence
24	) South 37° 58'	25" West, a distance of 77.17 feet; thence
25	) South 58° 06'	28" West, a distance of 52.04 feet; thence
26	) North 55° 36'	08" West, a distance of 24.13 feet; thence
27	) North 10° 41'	15" East, a distance of 88.28 feet; thence
28	) North 35° 44'	47" West, a distance of 13.78 feet; thence
29	) North 82° 10'	48" West, a distance of 56.38 feet; thence
30	) South 70° 01'	31" West, a distance of 25.44 feet; thence
31	) South 02° 10'	27" East, a distance of 47.81 feet; thence
32	) South 87° 49'	33" West, a distance of 23.35 feet; thence
33	) North 25° 34'	05" West, a distance of 33.23 feet; thence
34	) North 45° 05'	04" West, a distance of 87.86 feet; thence
35	) North 21° 03'	30" West, a distance of 82.48 feet; thence
36	) South 66° 29'	29" West, a distance of 48.38 feet; thence
37	) South 27° 08'	46" East, a distance of 61.63 feet; thence
38	) South 54° 42'	00" West, a distance of 49.76 feet; thence
39	) North 58° 26'	10" West, a distance of 123.11 feet; thence
4(	) South 62° 09'	18" West, a distance of 30.53 feet; thence
41	) South 02° 44'	45" West, a distance of 47.97 feet; thence
		Page 10 of 17

- 42) South 41° 03' 28" East, a distance of 73.48 feet; thence
- 43) South 24° 09' 27" West, a distance of 53.77 feet; thence
- 44) South 75° 42' 11" West, a distance of 52.74 feet; thence
- 45) South 35° 36' 50" West, a distance of 206.11 feet to a point on the West line of said Southwest quarter of Section 15, said point being a distance of 721.70 feet Southwesterly of said Northwest corner of the Southwest quarter; thence leaving said West line and continuing along said centerline of White Fox Creek
- 46) South 35° 36′ 50″ West, a distance of 172.00 feet; thence leaving said centerline
- 47) South 02° 29' 55" West, a distance of 186.99 feet to the Northeasterly corner of that parcel of land described in Document No. 2002-0037453, Official Records of Fresno County; thence along the Northwesterly boundary of a said Parcel following the subsequent courses and distances
- 48) North 83° 40′ 49″ West, a distance of 195.90 feet; thence
- 49) North 06° 19′ 11″ East, a distance of 52.82 feet to the beginning of a tangent curve, concave to the Southwest, with a radius of 300.00 feet; thence along said curve
- 50) Northwesterly, through a central angle of 106° 50′ 52″, an arc distance of 559.45 feet; thence
- 51) North 86° 42' 28" West, a distance of 69.89 feet; thence
- 52) South 41° 22' 04" West, a distance of 69.43 feet; thence
- 53) South 09° 21′ 54″ West, a distance of 192.94 feet; thence
- 54) South 39° 01' 45" West, a distance of 684.84 feet; thence
- 55) South 57° 43' 24" West, a distance of 122.18 feet; thence
- 56) South 34° 20′ 50″ West, a distance of 399.53 feet; thence
- 57) South 56° 48' 34" West, a distance of 179.21 feet; thence
- 58) South 22° 15′ 42″ West, a distance of 118.88 feet; thence
- 59) South 34° 05′ 12″ East, a distance of 60.87 feet; thence leaving said Northwesterly boundary
- 60) South 38° 49′ 04″ West, a distance of 106.13 feet, returning to said centerline of White Fox Creek; thence along said centerline following the subsequent courses and distances
- 61) South 10° 05′ 17″ West, a distance of 146.41 feet; thence

- 62) South 12° 27' 46" East, a distance of 128.54 feet; thence
- 63) South 20° 18' 39" West, a distance of 86.52 feet; thence
- 64) South 71° 09' 21" West, a distance of 160.16 feet; thence
- 65) South 57° 24' 44" West, a distance of 39.40 feet to the South line of the Southeast quarter of said 16; thence
- 66) North 88° 48' 08" West, along said South line, a distance of 70.53 feet to the Southwest corner of the East half of the West half of said Southeast quarter; thence
- 67) North 01° 09′ 59″ East, along the West line of said East half, a distance of 988.87 feet to the most Southerly corner of that parcel of land described in Document No. 2002-0037456, Official Records of Fresno County; thence along the Easterly boundary of said Parcel following the subsequent courses and distances
- 68) South 88° 17' 13" East, a distance of 172.04 feet; thence
- 69) North 50° 29' 02" East, a distance of 229.77 feet; thence
- 70) North 37° 55′ 01″ East, a distance of 582.64 feet; thence
- 71) North 44° 57' 55" East, a distance of 366.25 feet; thence
- 72) South 60° 57′ 51″ East, a distance of 178.34 feet; thence
- 73) North 21° 17' 26" East, a distance of 578.19 feet; thence
- 74) North 36° 13' 26" West, a distance of 681.91 feet; thence
- 75) North 00° 55' 14" West, a distance of 634.33 feet; thence
- 76) North 35° 39' 41" West, a distance of 126.89 feet; thence
- 77) North 49° 38' 17" East, a distance of 67.61 feet; thence
- 78) North 40° 21′ 43″ West, a distance of 119.90 feet to the beginning of a tangent curve, concave to the Southwest, with a radius of 360.00 feet; thence along said curve
- 79) Northwesterly, through a central angle of 16° 11′ 26″, an arc distance of 101.73 feet; thence
- 80) North 86° 09' 27" West, a distance of 306.42 feet; thence
- 81) North 88° 20' 01" West, a distance of 298.19 feet; thence
- 82) South 45° 06' 32" West, a distance of 167.09 feet; thence

- 83) North 88° 57' 00" West, a distance of 84.95 feet; thence
- 84) South 03° 16′ 52″ West, a distance of 127.97 feet; thence
- 85) South 06° 39' 54" East, a distance of 61.17 feet; thence
- 86) South 02° 53' 11" West, a distance of 363.84 feet; thence
- 87) North 63° 00′ 46″ East, a distance of 442.99 feet; thence
- 88) South 35° 42' 32" East, a distance of 146.77 feet; thence
- 89) South 39° 24' 48" West, a distance of 98.07 feet; thence
- 90) South 53° 32′ 51″ West, a distance of 704.59 feet; thence
- 91) South 01° 09' 59" West, a distance of 397.31 feet to the Northwest corner of said East half; thence
- 92) North 88° 34' 23" West, along the South line of said Northeast quarter of Section 16, a distance of 613.41 feet to the Southeasterly corner of that parcel of land described in Document No. 2002-0037457, Official Records of Fresno County; thence along the Easterly boundary of said Parcel following the subsequent courses and distances
- 93) North 20° 25′ 28″ East, a distance of 413.22 feet; thence
- 94) North 14° 51′ 32″ East, a distance of 626.05 feet; thence
- 95) North 36° 58′ 51″ East, a distance of 273.76 feet; thence
- 96) South 76° 43' 55" East, a distance of 83.61 feet; thence
- 97) North 11° 58′ 51″ East, a distance of 745.82 feet; thence
- 98) North 48° 42′ 42″ West, a distance of 398.99 feet; thence
- 99) North 74° 41′ 00″ West, a distance of 13969 feet; thence
- 100) South 29° 28' 42" West, a distance of 611.16 feet to the West line of said Northeast quarter of Section 16; thence
- 101) North 01° 08' 39" East, along the West line of said Northeast quarter, a distance of 940.87 feet to the point of beginning.

This legal is made pursuant to that certain Certificate of Correction recorded August 22, 2008, as Instrument No. 2008-0120599 of Official Records.

TOGETHER WITH that portion of the East half of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the United States Government Plat, described as follows:

Beginning at the Northwest corner of the East half of the West half of the Southeast guarter of said Section 16; thence North 00° 45' 27" East, a distance of 397.31 feet; thence North 53° 08' 19" East, a distance of 704.59 feet; thence North 39° 00' 16" East, a distance of 98.07 feet; thence North 36° 07' 04" West, a distance of 146.77 feet; thence South 62° 36' 14" West, a distance of 442.99 feet; thence North 02° 28' 39" East, a distance of 363.84 feet; thence North 07° 04' 26" West, a distance of 61.17 feet; thence North 02° 52' 20" East, a distance of 127.97 feet; thence South 89° 21' 32" East, a distance of 84.95 feet; thence North 44° 42' 00" East, a distance of 167.09 feet; thence South 88° 44' 33" East, a distance of 298.19 feet; thence South 06° 33' 59" East, a distance of 306.42 feet to a point on a non-tangent curve, concave to the Southwest, with a radius of 360.00 feet (the radial to said point bears North 33° 02' 19" East); thence Southeasterly along said curve, through a central angle of 16° 11' 26", an arc distance of 101.73 feet; thence South 40° 46' 15" East, a distance of 119.90 feet; thence South 49° 13' 45" West, a distance of 67.61 feet; thence South 36° 04' 13" East, a distance of 126.89 feet; thence South 01° 19' 46" East, a distance of 634.33 feet; thence South 36° 37' 58" East, a distance of 681.91 feet; thence South 20° 52' 54" West, a distance of 578.18 feet; thence North 61° 22' 23" West, a distance of 178.34 feet; thence South 44° 33' 23" West, a distance of 366.25 feet; thence South 37° 30' 29" West, a distance of 582.64 feet; thence South 50° 04' 30" West, a distance of 229.77 feet; thence North 88° 41' 45" West, a distance of 172.04 feet to a point on the West line of the East half of the West half of the Southeast guarter of said Section 16; thence North 00° 45' 27" East, along said West line of the East half of the West half of the Southeast guarter of Section 16, a distance of 1,637.46 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying South of the South line of the Northeast quarter of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian.

ALSO that portion of the East half of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the United States Government Plat, described as follows:

Commencing at the Northwest corner of the East half of the West half of the Southeast quarter of said Section 16; thence North 69° 57′ 24″ East, a distance of 446.22 feet to the true point of beginning of this description; thence South 64° 45′ 59″ East, a distance of 249.90 feet; thence South 36° 37′ 58″ East, a distance of 511.79 feet; thence South 20° 52′ 54″ West, a distance of 305.34 feet; thence North 61° 22′ 23″ West, a distance of 198.44 feet to the point of curvature of a curve, concave to the Northeast, with a radius of 560.00 feet; thence Northwesterly and Northeasterly along said curve, through a central angle 84° 03′ 01″, an arc distance of 821.49 feet to the true point of beginning.

EXCEPTING THEREFROM that portion lying South of the South line of the Northeast quarter of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian.

This legal description is made pursuant to that certain Certificate approving a Lot Line Adjustment, Certificate No. 12-18, shown as Parcel A, recorded May 24, 2013, as Instrument No. 2013-75084 of Official Records.

APN: 300-542-51

Tract IV:

#### PARCEL ONE:

### SITE 5

That portion of the Northeast quarter of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, described as follows:

Beginning at the Northeast corner of said Northeast guarter of Section 16; thence South 00° 48' 55" West, along the East line of said Northeast quarter of Section 16, a distance of 117.01 feet to a point on a non-tangent curve, concave to the Northwest, with a radius of 720.00 feet (the radial of said point bears South 56° 21' 13" East); thence Southwesterly along said curve, through a central angle of 18° 39' 09", an arc distance of 234.40 feet; thence South 52° 17' 56" West, a distance of 203.01 feet to the point of curvature of a curve, concave to the Southeast, with a radius of 750.00 feet; thence Southwesterly along said curve, through a central angle of 33° 20' 47", an arc distance of 436.50 feet; thence South 18° 57' 09" West, a distance of 149.51 feet to the point of curvature of a curve, concave to the Northwest, with a radius of 650.00 feet; thence Southwesterly along said curve, through a central angle of 30° 22' 08", an arc distance of 344.52 feet; thence South 49° 14' 01" West, a distance of 11.58 feet; thence South 40° 45′ 59″ East, a distance of 35.89 feet to the point of curvature of a curve, concave to the Southwest, with a radius of 345.00 feet; thence Southeasterly along said curve, through a central angle of 25° 31' 42", an arc distance of 153.72 feet; thence South 15° 14' 17" East, a distance of 451.32 feet; thence North 74° 45' 43" East, a distance of 30.00 feet; thence South 89° 11' 05" East, a distance of 552.47 feet to a point on the East line of said Northeast guarter of Section 16; thence South 00° 48' 55" West, along said East line of the Northeast guarter of Section 16, a distance of 389.12 feet; thence South 45° 07' 27" West, a distance of 531.57 feet; thence North 32° 00' 44" West, a distance of 489.62 feet; thence North 15° 14' 17" West, a distance of 871.78 feet; thence South 49° 14' 01" West, a distance of 27.92 feet; thence North 40° 45' 59" West, a distance of 60.00 feet; thence North 35° 55' 47" West, a distance of 830.19 feet; thence North 21° 17' 01" East, a distance of 670.13 feet to a point on the North line of said Northeast guarter of Section 16; thence South 88° 44' 42" East, along said North line of the Northeast guarter of Section 16, a distance of 12,200.88 feet to the point of beginning.

This legal description is made pursuant to that certain Certificate approving a Lot Line Adjustment, Certificate No. Placer 01-15(A), recorded September 30, 2002, as Instrument No. 02-170737 of Official Records.

APN: 300-542-05

PARCEL TWO:

#### SITE 6

That portion of the Northeast quarter of Section 16, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the United States Government Plat, described as follows:

Beginning at the Southwest corner of said Northeast quarter of Section 16; thence North 00° 44′ 07″ East, along the West line of said Northeast quarter of Section 16, a distance of 1,688.31 feet; thence North 29° 04′ 10″ East, a distance of 611.16 feet; thence South 75° 05′ 32″ East, a distance of 139.69 feet; thence South 49° 07′ 14″ East, a distance of 398.99 feet; thence South 11° 34′ 19″ West, a distance of 745.82 feet; thence North 77° 08′ 07″ West, a distance of 83.61 feet; thence South 36° 34′ 19″ West, a distance of 273.76 feet; thence South 14° 27′ 00″ West, a distance of 626.05 feet; thence South 20° 00′ 56″ West, a distance of 413.22 feet to a point on the South line of said Northeast quarter of Section 16; thence North 88° 58′ 45″ West, along

said South line of the Northeast quarter of Section 16, a distance of 63.38 feet to the point of beginning.

APN: 300-542-03

PARCEL THREE:

Easement appurtenant to Parcels One and Two:

A temporary easement for ingress and egress, access and public utility purposes, 60 feet in width, along the Northerly and Westerly boundaries of Fresno County, APN: 300-541-45 (now APN: 300-542-51), appurtenant to Fresno County APN: 300-541-05 and 300-531-03 (now APN: 300-542-05 and 300-542-03, respectively) (the Dominant Tenement) as described above, expiring upon Dominant tenement receiving alternative recorded access.

PARCEL FOUR:

Easement appurtenant to Parcel Two:

All easements and easement rights for ingress, egress, and utility purposes over and across the South 60 feet of Said Section 16, less any portion lying in Parcel 3 above, by that certain document entitled "Grant of Ingress, Egress, Access and Utility Easement and Agreement" by and among Millerton Investments, LLCC, a California limited liability company, as Grantor, and Grantor Real Estate Investments, LLC, a California limited liability company, as Grantee, which document recorded August 15, 2016 as Document No. 2016-0106338, Fresno County Records.

# EXHIBIT A

The land referred to is situated in the unincorporated area of the County of Fresno, State of California, and is described as follows:

Tract I:

PARCEL A:

### SITE 11

PARCEL B OF LOT LINE ADJUSTMENT PLA NO. 17-15 AS APPROVED BY THE COUNTY OF FRESNO AND AS SET FORTH AS "PARCEL B" IN THAT CERTAIN GRANT DEED RECORDED NOVEMBER 9, 2018 AS DOCUMENT NO. 2018-0136721, FRESNO COUNTY RECORDS, AND AS PER THAT CERTAIN "CERTIFICATE OF COMPLIANCE PLA NO. 17-15(A)" RECORDED NOVEMBER 21, 2018 AS DOCUMENT NO. 2018-0140766, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS.

COMMENCING AT: THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 21 EAST; SAID POINT ALSO BEING THE NORTHWEST CORNER OF PARCEL 8 OF PARCEL MAP NO. 5768, RECORDED IN BOOK 42, AT PAGE 11, FRESNO COUNTY RECORDS

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 SOUTH 00°33'18" WEST, A DISTANCE OF 1273.96 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 80°08'35" EAST, A DISTANCE OF 587.98 FEET; THENCE NORTH 88°30'13" EAST, A DISTANCE OF 206.18 FEET; THENCE SOUTH 68°45'04 EAST, A DISTANCE OF 51.98 FEET; THENCE SOUTH 46°00'21"EAST, A DISTANCE OF 91.22 FEET; THENCE SOUTH 34°45'34" EAST, A DISTANCE OF 193.97 FEET; TO A POINT ON THE NORTH LINE OF LOT 6 OF SAID TRACT 5768; THENCE ALONG SAID NORTH LINE NORTH 76°19'09"EAST, A DISTANCE OF 288.47 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 32°03'11" WEST, A DISTANCE OF 1054.47 FEET; THENCE SOUTH 62°22'46" EAST, A DISTANCE OF 839.49 FEET TO THE CENTER QUARTER CORNER OF SAID SECTION 15; THENCE NORTH 00°33'18" EAST, A DISTANCE OF 1350.27 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS, MINERALS, HYDROCARBONS AND KINDRED SUBSTANCES LYING BELOW A DEPTH OF 500 FEET BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS GRANTED TO CARLSBERG RESOURCES CORPORATION, A CALIFORNIA CORPORATION, BY DEED RECORDED OCTOBER 30, 1970, IN BOOK 5832, PAGE 371 OF OFFICIAL RECORDS, DOCUMENT NO. 76311.

APN: 300-542-55 (new, not yet assessed) Being 300-542-15 and a portion of 300-542-14

#### PARCEL B:

### **SITE 10**

A PORTION OF PARCELS 12 AND 13 OF PARCEL MAP NO. 5349, RECORDED IN BOOK 34 PAGES 19 AND 20 OF PARCEL MAPS, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL 13: THENCE ALONG THE NORTH LINE OF PARCEL 13 THE FOLLOWING COURSES: NORTH 81° 46' 53" EAST, 105.43 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4702.75 FEET, A CENTRAL ANGLE OF 6° 07' 30" AND AN ARC LENGTH OF 502.73 FEET; THENCE NORTH 75° 39' 23" EAST, 189.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 41° 59' 11" EAST, 409.72 FEET AND LEAVING SAID NORTH LINE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 69° 35' 16" AND AN ARC LENGTH OF 364.36 FEET; THENCE ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 735.00 FEET, A CENTRAL ANGLE OF 40° 46' 43" AND AN ARC LENGTH OF 523.11 FEET; THENCE ALONG A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 300.00 FEET, A CENTRAL ANGLE OF 26° 10' 58" AND AN ARC LENGTH OF 137.09 FEET TO A POINT ON THE SOUTH LINE OF SAID PARCEL 12; THENCE SOUTH 76° 52' 19" EAST, 291.28 FEET ALONG THE SOUTH LINE OF PARCEL 12; THENCE SOUTH 88° 04' 56" EAST, 250.24 FEET TO THE SOUTHEAST CORNER OF PARCEL 12; THENCE NORTH 2° 22' 34" EAST, 1272.83 FEET TO THE NORTHEAST CORNER OF PARCEL 12; THENCE ALONG THE NORTH LINE OF PARCELS 12 AND 13 THE FOLLOWING COURSES: NORTH 75° 52' 38" WEST, 378.90 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 955.59 FEET, A CENTRAL ANGLE OF 19° 41' 20" AND AN ARC LENGTH OF 328.38 FEET TO THE NORTHWEST CORNER OF PARCEL 12: THENCE CONTINUING WESTERLY ALONG SAID 955.59 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 8° 46' 39" AND AN ARC LENGTH OF 146.39 FEET; THENCE SOUTH 75° 39' 23" WEST, 2.12 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS, MINERALS, HYDROCARBONS AND KINDRED SUBSTANCES LYING BELOW A DEPTH OF 500 FEET BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS GRANTED TO CARLSBERG RESOURCES CORPORATION, A CALIFORNIA CORPORATION, BY DEED RECORDED OCTOBER 30, 1970, IN BOOK 5832, PAGE 371 OF OFFICIAL RECORDS, DOCUMENT NO. 76311.

APN: 300-350-28

PARCEL C:

PARCEL A OF LOT LINE ADJUSTMENT PLA NO. 17-15 AS APPROVED BY THE COUNTY OF FRESNO AND AS SET FORTH AS "PARCEL A" IN THAT CERTAIN GRANT DEED RECORDED NOVEMBER 9, 2018 AS DOCUMENT NO. 2018-0136721, FRESNO COUNTY RECORDS, AND AS PER THAT CERTAIN "CERTIFICATE OF COMPLIANCE PLA NO. 17-15(A)" RECORDED NOVEMBER 21, 2018 AS DOCUMENT NO. 2018-0140765, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS.

COMMENCING AT: THE NORTH QUARTER CORNER OF SECTION 15, TOWNSHIP 11 SOUTH, RANGE 21 EAST; SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 8 PARCEL MAP NO 5768 RECORDED IN BOOK 42 AT PAGES 11, FRESNO COUNTY RECORDS AND THE TRUE POINT OF BEGINNING;

THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 15 SOUTH 00°03'18" EAST A DISTANCE OF 1273.96 FEET, THENCE NORTH 80°08'35" EAST A DISTANCE OF 587.98 FEET, THENCE NORTH 88°30' 13" EAST, A DISTANCE OF 206.18 FEET, THENCE SOUTH 68°45'04" EAST A DISTANCE OF 51.98 FEET, THENCE SOUTH 46°00'21" EAST, A DISTANCE OF 91.22 FEET; THENCE SOUTH 34°45'34" EAST A DISTANCE OF 193.97 FEET, TO A POINT ON THE NORTH LINE OF LOT 6 OF SAID PARCEL MAP; THENCE ALONG SAID NORTH LINE NORTH 76°19'09" EAST A DISTANCE OF 288.47 FEET, TO THE NORTHWEST CORNER OF LOT 3 OF SAID PARCEL MAP; THENCE ALONG THE NORTH LINE OF SAID LOT 3 NORTH 76°18'06' EAST A DISTANCE OF 1330.33 FEET TO A POINT ON THE SOUTHEAST CORNER OF LOT #1 OF TRACT 4870 RECORDED IN BOOK 81, AT PAGES 47 THRU 58 OFFICIAL RECORDS OF FRESNO COUNTY: THENCE ALONG THE EAST LINE OF SAID LOT 1. NORTH 00°17'41" EAST, A DISTANCE OF 402.56 FEET; THENCE NORTH 63°25'09" WEST, A DISTANCE OF 77.84 FEET; THENCE SOUTH 24°45'45" WEST, A DISTANCE OF 422.52 FEET, THENCE NORTH 64°58'41" WEST A DISTANCE OF 183.00 FEET; THENCE SOUTH 24°45'45" WEST, A DISTANCE OF 32.21 FEET; THENCE NORTH 65°14'15" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 65°14'15" WEST, A DISTANCE OF 25.00 FEET; THENCE NORTH 76°57'50" WEST, A DISTANCE OF 340.35 FEET; THENCE NORTH 89°37'41" WEST, A DISTANCE OF 47.50 FEET; THENCE SOUTH 73°55'37" WEST, A DISTANCE OF 47.50 FEET; THENCE SOUTH 60°31'20" WEST, A DISTANCE OF 763.50 FEET; THENCE NORTH 23°12'06" WEST, A DISTANCE OF 153.00 FEET; THENCE NORTH 25°14'22" EAST, A DISTANCE OF 17.93 FEET TO THE BEGINNING OF A NON-TANGET CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 47.00 FEET. A RADIAL LINE TO SAID POINT BEARS SOUTH 31°01'11" WEST. THENCE NORTHWESTERLY, ALONG SAID CURVE THRU A CENTRAL ANGLE OF 51°22'16" AN ARC LENGTH OF 42.14 FEET; THENCE NORTH 75°14'53" WEST, A DISTANCE OF 172.00 FEET; THENCE NORTH 42°03'17" WEST, A DISTANCE OF 122.00 FEET TO THE BEGINNING OF A NON-TANGET CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 325.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 38°40'33" EAST, THENCE SOUTHWESTERLY, ALONG SAID CURVE THRU A CENTRAL ANGLE OF 44°09'24" AN ARC LENGTH OF 250.47 FEET: THENCE NORTH 84°31'09" WEST, A DISTANCE OF 250.50 FEET TO THE POINT OF BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 247.00 FEET, THENCE NORTHWESTERLY, ALONG SAID CURVE THRU A CENTRAL ANGLE OF 27°33'44" AN ARC LENGTH OF 118.82 FEET; THENCE NORTH 56°57'26" WEST, A DISTANCE OF 31.23 FEET; THENCE SOUTH 81°09"05" WEST, A DISTANCE OF 44.66 FEET TO THE POINT OF BEGINNING OF A NON TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS 842.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 49°43'08" EAST, THENCE NORTHEASTERLY, ALONG SAID CURVE THRU A CENTRAL ANGLE OF 11°43'19" AN ARC LENGTH OF 172.26 FEET; THENCE NORTH 28°33'33" EAST, A DISTANCE OF 141.20 FEET TO THE POINT OF BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 558.00 FEET, THENCE NORTHEASTERLY, ALONG SAID CURVE THRU A CENTRAL ANGLE OF 33°31'37" AN ARC LENGTH OF 326.52 FEET; THENCE NORTH 62°05'10" EAST, A DISTANCE OF 499.60 FEET; THENCE NORTH 58°03'28" WEST A DISTANCE OF 278.41 FEET TO A POINT ON THE NORTH LIINE OF SAID SECTION 15; THENCE ALONG THE NORTH LINE OF SAID SECTION 15, NORTH  $88^{\circ}45'40''$  WEST, A DISTANCE OF 622.83 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS, MINERALS, HYDROCARBONS AND KINDRED SUBSTANCES LYING BELOW A DEPTH OF 500 FEET BUT WITHOUT THE RIGHT OF SURFACE ENTRY, AS GRANTED TO CARLSBERG RESOURCES CORPORATION, A CALIFORNIA CORPORATION, BY DEED RECORDED OCTOBER 30, 1970, IN BOOK 5832 PAGE 371 OF OFFICIAL RECORDS, INSTRUMENT NO. 76311

APN: 300-542-54 (new, not yet assessed) Being a portion of 300-542-14

Tract II:

# **SITE 13**

Parcels 3, 4, and 5 of Parcel Map No. 5768, according to the Map thereof recorded in Book 42 Page 11 of Parcel Maps, Fresno County Records.

EXCEPTING THEREFROM all oil, gas, minerals, hydrocarbons and kindred substances lying below a depth of 500 feet but without the right of surface entry, as granted to Carlsberg Resources Corporation, a California corporation, by Deed recorded October 30, 1970, in Book 5832, Page 371 of Official Records, Document No. 76311.

APN: 300-542-16 300-542-17 300-542-18

# EXHIBIT B

# COMMUNITY FACILITIES DISTRICT NO. 2006-01

# (POLICE PROTECTION SERVICES) OF THE COUNTY OF FRESNO

# SPECIAL TAX RATE AND METHOD OF APPORTIONMENT

# (Commencing as of Fiscal Year 2018-19)

A Special Tax of Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno ("CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in the Base Year in an amount determined by the County through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

This Special Tax Rate and Method of Apportionment uses the Special Tax Rate and Method of Apportionment for the original CFD. Any differences between the text of this Special Tax Rate and Method of Apportionment, and the text of the Special Tax Rate and Method of Apportionment for the original CFD, are updated provisions herein (*e.g.,* definition of Base Year, and the Maximum Special Tax Rates Per Unit commencing as of the Base Year (which are subject to increases in subsequent Fiscal Years, as provided herein)) that would conform this Special Tax Rate and Method of Apportionment to the Special Tax Rate and Method of Apportionment for the original CFD.

# A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended from time to time following the establishment of the CFD, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State.

"Administrative Expenses" means all actual and/or estimated costs and expenses directly incurred by the County as administrator of the CFD to determine, levy and collect the Special Taxes, including, but not limited to, the portion of salaries, wages and benefits of County officers and employees related to the determination, levy and collection of the Special Taxes, and all fees and expenses of consultants, agents, third-party administrator(s) designated by the CFD Administrator, and legal counsel, related to the determination, levy and collection of the Special Taxes, and all costs and expenses of collecting installments of the Special Taxes upon the general tax rolls or by any other manner of collections as set forth in Section F, below, and preparing required reports, and conducting audits, if deemed necessary by the County; and any other costs and expenses directly incurred, which are required to administer the CFD as determined by the County. On each July 1 following the Base Year, all of the foregoing costs and expenses automatically shall be increased for each Fiscal Year in accordance with the Annual Escalation Factor, provided however, on each July 1 for each third subsequent Fiscal Year, commencing with Fiscal Year 2018-19, the Annual Escalation Factor shall be reduced by an Escalation Factor Adjustment, if any. Notwithstanding anything contained in this definition of Administrative Expenses, the amount of Administrative Expenses in any Fiscal Year that may be included in the Special Tax Requirement for that Fiscal Year shall not exceed ten percent (10%) of the Special Tax Requirement for that Fiscal Year.

**"Annual Escalation Factor"** means the sum: of (i) the annual increase in the Consumer Price Index ("CPI") for Urban Wage Earners and Clerical Workers in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area as reflected in the then-current April update; and (ii) three percent (3%) of the then-current Police Protection Services Costs. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and Research (<u>http://www.dir.ca.gov/oprl/CAPriceIndex.htm</u>, as of June 19, 2018). If the foregoing index is not available, the County Board shall select, and thereby shall be authorized to use, a comparable index.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by assessor's parcel number.

**"Base Year"** means the Fiscal Year ending June 30, 2019.

**"CFD Administrator"** means an official of the County, or his or her designee (including, but not limited to, County officer(s), employee(s) and third-party administrator(s)), responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"CFD"** means Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno.

**"County"** means the County of Fresno, California.

**"County Board"** means the Board of Supervisors of the County, acting as the legislative body of the CFD.

"Developed Property" means all Taxable Property within the boundaries of the CFD for which a permit for occupancy of a residential unit has been issued (i) anytime on or prior to January 1, 2018 for the Base Year, and (ii) anytime after January 1<sup>st</sup> and prior to May 1<sup>st</sup> (*e.g.*, for the Base Year, this would be January 1, 2018 and May 1, 2018) preceding each Fiscal Year in which the Special Tax is being levied. Once a Taxable Property has been designated as Developed Property, it shall retain such status permanently (provided however, if the Land Use Class(es) for any Developed Property subsequently changes, the Land Use Class(es) for such Developed Property automatically shall change accordingly pursuant to the rate and method of apportionment of the Special Tax, as provided herein), and shall be subject to the Special Tax each Fiscal Year as provided herein, unless such Taxable Property subsequently shall become and retain such status as Tax-Exempt Property. There shall not be any proration or reduction of the Special Tax levy for any Taxable Property, or refund of the Special Tax for any Taxable Property, for any Fiscal Year in which any such Taxable Property becomes Tax-Exempt Property.

**"Escalation Factor Adjustment"** means the calculation based on the following formula: (1) calculate the annual increases of all of the applicable costs and expenses for each of the prior two Fiscal Years plus the reasonably estimated increase of the applicable costs and expenses for the then-current Fiscal Year; (2) calculate the percentage of each of such increases of all of the applicable costs and expenses in each of such Fiscal Years over each of the prior Fiscal Years (collectively, the "Cumulative Increase"); (3) calculate the sum of the Annual Escalation Factors for the prior two Fiscal Years plus the Annual Escalation Factor"); (3) if the Cumulative Increase is less than Cumulative Annual Escalation Factor, then the difference thereof shall be the amount of the Escalation Factor Adjustment; (4) if the Cumulative Increase is equal to or greater than the Cumulative Annual Escalation Factor Adjustment the Escalation Factor, then the annual Escalation Factor Adjustment the Escalation Factor.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Land Use Class"** means any of the classes listed in Table 1 of Section C, below.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C, below, that may be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Multi-Family Property" means all Assessor's Parcels of Developed Property within the boundaries of the CFD for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, and apartment units.

**"Non-Residential Property"** means all Assessor's Parcels of Developed Property within the boundaries of the CFD for which a building permit has been issued for a non-residential use and does not contain any residential units as defined under Residential Property or Multi-Family Property.

**"Property Owner Association Property"** means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

**"Proportionately"** means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

"Public Property" means any property within the boundaries of the CFD that is, at the time of the establishment of the CFD, and as determined by the CFD Administrator, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County or any other public agency, provided however, that any property leased (or property in which there is a grant of a possessory interest) by a public agency to a private entity or person and subject to taxation under section 53340.1 of the Act, and any property described in section 53317.3 or 53317.5 of the Act, shall not be considered Public Property but shall be classified and taxed in accordance with its use. Once an Assessor's Parcel has been designated as Public Property, it shall retain such status permanently, unless such Public Property subsequently shall become Taxable Property.

**"Police Protection Services Costs"** means the actual and/or estimated costs and expenses of the County Sheriff's Office to provide police protection services within the CFD, including, but not limited to, (i) all salaries, wages and benefits of all County sworn officers providing police protection services within the CFD, (ii) all related equipment, vehicles, and supplies for all such services, and (iii) all County overhead costs associated with providing or paying for all such services (and all such related costs and expenses) within the CFD. The Special Tax provides only partial funding for Police Protection Services Costs within the CFD. On each July 1 following the Base Year, all of the foregoing costs and expenses automatically shall be increased for each Fiscal Year in accordance with the Annual Escalation Factor, provided however, on each July 1 for each third subsequent Fiscal Year, commencing with Fiscal Year 2018-19, the Annual Escalation Factor shall reduced by an Escalation Factor Adjustment, if any.

**"Residential Property"** means all Assessor's Parcels of Developed Property within the boundaries of the CFD for which a building permit has been issued for purposes of constructing one residential unit.

**"Special Tax"** means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property within the boundaries of the CFD to

fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

**"Special Tax Requirement"** means that amount required in any Fiscal Year for the CFD to: (a) (i) pay for Police Protection Services Costs; and (ii) pay reasonable Administrative Expenses; less (b) a credit for funds available, if any, to reduce the annual Special Tax levy, as determined by the CFD Administrator.

"State" means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

**"Tax-Exempt Property"** means an Assessor's Parcel within the boundaries of the CFD not subject to the Special Tax. Tax-Exempt Property only includes: (i) Public Property, (ii) Non-Residential Property, and (iii) Property Owner Association Property.

"Undeveloped Unit" means a building or structure for which a building permit has been issued, and either (i) such building or structure has a value of less than 50% of the value of either (x) the existing residential unit on Residential Property, or (y) the lowest valued existing unit (as calculated as a proportionate percentage of the total building value) on Multi-Family Property, (ii) such building or structure consists of less than 500 square feet, or (iii) notwithstanding the definitions of Multi-Family Property and Residential Property, such building permit has been issued for the reconstruction of a residential unit as a result of extraordinary damage or destruction to such residential unit, such as fire, flood or earthquake, and either (x) there has not yet been issued by the appropriate building official a permit for occupancy of such residential unit by May 1<sup>st</sup> preceding the applicable Fiscal Year in which the Special Tax is being levied, or (y) the appropriate building official has not determined that such residential unit has been occupied by a person as his or her dwelling as of May 1<sup>st</sup> preceding the applicable Fiscal Year in which the Special Tax is being levied. Any determination of the nature or status of such buildings, structures, or residential units, or their values, sizes, and uses shall be made by the CFD Administrator or his or her designee.

**"Unit"** means any residence in which a person or persons may live, and is not considered to be for commercial or industrial use.

# B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the boundaries of the CFD shall be classified as Developed Property. Developed Property shall be further assigned to a Land Use Class as specified in Table 1 of Section C, below, and shall be subject to Special Taxes pursuant to Sections C and D below.

### C. MAXIMUM SPECIAL TAX RATES

### 1. Developed Property

# TABLE 1

### Maximum Special Tax Rates for Developed Property (Commencing as of the Base Year, and subject to increases in subsequent Fiscal Years, as provided herein)

### Community Facilities District No. 2006-01 (Police Protection Services) Of the County Of Fresno

Land Use Class	Description	Maximum Special Tax Rate Per Unit
1	Residential Property	\$714.77 per Unit
2	Multi-Family Property	\$537.67 per Unit

On each July 1 following the Base Year, the Maximum Special Tax Rates automatically shall be increased for each Fiscal Year in accordance with the Annual Escalation Factor, provided however, on each July 1 for each third subsequent Fiscal Year, commencing with Fiscal Year 2018-19, the Annual Escalation Factor shall reduced by an Escalation Factor Adjustment, if any.

# 2. Multiple Land Use Classes

In some instances, an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor's Parcel.

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# 3. Undeveloped Units and Tax-Exempt Property

No Special Tax shall be levied on Undeveloped Units or Tax-Exempt Property.

# D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with the Base Year, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the Special Tax Rate and Method of Apportionment of the CFD and levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied in the amount of the Special Tax Requirement each Fiscal Year on each Assessor's Parcel of Developed Property Proportionately, but not more than 100% of the applicable Maximum Special Tax.

# E. APPEALS

Any taxpayer who believes that the amount of the Special Tax assigned to his or her lot or parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax, provided that the taxpayer has fully paid his or her Special Tax for such Parcel on or before the payment date established for such Special Tax. Such notice is required to be filed with the CFD Administrator during the Fiscal Year that the error is believed to have occurred. The notice must specify the Parcel, the amount of the levy of the Special Tax, and reason(s) why the taxpayer claims that the amount of the Special Tax is in error.

The CFD Administrator or his or her designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator or his or her designee agrees with the taxpayer that the amount of the Special Tax for such Parcel should be changed, the Special Tax levy for such Parcel shall be corrected accordingly and, if applicable in any case, a refund of such erroneous amount collected shall be granted.

If the CFD Administrator or his or her designee disagrees with the taxpayer, and the taxpayer is dissatisfied with such determination, the taxpayer shall have thirty (30) calendar days, from the date that he or she receives notice of such determination in which to appeal to the County Board by filing a written notice of appeal with the Clerk to the County Board, provided that the taxpayer is current in his or her payment of Special Taxes for such Parcel. The notice of appeal must specify the Parcel, the amount of the levy of the Special Tax, the reason(s) why the taxpayer disagrees with the CFD Administrator's determination, and why the taxpayer claims that the amount of the Special Tax is in error.

The County Board will hear the taxpayer's appeal, and make a determination whether to affirm, modify or reverse the determination of the CFD Administrator

or his or her designee. If the County Board agrees with the taxpayer that the amount of the Special Tax for such Parcel should be changed, the Special Tax levy for such Parcel shall be corrected accordingly and, if applicable in any case, a refund of such erroneous amount collected shall be granted. Any such determination of the County Board shall be provided to the taxpayer, and shall be final and conclusive.

Any filing by a taxpayer of any notice of appeal with the CFD Administrator, or any appeal with the Clerk to the County Board shall be deemed to be made when such notice of appeal is delivered to CFD Administrator, or when such appeal is delivered to the Clerk to the County Board.

# F. MANNER OF COLLECTION

The Special Tax levied pursuant to section D, above, shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, the CFD Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

# G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity or until such time as the County Board terminates the Special Tax.

-END-

# EXHIBIT C

#### GENERAL DESCRIPTION OF TERRITORY OF COMMUNITY FACILITIES DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES) OF THE COUNTY OF FRESNO

- A. 2006-01 (Timber Ridge subdivision-Tract No. 5485) in the Shaver Lake Forest Specific Plan area (part of the original District);
- B. 2006-01 (Countryside Estates subdivision-Tract No. 5504) in the Riverdale Community Plan area (part of the original District);
- C. 2006-01-1A (Indian Rock subdivision-Tract No. 5050) in the Shaver lake Forest Specific Plan area;
- D. 2006-01-1A (Quartz Mountain Village subdivision-Tract No. 5276) in the Bretz Mountain Village Specific Plan area;
- E. 2006-01-1A (Red Hawk subdivision-Tract No. 5126) in the unincorporated County area east of the Cities of Fresno and Clovis;
- F. 2006-01-1A (Country Meadow subdivision-Tract No. 5397) in the area of the Riverdale Community;
- G. 2006-01-2A (Wildflower Village VII subdivision-Tract 5737) in the Wildflower Village Specific Plan Area;
- H. 2006-01-2A (Granite Crest-Tract 4870) in the Millerton Specific Plan Area.
- I. 2006-01-1B (Gold Leaf Ranch-Tract 5401) in the Caruthers Community Area.
- J. 2006-01-3A (Tract 5334) located northwest of Shields and Greenwood Avenues, East of the City of Fresno
- K. 2006-01-7A (Tract 5305) located Southwest of State Hwy 168 and Woody Lane, South of the Town of Shaver Lake.
- L. 2006-01-7A (Tract 5990) located West of State Hwy 168 and Bretz Mill Rd., South of the Town of Shaver Lake.
- M. 2006-01-7A (Tract 5991) located East of State Hwy 168 and Shaver Lake Forest Rd., South of the Town of Shaver Lake.
- N. 2006-01-8A (Chelsea Downs-Tract 5955) a subdivision in the unincorporated area of the County of Fresno, north of the City of Fresno, north of the intersection of Auberry Road and Copper Avenue.
- O. 2006-01-8B (Tract 5688) a subdivision in the unincorporated area of the County of Fresno, located west of the intersection of State Hwy 168 and Woody Lane, south of the Town of Shaver Lake.

P. 2006-01-9A (Tract 4968) situated in the Millerton Specific Plan Area, Tract 4870 and adjacent territory.