

7/12/24

TO: CITY COUNCIL OF CITY OF RIALTO

FROM: AG EHC II (LEN) CA 4, L.P.

**PETITION REQUESTING FORMATION OF
CITY OF RIALTO COMMUNITY FACILITIES DISTRICT NO. 2024-1
(RENAISSANCE)**

**(INCLUDING CONSENT AND WAIVER OF CERTAIN
PROCEDURES AND TIME REQUIREMENTS WITH RESPECT TO
LANDOWNER ELECTION)**

The undersigned, on behalf of AG EHC II (LEN) CA 4, L.P., a Delaware limited partnership (the “Property Owner”), does hereby certify under penalty of perjury that the following statements are all true and correct:

1. As of the date hereof, the Property Owner is the owner of certain property located in the City of Rialto (the “City”) described on Exhibit “A” attached hereto (the “Property”).

2. The undersigned is authorized to represent the Property Owner and has the authority to petition the City Council (the “Council”) of the City, and to give the consent and waiver contained herein, with respect to the formation of a community facilities district (the “District”) to be established over the Property pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 (the “Act”), being Chapter 2.5 of Part 1 of Division 2 of title 5 (commencing with Section 53311) of the California Government Code.

3. The undersigned, pursuant to Section 53318 of the Act, hereby requests that proceedings be commenced by the Council to (i) establish the District; (ii) authorize the levy of special taxes of the District pursuant to a Rate and Method of Apportionment of special taxes; (iii) authorize maximum bonded indebtedness for the District; and (iv) adopt an appropriations limit for the District.

4. The undersigned hereby certifies that as of the date of this Petition, the Property consists of approximately 41.2 acres of land. To the undersigned’s best knowledge there are no registered voters residing on the Property, and there will be none during the 90-day period preceding the tentatively scheduled August 27, 2024 public hearing to be conducted by the City Council pursuant to Government Code Sections 53325 and 53348.

5. On or about June 12, 2024, the Owner and the appropriate officers thereof were made aware of the tentatively scheduled August 27, 2024 public hearing to be held regarding the formation of the District. The undersigned agrees that it received adequate notice of the hearing.

6. The Owner has received all information deemed by it to be necessary and relevant regarding the formation of the District, and the imposition of the special taxes to finance certain facilities and services, and the Owner has had adequate opportunity to review such materials and

consult with its own counsel and advisors, if the Owner so chose, and has reviewed and participated in discussions regarding and provided comments and input on the documents and instruments constituting the proceedings for the establishment of the District and the levy of the special taxes, including this Petition, the resolutions of intention and formation, which include the description of the facilities and the services to be financed, the Rate and Method of Apportionment, and the form of the ballot. The Owner understands that the City, its staff, council members, attorneys, consultants and advisors do not represent the Owner in the formation of the District and have no duty to advise the Owner.

7. The Owner understands that the election being held by the District on the proposition set forth in the sample ballot attached hereto as Exhibit "B" (the "Ballot") is being conducted (a) less than 90 days after the close of the public hearing as otherwise required by Section 53326 of the Government Code, (b) without the preparation of an impartial analysis, arguments or rebuttals concerning the election as otherwise provided for by Elections Code Sections 3781 to 3787, inclusive, and 3795 and (c) without further notice of such election or limitation on number of words in the proposition as otherwise required pursuant to the Elections Code.

8. In accordance with the provisions of the Act, and specifically Sections 53326(a) and 53327(b) thereof allowing certain time and conduct requirements relative to a special landowner election to be waived with the unanimous consent of all the landowners and concurrence of the election official conducting the election, the undersigned (i) expressly consents to the conduct of the special election at the earliest possible time following the conclusion of the public hearing and (ii) expressly waives any requirement to have the special election conducted within the time periods specified in Section 53326 of the Act or in the California Elections Code.

9. The undersigned waives any requirement for the mailing of the Ballot for the special election and expressly agrees that said election may be conducted by mailed or hand-delivered ballot to be returned as quickly as possible to the designated election official, being the office of the City Clerk and the undersigned requests that the results of said election be canvassed and reported to the Council at the same meeting of the Council as the public hearing on the formation of the District or the next available meeting.

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

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

12. The Property Owner hereby appoints _____, as its authorized representative to vote in the election referred to herein and certifies that his true and exact signature is set forth below:

[signature]

13. The undersigned hereby consents to and expressly waives any and all claims based on any irregularity, error, mistake or departure from the provisions of the Act (other than the holding and accurate counting of votes at the election) or other laws of the State and any and all laws and requirements incorporated therein, and no step or action in any proceeding relative to the modifications to the District or the special election therein shall be invalidated or affected by any such irregularity, error, mistake or departure.

14. The City agrees this Petition may be executed and/or transmitted by email of a .pdf document or using electronic signature technology (e.g. via DocuSign or similar electronic signature technology), and that such signed electronic record shall be valid and as effective to bind the Property Owner so signing as a paper copy bearing such the undersigned's handwritten signature. The City further consents and agrees that (1) to the extent the undersigned signs this Petition using electronic signature technology, by clicking "sign", the undersigned is signing this Petition electronically, and (2) the electronic signature(s) appearing on this Petition shall be treated, for purposes of validity, enforceability and admissibility, the same as hand-written signatures.

15. The undersigned further agrees that this Petition shall not be considered as filed with the City for purposes of commencing proceedings for the modifications to the District under the Act unless and until deemed filed by the City in its absolute discretion.

IN WITNESS WHEREOF, we hereunto set our hand this ____ day of _____, 2024.

AG EHC II (LEN) CA 4, L.P., a Delaware limited partnership

By: _____

Name: _____

Title: _____

Mailing Address: _____

Telephone: _____

Email: _____

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

City Clerk

EXHIBIT A

DESCRIPTION OF THE PROPERTY

**CITY OF RIALTO COMMUNITY FACILITIES DISTRICT NO. 2024-1
(RENAISSANCE)**

The following described property is situated in the City of Rialto, County of San Bernardino, State of California:

EXHIBIT B

FORM OF BALLOT

**CITY OF RIALTO
COMMUNITY FACILITIES DISTRICT NO. 2024-1
(RENAISSANCE)**

**SPECIAL ELECTION
FOR SPECIAL TAX, BOND AND APPROPRIATIONS LIMITS**

August 27, 2024

To vote, mark an “X” in the voting square after the word “YES” or after the word “NO.”
All marks otherwise made are forbidden.

This ballot is provided to _____, as owner or authorized representative of such owner of land within City of Rialto Community Facilities District No. 2024-1 (Renaissance), and represents _____ **votes**.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Rialto at 150 South Palm Avenue, Rialto, California 92376.

PROPOSITION: Shall the City of Rialto Community Facilities District No. 2024-1 (Renaissance) (the “CFD”), be authorized to levy special taxes in order to finance certain facilities and services and, subject to the accountability measures, incur bonded indebtedness in a maximum amount not to exceed \$25,000,000, and shall the annual appropriations limit of the CFD be established in the amount of \$25,000,000, all as specified in the Resolution of Formation and Resolution Calling a Special Election adopted by the City Council of the City of Rialto on August 27, 2024?

YES	
NO	

CITY OF RIALTO COMMUNITY FACILITIES DISTRICT NO. 2024-1
(RENAISSANCE)

**SPECIAL ELECTION
FOR SPECIAL TAX, BOND AND APPROPRIATIONS LIMITS**

August 27, 2024

VOTER IDENTIFICATION CERTIFICATION

The undersigned hereby declares under penalty of perjury as follows:

I have been duly authorized to cast ballots on behalf of the Landowner as set forth below:

By execution hereof I also certify that there were no registered voters in the property of the above-referenced District for the 90 day period preceding and including August 27, 2024.

LANDOWNER: _____

BY: _____

NAME: _____

TITLE: _____

NAME OF VOTER: _____

ADDRESS OF VOTER: _____

DATE OF SIGNING: _____

PLACE OF SIGNING: AT ADDRESS ABOVE

**FAILURE TO COMPLETE THE ABOVE INFORMATION WILL INVALIDATE YOUR
BALLOT.**

Please Return With Ballot