

Attachment I

Petitions from Developers

PETITION

A PETITION TO THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, REQUESTING ANNEXATION OF TRACT NO. 20280 TO THE VICTORVILLE DRAINAGE FACILITIES ASSESSMENT DISTRICT NO. 1

RECITALS:

- A. WHEREAS, the undersigned petitioner, **72 Lots Victorville, LLC** (hereinafter referred to as the "Owner"), is the sole owner of certain real property (hereinafter referred to as the "Property") located in the City of Victorville, County of San Bernardino, State of California, (hereinafter referred to as the "City") more particularly described in Exhibit A attached hereto and made part hereof;
- B. WHEREAS, the Owner owns ten (10) undeveloped parcels currently identified as: 0395-221-10-0000, 0395-234-01-0000, 0395-234-11-0000, 0395-234-12-0000, 0395-245-04-0000, 0395-245-07-0000, 0395-246-07-0000, 0395-246-08-0000, 0395-254-02-0000, and 0395-254-03-0000, which are intended for development into seventy-two (72) single-family residential lots, which was approved as Tentative Tract Map 20280 (hereinafter referred to as the "Project"); and
- C. WHEREAS, for the purposes of this Petition, Ballot, and Waiver (hereinafter the "Petition"), "the terms "Property" and "Project" are often used interchangeably; and
- D. WHEREAS, the City's conditions of approval for the Project required that certain drainage basins/facilities that abut the public right-of-way not otherwise utilized as a recreational amenity (the "Improvement Areas") be improved with a 10-foot wide landscape buffer between the drainage basin/facility and the public right-of-way, specifically those areas of lot "D" (the "Improvements") and that the Owner establish a maintenance assessment district or comparable means (such as annexing into a currently existing maintenance assessment district in the City) to ensure the continued maintenance, operation, and servicing of the Improvements to be installed in the Improvement Areas by Owner; and
- E. WHEREAS, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Section 22500 et seq. of the California Streets and Highways Code (the "Act"), the City may establish assessment districts and/or annex territory to an existing assessment district to provide for the continued maintenance, operations and servicing of improvements (as that term is defined in Section 22525 of said Act), and to provide for the payment of the costs and expenses incurred for such maintenance, operation, and servicing; and
- F. WHEREAS, on February 15, 2005, the Victorville City Council (the "City Council") adopted Resolution No. 05-02, authorizing the formation of Drainage Facilities Assessment District No. 1 (the "District" or "DFAD No. 1") in accordance with the Act, following the noticing and balloting requirements and other applicable provisions of Article XIII D of the California Constitution; and
- G. WHEREAS, the engineer's report prepared, adopted and approved in connection with the formation of said District calculated and determined a uniform maximum assessment rate to be charged per Benefit Unit in the District, as well as the permitted cost inflation mechanism to be applied annually to adjust said maximum rate if needed, following the

adoption by the City Council of an annual confirming engineer's report for each fiscal year; and

H. WHEREAS, the annual engineer's report for DFAD 1 for Fiscal Year 2023/2024 (the "Annual Report") confirmed a maximum assessment rate of \$238.01 per Benefit Unit in the District (subject to future increases as more fully described in the Assessment Range Formula section of the Annual Report).

I. WHEREAS, the Owner of this Property is the sole owner or authorized representative of such real property identified in Paragraph B, and more fully described in Exhibit A, that benefit from the Improvements, and the maintenance, operation, and servicing thereof, the Owner hereby petitions the City Council to annex the Property to DFAD No. 1 to fund the costs of providing for the continued maintenance, operation, and servicing of the Improvement Areas and the Improvements to be installed therein by the Owner, at the expense of the undersigned Owner and its successors-in-interest, including the future owners of any and all parcels of land into which the Property is to be subdivided upon the recordation of the final tract map(s) for the Project; and;

NOW, THEREFORE, in furtherance of the foregoing recitals, the Owner does hereby petition the City as follows:

1. In order to assure the continued maintenance, operation, and servicing of the Improvements, and the payment of the cost and expenses incurred for such maintenance, the Owner hereby requests that the City annex the Property referenced in Paragraph B of the recitals herein above into the Victorville Drainage Facility Assessment District No. 1 pursuant to the 1972 Act.

2. The Owner acknowledges that the Property referenced in Paragraph B and Exhibit A herein, represents all parcels to be annexed into the District and that the total annual assessment for the District shall be apportioned and applied to all benefiting properties within the District, including the Owner's Property, in accordance with the special benefits received.

3. In consideration of the approval of the annexation by the City, the Owner hereby proposes as follows:

- a. To install the Improvements or cause the improvements to be installed including, but not limited to all appurtenances as specified in the conditions of approval for the Project, and as otherwise required by the City's Municipal Code, and to bear all costs of constructing or otherwise installing said Improvements. The maintenance, operation, and servicing of said Improvements (as described more fully in the Conditions of Approval) are of special benefit to the Property and each lot or parcel to be created therein; and
- b. To construct and install each phase of the Improvements as the Owner improves each tract within the Project contiguous to each such drainage improvement phase. Each drainage improvement phase shall be completed prior to the first close of escrow for the sale of any lot in the contiguous tentative tract, or the Owner shall have plans approved for the entire subdivision and provide a bond satisfactory to the City that will ensure construction of the improvements required for that drainage improvement phase; and

- c. To the levy of annual assessments against Property and each lot or parcel to be created therein in an amount not to exceed that set forth in Recital H hereinabove during each fiscal year the District remains in effect, commencing in the fiscal year during which construction on the Project begins. The Owner agrees that the amount of the annual assessment as specified hereinabove does not exceed the City's costs of maintaining, operating, and servicing the Improvements; and
- d. To consent to the annexation of territory into the District and to pay all costs related to the annexation of the Property into the District; and
- e. To consent to, and cast a ballot authorizing the levy of assessments against the Property in an amount reasonably determined by the City to cover all costs and expenses incurred for the continued maintenance, and operation, of the Improvements; and

4. The Owner hereby requests that the Property be annexed into the District as set forth in this Petition to satisfy the City's conditions of approval for the Project and allow the recordation of the final tract map(s) for the Project; and

5. A public hearing on the Owner's ballot will be set concurrently with the City's hearing on the annexation of the Property to the District on November __, 2023. The map can record earlier, but the Owner shall not convey or otherwise transfer title to the Property or any parcel therein, until annexation to DFAD No. 1 is finalized (including the completion of this summary ballot proceeding) and the assessments are authorized to be levied on all residential parcels in the Project. Additionally, the Owner shall not request, and City shall neither issue nor process, any building permits for any parcel or structure for the Project until the annexation of the Property to the District is finalized (including the completion of this summary ballot proceeding), and the assessments are authorized to be levied on all residential parcels in the Property; and

6. The undersigned Owner executes this Petition as Petition for annexation into the District, and

7. This Petition is binding upon Owner and shall be further binding upon the heirs, successors, assigns and transferees of said Property; and

8. Recitals A through I hereinabove are true and correct and are incorporated and made a part of this Petition by this reference.


ALL SIGNATURES TO BE NOTARIZED

THIS PETITION IS KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY EXECUTED
this 19th day of September, 2023 at New Braunfels, ~~California~~ Texas.

OWNER:

72 Lots Victorville, LLC
410 Patti Ann Woods Drive
Henderson, NV 89002

By:

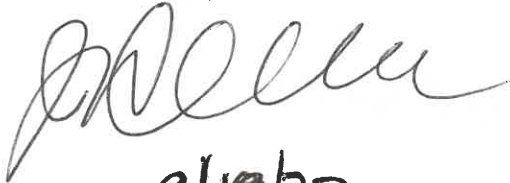

Printed Name Jessica Haughton

Title Manager

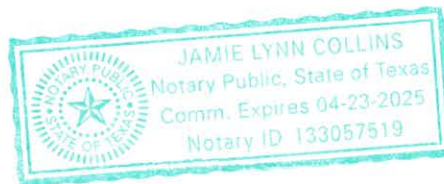
Address 410 Patti Ann Woods Dr. Henderson, NV 89002

SIGNATURE(S) TO BE NOTARIZED

Jamie Lynn Collins



9/19/23



PETITION

A PETITION TO THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, REQUESTING ANNEXATION OF TRACT NO. 20280 TO THE VICTORVILLE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 6

RECITALS:

- A. WHEREAS, the undersigned petitioner, **72 Lots Victorville, LLC** (hereinafter referred to as the "Owner"), is the sole owner of certain real property (hereinafter referred to as the "Property") located in the City of Victorville, County of San Bernardino, State of California, (hereinafter referred to as the "City") more particularly described in Exhibit A attached hereto and made part hereof;
- B. WHEREAS, the Owner owns ten (10) undeveloped parcels currently identified as: 0395-221-10-0000, 0395-234-01-0000, 0395-234-11-0000, 0395-234-12-0000, 0395-245-04-0000, 0395-245-07-0000, 0395-246-07-0000, 0395-246-08-0000, 0395-254-02-0000, and 0395-254-03-0000, which are intended for development into seventy-two (72) single-family residential lots, which was approved as Tentative Tract Map 20280 (hereinafter referred to as the "Project"); and
- C. WHEREAS, for the purposes of this Petition, Ballot, and Waiver (hereinafter the "Petition"), "the terms "Property" and "Project" are often used interchangeably; and
- D. WHEREAS, the City's conditions of approval for the Project require that certain areas be improved with landscaping, these areas (the "Improvement Areas") include all areas within lots "A", "B", "C", and "D" and the public right-of-way of Cahuenga Road, Hopland Street, and Tawney Ridge Lane not improved with pavement, curbs, gutters, or sidewalks ("Landscape Improvements" or "Improvements") and that the Owner establish a maintenance assessment district or comparable means (such as annexing into a currently existing maintenance assessment district in the City) to ensure the continued maintenance, operation, and servicing of the Landscape Improvements to be installed in the Improvement Areas by Owner; and
- E. WHEREAS, pursuant to the provisions of the Landscaping and Lighting Act of 1972, Section 22500 et seq. of the California Streets and Highways Code (the "Act"), the City may establish assessment districts and/or annex territory to an existing assessment district to provide for the continued maintenance, operations and servicing of improvements (as that term is defined in Section 22525 of said Act), and to provide for the payment of the costs and expenses incurred for such maintenance, operation, and servicing; and
- F. WHEREAS, on August 5, 2003, the Victorville City Council (the "City Council") adopted Resolution No. 03-53, authorizing the formation of Landscape Maintenance Assessment District No. 6 (the "District" or "LMAD No. 6") in accordance with the Act, following the noticing and balloting requirements and other applicable provisions of Article XIII D of the California Constitution; and
- G. WHEREAS, the engineer's report prepared, adopted and approved in connection with the formation of said District calculated and determined a uniform maximum assessment rate to be charged per Benefit Unit in the District, as well as the permitted cost inflation

mechanism to be applied annually to adjust said maximum rate if needed, following the adoption by the City Council of an annual confirming engineer's report for each fiscal year; and

H. WHEREAS, the annual engineer's report for LMAD No. 6 for Fiscal Year 2023/2024 (the "Annual Report") confirmed a maximum assessment rate of \$168.63 per Benefit Unit in the District (subject to future increases as more fully described in the Assessment Range Formula section of the Annual Report).

I. WHEREAS, the Owner of this Property is the sole owner or authorized representative of such real property identified in Paragraph B, and more fully described in Exhibit A, that benefit from the Improvements, and the maintenance, operation, and servicing thereof, the Owner hereby petitions the City Council to annex the Property to LMAD No. 6 to fund the costs of providing for the continued maintenance, operation, and servicing of the Improvement Areas and the Improvements to be installed therein by the Owner, at the expense of the undersigned Owner and its successors-in-interest, including the future owners of any and all parcels of land into which the Property is to be subdivided upon the recordation of the final tract map(s) for the Project; and;

NOW, THEREFORE, in furtherance of the foregoing recitals, the Owner does hereby petition the City as follows:

1. In order to assure the continued maintenance, operation, and servicing of the Improvements, and the payment of the cost and expenses incurred for such maintenance, the Owner hereby requests that the City annex the Property referenced in Paragraph B of the recitals herein above into the Victorville Landscape Maintenance Assessment District No. 6 pursuant to the 1972 Act.

2. The Owner acknowledges that the Property referenced in Paragraph B and Exhibit A herein, represents all parcels to be annexed into the District and that the total annual assessment for the District shall be apportioned and applied to all benefiting properties within the District, including the Owner's Property, in accordance with the special benefits received.

3. In consideration of the approval of the annexation by the City, the Owner hereby proposes as follows:

- a. To install the Improvements or cause the improvements to be installed including, but not limited to all appurtenances as specified in the conditions of approval for the Project, and as otherwise required by the City's Municipal Code, and to bear all costs of constructing or otherwise installing said Improvements. The maintenance, operation, and servicing of said Improvements (as described more fully in the Conditions of Approval) are of special benefit to the Property and each lot or parcel to be created therein; and
- b. To construct and install each phase of the Improvements as the Owner improves each tract within the Project contiguous to each such landscape improvement phase. Each landscape improvement phase shall be completed prior to the first close of escrow for the sale of any lot in the contiguous tentative tract, or the Owner shall have plans approved for the entire subdivision and provide a bond satisfactory to the City that will ensure construction of the improvements required

for that landscape improvement phase; and

- c. To the levy of annual assessments against Property and each lot or parcel to be created therein in an amount not to exceed that set forth in Recital H hereinabove during each fiscal year the District remains in effect, commencing in the fiscal year during which construction on the Project begins. The Owner agrees that the amount of the annual assessment as specified hereinabove does not exceed the City's costs of maintaining, operating, and servicing the Improvements; and
- d. To consent to the annexation of territory into the District and to pay all costs related to the annexation of the Property into the District; and
- e. To consent to, and cast a ballot authorizing the levy of assessments against the Property in an amount reasonably determined by the City to cover all costs and expenses incurred for the continued maintenance, and operation, of the Improvements; and

4. The Owner hereby requests that the Property be annexed into the District as set forth in this Petition to satisfy the City's conditions of approval for the Project and allow the recordation of the final tract map(s) for the Project; and

5. A public hearing on the Owner's ballot will be set concurrently with the City's hearing on the annexation of the Property to the District on November_, 2023. The map can record earlier, but the Owner shall not convey or otherwise transfer title to the Property or any parcel therein, until annexation to LMAD No. 6 is finalized (including the completion of this summary ballot proceeding) and the assessments are authorized to be levied on all residential parcels in the Project. Additionally, the Owner shall not request, and City shall neither issue nor process, any building permits for any parcel or structure for the Project until the annexation of the Property to the District is finalized (including the completion of this summary ballot proceeding), and the assessments are authorized to be levied on all residential parcels in the Property; and

6. The undersigned Owner executes this Petition as Petition for annexation into the District, and

7. This Petition is binding upon Owner and shall be further binding upon the heirs, successors, assigns and transferees of said Property; and

8. Recitals A through I hereinabove are true and correct and are incorporated and made a part of this Petition by this reference.


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THIS PETITION IS KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY EXECUTED
this 19th day of September, 2023 at New Braunfels, ~~California~~ Texas.

OWNER:

72 Lots Victorville, LLC
410 Patti Ann Woods Drive
Henderson, NV 89002

By:

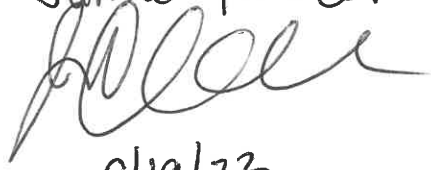


Printed Name Jessica Houghton

Title Manager

Address 410 Patti Ann Woods Dr. Henderson, NV. 89002

SIGNATURE(S) TO BE NOTARIZED

Jamie Lynn Collins

9/19/23

