

PETITION

(Including Waivers)

To Create a Community Facilities District and With Respect to Related Matters

To the Board of Supervisors
County of Contra Costa, California
651 Pine Street
Martinez, California 94553

Members of the Board of Supervisors:

This is a petition to create a community facilities district, and with respect to related matters, under Sections 53311 and following of the California Government Code (the "Act"), and the undersigned hereby states as follows:

1. Petitioner. This petition is submitted by Del Hombre Walnut Creek Holdings LLC, a Delaware limited liability company (the "Petitioner"), as the owner of the parcels of land identified below (the "Land"). By submitting this petition, Petitioner warrants to the County of Contra Costa, California (the "County") that it is the fee title owner of the Land and the person executing this Petition is authorized to execute it for the Petitioner.
2. Proceedings Requested. Petitioner hereby asks that the Board of Supervisors of the County undertake proceedings under the Act to create a community facilities district to be designated "County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Maintenance Services)" (the "CFD") and to authorize the levy special taxes on property included in the CFD.
3. Boundaries of CFD. Petitioner hereby asks that the territory to be included in the boundaries of the CFD include the Land.
4. Purpose of CFD. Petitioner hereby asks that the CFD be created and the special taxes be levied to provide funds for the maintenance services, and for payment of the costs of administering the CFD, as further identified in Exhibit A hereto.
5. Election. Petitioner hereby asks that the special election to be held under the Act to authorize the levy of the special taxes and to establish an appropriations limit for the CFD be consolidated into a single election and that the election be conducted by the County and its officials using mailed or hand-delivered ballots and that such ballots be opened and canvassed and the results certified at the same meeting of the Board of Supervisors of the County as the public hearing on the CFD under the Act is held or as soon thereafter as possible.
6. Waivers. To expedite the completion of the proceedings for the CFD, the Petitioner hereby waives all notices of public hearings and all notices of election, applicable waiting periods under the Act for the election and all ballot analysis and arguments for the election. The Petitioner waives any requirement as to the specific form of the ballot to be used for the election, whether under the California Elections Code or otherwise. The Petitioner also hereby waives any notice with respect to the CFD special tax that may be required to be provided to the Petitioner by California Government Code Section 54930.

This petition is dated April 5, 2022.

The Land that is the subject of this Petition is identified by Contra Costa County Assessor Parcel Number listed below:

148-170-001
148-170-022
148-170-037
148-170-041
148-170-042

The name of the owner of record of fee title to the Land and the Petitioner is:

DEL HOMBRE WALNUT CREEK HOLDINGS LLC, a Delaware limited liability company

By: 3000 Del Hombre Holdings LLC, a Delaware limited liability company, its managing member

By: Kathy K. Binford
Kathy K. Binford,
Vice President

The address of the above owner for receiving notices is:

Del Hombre Walnut Creek Holdings LLC
1780 S. Post Oak Lane
Houston, Texas 77056
Attention: Kathy K. Binford,
Vice President

EXHIBIT A

DESCRIPTION OF MAINTENANCE SERVICES AND OTHER COSTS ELIGIBLE TO BE FUNDED BY THE CFD

SERVICES:

The services to be funded, in whole or in part, by the community facilities district (the "District") include all direct and incidental costs related to providing for the maintenance of public parks and trails located within or in the vicinity of the District and the future annexation area of the District. More specifically, the services shall include, but not be limited to, the maintenance of parks and open space, including trails and habitat areas, with services to include, but not be limited to, irrigation and vegetation control, repair and sealing, landscaping in public areas and in the public right of way along public streets, including, but not limited to, irrigation, tree trimming and vegetation maintenance and control; the installation, maintenance and replacement of irrigation lines and water lines, lighting, fencing, security improvements and signage; trash removal and recycling and graffiti abatement and removal; and any other public services authorized to be funded under Section 53313(d) of the California Government Code. The District may fund any of the following related to the services described above: obtaining, constructing, furnishing, operating and maintaining equipment, apparatus or facilities, paying the salaries and benefits of personnel (including but not limited to maintenance workers, patrol guards and other personnel), and for payment of other related expenses (including but not limited to employee benefit expenses and an allocation of general overhead expenses), payment of insurance costs and other related expenses and the provision of reserves for repairs and replacements and for the future provision of services and capital replacements.

Any services to be funded by the District must be in addition to those provided in the territory of the District before the District was created, and may not supplant services already available within that territory when the District is created. It is expected that the services will be provided by the County, either with its own employees or by contract with third parties, or any combination thereof.

ADMINISTRATIVE EXPENSES:

The administrative expenses to be funded by the District include the direct and indirect expenses incurred by the County in carrying out its duties with respect to the District (including, but not limited to, the levy and collection of the special taxes) including the fees and expenses of attorneys, any fees of the County related to the District or the collection of special taxes, an allocable share of the salaries of any County staff directly related thereto and a proportionate amount of the County's general administrative overhead related thereto, any amounts paid by the County from its general fund with respect to the District or the services authorized to be financed by the District, and expenses incurred by the County in undertaking action to foreclose on properties for which the payment of special taxes is delinquent, and all other costs and expenses of the County in any way related to the District.

OTHER:

The incidental expenses that may be funded by the District include, in addition to the administrative expenses identified above, the payment or reimbursement to the County of all costs associated with the establishment of the District and any property annexed to the District.