

CONSENT AND WAIVER

CITY OF LOS ANGELES COMMUNITY FACILITIES DISTRICT NO. 11 (PONTE VISTA)

Council
City of Los Angeles
John Ferraro Council Chamber
200 North Spring Street
Los Angeles, California 90012

Members of the Council:

This is a consent and waiver with respect to certain procedural matters under the Mello-Roos Community Facilities Act of 1982 (the “Act”), and the undersigned hereby states as follows:

1. Landowners; Property. This Consent and Waiver is submitted by D.R. Horton VEN, Inc. (the “Landowner”), as the legal owner of the real property described in Exhibit A attached hereto and made a part hereof (the “Property”). Pursuant to petitions signed by landowners representing all of the area of land proposed to be included within the proposed community facilities district, the Council (the “City Council”) of the City of Los Angeles (the “City”) has commenced proceedings under the Act to establish a community facilities district proposed to be named City of Los Angeles Community Facilities District No. 11 (Ponte Vista) (the “Community Facilities District”). All of the Property is proposed to be included within the boundaries of the Community Facilities District. The Property consists of approximately 1.49 acres and comprises approximately 4.96% of the area of land proposed to be included within the Community Facilities District and not proposed to be exempt from the special tax.

The boundaries of the territory that is proposed for inclusion in the Community Facilities District are described in Exhibit B attached hereto and made a part hereof.

2. Proceedings. The Landowner hereby acknowledges and agrees that the City Council has, pursuant to petitions of the landowners representing all of the area of land to be included within the Community Facilities District, commenced proceedings pursuant to the Act to establish the Community Facilities District, to authorize the levy of a special tax in the Community Facilities District to finance certain public facilities and to authorize special tax bonds for the Community Facilities District in an amount not to exceed \$30,000,000. The public facilities proposed to be financed by the Community Facilities District pursuant to the Act are described under the caption “Facilities To Be Financed” on Exhibit C attached hereto. The City Council has fixed Tuesday, December 1, 2020, at 10:00 a.m., or as soon thereafter as the City Council may reach the matter, at the John Ferraro Council Chamber, Room 340, 200 North Spring Street, Los Angeles, California, as the time and place where the City Council will conduct public hearings on the establishment of the Community Facilities District and the proposed debt

issue of the Community Facilities District; provided, that, in the event the December 1, 2020 City Council meeting is held via teleconference and/or videoconference only, the means by which the public may observe such public hearing and offer public comment shall be prescribed in the agenda notice for such City Council meeting. The Landowner hereby acknowledges and agrees that notices of the hearings were published by the City Clerk on November 16, 2020 in the *Los Angeles Daily Journal*, a newspaper of general circulation published in the area of the Community Facilities District. The Landowner hereby acknowledges and agrees that it had actual notice of the public hearings, that notice of such hearings has been given in accordance with the Act, that it waives any and all defects (if any) in such notice, and that it waives any rights it may have to make any protest or complaint or to undertake any legal action challenging the adequacy of such notice.

3. Ownership of Property; No Registered Voters; Landowner Election. The Landowner represents and warrants to the City that it is the legal owner of the fee interest in all of the Property and that, no other person or entity is the legal owner of all or any portion of the fee interest in any of the Property. To the best of the Landowner's knowledge, there are no registered voters residing within the boundaries of the Property and there have been none during the 90-day period preceding the date of this Consent and Waiver.

The Landowner hereby acknowledges and agrees that, pursuant to Section 53326(b) of the Act, if fewer than 12 persons have been registered to vote within the territory of the Community Facilities District for each of the 90 days preceding the close of the public hearings on the establishment of the Community Facilities District and the proposed debt issue of the Community Facilities District, the vote on the proposition to incur bonded indebtedness of the Community Facilities District, to levy a special tax in the Community Facilities District and to establish an appropriations limit for the Community Facilities District shall be by the landowners of the Community Facilities District and each person who is the owner of land at the close of said public hearings, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Community Facilities District not exempt from the special tax. The Landowner hereby acknowledges and agrees that if, as anticipated, said public hearings are closed on the date hereof, said vote shall, pursuant to Section 53326(b) of the Act, be by the landowners of the Community Facilities District.

4. Request. The Landowner hereby requests that the special election to be held under the Act on the proposition to incur bonded indebtedness of the Community Facilities District, to levy a special tax in the Community Facilities District and to establish an appropriations limit for the Community Facilities District be conducted using mailed or hand-delivered ballots, that such ballots be opened and canvassed at such election.

5. Consent and Waiver. The Landowner hereby acknowledges and agrees that if the special election to be held under the Act on the proposition to incur bonded indebtedness of the Community Facilities District, to levy a special tax in the Community Facilities District and to establish an appropriations limit for the Community Facilities District is held on February 3, 2021, said election would be held less than 90 days after the anticipated close of the December 1, 2020 public hearings on the establishment of the Community Facilities District and the proposed issuance of bonded indebtedness of the Community Facilities District. The Landowner hereby acknowledges and agrees, pursuant to Section 53326 of the Act, with the concurrence of the

election official for said special election, to consent to the waiver of any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5, Chapter 2.5, Division 3, Title 5 of the Act (commencing with Section 53345 of the Act). The Landowner hereby consents to the waiver of, and hereby waives, any time limit specified by Section 53326 of the Act and any requirement pertaining to the conduct of said special election, including any time limit or requirement applicable to an election pursuant to Article 5, Chapter 2.5, Division 3, Title 5 of the Act (commencing with Section 53345 of the Act), including, but not limited to, all notices with respect thereto (published, mailed or otherwise to be given), any voter qualification requirements, any time limitations, any requirements as to form or content of election materials, all publication requirements, all pre-election, election or voting procedures (other than the right to vote) and all canvass, recount and tie vote procedures. The Landowner hereby consents to the holding of said special election on February 3, 2021.

The Landowner hereby acknowledges and agrees (a) pursuant to Section 53327(b) of the Act, to consent to the waiver of any impartial analysis, arguments or rebuttals, with respect to the special election on the proposition to incur bonded indebtedness of the Community Facilities District, to levy a special tax in the Community Facilities District and to establish an appropriations limit for the Community Facilities District, and (b) pursuant to Section 53326 of the Act, with the concurrence of the election official for said special election, to consent to the waiver of any requirement pertaining to the conduct of said special election. The Landowner hereby acknowledges and agrees that said special election is to be held without the preparation of an impartial analysis and arguments and rebuttals, if any, as permitted by Section 53327(b) of the Act. The Landowner hereby consents to the waiver of, and hereby waives, the requirement in Section 53327(a) that there be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 9160, 9280 or 9500 of the California Elections Code, and arguments and rebuttals, if any, pursuant to Sections 9162 to 9167, inclusive, and Section 9190 of the California Elections Code or pursuant to Sections 9281 to 9287, inclusive, and Section 9295 of the California Elections Code, or pursuant to Sections 9501 to 9507, inclusive, of the California Elections Code, or pursuant to other provisions of law applicable to other special districts as appropriate.

The Landowner hereby represents that it has obtained such information with respect to the consents and waivers contained herein as it has deemed necessary or appropriate. The Landowner hereby confirms and represents that it is fully informed with respect to such consents and waivers and fully understands the consequences thereof.

The Landowner hereby waives any and all defects in notice or procedure in any proceedings to establish the Community Facilities District, to authorize the levy of special taxes in the Community Facilities District and to authorize special tax bonds for the Community Facilities District, or in the conduct of the election, whether known or unknown (other than, in the case of the election, the right to have ballots accurately counted), and the Landowner hereby represents that the election is being expedited pursuant to this Consent and Waiver, at the particular request of the Landowner. The Landowner further waives its right to make any protest or complaint or to undertake any legal action challenging the validity of the election.

6. Authorized Representatives. The undersigned, Todd Funk, has been duly authorized by the Landowner and possesses all authority necessary to execute this Consent and Waiver on behalf of the Landowner in connection with the election to be held under the Act on the proposition to incur bonded indebtedness of the Community Facilities District, to levy a special tax in the Community Facilities District and to establish an appropriations limit for the Community Facilities District, and is the authorized representative of the Landowner authorized to execute ballots on behalf of the Landowner and to vote in the election referred to herein. The signature set forth opposite the name of such authorized representative is the genuine signature of such person:

Name

Signature

Todd Funk



7. Mailing Address. The address of the Landowner for receiving notices and ballots is: D.R. Horton VEN, Inc., 2280 Wardlow Circle, Suite 100, Corona, California 92880, Attention: Jake Persons.

This Consent and Waiver is dated as of December 1, 2020.

**D.R.HORTON VEN, INC.,
a California Corporation**

By: _____

Name: Todd Funk

Title: Vice President

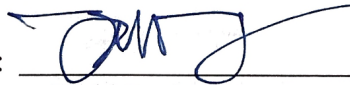


EXHIBIT A

DESCRIPTION OF PROPERTY

The Property consists of the real property described as follows:

Lots 1 through 3, 6 through 8, 26 through 31 and 49 through 56 of Tract Map No. 71886-04, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1419, Pages 74 through 81 of Maps in the Office of the County Recorder of said County, on December 26, 2019.

Reference is hereby made to the following Los Angeles County Assessor Parcel Numbers:

7442-039-001 through 7442-039-003

7442-039-006 through 7442-039-008

7442-038-001 through 7442-038-003

7442-038-021 through 7442-038-023

7442-039-012 through 7442-039-019

EXHIBIT B

BOUNDARIES OF COMMUNITY FACILITIES DISTRICT

The boundaries of the territory that is proposed for inclusion in the Community Facilities District are depicted in the attached map. Such territory is identified as the following Los Angeles County Assessor Parcel Numbers:

7442-034-001 through 7442-034-066

7442-035-001 through 7442-035-053

7442-036-001 through 7442-036-021

7442-037-001 through 7442-037-005

7442-037-007

7442-037-011 through 7442-037-014

7442-037-017

7442-037-018 (excluding the portion within Tract Map No. 71886-03, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 1422, Pages 86 through 95 of Maps in the Office of the County Recorder of said County, on October 20, 2020)

7442-038-001 through 7442-038-048

7442-039-001 through 7442-039-021

[Reduced Copy of Boundary Map]

**PROPOSED BOUNDARIES OF
CITY OF LOS ANGELES
COMMUNITY FACILITIES DISTRICT NO. 11
(PONTE VISTA)
COUNTY OF LOS ANGELES
STATE OF CALIFORNIA**

COPY of Document Recorded

11/06/2020



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ORDER

LEGEND

- Proposed Boundaries of City of Los Angeles
Community Facilities District No. 11 (Ponte Vista),
Los Angeles County, California
- Assessor Parcel Lines

Reference is hereby made to the Assessor maps of
the County of Los Angeles, and Tract Map No. 71886-03, recorded
on October 20, 2020 in Book 1422 of Maps at Pages 86 through 95
in the official records of the County of Los Angeles, for a description
of the lines and dimensions of the parcels referenced herein.

Assessor Parcels within City of Los Angeles

C.F.D. No. 11 (Ponte Vista):

7442-034-001 through 7442-034-066

7442-035-001 through 7442-035-053

7442-036-001 through 7442-036-021

7442-037-001 through 7442-037-005

7442-037-007

7442-037-011 through 7442-037-014

7442-037-017

7442-037-018 (portion not within Tract 71886-03)

7442-038-001 through 7442-038-048

7442-039-001 through 7442-039-021

Not A Part
Tract No. 71886-03

Prepared by DTA

- (1) Filed in the office of the City Clerk of the City of
Los Angeles this 28 day of October, 2020.

Holly L. Wolcott
City Clerk, City of Los Angeles

- (2) I hereby certify that the within map showing the proposed
boundaries of City of Los Angeles Community Facilities District
No. 11 (Ponte Vista), County of Los Angeles, State of
California, was approved by the Council of the City of Los
Angeles at a regular meeting thereof, held on this 28th
day of November, 2020, by its Resolution No.
October 13-1646-57.

Holly L. Wolcott
City Clerk, City of Los Angeles

- (3) Filed this _____ day of _____, 2020, at the hour of _____
o'clock _____ m, in Book _____ of Maps of Assessment and
Community Facilities Districts at Page _____ and as
Instrument No. _____ in the office of the County
Recorder in the County of Los Angeles, State of California.

Dean C. Logan
Registrar-Recorder/County Clerk,
County of Los Angeles

By _____
Deputy
Fee _____

Exempt recording requested,
per CA Government Code §27383

EXHIBIT C

FACILITIES TO BE FINANCED

The types of facilities to be financed by the Community Facilities District are street improvements, including grading, paving, curbs and gutters, sidewalks, street signalization and signage, street lights and landscaping related thereto, storm drain facilities, sewer facilities, electric power facilities, including transmission lines, backbone cable, conduits and transformers, school facilities and land, rights-of-way and easements necessary for any of such facilities.