

PETITION (With Waivers)
To Create a Community Facilities District and Related Matters

To The Honorable Town Council
Town of Mammoth Lakes
PO Box 1609
Mammoth Lakes, CA 93546

Dear Councilmembers:

This is a petition to create a community facilities district and with respect to related matters under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following of the California Government Code (“Act”). The undersigned hereby states as follows:

1. Petitioner. This petition is submitted by the persons (whether one or more) identified below as, or for, the fee title owners of the parcels of land identified below. By submitting this petition, such persons warrant to the Town of Mammoth Lakes (“Town”) that they are authorized to execute this petition.

2. Proceedings Requested. The Petitioner asks that the Town Council of the Town undertake and complete proceedings under the Act to create a community facilities district to be designated “Town of Mammoth Lakes, Community Facilities District No. 2023-1 (Maintenance Services)” (“CFD”), and to levy special taxes in the CFD.

3. Boundaries of CFD. The Petitioner asks that the territory to be included in the boundaries of the CFD consist of the parcels of land identified below.

4. Purpose of CFD. The Petitioner asks that the CFD be created, and the special taxes be levied to pay for the costs of plowing and removal of snow, and maintenance of curbs/sidewalks, landscapes and streetlights and related appurtenances, and to pay other costs as shall be more fully identified during the course of the legal proceedings to form the CFD.

5. Special Tax. The Petitioner agrees that the Town will, subject to the approval of the Petitioner in the proceedings for the CFD, be authorized to levy a Special Tax in the CFD to pay for the Services, subject to the completion of all proceedings by the Town under the Act.

6. Election. The Petitioner asks that the election, to be held under the Act to authorize the special taxes and to establish any appropriations limits for the CFD, be consolidated into a single election, that the election be conducted by the Town 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 Town Council as the public hearing on the CFD under the Act or as soon thereafter as possible.

7. Waivers. To expedite the completion of the proceedings for the CFD, all notices of hearings and all notices of election, applicable waiting periods under the Act for special elections, and all ballot analysis or arguments for the election are hereby waived.

8. Authority Warranted. The Petitioner warrants to the Town that the presentation of this Petition, any waivers contained herein, casting of ballots at the property owner election and other actions mandated by the Town for the formation of the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any “due-on-encumbrance” clauses under any existing security instruments secured by the Property. If requested by the Town, the Petitioner agrees, at its expense, to supply to the Town current title evidence so that the Town may supply any notice and ballot required under the Act for the establishment of the CFD.

9. Due-Diligence and Disclosures. The Petitioner agrees to cooperate with the Town, its attorneys and consultants and to provide all information and disclosures required by the Town about the Special Tax to purchasers of the Property or any part of it.

10. Agreements. The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the Town to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the Town’s costs in establishing the CFD. Petitioner agrees that this Petition shall not be considered as filed with the Town for purposes of commencing proceedings for the CFD under the Act unless and until deemed filed by the Town in its absolute discretion.

By executing this petition, the person(s) below agree(s) to all of the above.

The Property subject to this Petition is identified as Mono County Assessor’s Parcel Number(s): 033-041-011-000, 039-030-014-000.

The Property consists of a total of 2.10 acres.

The record owner of the Property is: GREENS BERNER STREET LLC

Executed on Feb. 6th, 2023 By  _____
82210DAD4BC048B...

Title: CFO

The address to which the ballot for the CFD annexation election is to be sent:

GREENS BERNER STREET LLC
8815 RESEARCH DRIVE
IRVINE, CA 92618

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The Property subject to this Petition is identified as Mono County Assessor's Parcel Number(s): 031-110-027-000, 033-390-002-000, 033-390-003-000, 033-390-004-000, 033-390-005-000, 033-390-006-000, 033-390-007-000.

The Property consists of a total of 7.11 acres.

The record owner of the Property is: LIMELIGHT MAMMOTH LLC

Executed on Feb 1, 2023 By Andy Reed
Title: Vice President

The address to which the ballot for the CFD annexation election is to be sent:

LIMELIGHT MAMMOTH LLC
PO BOX 1248
ASPEN, CO 81612