

## CONSENT AND WAIVER

**COMMUNITY FACILITIES DISTRICT NO. 2006-1  
(EAST GARRISON PROJECT),  
EAST GARRISON PUBLIC FINANCING AUTHORITY  
COUNTY OF MONTEREY  
STATE OF CALIFORNIA**

Governing Board  
East Garrison Public Financing Authority  
168 West Alisal Street  
Salinas, California 93901

Members of the Governing Board:

The Governing Board (the “Governing Board”) of the East Garrison Public Financing Authority (the “Authority”) has previously established Community Facilities District No. 2006-1 (East Garrison Project), East Garrison Public Financing Authority, County of Monterey, State of California (the “District”) under the Mello-Roos Community Facilities Act of 1982 (the “Act”). The District is authorized under the Act to levy special taxes to pay for the costs of certain public facilities and to levy special taxes to pay for the costs of certain services. Certain of the owners of land within the District have, pursuant to Section 53332 of the Act, submitted a petition to the Governing Board requesting that proceedings be commenced to change the rate and method of apportionment of the special taxes levied within the District (the “Rate and Method”) so as to decrease the maximum special tax for facilities and increase the maximum special tax for services.

The Marina Coast Water District (the “Landowner”) is the owner of certain land within the District. The Landowner is a “landowner” or “owner of land,” as defined in the Act. However, such land is, pursuant to the Rate and Method, exempt from the special taxes and, therefore, the Landowner, as the owner of such land, is not entitled to vote in a vote by landowners held pursuant to the Act.

This is a consent and waiver with respect to certain procedural matters under the Act, and the Landowner hereby states as follows:

**1. Landowner; Property.** The Landowner is the legal owner of the property described in Exhibit A hereto and made a part hereof (the “Property”). The Property consists of approximately 0.67 acres.

**2. Ownership of Property; No Registered Voters; Landowner Election.** The Landowner represents and warrants to the Authority that it is the legal owner of the Property and that no other person or entity is the legal owner of all or any portion of the Property.

The Governing Board has fixed Tuesday, July 16, 2013, at 10:30 a.m., or as soon thereafter as the Governing Board may reach the matter, at 168 West Alisal Street, Salinas,

California, as the time and place when and where the Governing Board will conduct a public hearing on the proposed changes to the District.

Pursuant to Section 53326(b) of the Act, if fewer than 12 persons have been registered to vote within the territory of the District for each of the 90 days preceding the close of the public hearing on the proposed changes to the District, the vote on the proposition to change the Rate and Method shall be by the landowners of the District and each person who is the owner of land at the close of said public hearing, 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 District not exempt from the special taxes. The Landowner has been informed that if, as anticipated, said public hearing is closed on the date hereof, said vote shall, pursuant to Section 53326(b) of the Act, be by the landowners of the District.

**3. Consent and Waiver.** If the special election to be held under the Act on the proposition to change the Rate and Method is held on July 16, 2013, said election would be held less than 90 days after the anticipated close of the July 16, 2013 public hearing on the proposed changes to the District. Pursuant to Section 53326 of the Act, any time limit specified by Section 53326 of the Act or requirement pertaining to the conduct of such special election may be waived with the unanimous consent of the qualified electors of the District and the concurrence of the election official conducting the election. 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, 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 July 16, 2013.

Pursuant to Section 53327(b) of the Act, impartial analysis and arguments and rebuttals, if any, with respect to the ballot measure may be waived with the unanimous consent of all the landowners of the District. 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.

**4. Mailing Address.** The address of the Landowner for receiving notices is: 11 Reservation Road, Marina, California 93933, Attention: General Manager.

This Consent and Waiver is dated as of July 16, 2013.

**MARINA COAST WATER DISTRICT**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

## **EXHIBIT A**

### **DESCRIPTION OF PROPERTY**

That certain real property situated in the County of Monterey, State of California, described as follows:

Being all of Parcel R1.3, as said Parcel R1.3 is shown and so designated on the Official Map of "Tract 1489", recorded June 28, 2007, in Volume 24 of Cities and Towns, at Page 7, in the Office of the County Recorder of Monterey, State of California.

Excepting therefrom all mineral rights with the right of surface entry as reserved in the "Quitclaim Deed for a Portion of Former Fort Ord, Monterey, California", executed by United States of America, in favor of Fort Ord Reuse Authority ("FOR A"), recorded May 19, 2006, Instrument No. 2006045190, Official Records, Monterey County. Said document was re-recorded and amended January 12, 2007, Instrument No. 2007003370, Official Records, Monterey County.