

**PETITION AND WAIVER**  
**To Create a Community Facilities District and Related Matters**

To: City Council  
City of Palm Desert  
73-510 Fred Waring Drive  
Palm Desert, CA 92260

This Petition and Waiver is to create a Community Facilities District and related matters under the Mello-Roos Community Services Act of 1982, set forth in California Government Code Section 53311 *et seq.* (the "**Act**").

1. Petitioner. This Petition and Waiver is submitted by the person/entity (whether one or more) identified below (the "**Petitioner**") as or for the owners of the parcel(s) of land identified in Exhibit B attached hereto and made a part hereof (the "**Property**"), which parcels of land are expected to be included within the boundaries of a Community Facilities District proposed to be established by the City of Palm Desert (the "**City**"). By submitting this Petition and Waiver, the persons signing below warrant to the City that they are authorized to execute it. The undersigned Petitioner warrants to the City that the Petitioner's ownership constitutes ownership of more than 10% of the Property.

2. Proceedings Requested. The Petitioner asks that the City Council, as the governing body of the City undertake proceedings under the Act to create a Community Facilities District to be designated "City of Palm Desert Community Facilities District 2025-1 (Maintenance and Services)" (the "**CFD**") and to levy special taxes in the CFD.

3. Purpose of CFD. The Petitioner asks that the CFD be created and the special taxes be levied to finance the costs of the Shadow Ridge Public Services identified on Exhibit A hereto (the "**Services**").

4. Boundaries of CFD. The Petitioner asks that the territory to be included in the boundaries of the CFD consist of those shown on the map attached hereto as Exhibit C and made a part hereof.

5. Elections. The Petitioner asks that: (a) the special elections (the "**Elections**") to be held under the Act to: (i) authorize the levy of special tax and the issuance of the Bonds and (ii) to establish an appropriations limits of the CFD, (b) such special elections be consolidated into a single election and that the election be conducted by the City and its officials, using mailed or hand-delivered ballots and that (c) such ballots be opened and canvassed and the results certified

at the same meeting of the City Council as the hearings on the CFD under the Act or as soon thereafter as possible.

6. Owner Representative. The Petitioner appoints Matthew Caldwell as the Petitioner's authorized representative for the purposes of receiving and executing ballots for the Elections.

7. Waivers and Consents. To expedite the completion of the proceedings for the CFD, the Petitioner expressly waives:

(a) all notice requirements relating to hearings and the Elections, whether by posting, publishing or mailing, and whether such requirements are found in the California Elections Code, the California Government Code or other laws or procedures, including but not limited to the provisions of Section 4101 of the California Elections Code;

(b) any requirement to have the Elections conducted within the time periods specified in Section 53326 of the Act or in the California Elections Code;

(c) all applicable waiting periods for the Elections;

(d) any requirements as to the form of the ballot for the Elections;

(e) any requirement for the mailing of the ballot for the Elections in the event the ballots are distributed by personal service;

(f) the requirement for analysis and arguments relating to the Elections, as set forth in Section 53327 of the Act (and hereby consents to not having such materials provided to the landowner in the ballot packet);

(g) any requirement regarding identification envelopes for the return of ballots for the Elections contained in Government Code Section 53327.5;

(h) all notice requirements relating to the special taxes as required by chapter 8.5 (consisting of Section 54930) of Part 1 of Division 2 of Title 5 of the Government Code; and

(i) without limiting any of the foregoing, any and all claims based on any irregularity, error, mistake, or departure from the provisions of the Act or other laws of the State in connection with the proceedings for the creation of the CFD and the levy of special taxes in the CFD.

8. Notice to Future Purchaser(s). The Petitioner acknowledges and agrees that after the successful formation of the CFD, the Petitioner shall comply with Government Code Section 53341.5 regarding the Notice of Special Tax to the purchaser(s) of the Property, if applicable.

9. Counterparts. This Petition and Waiver may be signed in counterparts and shall be effective as to any Petitioner who signs it, regardless of whether it is signed for or by all of the owners.

By executing this Petition and Waiver, the Petitioner below agrees to all of the above.

Each of the undersigned declares under penalty of perjury under the laws of the State of California that such person is properly authorized to execute this Petition and Waiver and to bind the Petitioner thereby and the statements contained herein are true and correct.

This Petition and Waiver is dated as of December 10th, 2024.

The name of the owner of record is:

Brookfield Holdings (Shadow) LLC

**a    Limited Partnership**

By: Matthew Caldwell

Name: Matthew Caldwell

Its: Authorized Signatory

By:

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

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

The address of the above owner for receiving notices and ballots is:

NAME: Matthew Caldwell

ADDRESS: 14648 N. Scottsdale Road Suite 290  
Scottsdale, AZ 85254

Accepted, Acknowledged and Agreed by Authorized Representative named in Section 6:

Name (Signature): \_\_\_\_\_

Print Name: Matthew Caldwell

Date: 12/10/2024

## **EXHIBIT A**

### **DESCRIPTION OF SERVICES**

The City of Palm Desert Community Facilities District No. 2025-1 (Shadow Ridge Public Services) will finance, in whole or in part, those services authorized to be financed under the Mello-Roos Community Facilities Act of 1982, including but not limited to, police protection services, fire protection services, paramedic services, park maintenance, street maintenance, flood and storm protection services, and all related administrative costs and expenses.

**EXHIBIT B**

The Property is Riverside County  
Assessor's Parcel Numbers:

694-290-010

694-290-011

694-320-010

694-320-011

694-290-009 (portion)

694-320-008 (portion)

**Acres**

\_\_\_\_\_ acres

**EXHIBIT C**  
**BOUNDARY MAP**

(see attached)