

COMMUNITY FACILITIES DISTRICT NO. 4 - MAINTENANCE

ANNUAL
SPECIAL TAX

2023/24

REPORT

REPORT DATE: MAY 2023

CITY OF MORENO VALLEY
SPECIAL DISTRICTS DIVISION
FINANCIAL & MANAGEMENT SERVICES DEPARTMENT

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Community Facilities District No. 4-Maintenance

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I. INTRODUCTION

A. DESCRIPTION OF PROCEEDINGS

The City Council of the City of Moreno Valley (“City Council”), pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California (“Act”), established Community Facilities District (CFD) No. 4-Maintenance (“District”). As part of the development of the Centerpointe Business Park and adjoining properties, certain stormwater and detention basin improvements (“Upstream Improvements”) were required to be installed. At the request of the property owners, the District was formed to fund the annual maintenance costs of the Upstream Improvements, as defined in the Rate and Method of Apportionment (RMA). The District allows collection of revenue to fund the costs by levying a special tax on the property tax bill of properties within the District, provided the qualified electors (i.e. landowners or registered voters, depending upon the number of registered voters) have previously provided such approval. Listed below is a summary of the actions taken in the formation of the District.

Table 1: Summary of Actions

| Document | Number | Date |
|--------------------------------------------------------------------------------------------------|----------|--------------------|
| Resolution Approving a Maintenance Agreement for the stormwater and detention basin improvements | 2005-83 | September 13, 2005 |
| Resolution Approving Boundary Map | 2005-84 | September 13, 2005 |
| Resolution of Intention to Establish the District | 2005-85 | September 13, 2005 |
| Resolution Adopting Boundaries of Territory Proposed to be Annexed in the Future | 2005-86 | September 13, 2005 |
| Resolution of Intention to Annex Territory in the Future | 2005-87 | September 13, 2005 |
| Resolution of Formation to Establish the District | 2005-97 | October 25, 2005 |
| Resolution Declaring the Results of the Special Election | 2005-98 | October 25, 2005 |
| Ordinance Authorizing the Levy of Special Tax within CFD No. 4-M | 697 | November 8, 2005 |
| Resolution Authorizing Future Annexations | 2005-108 | November 8, 2005 |

B. THE DISTRICT

The District was formed by the City of Moreno Valley (“City”) to fund the maintenance of the Upstream Improvements, as further defined in Section D.

i. BOUNDARIES OF THE DISTRICT

The District is generally bounded on the north by Alessandro Boulevard, on the west by Frederick Street, on the south by Cactus Avenue, and on the east by Heacock Street, within the City of Moreno Valley. The boundary map of the District was filed in the Office of the County Recorder of the County of Riverside, as Instrument No. 2005-0785279, on Page 18 of Book 64 in the Book of Maps of Assessment and Community Facilities Districts.

The Future Annexation Area Boundary Map was also approved at the time the District was formed. It includes those properties that will benefit from the maintenance of the Upstream Improvements after their development is constructed. The Future Annexation Area Boundary Map was filed in the Office of the County Recorder of the County of Riverside, as Instrument No. 2005-0785280, on Page 19 in Book 64 in the Book of Maps of Assessment and Community Facilities Districts.

C. ANNEXATION PROCEEDINGS

Since the District's formation, there have been four annexation proceedings:

- Annexation No. 1 – the City Council approved Resolution 2008-56, on May 27, 2008, confirming the results of the special election. The boundary map was recorded in the Office of the County Recorder of the County of Riverside on May 29, 2008, as Instrument No. 2008-0289751, on Page 21 of Book 73 in the Book of Maps of Assessment and Community Facilities Districts.
- Annexation 2019-02 – the City Council approved Resolution 2019-41, on August 20, 2019, confirming the results of the special election. The boundary map was recorded in the Office of the County Recorder of the County of Riverside on August 29, 2019, as Instrument No. 2019-0335754, on Page 11 of Book 84 in the Book of Maps of Assessment and Community Facilities Districts.
- Annexation 2019-03 – the City Council approved Resolution 2020-11, on March 17, 2020, confirming the results of the special election. The boundary map was recorded in the Office of the County Recorder of the County of Riverside on March 26, 2020, as Instrument No. 2020-0139511, on Page 1 of Book 85 in the Book of Maps of Assessment and Community Facilities Districts.
- Annexation 2021-04 – the City Council approved Resolution 2021-76, on December 7, 2021, confirming the results of the special election. The boundary map was recorded in the Office of the County Recorder of the County of Riverside on December 15, 2021, as Instrument No. 2021-0738067, on Page 7 of Book 88 in the Book of Maps of Assessment and Community Facilities Districts.

The boundary maps for the District, the Future Annexation Area, and each annexation are included in Appendix A. Table 2 identifies the annexed parcels.

Table 2: Annexed Parcels

| Assessor's Parcel Number (APN) | Annexation Number | Date |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------|
| 297-170-004 | 1 | May 27, 2008 |
| 297-170-089 ⁽¹⁾ | 1 | May 27, 2008 |
| 297-170-086 ⁽²⁾ | 1 | May 27, 2008 |
| 297-170-087 ⁽³⁾ | 1 | May 27, 2008 |
| 297-170-093 ⁽⁴⁾ | 2019-02 | August 20, 2019 |
| 297-170-095 ⁽⁵⁾ | 2019-03 | March 17, 2020 |
| 297-170-096 ⁽⁵⁾ | 2019-03 | March 17, 2020 |
| 297-280-002 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-003 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-004 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-005 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-006 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-007 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-008 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-009 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| 297-280-010 ⁽⁶⁾ | 2021-04 | December 7, 2021 |
| ⁽¹⁾ APNs 297-170-005 and 297-170-066 merged to form 297-170-082 then became 297-170-089 ⁽²⁾ APN 297-170-027 became 297-170-086 ⁽³⁾ APNs 297-170-075, 297-170-076, and 297-170-067 merged to form 297-170-087 ⁽⁴⁾ APNs 297-170-029 became 297-170-093 ⁽⁵⁾ APNs 297-170-092 became 297-170-094 then became 297-170-095 and 297-170-096 ⁽⁶⁾ APNs 297-170-083 became 297-280-002 through 297-280-010 | | |

While APN 297-170-027 was included in the boundaries of the future annexation area and was subsequently annexed into the District as part of Annexation No. 1, it was later determined that the parcel does not drain into the Upstream Improvements. The City's Land Development Division confirmed the parcel does not receive any benefit from the improvements in an email dated June 12, 2008. Hence, the special tax is not levied on that parcel.

D. DESCRIPTION OF IMPROVEMENTS AND SERVICES

The Centerpointe Business Park development adjoins the Heacock Street and Cactus Avenue Channels, which are publicly maintained facilities. Neither channel has the hydraulic capacity nor the size to accept post-construction runoff from the Centerpointe Business Park development or the adjoining upstream properties. To mitigate the post-construction stormwater impacts and provide sufficient future sizing and hydraulic drainage capacity, the Upstream Improvements (i.e. additional stormwater and detention basin improvements) were constructed to adjoin the existing Heacock Street and Cactus Avenue Channels. The District funds the direct and indirect costs associated with the maintenance of the Upstream Improvements.

i. IMPROVEMENTS

The improvements to be maintained include, but are not limited to, storm drains, approximately 1,511 linear feet of bleeder lines, approximately 234,529 square feet of two detention basins located on Lots A and B of Parcel Map 32326, additional inlet structures, outlet structures, outflow storm drain pipes, manholes, junction structures, perimeter fencing, access gates, and spillways.

ii. SERVICES

On September 13, 2005, the City Council adopted Resolution No. 2005-83, which approved a maintenance agreement with the Centerpointe Business Park Property Owners Association (“Association”) and the District. On behalf of the Association, the City and District will perform the maintenance and operation of the Upstream Improvements for a term of 30-years, with subsequent renewable 30-year terms. The maintenance service tasks and schedule are included herein as Appendix B.

II. COMPUTATION OF THE SPECIAL TAX REQUIREMENT

Consistent with the special tax rate formula included in the RMA, the special tax is calculated per square foot of Land Area and levied on the property tax roll of taxable parcels within the District to fund costs attributable to the Upstream Improvements. The annual special tax requirement is sufficient to fund the annual CFD Public Facilities Cost and Administrative Expenses, as defined in the RMA. Reasonably anticipated delinquencies from the previous fiscal year were considered when calculating the special tax requirement.

A. ANNUAL CONSTRUCTION INFLATION INDEX

The qualified electors approved the use of the Annual Construction Inflation Index, based on the Engineering News-Record Building Cost Index (BCI) for the City of Los Angeles and measured at the end of the calendar year. Each fiscal year the CFD Public Facilities Cost may be indexed by the BCI. The Maximum Special Tax shall increase by the BCI. Historical values of the BCI adjustment factor are included in Table 3. The base year is fiscal year (FY) 2006/07.

Table 3: Annual Construction Inflation Index

| Fiscal Year | BCI Adjustment |
|----------------------|----------------|
| 2006/07 ¹ | base year |
| 2014/15 | 0.850% |
| 2015/16 ² | 2.454% |
| 2016/17 | 2.080% |
| 2017/18 | 4.128% |
| 2018/19 | 3.355% |
| 2019/20 | 1.213% |
| 2020/21 | 0.348% |
| 2021/22 | -0.038% |
| 2022/23 | 13.249% |
| 2023/24 | 10.446% |

¹ Adjustments between base year and data supplied are on file

² Engineering News Record (ENR), the supplier of the Building Cost Index, had a typographical error for December 2014 resulting in an adjustment for 2015/16

B. CFD PUBLIC FACILITIES COST

The District will provide contracted maintenance and operation services in accordance with the maintenance service schedule described in Appendix B. Additional services attributable to the maintenance and operation of the Upstream Improvements may require work provided by outside agencies including, but not limited to, the Riverside County Flood Control and Water Conservation District and Eastern Municipal Water District. For FY 2006/07, the base year, the CFD Public Facilities Cost was established at \$35,000. Per the RMA, the CFD Public Facilities Costs shall be indexed each fiscal year thereafter based on the Annual Construction Inflation Index (Table 3). Historical values of the annual CFD Public Facilities Cost are included in Table 4.

Table 4: CFD Public Facilities Cost

| Fiscal Year | CFD Public Facilities Cost | |
|----------------------|-----------------------------------|-----------|
| 2006/07 ¹ | \$ | 35,000.00 |
| 2014/15 | \$ | 44,587.21 |
| 2015/16 ² | \$ | 45,681.38 |
| 2016/17 | \$ | 46,631.55 |
| 2017/18 | \$ | 48,556.50 |
| 2018/19 | \$ | 50,185.57 |
| 2019/20 | \$ | 50,794.32 |
| 2020/21 | \$ | 50,971.08 |
| 2021/22 | \$ | 50,951.72 |
| 2022/23 | \$ | 57,702.31 |
| 2023/24 | \$ | 63,729.89 |

¹ Costs between base year and data supplied are on file
² Engineering News Record (ENR), the supplier of the Building Cost Index, had a typographical error for December 2014 resulting in an adjustment for 2015/16

C. ADMINISTRATIVE EXPENSES

Administrative expenses are those directly related to the administration of the District and are included in Table 5. These expenses include the cost of preparing the annual special tax report, calculating the special tax rates, and levying the charges on the property tax roll. Costs may also include the City's expense to respond to public inquiries and coordinate with consultants, accountants, auditors, attorneys, and other professional services, as well as administrative services and project management provided by the City staff to monitor special tax installments, delinquencies, and related laws. Additional expenses include, but are not limited to, the cost of the City's general administrative services overhead for personnel support, building and maintenance, insurance, City Council support, City Manager support, purchasing, and communications.

D. SPECIAL TAX REQUIREMENT

Pursuant to the RMA, the annual special tax requirement shall be equal to the amount required to pay the CFD Public Facilities Costs, Administrative Expenses, and anticipated delinquencies. The Special Tax Requirement for FY 2023/24 is included in Table 5.

Table 5: Special Tax Requirement

| Gross Requirement | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| CFD Public Facilities Costs ⁽¹⁾ | \$63,729.89 |
| Administrative Expenses ⁽¹⁾ | |
| Special Tax Report and Administration | 5,000.00 |
| Public Works Administration | 12,000.00 |
| GF Cost Allocation | 515.00 |
| Other Professional Services | 3,500.00 |
| County Levy Fee | 199.11 |
| Anticipated Delinquencies ⁽²⁾ | 0.00 |
| Total Gross Requirement | \$84,944.00 |
| Credits/Adjustments | |
| Unassigned Reserves Credit/Interest Earnings | - |
| Fund Balance Contribution | - |
| Special Tax Requirement | \$84,944.00 |
| ⁽¹⁾ Based on the FY 2023/24 maximum CFD Public Facilities Costs from Table 4. ⁽²⁾ Per the RMA, CFD Administrator shall take into account the reasonably anticipated delinquent special taxes based on the delinquency rate for special taxes levied in the previous fiscal year. | |

III. SPECIAL TAX CALCULATION

A. METHOD OF SPECIAL TAX APPORTIONMENT

The RMA, adopted by Resolution No. 2005-97, places financial responsibility for annual maintenance of the Upstream Improvements on parcels within the District. The special tax is levied proportionally based on a parcel’s square foot of land area. The special tax is not apportioned on an ad valorem basis, consistent with Article XIII A of the California Constitution.

B. SPECIAL TAX RATES

i. DEVELOPED AND UNDEVELOPED PROPERTY

Established by the RMA, the maximum annual special tax rate for each parcel of developed and undeveloped property was \$0.007370 per square foot of Land Area for FY 2006/07 and can be increased each fiscal year thereafter, beginning in July 2007, by the Annual Construction Inflation Index, as referenced in Table 3. Historical special tax rates are included in Table 6.

Table 6: Special Tax Rates

| Fiscal Year | Maximum Special Tax Rate | Applied Special Tax Rate |
|----------------------|--------------------------|--------------------------|
| 2006/07 ¹ | \$ 0.007370 | \$ 0.007366 |
| 2014/15 | \$ 0.009384 | \$ 0.005542 |
| 2015/16 ² | \$ 0.009614 | \$ 0.005570 |
| 2016/17 | \$ 0.009813 | \$ 0.004188 |
| 2017/18 | \$ 0.010218 | \$ 0.004121 |
| 2018/19 | \$ 0.010560 | \$ 0.004175 |
| 2019/20 | \$ 0.010688 | \$ 0.004819 |
| 2020/21 | \$ 0.010725 | \$ 0.004819 |
| 2021/22 | \$ 0.010725 | \$ 0.008689 |
| 2022/23 | \$ 0.012145 | \$ 0.008776 |
| 2023/24 | \$ 0.013413 | \$ 0.011659 |

¹ Rates between base year and data supplied are on file
² Engineering News Record (ENR), the supplier of the Building Cost Index, had a typographical error for December 2014 resulting in an adjustment for 2015/16

ii. EXEMPTIONS

Exempt Property is classified as: (i) Assessor’s Parcels owned by the State of California,, Federal, or other local governments; (ii) Assessor’s Parcels which are used as places of worship and are exempt from ad valorem property taxes because they are owned by a religious organization; (iii) Assessor’s Parcels used exclusively by a homeowners association; (iv) Assessor’s Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement; and (v) any other Assessor’s Parcels at the reasonable discretion of the City Council.

iii. METHOD OF APPORTIONMENT

Commencing with FY 2006/07 and for each following fiscal year, the legislative body shall levy the annual special tax until the amount of special taxes levied equals the annual special tax requirement shown in Table 5. The annual special tax shall be levied each fiscal year, proportionately on each parcel of developed and undeveloped property up to 100% of the applicable maximum annual special tax rate.

C. DELINQUENCIES

There are no delinquencies in the District as of the date of this report.

Table 7: Current Delinquencies

| Fiscal Year ⁽¹⁾ | Amount Levied | Amount Delinquent ⁽²⁾ | Number of Delinquent Parcels | Percent Delinquent |
|-----------------------------------|----------------------|-----------------------------------------|-------------------------------------|---------------------------|
| 2017/18 | 25,362.60 | - | - | 0.00% |
| 2018/19 | 25,696.00 | - | - | 0.00% |
| 2019/20 | 28,066.00 | - | - | 0.00% |
| 2020/21 | 32,426.64 | - | - | 0.00% |
| 2021/22 | 58,466.72 | - | - | 0.00% |
| 2022/23 | 65,239.24 | - | - | 0.00% |

⁽¹⁾ Prior year delinquency information on file
⁽²⁾ Amount delinquent per the Riverside County (<https://ca-riverside-ttc.publicaccessnow.com/>) as of February 28, 2023

IV. SPECIAL TAX ALLOCATION (TAX ROLL)

The special tax is allocated to taxable developed and undeveloped properties within the District. The FY 2023/24 special tax levy per parcel is included in Table 8.

Table 8: Special Tax Levy

| Assessor's Parcel Number | Property Owner | Square Footage of Land Area ¹ | Maximum Special Tax | Applied Special Tax ² |
|--------------------------|---------------------------------------------|------------------------------------------|---------------------|----------------------------------|
| 297-170-004 | NOVO LAND | 391,604.400 | \$ 5,252.58 | \$ 4,565.90 |
| 297-170-093 | LONE OAK - MORENO VALLEY | 343,252.800 | \$ 4,604.04 | \$ 4,002.14 |
| 297-170-068 | TGA CENTERPOINTE LLC | 381,585.600 | \$ 5,118.20 | \$ 4,449.08 |
| 297-170-069 | TGA CENTERPOINTE LLC | 1,061,557.200 | \$ 14,238.66 | \$ 12,377.20 |
| 297-170-071 ³ | UNITED STATES POSTAL SERVICE | Exempt | \$ - | \$ - |
| 297-170-072 | TGA CENTERPOINTE LLC | 255,697.200 | \$ 3,429.66 | \$ 2,981.28 |
| 297-170-073 ³ | CENTERPOINTE BUSINESS PARK PROP OWNERS ASSN | Exempt | \$ - | \$ - |
| 297-170-074 ³ | CENTERPOINTE BUSINESS PARK PROP OWNERS ASSN | Exempt | \$ - | \$ - |
| 297-170-078 | SIF II BRODIAEA INDUSTRIAL CENTER | 292,287.600 | \$ 3,920.45 | \$ 3,407.92 |
| 297-170-079 ³ | UNITED STATES POSTAL SERVICE | Exempt | \$ - | \$ - |
| 297-280-006 | ALESSANDRO INDUSTRIAL NO 14 | 83,199.600 | \$ 1,115.95 | \$ 970.06 |
| 297-280-003 | ALESSANDRO INDUSTRIAL NO 14 | 111,513.600 | \$ 1,495.73 | \$ 1,300.18 |
| 297-280-002 | ALESSANDRO INDUSTRIAL NO 14 | - | \$ - | \$ - |
| 297-280-005 | ALESSANDRO INDUSTRIAL NO 14 | 82,328.400 | \$ 1,104.27 | \$ 959.90 |
| 297-280-007 | ALESSANDRO INDUSTRIAL NO 14 | 131,551.200 | \$ 1,764.49 | \$ 1,533.80 |
| 297-280-009 | ALESSANDRO INDUSTRIAL NO 14 | 25,700.400 | \$ 344.71 | \$ 299.64 |
| 297-280-004 | ALESSANDRO INDUSTRIAL NO 14 | 103,672.800 | \$ 1,390.56 | \$ 1,208.76 |
| 297-280-008 | ALESSANDRO INDUSTRIAL NO 14 | 57,934.800 | \$ 777.07 | \$ 675.48 |
| 297-280-010 | ALESSANDRO INDUSTRIAL NO 14 | - | \$ - | \$ - |
| 297-170-086 ⁴ | TGA CENTERPOINTE | - | \$ - | \$ - |
| 297-170-087 | TGA CENTERPOINTE | 2,242,033.200 | \$ 30,072.39 | \$ 26,140.98 |
| 297-170-088 | PROLOGIS USLV TRS CASUB | 394,653.600 | \$ 5,293.48 | \$ 4,601.44 |
| 297-170-089 | PROLOGIS USLV NEWCA 7 | 804,117.600 | \$ 10,785.62 | \$ 9,375.60 |
| 297-170-096 | BRODIAEA APG | 522,720.000 | \$ 7,011.24 | \$ 6,094.64 |
| TOTAL | | 7,285,410 | \$ 97,719.10 | \$ 84,944.00 |

¹ Excludes square footage of exempt parcels.

² The applied special rate is established based on the needs of the District. It cannot exceed the maximum special tax rate. The FY 2023/24 applied special tax rate is \$0.011659 per square foot of land area.

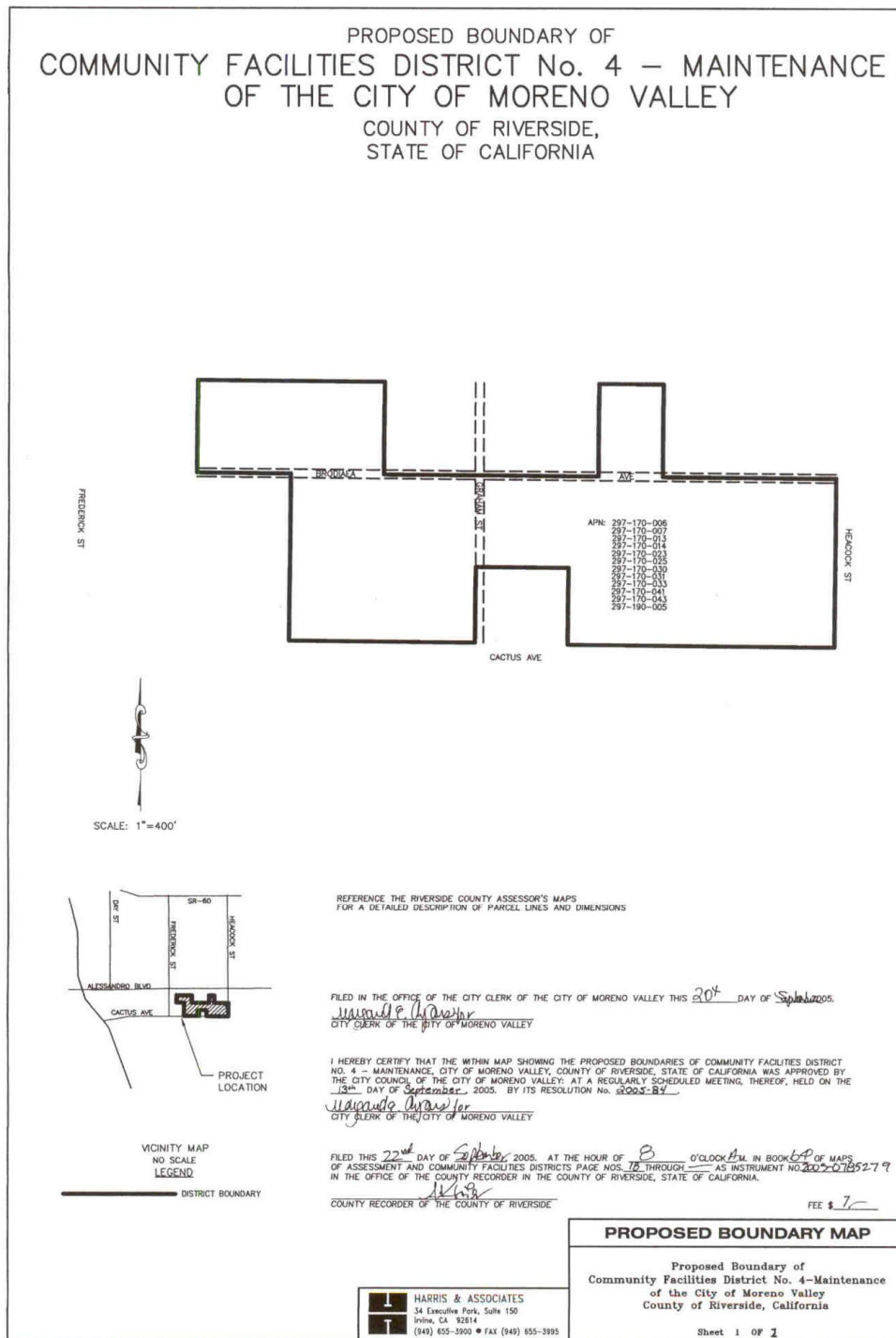
³ Government owned parcels and lettered lots are exempt from the special tax.

⁴ The site runoff for this parcel does not drain into the constructed stormwater and detention basin improvements. As a result, the special tax is not applied to this parcel.

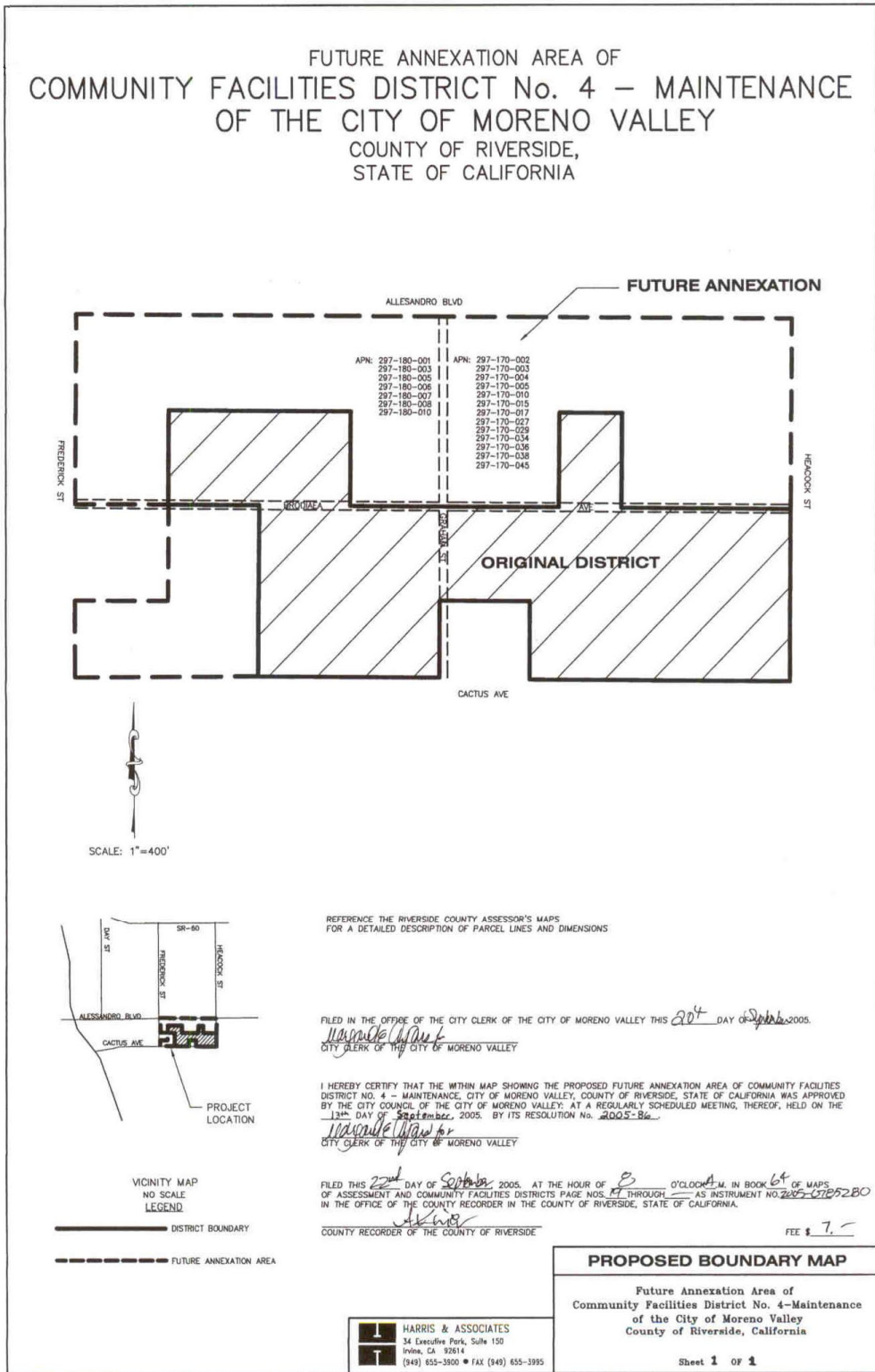
Source: Property Owner/Square Footage of Land Area—Riverside County Assessor's Office Monthly Assessment Roll Report

Appendix A: Boundary Maps

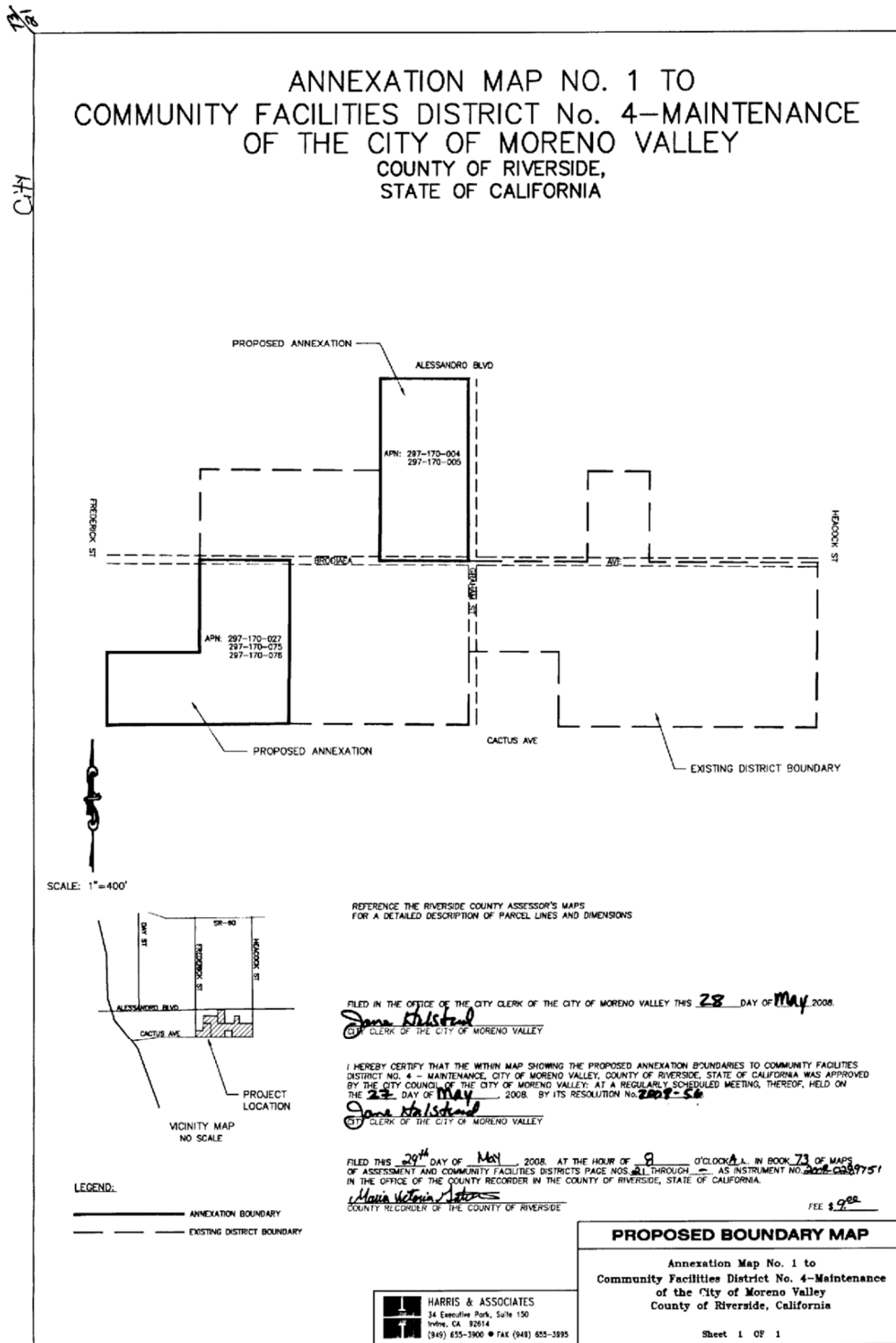
Map 1: CFD No. 4-M Boundary Map



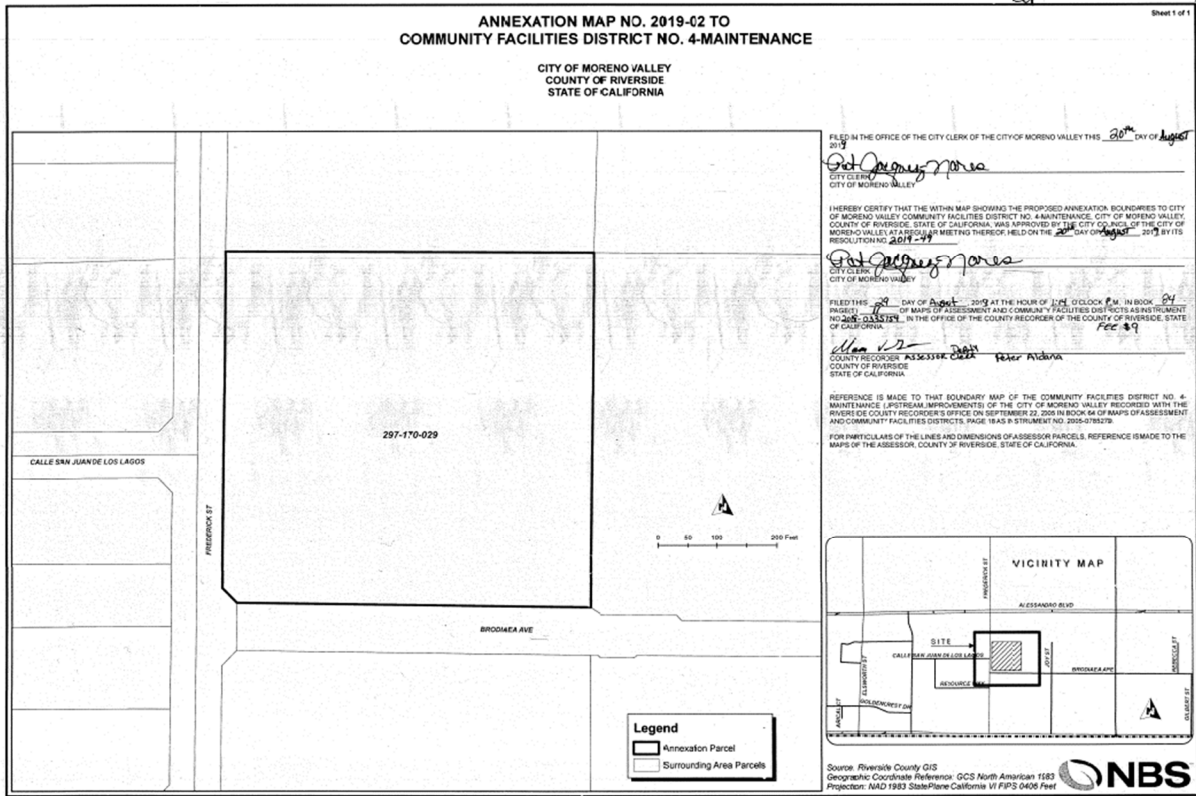
Map 2: CFD No. 4-M Boundary Map – Future Annexation Area



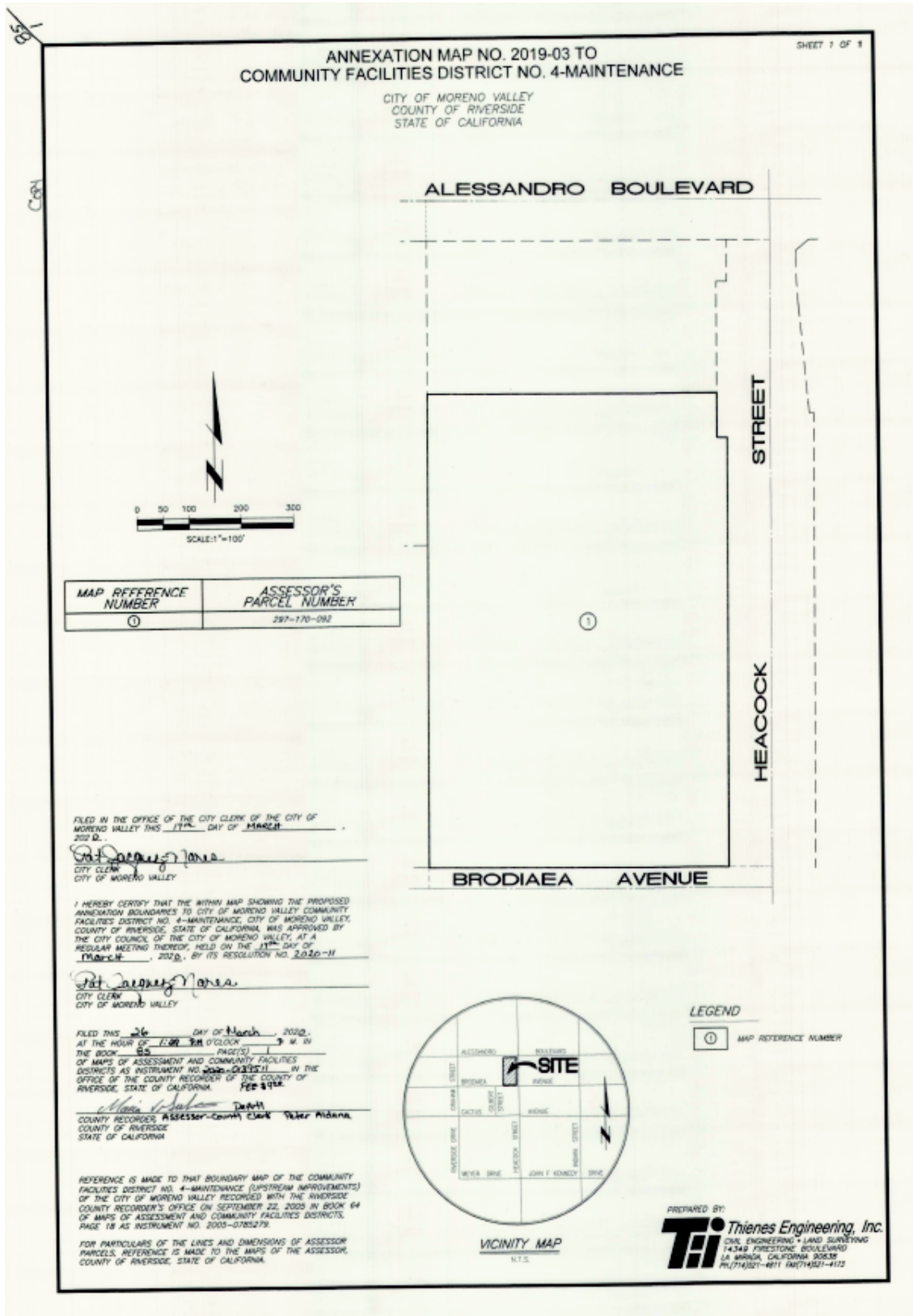
Map 3: CFD No. 4-M Boundary Map – Annexation No. 1



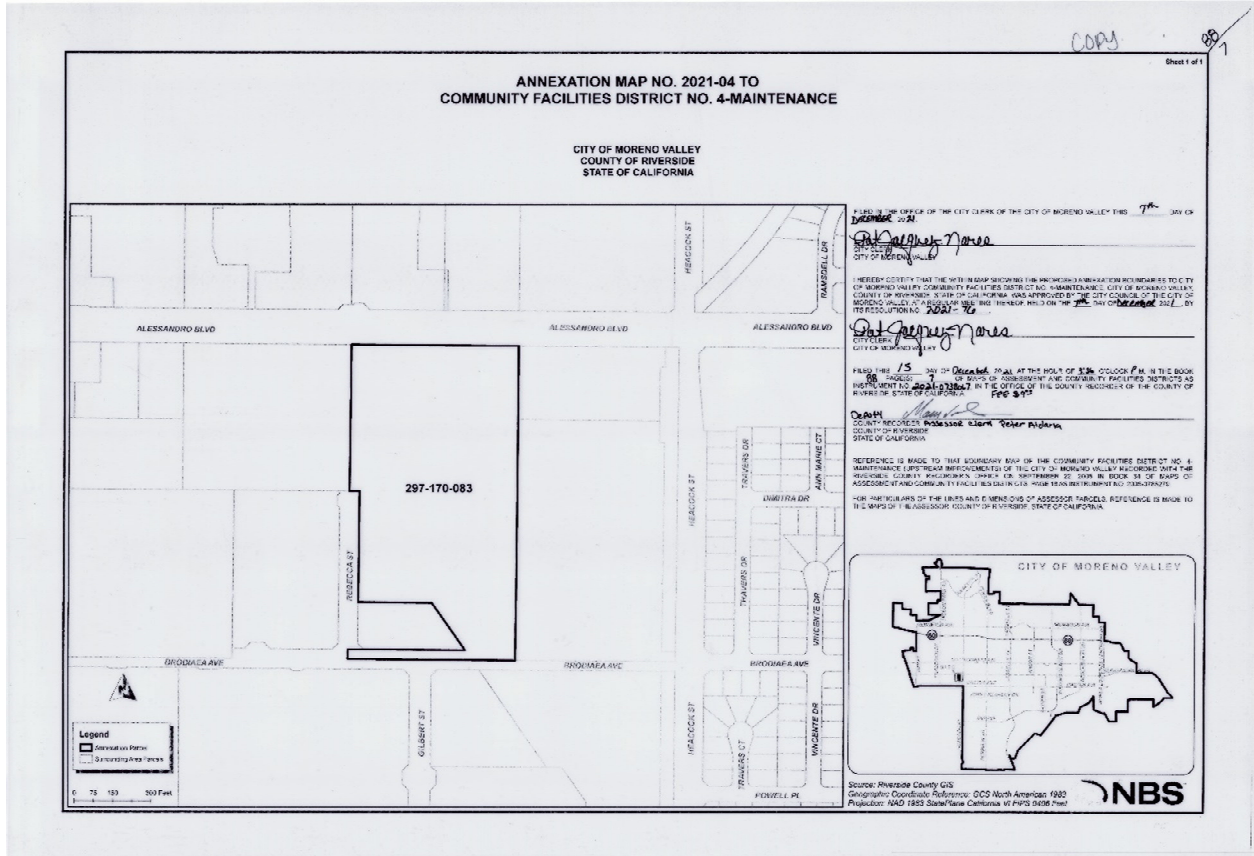
Map 4: CFD No. 4-M Boundary Map – Annexation No. 2019-02



Map 5: CFD No. 4-M Boundary Map – Annexation No. 2019-03



Map 6: CFD No. 4-M Boundary Map – Annexation No. 2021-04



Appendix B: Maintenance Services

In accordance with the maintenance agreement, the City shall perform the operation and maintenance services as shown in the Upstream Improvement Maintenance Tasks and Schedule below.

Upstream Improvement Maintenance Tasks and Schedule

| Task | Access Road | Detention Basin Side Slopes | Detention Basin Bottom | Detention Basin Inlets | Detention Basin Outlet or Overflow Control Structures | Catch Basin Inlets | Catch Basin Sumps | Storm Drain System | Schedule |
|------------------------------------------------------------------------------|-------------|-----------------------------|------------------------|------------------------|-------------------------------------------------------|--------------------|-------------------|--------------------|-------------------------------------------|
| Inspect for sediment accumulation | | | ■ | ■ | ■ | ■ | ■ | ■ | Annually |
| Remove sediment accumulation | | | ■ | ■ | ■ | ■ | ■ | ■ | Every 5-10 Years |
| Inspect for debris (dead vegetation and trash) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | Early spring, fall and after major storms |
| Clean debris | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | As needed |
| Inspect for erosion | ■ | ■ | ■ | ■ | | | | | Early spring, fall and after major storms |
| Reestablish permanent vegetation | | ■ | ■ | | | | | | As needed |
| Remove dead vegetation | | | | ■ | ■ | | | | Annually - early spring |
| Spray herbicide | ■ | | | ■ | ■ | | | | Annually - early spring |
| Apply pre-emergent | ■ | | | ■ | ■ | | | | Annually - fall |
| Replace stone rip-rap | | | | ■ | ■ | | | | Every 3-5 years as needed |
| Mowing | | ■ | ■ | | | | | | 0-2 times annually |
| Inspect structural elements during wet weather and compare to as-built plans | | | | ■ | ■ | | | ■ | Annually |

| Task | Access Road | Detention Basin Side Slopes | Detention Basin Bottom | Detention Basin Inlets | Detention Basin Outlet or Overflow Control Structures | Catch Basin Inlets | Catch Basin Sumps | Storm Drain System | Schedule |
|----------------------------------------------------------------------------------|--------------------|------------------------------------|-------------------------------|-------------------------------|--------------------------------------------------------------|---------------------------|--------------------------|---------------------------|-----------------|
| Make adjustments or replacements as determined by annual wet weather inspections | | | ■ | ■ | ■ | | | ■ | As needed |
| Keep records of all inspections and maintenance activities | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | Annually |
| Keep records of all costs for inspections, maintenance and repairs | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | Annually |

The City shall not perform or otherwise be responsible to implement any monitoring or mitigation compliance or certify to monitoring or mitigation compliance affecting the Upstream Improvements pursuant to (i) any conservation covenant or easement and (ii) any permits issued by the United States Army Corps of Engineers or other similar governmental regulatory agencies.

No other services by the City may be implied or inferred without amendment or modification to the agreement.