

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

July 3, 2013 – Agenda Item \_\_\_\_\_

# **MOUNTAINS RECREATION AND CONSERVATION AUTHORITY**

**SANTA MONICA MOUNTAINS OPEN SPACE PRESERVATION  
ASSESSMENT DISTRICT No. 1**

## **ENGINEER'S REPORT**

MAY 2013

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## TABLE OF CONTENTS

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<b>INTRODUCTION</b> .....	<b>1</b>
LEGAL ANALYSIS .....	1
SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY .....	2
COMPLIANCE WITH CURRENT LAW .....	3
<b>ASSESSMENT</b> .....	<b>5</b>
<b>WORK AND IMPROVEMENTS</b> .....	<b>7</b>
DESCRIPTION OF WORK AND IMPROVEMENTS .....	7
ACQUISITION AREAS .....	8
OPEN SPACE PROPERTIES .....	8
<b>ESTIMATE OF COSTS AND BUDGET</b> .....	<b>10</b>
ESTIMATE OF COSTS .....	10
<b>METHOD OF ASSESSMENT APPORTIONMENT</b> .....	<b>13</b>
METHOD OF APPORTIONMENT .....	13
DISCUSSION OF BENEFIT .....	13
BENEFIT FACTORS .....	14
BENEFIT FINDING .....	15
ACQUISITION CRITERIA AND POLICIES .....	15
MAINTENANCE POLICIES .....	17
GENERAL VERSUS SPECIAL BENEFIT .....	17
ASSESSMENT APPORTIONMENT .....	18
METHOD OF ASSESSMENT .....	19
<b>ASSESSMENT DIAGRAM</b> .....	<b>23</b>
<b>ASSESSMENT ROLL (SPREAD OF COSTS)</b> .....	<b>25</b>
<b>EXHIBIT A – OPEN SPACE PROPERTIES BY ACQUISITION AREA</b> .....	<b>26</b>

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## INTRODUCTION

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The Mountains Recreation and Conservation Authority ("MRCA" or the "Authority") is a joint powers authority formed between the Santa Monica Mountains Conservancy (SMMC), the Conejo Recreation and Park District and the Rancho Simi Recreation and Park District. The MRCA's mission is to strategically buy, preserve, protect, restore and enhance treasured pieces of Southern California to form an interlinking system of urban, rural, and river parks; open space; trails; and wildlife habitats that are easily accessible to the general public.

With the SMMC, MRCA currently owns and manages over 41,000 acres of parkland spread throughout Los Angeles County and parts of Ventura County. The MRCA, pursuant to its mission statement to preserve for urban and public use open space lands, and after property owner approval, has established an Assessment District in the eastern portion of the Santa Monica Mountains and Hollywood Hills for the purposes of acquiring open space, nature and parklands and maintaining such lands by such services as regularly clearing brush to reduce fire hazards.

This Engineer's Report ("Report") was prepared to establish the estimated costs for the open space preservation acquisitions, improvements and maintenance services (collectively the "Improvements") that are funded by the assessments of the Santa Monica Mountains Open Space Preservation Assessment District No. 1 (the "Assessment District") for fiscal year 2013-14, and to update the special benefits received from the Improvements within the Assessment District and the method of assessment apportionment to lots and parcels within the Assessment District. This Report and the continued assessments have been made pursuant to the Municipal Improvement Act of 1913 (the "1913 Act"), the Improvement Bond Act of 1915 (the "1915 Act"), the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (the "1931 Act") and Article XIID of the California Constitution (the "Article").

## LEGAL ANALYSIS

### PROPOSITION 218

This assessment is formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting, for the imposition, increase and extension of assessments, and these requirements are satisfied by the process used to establish this assessment.

## SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant legal document in further legally clarifying Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

This Engineer's Report is consistent with the SVTA vs. SCCOSA decision and with the requirements of Article XIII C and XIII D of the California Constitution based on the following factors:

1. The Assessment District is divided into separate zones of benefit (Acquisition Areas), and the assessment revenue derived from real property in each zone is extended on specifically identified park and open space improvements and/or maintenance and servicing of those improvements in that zone and other improvements in the Assessment District that confer special benefits to property in that zone.
2. The use of zones of benefit ensures that the improvements acquired and maintained with assessment proceeds are located in close proximity to the real property subject to the assessment, and that such improvements provide a direct advantage to the property in the zone.
3. Due to their proximity to the assessed parcels, the improvements and maintenance thereof financed with assessment revenues in each zone benefit the properties in that zone in a manner different in kind from the benefit that other parcels of real property in the Assessment District derive from such improvements, and the benefits conferred on such property in each zone are more extensive and direct than a general increase in property values.
4. The assessments paid in each zone of benefit are proportional to the special benefit that each parcel within that zone receives from such improvements and the maintenance thereof because:
  - a. The specific park and open space improvements and maintenance and utility costs thereof in each zone and the costs thereof are specified in this Engineer's Report; and
  - b. Such improvement and maintenance costs in each zone are allocated among different types of property located within each zone of benefit, and equally among those properties which have similar characteristics and receive similar special benefits.

There have been a number of clarifications made to the analysis, findings and supporting text in this Report to ensure that this consistency is well communicated.

#### **DAHMS V. DOWNTOWN POMONA PROPERTY**

On June 8, 2009, the 4<sup>th</sup> Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

#### **BONANDER V. TOWN OF TIBURON**

On December 31, 2009, the 1<sup>st</sup> District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

#### **BEUTZ V. COUNTY OF RIVERSIDE**

On May 26, 2010 the 4<sup>th</sup> District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

#### **GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO**

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in Beutz, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

#### **COMPLIANCE WITH CURRENT LAW**

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the *SVTA* decision because the improvements to be funded are clearly defined; the improvements are directly available to and will directly benefit property in the Assessment District; and the improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz, Dahms and Golden Hill* because the improvements will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the improvements and proportional special benefit to each property.



## ASSESSMENT

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WHEREAS, on June 24, 2002, the Governing Board ("Board") of the Authority, State of California, under the Municipal Improvement Act of 1913 (the "1913 Act"), adopted its Resolution of Intention to Make Acquisitions and Improvements (the "Resolution of Intention") for the acquisition and improvement of the public open space lands and maintenance services for them (collectively, the "Improvements") more particularly therein described in and for the Assessment District;

WHEREAS, with respect to the Improvements, the Resolution of Intention directed the undersigned to make and file a report presenting a general description of any works and appliances already installed and any other property necessary or convenient for the operation of the Improvements, plans and specifications for the proposed construction, estimate of costs, maps and descriptions of lands and easements to be acquired, and diagram and assessment of and upon the subdivisions of land within the Assessment District, to which Resolution and the description of the Improvements therein contained reference is hereby made for further particulars;

NOW, THEREFORE, the following assessment is made to cover the portion of the estimated cost of the Improvements and the costs and expenses incidental thereto to be paid by the assessments:

### SUMMARY COST ESTIMATE

Cost of Acquisitions/Improvements	\$17,489,638
Incidental Expenses	\$2,118,347
TOTAL COST	<u>\$19,607,985</u>
Less:	
Contributions	- \$4,802,985
BALANCE TO ASSESSMENT	<u><u>\$14,805,000</u></u>

Annual Brush Clearing & Maintenance	\$131,578
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I do hereby assess and apportion the Balance to Assessment of the Total Cost of the acquisitions, work and improvements upon the several lots, pieces or parcels or portions of lots or subdivisions of land liable therefore and benefited thereby, and hereinafter numbered to correspond with the numbers upon the Assessment Diagram incorporated herein, upon each, severally and respectively, in accordance with the benefits to be received by such subdivisions, respectively, from the Improvements, and more particularly set forth in the Assessment Roll hereto attached and by reference made a part hereof.

I do hereby assess and apportion the annual costs of the Improvements consisting of the brush clearing and other maintenance upon the several lots, pieces or parcels or portions

of lots or subdivisions of land liable therefore and benefited thereby, and hereinafter numbered to correspond with the numbers upon the Assessment Diagram incorporated herein, upon each, severally and respectively, in accordance with the benefits to be received by such subdivisions, respectively, from the maintenance, and more particularly set forth in the list hereto attached and by reference made a part hereof. Such maintenance costs are incurred annually in order to maintain the level of benefit to the assessed parcels.

The assessments are made upon the several subdivisions of land within the Assessment District in proportion to the estimated special benefits received by the subdivisions, respectively, from the Improvements. An Assessment Diagram is incorporated herein showing the Assessment District and also the boundaries and dimensions of the respective subdivisions of land within the Assessment District as the same existed at the time of the passage of the Resolution of Intention, each of which subdivisions having been given a separate number upon the Assessment Diagram. The distinctive number of each parcel or lot of land in the said Assessment District is its Assessor Parcel Number appearing on the Assessment Roll and Assessment Diagram.

Each subdivision of land assessed is described in the Assessment Roll contained herein by reference to its parcel number as shown on the Assessor's Maps of the County of Los Angeles for the fiscal year 2013-2014 and includes all of such parcels excepting those portions thereof within existing public roads or right of way for public road purposes. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County of Los Angeles.

Notice is hereby given that serial and/or term improvement bonds that represent unpaid assessments and bear interest at the rate of not to exceed the maximum rate of 4.4000% as authorized by applicable law at the time of sale of such bonds, have been issued by the Authority in the manner provided by Division 10 of the Streets and Highways Code, the 1915 Act, and the last installment of such bonds shall mature not to exceed thirty (30) years September 2, 2033.

Dated: May 24, 2013

Engineer of Work



*John W. Bliss*

By \_\_\_\_\_  
John W. Bliss, License No. C052091

## WORK AND IMPROVEMENTS

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### DESCRIPTION OF WORK AND IMPROVEMENTS

The Mountains Recreation and Conservation Authority maintains open space lands, wildlife corridors, parks, trails, wildlife habitats and park facilities in various locations throughout the boundaries of the Assessment District. (See page 25 for a copy of the assessment diagram).

The work and improvements (collectively, the "Improvements") consist of the acquisition by the Mountains Recreation and Conservation Authority (the "Authority") in fee simple title or other rights, including easements and/or rights of entry for maintenance, of open space lands, hillsides, viewsheds and watersheds, riparian corridors, wildlife corridors and parklands (the "Open Space Properties"). Improvements for acquisition include all related costs of acquisition, including appraisals, title searches and title insurance, legal fees and court costs and all costs related to the issuance of bonds, including underwriting fees, legal fees, capitalized interest, other bond proceedings costs and the allocable costs of the Authority in the authorization and issuance of bonds.

The Improvements also include, but are not limited to, brush clearing to reduce fire hazards and improve public access, clearance and site preparation, and the maintenance and improvement of trails, foot bridges and other improvements and appurtenances to the properties and all auxiliary work necessary and/or convenient to the accomplishment thereof in accordance with plans, specifications and documents to be approved by the Authority, as required to keep the Improvements in fit operating condition which are ordinarily incurred annually for the Open Space Properties (collectively "Maintenance").

Further reference is made to the plans and specifications for the Improvements on file with the Mountains Recreation and Conservation Authority and such plans and specifications are incorporated herein by reference.

## ACQUISITION AREAS

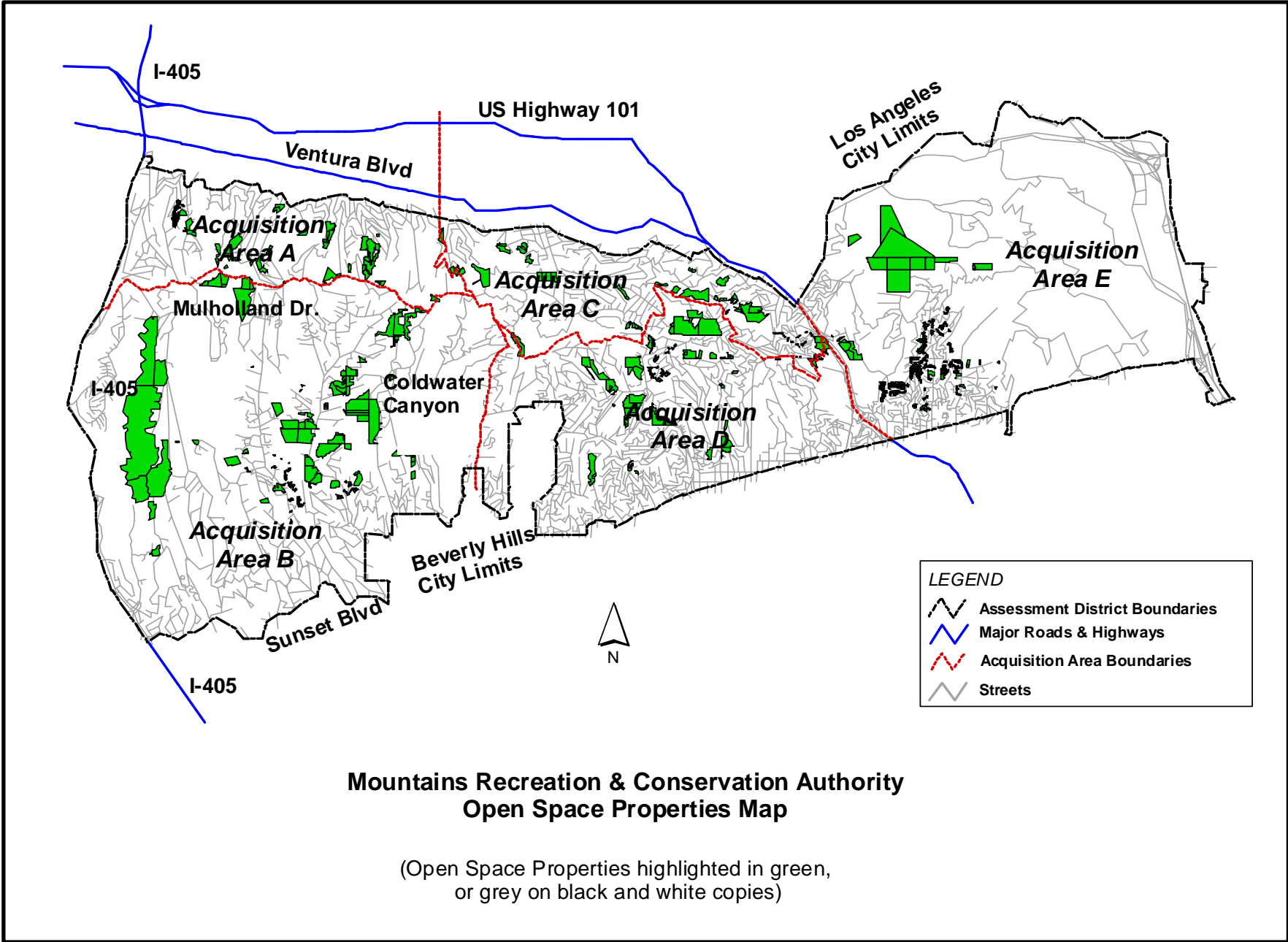
In order to establish criteria to provide for equal levels of special benefits to all properties of similar type, five areas (the "Acquisition Areas") have been created within the Assessment District. A specific requirement for the Assessment District is that the net available assessment funds generated in each Acquisition Area must be used for the acquisition, improvement and maintenance of Open Space Properties in the same Acquisition Area. The criteria for the Assessment District are further delineated beginning on Page 13.

These Acquisition Areas, which are depicted on the Assessment Diagram and Boundary Map, are generally described as follows:

1. **AREA A:** Bounded on the west by the 405 Freeway; to the north by the boundary of the Assessment District; to the east by Coldwater Canyon Boulevard; and to the south by Mulholland Drive. 101 Open Space Properties are identified in Area A.
2. **AREA B:** Bounded on the west by the 405 Freeway; to the north by Mulholland Drive; to the east by Coldwater Canyon Boulevard; and to the south by the southern boundary of the Assessment District. 173 Open Space Properties are identified in Area B.
3. **AREA C:** Bounded on the west by Coldwater Canyon Boulevard; to the north by the boundary of the Assessment District; to the east by the 101 Freeway; and to the south by Mulholland Drive. 108 Open Space Properties are identified in Area C.
4. **AREA D:** Bounded on the west by Coldwater Canyon Boulevard; to the north by Mulholland Drive; to the east by the 101 Freeway; and to the south by the southern boundary of the Assessment District. 139 Open Space Properties are identified in Area D.
5. **AREA E:** Bounded on the west by the 101 Freeway; to the north, east and south by the boundary of the Assessment District. 406 Open Space Properties are identified in Area E.

## OPEN SPACE PROPERTIES

The Open Space Properties by acquisition area that may be acquired, improved and maintained by the assessments are listed in Exhibit A to this Report. The parcel maps for the Open Space Properties are filed with MRCA. The net available assessment proceeds are not expected to be sufficient to purchase all of the properties listed. Therefore, the criteria on Page 17 shall govern the selection of properties to be acquired and the expenditure of assessments by Acquisition Area.



## ESTIMATE OF COSTS AND BUDGET

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### ESTIMATE OF COSTS

The following is an estimate of costs of the Improvements that are funded by the Assessment District.

**TABLE 1 - ESTIMATE OF COSTS**  
**MOUNTAINS RECREATION & CONSERVATION AUTHORITY**  
**OPEN SPACE PRESERVATION ASSESSMENT DISTRICT No. 1**  
 Estimate of Cost

	<i>Total Cost</i>	<i>MRCA Contribution</i>	<i>Net Cost to Assessment</i>
<b>Improvements</b>			
Open Space Acquisitions and Improvements			
Acquisition Area A	\$2,235,715	\$447,143	\$1,788,572
Acquisition Area B	\$4,932,084	\$986,417	\$3,945,667
Acquisition Area C	\$2,557,854	\$511,571	\$2,046,283
Acquisition Area D	\$5,793,909	\$1,158,782	\$4,635,127
Acquisition Area E	\$1,970,075	\$394,015	\$1,576,060
Subtotal	\$17,489,638	\$3,497,928	\$13,991,710
<b>Incidental Expenses</b>			
Bond Issuance, Bond Insurance, Underwriting and Financial Costs			\$1,378,097
Debt Service Reserve			\$740,250
Total Costs to Assessment			\$16,110,057
Less Cash Prepayments			(\$1,511,865)
Cash Rebates			\$206,807
Net Total Costs to Assessment			\$14,805,000
<b>Open Space Acquisitions and Improvements Cost Allocation to Property</b>			
<u>Original Costs to Assessment</u>	<u>SFE Units</u>	<u>Total Cost/SFE</u>	<u>Total Maximum Annual Assessment/SFE</u>
\$14,805,000	26,295.55	\$563.02	\$35.50
<u>Prepayments After Issuance</u>	<u>SFE Units</u>	<u>Total Cost/SFE</u>	
\$23,343	41.46	\$563.02	
<u>Net Costs to Assessments</u>	<u>SFE Units</u>	<u>Total Cost/SFE</u>	
\$14,781,575	26,254.09	\$563.02	
<b>Annual Maintenance and Administration</b>			
Maintenance, Brush Clearing Services			\$131,578
Total Annual Cost to Assessment			\$131,578
<b>Open Space Maintenance &amp; Administration Cost Allocation to Property</b>			
<u>Total Annual Costs to Assessment</u>	<u>SFE Units</u>	<u>Maximum Annual Maintenance &amp; Admin. Assessment/SFE</u>	
\$131,578	29,239.66	\$4.50	

#### Notes to Estimate of Costs:

1. The improvement amounts listed under the total cost column are the budget amounts by acquisition area, including MRCA funding contributions that are available for the acquisition of open space in the acquisition area with the bonds issued in the amount of \$14.8 million and net cash prepayments.
2. The rate of the bonds is 4.4000%, \$14.8 million par amount of bonds result in an annual payment for debt service of approximately \$35.50 per single family home (SFE). The total annual payment for debt service, maintenance and administration will not exceed \$40 per SFE.
3. Maintenance and brush clearing costs for maintenance, repair, and improvement of the open space properties that are incurred annually in order to maintain the level of benefit to the assessed parcels.
4. Administration cost includes assessment engineering, county collection charges and other annual costs related to the administration of the assessments.
5. The total cost per SFE is the total cost for the acquisition of open space properties per single family equivalent benefit unit. This cost is bonded and paid over a period of not to exceed 30 years. Based on interest rates as described above, the annual debt service payment is \$35.50 per SFE (per single family home).



## METHOD OF ASSESSMENT APPORTIONMENT

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### METHOD OF APPORTIONMENT

This section of the Engineer's Report explains the special and general benefits to be derived from the Improvements, the criteria for the expenditure of assessments and proceeds of bonds to ensure equal levels of benefit for properties of similar type and the methodology used to apportion the total assessments to properties within the Assessment District.

The method used for apportioning the assessment is based upon the proportional special benefits conferred to the properties over and above the general benefits conferred to real property in the Assessment District or to the public at large. Special benefit is calculated for each parcel in the Assessment District using the following process:

6. Identification of all benefit factors derived from the Improvements
7. Calculation of the proportion of these benefits that are general
8. Determination of the relative special benefit within different areas within the Assessment District
9. Determination of the relative special benefit per property type
10. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type, property characteristics, improvements on property and other supporting attributes

### DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. Any and all general benefit must be funded from another source. This special benefit is received by property over and above any general benefits from the Improvements. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."*

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property and that the value of the special benefits must reasonably exceed the cost of the assessment:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

Since assessments are levied on the basis of special benefit, they are not a tax and are not governed by Article XIII A of the California Constitution.

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park that is improved by an assessment:

*The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).*

Finally, Proposition 218 twice uses the phrase "over and above" general benefits in describing special benefit. (Art. XIID, sections 2(i) & 4(f).)

## **BENEFIT FACTORS**

The special benefits from the Improvements are listed below:

### **EXTENSION OF A PROPERTY'S OUTDOOR AREAS AND GREEN SPACES FOR PROPERTIES WITHIN CLOSE PROXIMITY TO THE IMPROVEMENTS**

In large part because it is cost prohibitive to provide large open land areas on property in the Assessment District, the residential, commercial and other benefiting properties in the Assessment District do not have large outdoor areas and green spaces. The Improvements in the Assessment District provide these larger outdoor areas that serve as an effective extension of the land area for proximate properties because the Improvements are uniquely proximate and accessible to property in close proximity to the Improvements. The Improvements, therefore, provide an important, valuable and desirable extension of usable land area for the direct advantage and special benefit of properties with good and close proximity to the Improvements.

### **PROXIMITY TO IMPROVED PARKS AND RECREATIONAL FACILITIES**

Only the specific properties within close proximity to the Improvements are included in the Assessment District. Therefore, property in the Assessment District enjoys unique and valuable proximity and access to the Improvements that the public at large and property outside the Assessment District do not share.

### **ACCESS TO IMPROVED PARKS, OPEN SPACE AND RECREATIONAL FACILITIES**

Since the parcels in the Assessment District enjoy close access to the Improvements, they directly benefit from access to improved parks, open space and recreation areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

### **IMPROVED VIEWS**

The Authority, by maintaining its natural lands, recreation areas and open spaces provides improved views to properties with direct line-of-sight as well as other local properties which benefit from improved views when property is accessed or viewed. Therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District.

### **BENEFIT FINDING**

In summary, real property located within the boundaries of the Assessment District distinctly and directly benefits from closer proximity, access and views of improved parks, recreation facilities, open space, trail systems and other public resources funded by the Assessments. These special benefits of proximity, access and views are further strengthened by the use of acquisition areas within the Assessment District. The public at large and other properties outside the Assessment District receive only limited benefits from the Improvements because they do not have similarly good proximity, access and views of the Improvements.

### **ACQUISITION CRITERIA AND POLICIES**

This sub-section describes the criteria that shall govern the expenditure of assessments and ensure equal levels of benefit for properties of similar type. The criteria established in this Report, as finally confirmed, cannot be substantially modified; however the Board may adopt additional criteria to further clarify certain criteria or policies established in this Report or establish additional criteria or policies that do not conflict with this Report.

#### **ASSESSMENTS MUST BE EXPENDED WITHIN THE ASSESSMENT DISTRICT**

The net available assessments, after incidental, financing and other costs, shall be expended exclusively for the Improvement and maintenance of properties within the boundaries of the Assessment District.

#### **ASSESSMENTS FROM EACH ACQUISITION AREA MUST BE EXPENDED WITHIN THE SAME ACQUISITION AREA**

The net available assessment funds for Improvements generated in each Acquisition Area must be expended within the same Acquisition Area on acquisitions from the acquisition target list within this Report.

#### **SEPARATE IMPROVEMENT ACCOUNTS BY ACQUISITION AREA**

The net proceeds available for Improvements generated by assessments within each Acquisition Area shall be deposited into a separate account within the bond improvement fund for each Acquisition Area and shall be maintained by the bond's Fiscal Agent. Expenditures from such Acquisition Area bond improvement funds, exclusive of administration costs and other costs related to the acquisitions such as appraisals and title fees, shall be used within the same Acquisition Area for the purposes stated in this Report.

### **USE OF UNEXPENDED FUNDS**

In the event that unexpended funds of \$100,000 or less remain in the bond improvement fund and no additional properties in the Acquisition Area can be identified to be acquired, then the remaining unexpended funds for the Acquisition Area shall be used for brush clearing and other maintenance services in the Acquisition Area.

### **CITIZEN'S OVERSIGHT COMMITTEE**

A Citizens Oversight Committee, (the "Committee") has been established for the Assessment District. The Citizens Oversight Committee is comprised of two members appointed by each City Councilmember whose Council District includes area within the Assessment District; three members appointed by the Federation of Hillside and Canyon Associations, Inc. (the "Federation"); three members appointed by the three largest homeowner's associations in terms of membership which are not member organizations of the Federation (one member by each association). No member shall have a conflict of interest as provided by the Political Reform Act and the regulations of the Fair Political Practices Commission. All members of the Committee shall reside within the Assessment District.

The Committee shall have the authority to review the accounting for the funds from the measures, to designate the independent auditor for the revenues and expenditures from the measures, and to make determinations as to whether the proposed expenditures by acquisition area are consistent with the criteria and requirements established in this Report. The Committee will also have the authority to make recommendations to MRCA Governing Board on all matters pertinent to the acquisitions, improvements and maintenance of open space funded by the Assessment District. The Committee will meet quarterly for the first three years, or until acquisition funds are exhausted, whichever comes first; then every year thereafter. All meetings shall be subject to the provisions of the Ralph M. Brown Act.

### **GEOGRAPHIC DISTRIBUTION OF PROPERTIES**

Open Space Properties must be geographically disbursed within each Acquisition Area, to the extent possible. After the initial open space properties are acquired within an Acquisition Area, the Board shall give priority to properties on the acquisition list that would enhance the geographic distribution of Improvements.

### **PURCHASE PRICE CANNOT EXCEED INDEPENDENT APPRAISAL**

An appraisal of fair market value will be prepared by at least one independent appraiser prior to the acquisition of Open Space Properties by the Authority. No property will be acquired at a price in excess of an independent appraisal of fair market value.

### **WILLING SELLER**

Lands shall only be acquired through purchase or donation from willing sellers (or donors). Condemnation will not be used to acquire Open Space Properties.

## PERMANENT PRESERVATION

Open Space Properties acquired by the Authority with proceeds from the Assessment District shall remain as public resources. Such Open Space Properties shall not be sold, transferred or traded to any other person or entity except a public park agency.

## MAINTENANCE POLICIES

Properties acquired, owned or maintained by MRCA will require maintenance to preserve the level of special benefit these properties provide and to diminish the risk of fire from excess brush and vegetation on open space lands. Net available funds generated by the assessment for maintenance shall be expended for maintenance as defined in this Report. The level of maintenance for each site will be directly related to the intensity and type of use, and proposed site development. MRCA may employ its own maintenance staff, or it may contract for maintenance work with private organizations or with other public agencies.

## GENERAL VERSUS SPECIAL BENEFIT

The open space Improvements also provide a degree of general benefits to the public at large. A measure of this general benefit is the proportionate amount of time that the open space and wildlife areas funded by the Assessment District are used and enjoyed by individuals who are not residents, employees, customers or property owners in the Assessment District<sup>1</sup>. A survey of usage of open space areas conducted by SCI Consulting Group found that 11% of the visits to open space and parklands similar to the Open Space Properties are by those who do not live or work within the Assessment District boundaries<sup>2</sup>. This is a measure of the general benefits from the Improvements.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund improvements and

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<sup>1</sup> When Assessment District facilities are used by those individuals, the facilities are not providing benefit to property within the Assessment District. Such use under these circumstances is a measure of general benefit. For example, a non-resident who is drawn to utilize the Assessment District facilities and shops at local businesses while in the area would provide special benefit to business properties as a result of his or her use of the improvements. Conversely, someone who uses Assessment District facilities but does not reside, work, shop or own property within the Assessment District boundaries does not provide special benefits to any property and is considered to be a measure of the general benefits.

<sup>2</sup> A total of 238 users of open space areas were surveyed on different days and times during the months of March and April 2002 at properties deemed to be similar to the Open Space Properties. Twenty-seven respondents (11%) indicated that they did not reside or work within the Assessment District.

services directly provided within the Assessment District and every benefiting property in the Assessment District enjoys proximity and access to the Improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this Report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the Assessment.

The Assessment District's total budget for acquisition, improvement and maintenance of open space properties is \$17,621,216. Of this total budget amount, the Mountains Recreation and Conservation Authority will contribute \$3,497,928 from sources other than the assessments. This contribution by the MRCA equates to approximately 20% of the total budget for maintenance and improvements and constitutes significantly more than the amount attributable to the general benefits received from the Improvements to be made by the Assessment District. Moreover, the MRCA and the SMMC have obtained many of millions of dollars in additional funding from other sources which have been used to acquire and preserve open space in the Assessment District. These additional funds from other sources also serve to offset any general benefits.

#### ASSESSMENT APPORTIONMENT

In the process of determining the appropriate method of assessment, the Engineer considered various alternatives. For example, an assessment only for all residential improved property was considered but was determined to be inappropriate because commercial, industrial and other properties also receive benefits from the assessments.

Moreover, a fixed or flat assessment for all properties of similar type was deemed to be inappropriate because larger commercial properties and residential properties with multiple dwelling units receive a higher degree of benefit than other similarly used properties that are significantly smaller. For two properties used for commercial purposes, there clearly is a higher benefit provided to the larger property in comparison to a smaller commercial property because the larger property generally supports a larger building and has higher numbers of employees, customers and guests that would benefit from preserved open space and maintenance services that reduce fire hazards. This benefit ultimately flows to the property. Larger parcels, therefore, receive an increased benefit from the assessments.

As stated previously, the special benefits derived from the assessments are conferred on property and are not based on a specific property owner's use of the open space parcel acquired, or a specific property owner's occupancy of property or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who value the special benefits described above, use and enjoy the Authority's open space and recreational lands, and control property values by placing a value on the special benefits to be provided by these public resources. In other words, the benefits derived to property are related to the average number of people who could potentially live on, work at, or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or

otherwise use a property is an indicator of the relative level of special benefit received by a property.

The Engineer determined that the appropriate method of assessment should be based on the type of property, the relative size of the property and the potential use of property by residents and employees. This method is further described below.

## METHOD OF ASSESSMENT

The next step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a "benchmark" property, a single family detached dwelling on one parcel (one "Single Family Equivalent Benefit Unit" or "SFE"). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefits and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. In this Engineer's Report, all properties are assigned an SFE value, which is each property's relative benefit in relation to a single family home on one parcel.

### RESIDENTIAL PROPERTIES

All improved residential properties with a single residential dwelling unit are assigned one Single Family Equivalent or 1.0 SFE. Detached or attached houses, zero-lot line houses and town homes are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property and the average number of people who reside in multi-family residential units versus the average number of people who reside in a single family home. The population density factors (the "Population Factor") for MRCA, as depicted below, provide the basis for determining the SFE factors for residential properties. Using the total population in a certain property type in the area of the Assessment District from the 1990 Census and dividing it by the total number of such households, finds that approximately 3.10 persons occupy each single family residence, whereas an average of 2.36 persons occupy each multi-family residence. Using the ratio of one Population Factor for each single-family residence equates to one Population Factor for every 3.10 persons. Using this factor, each multi-family unit receives a 0.76 Population Factor, each condominium unit receives a 0.91 Population Factor and each mobile home receives a 0.65 Population Factor.

Once established, Population Factors are adjusted to reflect the average structure size of different residential properties. This adjustment is needed because the special benefits are deemed to be relative to the potential population density and average building area per dwelling unit. Based on County data, the average multi-family residence is 47% of the size of a single family residence. Likewise, the average condominium unit is 50% of the size of a single family residence and the average mobile home is 50% of the size of a single family residence. These relationships to a single family residence are "Square Footage Factors". These Square Footage Factors are applied to the Population Factors to

determine the SFE benefit factors for residential properties. Accordingly, multi-family properties with a 0.76 Population Factor and a 47% Square Footage Factor will receive a 0.36 SFE. Likewise, condominium units receive a 0.46 SFE and mobile homes on separate parcels receive a 0.33 SFE. See Table 2 below.

TABLE 2 - RESIDENTIAL SFE ASSESSMENT FACTORS

	<i>Total Population</i>	<i>Occupied Households</i>	<i>Persons per Household</i>	<i>Population Factor</i>	<i>SqFt Factor</i>	<i>SFE Factor</i>
Single Family Residential	242,686	78,250	3.10	1.00		1.00
Condominium	13,776	4,904	2.81	0.91	0.50	0.46
Multi-Family Residential	59,069	25,011	2.36	0.76	0.47	0.36
Mobile Home on Separate Lot	8,888	4,420	2.01	0.65	0.50	0.33

Source: 1990 Census, Los Angeles area

The SFE factor of 0.36 per dwelling unit for multifamily residential properties applies to such properties with 20 or fewer units. Properties in excess of 20 units typically offer on-site recreational amenities and other facilities that tend to offset some of the benefits provided by the improvements. Therefore the benefit for properties in excess of 20 units is determined to be 0.36 SFE per unit for the first 20 units and 0.10 SFE per each additional unit in excess of 20 dwelling units.

#### COMMERCIAL/INDUSTRIAL PROPERTIES

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single family residential property and the average commercial/industrial property. The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously are also related to the average number of people who work at commercial/industrial properties.

To determine employee density factors, the findings from the San Diego Association of Governments Traffic Generators Study (the "SANDAG Study") are used because these findings were approved by the State Legislature as being a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24.

The average number of people residing in a single family home in the area is 3.10, and the average lot size for a single family home in the Assessment District is approximately 0.35 acres, so the average number of residents per acre of residential property is 8.86.

The employee density per acre, using the SANDAG study, is generally over 2.70 times the population density of single family residential property per acre (24 employees per acre / 8.86 residents per acre). Therefore, the average employee density can be used as the basis for allocating benefit to commercial or industrial property since a



commercial/industrial property with 2.70 employees receives generally similar special benefit to a residential property with 1 resident. This factor of equivalence of benefit between 1 resident to 2.70 employees is the basis for allocating commercial/industrial benefit. Table 3 shows the average employees per acre of land area or portion thereof for commercial and industrial properties and lists the relative SFE factors per fifth acre for properties in each land use category.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per fifth acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres.

Institutional properties that are used for residential, commercial or industrial purposes are also assessed at the appropriate residential, commercial or industrial rate.

**TABLE 3 - COMMERCIAL/INDUSTRIAL DENSITY AND ASSESSMENT FACTORS**

<b>Type of Commercial/Industrial Land Use</b>	<b>Average Employees Per Acre <sup>1</sup></b>	<b>SFE Units per 7/20 Acre <sup>2</sup></b>
Commercial	24	1.00
Office	68	2.84
Shopping Center	24	1.00
Industrial	24	1.00
Self Storage or Parking Lot	1	0.05

1. Source: San Diego Association of Governments Traffic Generators Study.

2. The SFE factors for commercial and industrial parcels are applied by the quarter acre of land area or portion thereof. (Therefore, the minimum assessment for any assessable parcel in these categories is the SFE Units listed herein.)

### **VACANT PROPERTIES**

The benefits to be received from the Improvements for vacant properties are passive benefits, which are generally not related to active use of the property. Undeveloped property also benefits from the acquisition and maintenance of Open Space Properties because when the undeveloped property is developed, the Open Space Properties, and the benefits they provide, will be available to the developed property.

The benefit to vacant properties is determined to be proportional to the corresponding benefits for similar type developed properties; however, at a lower rate due to the lack of active benefits conferred to vacant properties. A measure of the benefits accruing to the underlying land is the average value of land in relation to improvements for developed

property. An analysis of the assessed valuation data from the County of Los Angeles, found that nearly 50% of the assessed value of improved properties is classified as the land value. It is reasonable to assume, therefore, that approximately 50% of the benefits are related to the underlying land and 50% are related to the day-to-day use of the property. Using this ratio, the SFE factor for vacant parcels is 0.50 per parcel.

#### **OTHER PROPERTIES**

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. All properties that are specially benefited are assessed. Public right-of-way parcels, well, reservoir or other water rights parcels that cannot be developed into other improved uses, open space parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers or guests. Many of these types of properties also provide similar benefits as the Open Space Properties. Therefore, any special benefits they receive are offset by special benefits they provide. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

Other publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

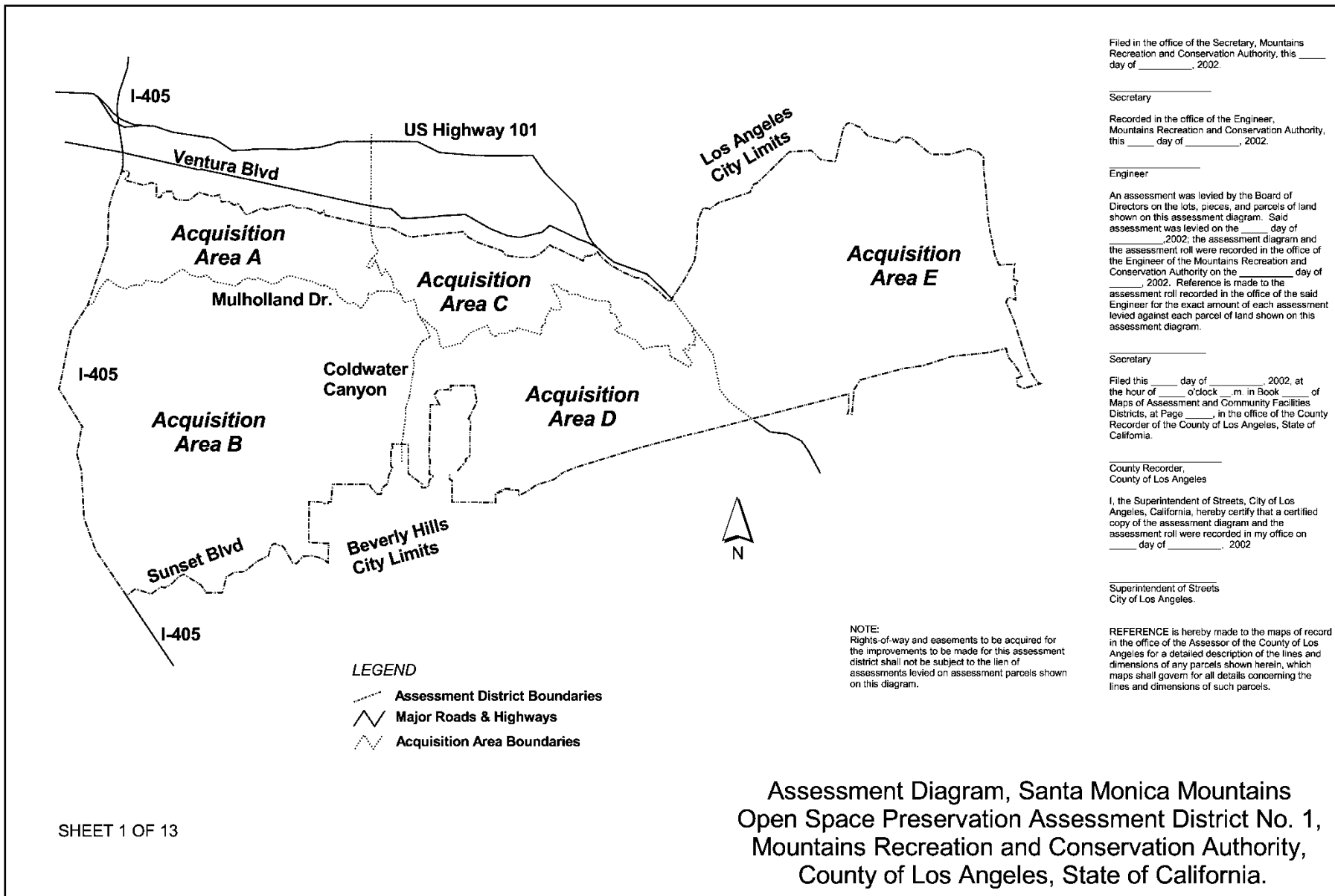
#### **APPEALS OF ASSESSMENTS LEVIED TO PROPERTY**

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Executive Officer of MRCA or her or his designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Executive Officer or his or her designee will promptly review the appeal and any information provided by the property owner. If the Executive Officer or her or his designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the Executive Officer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Executive Officer or her or his designee shall be referred to the Board and the decision of the Board shall be final.

## ASSESSMENT DIAGRAM

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The Assessment Diagram, being too bulky to be bound herein, is on file with the Clerk of MRCA and reference is hereby made to the Assessment Diagram for further particulars. The assessment number for each parcel within the Assessment District is the Assessor Parcel Number listed within the Assessment Diagram. A reduced copy of the Assessment Diagram is presented on the following page.



SHEET 1 OF 13

## ASSESSMENT ROLL (SPREAD OF COSTS)

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An Assessment Roll, which is a listing of all parcels within the Assessment District and the amount of the proposed assessments, is filed with the Clerk of the Board and is, by reference, made part of this Report.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern for all details concerning the description of the lots or parcels.

## EXHIBIT A – OPEN SPACE PROPERTIES BY ACQUISITION AREA

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APN	Acquisition		APN	Acquisition	
	Area	Acreage		Area	Acreage
2272-002-028	A	3.35	2277-018-011	A	0.12
2272-030-001	A	0.47	2277-018-012	A	0.11
2272-031-012	A	7.46	2277-018-013	A	0.11
2272-032-047	A	6.10	2277-018-014	A	0.12
2272-032-048	A	5.89	2277-018-015	A	0.11
2274-018-013	A	2.77	2277-018-016	A	0.12
2274-018-014	A	1.59	2277-018-017	A	0.11
2274-019-025	A	0.15	2277-019-003	A	0.11
2274-020-030	A		2277-019-004	A	0.06
2274-020-031	A		2277-019-005	A	0.06
2274-020-032	A		2277-019-006	A	0.12
2274-020-033	A		2277-019-007	A	0.11
2274-021-027	A	2.34	2277-019-008	A	0.06
2274-021-028	A	3.05	2277-019-009	A	0.06
2274-022-004	A	0.28	2277-019-010	A	0.13
2274-025-001	A	1.77	2277-019-011	A	0.12
2274-025-021	A	0.18	2277-019-012	A	0.12
2274-025-033	A	0.20	2277-020-001	A	0.13
2275-022-006	A	10.34	2277-020-002	A	0.14
2275-023-008	A	1.20	2277-020-003	A	0.20
2275-023-014	A	1.30	2277-020-004	A	0.25
2275-024-005	A	0.72	2277-020-005	A	0.19
2275-026-001	A	1.32	2277-020-006	A	0.12
2275-026-006	A	0.76	2277-020-008	A	0.12
2275-032-010	A	2.63	2277-021-006	A	0.11
2277-017-006	A	0.15	2277-022-005	A	0.06
2277-017-007	A	0.11	2277-022-006	A	0.04
2277-017-008	A	0.15	2277-022-009	A	0.06
2277-017-009	A	0.15	2277-022-019	A	0.07
2277-017-012	A	0.13	2277-022-020	A	0.07
2277-017-013	A	0.17	2277-022-022	A	0.04
2277-017-014	A	0.11	2277-022-041	A	0.09
2277-017-015	A	0.12	2278-001-001	A	0.12
2277-017-020	A	0.16	2278-001-003	A	0.29
2277-018-005	A	0.11	2278-001-004	A	0.19
2277-018-006	A	0.14	2278-001-005	A	0.15
2277-018-007	A	0.14	2278-001-006	A	0.19
2277-018-008	A	0.10	2278-001-007	A	0.11
2277-018-009	A	0.12	2278-001-008	A	0.13
2277-018-010	A	0.12	2278-002-004	A	0.08

			PAGE 27		
APN	Acquisition Area	Acreage	APN	Acquisition Area	Acreage
2278-002-005	A	0.08	4357-006-010	B	0.54
2278-002-006	A	0.08	4357-006-012	B	0.06
2278-002-010	A	0.11	4357-008-003	B	0.75
2278-002-011	A	0.06	4357-008-007	B	0.29
2278-002-012	A	0.04	4357-008-008	B	0.69
2278-008-002	A	0.81	4368-003-022	B	4.76
2278-008-004	A	1.25	4370-009-025	B	1.72
2278-019-016	A	2.37	4370-013-036	B	0.58
2278-020-014	A	1.51	4370-013-037	B	0.05
2278-031-018	A	0.30	4370-013-043	B	1.40
2385-011-041	A	2.28	4370-014-028	B	10.04
2385-018-011	A	3.53	4370-014-035	B	0.90
2385-021-007	A	1.59	4370-019-031	B	1.95
2385-023-014	A	2.30	4371-009-008	B	0.11
2386-001-001	A	0.25	4371-009-010	B	0.43
2386-001-002	A	0.47	4371-013-001	B	0.06
2386-001-003	A	1.08	4371-013-002	B	4.30
2386-003-003	A	1.29	4371-016-006	B	0.19
2386-003-004	A	2.59	4371-016-007	B	0.20
2386-004-010	A	1.21	4371-016-022	B	0.20
2386-005-045	A	7.03	4371-016-023	B	0.13
2386-006-001	A	7.98	4371-016-024	B	0.13
2386-006-002	A	1.98	4371-017-013	B	0.12
2386-009-015	A	0.33	4371-017-014	B	0.35
2386-010-009	A	3.00	4371-017-018	B	0.71
2386-011-002	A	8.71	4371-019-019	B	0.10
4355-001-002	B	1.78	4371-027-004	B	0.18
4355-001-016	B	3.61	4371-027-013	B	0.06
4355-008-033	B	5.74	4371-028-001	B	0.18
4355-009-014	B	3.14	4371-028-002	B	0.06
4355-009-015	B	3.19	4371-028-003	B	0.25
4355-009-016	B	1.84	4371-028-004	B	0.11
4356-002-005	B	16.37	4371-028-006	B	0.06
4356-008-007	B	2.51	4371-028-007	B	0.24
4356-010-014	B	0.66	4371-028-009	B	0.18
4356-010-029	B	0.51	4371-028-011	B	0.07
4356-025-002	B	0.18	4371-028-012	B	0.12
4356-025-004	B	0.64	4371-028-013	B	0.12
4356-025-005	B	0.28	4371-028-014	B	0.12
4356-025-011	B	0.75	4371-028-016	B	0.18
4356-025-021	B	5.67	4371-028-018	B	0.05
4357-001-002	B	19.50	4371-028-020	B	0.12
4357-004-002	B	18.29	4371-028-021	B	0.07
4357-004-004	B	6.33	4371-028-022	B	0.05
4357-005-025	B	5.67	4371-028-023	B	0.05

APN	Acquisition Area	Acreage	APN	Acquisition Area	Acreage
4371-028-024	B	0.06	4371-042-011	B	0.12
4371-028-025	B	0.08	4371-043-002	B	0.13
4371-028-026	B	0.07	4371-043-003	B	0.13
4371-028-027	B	0.06	4371-043-015	B	0.18
4371-028-028	B	0.06	4371-043-020	B	0.13
4371-028-029	B	0.05	4377-002-004	B	188.28
4371-028-031	B	0.11	4377-002-009	B	7.87
4371-028-032	B	0.06	4377-002-016	B	57.97
4371-028-033	B	0.11	4377-002-031	B	31.66
4371-032-006	B	0.12	4377-025-017	B	0.41
4371-032-007	B	0.36	4378-003-004	B	71.02
4371-032-010	B	0.06	4378-003-013	B	24.09
4371-032-011	B	0.13	4379-012-007	B	0.06
4371-032-012	B	0.07	4379-012-025	B	0.06
4371-032-013	B	0.13	4379-021-033	B	0.10
4371-032-014	B	0.12	4379-023-007	B	0.06
4371-032-025	B	0.06	4379-023-008	B	0.06
4371-032-026	B	0.13	4379-023-009	B	0.06
4371-032-027	B	0.06	4379-023-010	B	0.06
4371-032-028	B	0.06	4379-023-011	B	0.06
4371-032-032	B	0.24	4379-023-012	B	0.06
4371-033-010	B	0.21	4379-024-001	B	
4371-033-012	B		4379-024-002	B	
4371-036-001	B	0.06	4379-024-003	B	
4371-036-002	B	0.06	4379-024-004	B	
4371-036-003	B	0.12	4379-024-005	B	
4371-036-004	B	0.23	4379-024-038	B	
4371-036-005	B	0.06	4379-030-006	B	1.25
4371-036-006	B	0.20	4379-030-011	B	6.70
4371-036-008	B	0.06	4379-030-020	B	4.97
4371-036-009	B	0.08	4379-030-030	B	2.17
4371-036-010	B	0.06	4379-030-034	B	8.87
4371-036-011	B	0.13	4379-035-013	B	26.21
4371-036-012	B	0.06	4379-035-015	B	2.58
4371-036-013	B	0.12	4380-016-016	B	0.19
4371-036-015	B	0.35	4380-017-050	B	0.24
4371-036-016	B	0.06	4380-017-054	B	0.06
4371-036-017	B	0.06	4380-017-062	B	0.06
4371-036-018	B	0.06	4380-018-017	B	0.06
4371-036-019	B	0.06	4380-018-018	B	0.06
4371-037-029	B	0.17	4380-031-018	B	0.12
4371-040-009	B		4380-034-003	B	11.13
4371-040-014	B	0.12	4380-034-004	B	10.00
4371-041-013	B	0.05	4382-014-012	B	2.64
4371-041-024	B		4383-001-021	B	0.30



APN	Acquisition		APN	Acquisition	
	Area	Acreage		Area	Acreage
4383-001-022	B	0.31	4387-020-009	B	9.00
4383-001-023	B	0.36	4387-021-018	B	5.70
4383-001-024	B	0.63	4387-021-019	B	21.25
4383-001-025	B	0.44	4387-022-001	B	5.86
4383-002-005	B	5.57	4387-022-002	B	4.98
4383-002-008	B		4387-022-021	B	5.23
4383-005-023	B	0.36	4387-025-001	B	15.12
4383-005-024	B	0.39	4387-034-001	B	
4383-006-038	B		2376-010-011	C	4.15
4383-006-039	B	0.35	2376-011-010	C	2.57
4383-006-040	B	0.35	2376-013-037	C	1.81
4383-007-028	B	0.05	2376-014-011	C	2.54
4383-011-002	B	2.10	2376-021-010	C	4.38
4383-011-003	B	7.60	2376-021-012	C	2.83
4383-016-001	B	1.15	2376-021-013	C	2.81
4383-016-009	B	1.49	2376-021-014	C	2.83
4383-026-005	B	0.24	2380-005-009	C	0.50
4383-026-010	B	0.18	2380-005-010	C	0.51
4383-026-011	B	0.16	2380-036-002	C	0.40
4384-011-004	B	0.34	2380-036-006	C	
4384-016-001	B	4.40	2380-036-007	C	
4384-019-001	B	18.80	2380-039-013	C	
4384-019-002	B	5.00	2380-040-006	C	15.69
4384-019-003	B	5.00	2381-006-012	C	2.65
4384-019-008	B	5.80	2381-006-013	C	0.34
4384-019-010	B	28.24	2381-028-001	C	1.18
4384-033-010	B	0.46	2381-028-004	C	0.19
4384-033-011	B	0.71	2381-028-005	C	0.53
4384-034-001	B		2381-028-010	C	0.80
4385-010-017	B	10.31	2381-029-010	C	
4385-015-009	B	0.03	2381-029-011	C	0.46
4385-015-010	B	0.03	2381-029-012	C	0.75
4386-011-017	B	14.56	2382-020-004	C	0.19
4386-012-008	B	1.00	2382-020-005	C	0.35
4386-012-011	B	0.69	2384-024-009	C	13.60
4386-012-014	B	0.43	2384-024-021	C	2.29
4386-012-015	B	0.18	2425-011-009	C	5.00
4386-012-016	B	0.19	2425-013-011	C	0.99
4386-012-017	B	0.19	2425-014-001	C	0.84
4386-012-019	B	0.29	2425-014-002	C	0.62
4386-012-020	B	0.27	2425-015-008	C	1.17
4386-013-022	B	TBD	2425-015-015	C	0.34
4386-025-026	B	TBD	2425-015-016	C	0.40
4386-028-017	B	3.00	2425-015-017	C	0.32
4387-020-001	B	20.00	2425-015-018	C	1.48

APN	Acquisition Area	Acreage	APN	Acquisition Area	Acreage
2427-004-010	C	1.58	2428-030-015	C	0.06
2427-004-012	C	1.26	2428-030-016	C	0.05
2427-006-005	C	16.84	2429-004-007	C	0.08
2427-006-007	C	5.95	2429-022-006	C	0.03
2427-007-016	C	0.27	2429-022-007	C	0.04
2427-009-006	C	0.85	2429-022-008	C	0.05
2428-003-015	C	0.05	2429-022-009	C	0.05
2428-003-047	C	0.45	2429-022-021	C	0.06
2428-004-017	C	0.05	2429-022-023	C	0.07
2428-004-023	C	0.05	2429-022-024	C	0.06
2428-004-024	C	0.05	2429-022-025	C	0.06
2428-005-031	C	0.06	2429-023-003	C	0.06
2428-005-032	C	0.06	2429-023-004	C	0.06
2428-005-033	C	0.06	2429-023-005	C	0.06
2428-005-034	C	0.06	2429-024-020	C	0.06
2428-005-040	C	0.06	2429-024-021	C	0.06
2428-005-046	C	0.06	2429-024-025	C	0.06
2428-006-011	C	0.04	2429-024-026	C	0.06
2428-006-012	C	0.05	2429-026-001	C	0.07
2428-006-013	C	0.05	2429-026-019	C	0.08
2428-006-034	C	0.06	5549-001-001	C	4.50
2428-006-035	C	0.07	5549-001-002	C	6.98
2428-006-036	C	0.06	5549-005-009	C	0.37
2428-006-040	C	0.12	5549-005-010	C	0.72
2428-010-007	C	0.05	5549-005-011	C	0.21
2428-010-008	C	0.06	5549-005-012	C	0.24
2428-010-011	C	0.05	5549-006-001	C	1.29
2428-010-021	C	0.04	5549-006-002	C	1.01
2428-010-022	C	0.03	5549-006-003	C	0.35
2428-021-012	C	0.06	5549-007-017	C	TBD
2428-021-013	C	0.06	5549-007-018	C	0.01
2428-021-025	C	0.05	5549-007-019	C	0.03
2428-022-004	C	0.05	4388-001-003	D	8.26
2428-022-020	C	0.05	5551-006-017	D	1.84
2428-022-021	C	0.05	5551-033-003	D	4.00
2428-024-005	C	0.05	5556-008-025	D	0.12
2428-024-006	C	0.05	5556-015-008	D	0.12
2428-024-007	C	0.05	5556-015-018	D	0.32
2428-024-008	C	0.05	5556-015-019	D	0.24
2428-024-009	C	0.05	5556-015-052	D	0.30
2428-026-034	C	0.06	5556-015-053	D	0.59
2428-027-022	C	0.06	5556-023-034	D	
2428-029-001	C	0.06	5556-024-016	D	0.12
2428-029-002	C	0.06	5558-023-009	D	0.60
2428-030-014	C	0.05	5561-003-013	D	12.25

APN	Acquisition Area	Acreage	APN	Acquisition Area	Acreage
5561-003-014	D	0.39	5565-027-017	D	0.10
5562-006-010	D	19.38	5565-027-018	D	0.10
5563-012-017	D	0.06	5565-027-019	D	0.09
5563-012-018	D	0.06	5565-027-020	D	0.10
5563-018-001	D	0.69	5565-027-021	D	0.14
5564-004-010	D	0.56	5565-027-026	D	0.06
5564-004-011	D	8.10	5565-027-035	D	0.50
5565-001-001	D	0.36	5565-027-040	D	0.11
5565-001-002	D	0.14	5565-029-017	D	0.18
5565-001-003	D	0.12	5565-029-018	D	0.19
5565-001-004	D	0.14	5565-029-019	D	0.29
5565-001-021	D	0.15	5565-029-020	D	0.26
5565-001-022	D	0.22	5565-029-022	D	0.16
5565-001-023	D	0.19	5565-030-023	D	0.17
5565-003-031	D	3.71	5565-030-029	D	0.13
5565-004-009	D	0.32	5565-031-007	D	0.12
5565-007-015	D	8.76	5565-033-035	D	7.03
5565-008-002	D	11.80	5567-004-014	D	8.59
5565-009-034	D	6.29	5567-007-004	D	0.22
5565-010-008	D	2.83	5567-007-005	D	0.17
5565-016-001	D	0.68	5567-007-006	D	0.12
5565-016-009	D	0.53	5567-007-007	D	0.13
5565-020-013	D	0.14	5567-007-008	D	0.13
5565-020-014	D	0.13	5567-007-009	D	0.13
5565-020-017	D	0.13	5567-007-010	D	0.13
5565-020-018	D	0.16	5567-007-011	D	0.13
5565-020-019	D	0.15	5567-007-012	D	0.14
5565-020-020	D	0.15	5567-007-013	D	0.15
5565-020-021	D	0.13	5567-018-026	D	
5565-020-022	D	0.14	5567-018-051	D	
5565-020-023	D	0.21	5567-018-052	D	
5565-020-024	D	0.14	5567-022-005	D	0.07
5565-020-025	D	0.12	5567-022-029	D	0.04
5565-020-026	D	0.13	5567-028-002	D	0.11
5565-020-028	D	0.12	5567-028-017	D	0.12
5565-020-029	D	0.13	5567-029-001	D	0.09
5565-024-044	D	0.17	5567-029-002	D	0.11
5565-024-045	D	0.12	5567-029-003	D	0.11
5565-025-002	D	0.26	5567-029-004	D	0.11
5565-026-022	D	0.18	5567-029-005	D	0.11
5565-027-007	D	0.18	5567-029-006	D	0.11
5565-027-013	D	0.11	5567-029-007	D	0.12
5565-027-014	D	0.11	5567-029-008	D	0.12
5565-027-015	D	0.11	5567-029-010	D	0.11
5565-027-016	D	0.11	5567-029-011	D	0.11

APN	Acquisition Area	Acreage	APN	Acquisition Area	Acreage
5567-029-012	D	0.11	5572-004-010	D	0.30
5567-029-014	D	0.12	5572-021-003	D	0.48
5567-029-015	D	0.12	5576-007-027	E	0.11
5567-029-016	D	0.11	5576-007-028	E	0.14
5567-029-017	D	0.12	5576-007-032	E	0.17
5567-029-018	D	0.12	5576-007-033	E	0.15
5567-029-019	D	0.11	5576-007-036	E	0.16
5567-029-020	D	0.11	5576-007-037	E	0.12
5567-029-021	D	0.11	5576-007-038	E	0.14
5567-029-022	D	0.12	5576-007-044	E	0.16
5567-029-023	D	0.11	5576-007-045	E	0.36
5567-029-024	D	0.12	5576-007-046	E	0.13
5567-029-025	D	0.11	5576-007-047	E	0.12
5567-029-026	D	0.10	5576-009-052	E	0.13
5567-029-027	D	0.12	5576-009-053	E	0.16
5567-029-032	D	11.95	5576-009-054	E	0.14
5567-029-034	D	0.27	5576-009-055	E	0.13
5569-006-009	D	0.19	5576-009-056	E	0.10
5569-006-010	D	0.12	5576-009-057	E	0.13
5569-006-011	D	0.17	5576-009-058	E	0.13
5569-014-017	D	0.35	5576-009-059	E	0.11
5569-014-041	D	0.45	5576-009-060	E	0.12
5569-019-004	D	7.21	5576-009-061	E	0.12
5570-012-016	D	0.16	5576-009-062	E	0.12
5570-012-023	D	0.11	5576-009-063	E	0.11
5570-014-001	D	7.28	5576-009-064	E	0.14
5570-020-008	D	3.36	5577-008-001	E	17.63
5570-021-014	D	0.85	5577-008-002	E	24.20
5570-021-018	D	23.17	5577-008-003	E	17.04
5570-021-019	D	13.30	5577-013-006	E	
5570-021-020	D	9.80	5577-016-001	E	3.45
5570-025-042	D	0.30	5577-016-002	E	4.26
5570-025-044	D	0.49	5577-016-006	E	9.64
5570-025-046	D	0.54	5577-017-002	E	0.65
5570-025-059	D	0.08	5577-017-014	E	0.02
5570-025-060	D	0.32	5577-028-001	E	0.19
5570-026-013	D	1.34	5577-028-002	E	0.21
5570-027-055	D	6.52	5577-028-003	E	0.18
5570-027-056	D	0.75	5577-028-005	E	0.14
5570-028-002	D	0.14	5577-028-007	E	0.13
5570-028-024	D	0.14	5577-028-008	E	0.15
5570-028-026	D	0.08	5577-028-009	E	0.01
5571-010-005	D	1.84	5577-028-010	E	0.01
5571-023-002	D	0.88	5577-028-012	E	0.12
5572-001-001	D	0.09	5577-029-001	E	0.09

APN	Acquisition		APN	Acquisition	
	Area	Acreage		Area	Acreage
5577-029-003	E	0.13	5577-032-014	E	0.24
5577-029-004	E	0.10	5577-032-015	E	0.21
5577-029-005	E	0.10	5577-033-002	E	0.16
5577-029-006	E	0.14	5577-033-007	E	0.14
5577-029-007	E	0.16	5577-033-008	E	0.15
5577-029-008	E	0.15	5577-033-009	E	0.13
5577-029-009	E	0.10	5577-033-010	E	0.16
5577-029-010	E	0.12	5577-033-011	E	0.14
5577-029-011	E	0.11	5577-033-012	E	0.18
5577-029-014	E	0.01	5577-033-024	E	0.33
5577-029-015	E	0.01	5577-033-025	E	0.14
5577-029-017	E	0.01	5577-033-026	E	0.14
5577-030-001	E	0.12	5577-033-027	E	0.16
5577-030-002	E	0.13	5577-034-002	E	0.05
5577-030-003	E	0.17	5577-034-004	E	0.20
5577-030-004	E	0.19	5577-034-005	E	0.17
5577-030-005	E	0.15	5577-034-042	E	0.12
5577-030-006	E	0.12	5577-034-043	E	0.12
5577-030-007	E	0.10	5577-034-044	E	0.12
5577-030-008	E	0.10	5577-034-045	E	0.12
5577-030-009	E	0.10	5577-034-046	E	0.13
5577-030-010	E	0.08	5577-034-047	E	0.16
5577-030-011	E	TBD	5577-034-048	E	0.18
5577-030-012	E	0.01	5577-034-049	E	0.16
5577-031-001	E	0.15	5577-034-050	E	0.17
5577-031-002	E	0.15	5577-034-051	E	0.19
5577-031-003	E	0.16	5577-034-052	E	0.14
5577-031-006	E	0.18	5577-034-053	E	0.17
5577-031-007	E	0.15	5577-034-054	E	0.20
5577-031-008	E	0.16	5577-034-055	E	0.21
5577-031-009	E	0.16	5580-001-014	E	0.20
5577-031-010	E	0.17	5580-001-018	E	0.21
5577-031-011	E	0.08	5580-002-007	E	0.25
5577-031-012	E	0.09	5580-002-008	E	0.07
5577-031-013	E	0.11	5580-002-010	E	0.17
5577-031-015	E	0.12	5580-002-012	E	0.20
5577-031-016	E	0.12	5580-002-013	E	0.20
5577-032-004	E	0.16	5580-002-015	E	0.35
5577-032-006	E	0.17	5580-002-016	E	0.15
5577-032-007	E	0.18	5580-002-017	E	0.11
5577-032-008	E	0.18	5580-003-001	E	0.22
5577-032-009	E	0.17	5580-003-002	E	0.20
5577-032-011	E	0.20	5580-003-003	E	0.20
5577-032-012	E	0.18	5580-003-004	E	0.75
5577-032-013	E	0.17	5580-003-007	E	0.12

APN	Acquisition		APN	Acquisition	
	Area	Acreage		Area	Acreage
5580-003-008	E	0.14	5580-018-023	E	0.09
5580-004-003	E	0.14	5580-018-024	E	0.11
5580-004-004	E	0.15	5580-018-025	E	0.13
5580-004-009	E	0.14	5580-018-026	E	0.11
5580-004-010	E	0.13	5580-018-027	E	0.10
5580-004-011	E	0.14	5580-018-039	E	0.04
5580-004-026	E	0.18	5580-018-040	E	0.05
5580-004-027	E	0.29	5580-020-009	E	0.35
5580-013-009	E	0.13	5580-020-012	E	0.77
5580-013-022	E	0.55	5580-020-013	E	0.58
5580-013-023	E	0.28	5580-028-013	E	0.36
5580-014-017	E	1.16	5580-030-021	E	0.33
5580-016-004	E	0.10	5581-005-001	E	70.85
5580-016-006	E	0.06	5581-005-006	E	42.21
5580-016-007	E	0.06	5581-006-002	E	6.37
5580-016-009	E	0.21	5581-010-001	E	17.36
5580-016-010	E	0.22	5581-010-002	E	8.48
5580-016-016	E	0.15	5581-010-003	E	11.26
5580-016-017	E	0.15	5581-010-007	E	9.96
5580-016-022	E	0.12	5582-002-002	E	0.21
5580-016-023	E	0.21	5582-002-004	E	0.26
5580-016-024	E	0.12	5582-002-005	E	0.26
5580-016-025	E	0.10	5582-002-006	E	0.30
5580-017-001	E	0.08	5582-002-007	E	0.29
5580-017-004	E	0.09	5582-002-008	E	0.29
5580-017-005	E	0.14	5582-003-003	E	0.16
5580-017-006	E	0.12	5582-003-012	E	0.18
5580-017-031	E	0.64	5582-003-014	E	0.11
5580-018-004	E	0.09	5582-003-015	E	0.17
5580-018-005	E	0.13	5582-003-016	E	0.31
5580-018-006	E	0.24	5582-003-017	E	0.29
5580-018-007	E	0.08	5582-003-018	E	0.36
5580-018-008	E	0.11	5582-003-019	E	0.34
5580-018-009	E	0.11	5582-003-020	E	0.13
5580-018-010	E	0.11	5582-004-001	E	0.16
5580-018-011	E	0.11	5582-004-002	E	0.17
5580-018-012	E	0.09	5582-004-003	E	0.21
5580-018-013	E	0.09	5582-004-004	E	0.18
5580-018-014	E	0.10	5582-004-005	E	0.15
5580-018-015	E	0.07	5582-004-006	E	0.15
5580-018-016	E	0.07	5582-004-009	E	0.23
5580-018-017	E	0.09	5582-004-020	E	0.31
5580-018-020	E	0.09	5582-004-022	E	0.28
5580-018-021	E	0.10	5582-004-023	E	0.32
5580-018-022	E	0.09	5582-004-024	E	0.28

APN	Acquisition		APN	Acquisition	
	Area	Acreage		Area	Acreage
5582-004-025	E	0.15	5583-004-001	E	0.21
5582-004-026	E	0.33	5583-004-002	E	0.22
5582-004-028	E	0.25	5583-004-003	E	0.21
5582-004-029	E	0.24	5583-004-005	E	0.21
5582-004-030	E	0.02	5583-004-006	E	0.23
5582-004-031	E	0.03	5583-004-007	E	0.28
5582-004-032	E	0.19	5583-004-009	E	0.25
5582-005-002	E	0.16	5583-004-010	E	0.26
5582-005-003	E	0.16	5583-004-011	E	0.26
5582-005-019	E	0.23	5583-006-008	E	0.17
5582-005-023	E	0.11	5583-006-012	E	0.16
5582-005-024	E	0.32	5583-006-013	E	0.13
5582-005-026	E	0.19	5583-006-018	E	0.11
5582-005-027	E	0.11	5583-007-002	E	0.16
5582-006-002	E	0.21	5583-007-003	E	0.14
5582-006-003	E	0.15	5583-007-005	E	0.16
5582-006-004	E	0.16	5583-007-018	E	0.15
5582-006-005	E	0.19	5583-007-019	E	0.14
5582-006-006	E	0.19	5583-007-020	E	0.01
5582-006-010	E	0.30	5583-022-001	E	0.18
5582-006-014	E	0.42	5583-023-001	E	0.15
5582-006-016	E	0.09	5583-023-002	E	0.20
5582-006-017	E	0.26	5583-023-005	E	0.19
5582-010-004	E	0.32	5583-023-006	E	0.18
5582-010-010	E	0.27	5583-023-007	E	0.16
5582-010-011	E	0.24	5583-023-010	E	0.19
5582-011-008	E	0.21	5583-023-014	E	0.13
5582-011-009	E	0.16	5583-023-016	E	0.16
5582-011-011	E	0.17	5585-001-006	E	0.16
5582-012-016	E	0.14	5585-001-007	E	0.12
5582-012-018	E	0.14	5585-001-009	E	0.13
5582-012-019	E	0.19	5585-001-012	E	0.12
5582-012-020	E	0.13	5585-001-014	E	0.17
5582-014-002	E	0.22	5585-001-015	E	0.12
5582-014-003	E	0.33	5585-001-016	E	0.13
5582-014-008	E	0.21	5585-001-018	E	0.17
5582-014-012	E	0.13	5585-001-019	E	0.17
5582-014-015	E	0.13	5585-001-020	E	0.15
5582-023-010	E	0.19	5585-001-021	E	0.15
5582-023-011	E	0.30	5585-001-022	E	0.13
5582-023-013	E	0.07	5585-001-023	E	0.12
5582-024-004	E	0.21	5585-001-024	E	0.12
5582-024-009	E	0.16	5585-001-025	E	0.28
5582-024-010	E	0.17	5585-001-026	E	0.23
5582-024-011	E	0.17	5585-002-001	E	0.12

APN	Acquisition		APN	Acquisition	
	Area	Acreage		Area	Acreage
5585-002-002	E	0.14	5585-008-003	E	0.35
5585-002-005	E	0.11	5585-008-006	E	0.23
5585-002-009	E	0.11	5585-008-009	E	0.07
5585-002-010	E	0.13	5585-008-029	E	0.08
5585-002-011	E	0.16	5585-012-005	E	0.28
5585-002-012	E	0.13	5585-012-006	E	0.13
5585-002-013	E	0.12	5585-012-007	E	0.12
5585-002-014	E	0.11	5585-012-008	E	0.14
5585-002-015	E	0.14	5585-012-009	E	0.12
5585-002-016	E	0.12	5585-012-010	E	0.11
5585-002-017	E	0.11	5585-012-011	E	0.12
5585-002-018	E	0.10	5585-012-012	E	0.12
5585-002-020	E	0.13	5585-012-014	E	0.13
5585-002-021	E	0.13	5585-012-015	E	0.11
5585-002-022	E	0.15	5585-012-017	E	0.13
5585-002-024	E	0.12	5585-012-018	E	0.18
5585-002-025	E	0.12	5585-012-019	E	0.13
5585-002-028	E	0.13	5585-012-020	E	0.15
5585-002-029	E	0.13	5585-012-021	E	0.12
5585-002-030	E	0.13	5585-014-028	E	0.16
5585-002-031	E	0.12	5585-014-029	E	0.23
5585-003-005	E	0.16	5585-014-031	E	0.14
5585-003-006	E	0.15	5585-014-032	E	0.13
5585-003-012	E	0.13	5585-014-035	E	0.16
5585-003-013	E	0.14	5585-014-036	E	0.12
5585-003-014	E	0.15	5585-014-037	E	0.21
5585-003-015	E	0.12	5585-014-038	E	0.18
5585-003-017	E	0.14	5585-014-039	E	0.14
5585-003-018	E	0.09	5585-014-040	E	0.15
5585-003-019	E	0.05	5585-014-041	E	0.17
5585-003-022	E	0.29	5585-017-007	E	0.10
5585-003-023	E	0.14	5585-017-008	E	0.08
5585-003-024	E	0.07	5585-017-023	E	0.27
5585-003-026	E	0.07	5585-018-053	E	0.27
5585-003-030	E	0.15	5585-023-017	E	0.24
5585-003-031	E	0.03	5585-029-001	E	0.20
5585-003-032	E	0.08	5585-029-002	E	0.72
5585-006-031	E	0.12	5585-029-005	E	0.09
5585-006-032	E	0.08	5585-029-008	E	0.01
5585-006-033	E	0.11	5585-029-010	E	0.53
5585-006-034	E	0.09	5585-029-011	E	0.40
5585-006-035	E	0.13	5585-029-024	E	0.29
5585-006-036	E	0.08	5585-029-031	E	0.14
5585-006-039	E	0.10	5585-029-032	E	0.12
5585-007-008	E	1.88	5585-029-040	E	0.16



<u>APN</u>	<u>Acquisition Area</u>	<u>Acreage</u>	<u>APN</u>	<u>Acquisition Area</u>	<u>Acreage</u>
5585-029-041	E	0.12	5585-029-043	E	0.15
5585-029-042	E	0.11	5585-029-045	E	0.20