

# **PC Attachment 5**

**RECORDING REQUESTED BY:**  
Westminster Title Company, Inc.

**When Recorded Mail Document  
and Tax Statement To:**

Toll Brothers  
350 Commerce Drive, Suite 200  
Irvine, CA. 92602  
Attn: Bradley Hare, Division President

Recorded in Official Records, Orange County  
Hugh Nguyen, Clerk-Recorder



NO FEE

\* \$ R 0 0 1 4 4 6 4 6 6 3 \$ \*

**2023000175011 10:54 am 07/20/23**

**340 507A T01 7**

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- SPACE ABOVE THIS LINE FOR RECORDER'S USE

### DOCUMENT TITLE(S)

Irrevocable Offer of Dedication – Termination

(Elementary School Site)

RECORDING REQUESTED BY AND  
Westminster Title Company  
WHEN RECORDED MAIL TO:

Toll Bros., Inc.  
350 Commerce, Suite 200  
Irvine, CA 92602  
Attn: Bradley Hare, Division President

APN 612-221-10

No recording fee pursuant to Government Code Section 27383  
No Documentary Transfer Tax, pursuant to Revenue & Taxation Code Section 11922

## **IRREVOCABLE OFFER OF DEDICATION - TERMINATION**

**(Elementary School Site)**

### **PERTINENT FACTS**

A. SADDLEBACK VALLEY UNIFIED SCHOOL DISTRICT is a public school district organized and existing under Chapter 1 of Division 3 of Title 2 of the Education Code of the State of California ("Grantee").

B. TOLL WEST INC. WHICH WILL DO BUSINESS IN CALIFORNIA AS TOLL BROTHERS WEST INC., a Delaware corporation ("Toll" or "Owner") is the owner of certain real property located in the City of Lake Forest ("City"), County of Orange, State of California and more particularly described and shown on Exhibit A (the "Dedication Property"), pursuant to that certain Grant Deed dated November 5, 2021 from DRP CA 5, LLC, a Delaware limited liability company ("DRP"), having exercised its rights under the Option Agreement dated September 14, 2020 ("Option Agreement"). .

C. On August 19, 2023, Owner and Grantee entered into the School Mitigation Agreement by and between Saddleback Valley Unified School District and DRP and Toll West Inc. ("Mitigation Agreement"). The Mitigation Agreement was amended by the First Amendment to the School Mitigation Agreement by and between Saddleback Valley Unified School District and DRP and Toll West Inc. dated January 20, 2023 ("Amendment").

D. Pursuant to the Mitigation Agreement and Amendment, Owner delivered to Grantee an Irrevocable Offer of Dedication ("IOD") which was recorded by Owner on January 11, 2023 as Instrument No. 2023000008318. The purpose of the IOD (the "Offer Purpose") was to offer to dedicate to Grantee the Dedication Property which consists of a ten (10)-acre parcel, as more specifically described in the attached Exhibit A, attached hereto, to be used by Grantee for the sole purpose of a new elementary school for Grantee which would be limited to the capacity of eight hundred (800) to one thousand (1000) students.

E. On April 7, 2023, Grantee's Board of Trustees considered and rejected the IOD and will not accept the Dedication Property. Grantee notified Owner that Grantee would not accept the Dedication Property and was rejecting the IOD. Owner and Grantee desire to memorialize the rejection of the IOD by this Rejection of Irrevocable Offer of Dedication.

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, and in light of the Pertinent Facts set forth in paragraphs A through E, above, the rejection of the IOD is set forth as follows:

### **REJECTION OF OFFER TO DEDICATE**

1. Grantee hereby rejects the Irrevocable Offer of Dedication recorded on January 11, 2023 as Instrument No. 2023000008318 from Owner to Grantee of the Dedication Property.
2. By rejecting the IOD, Owner is released of any obligation to dedicate the Dedication Property to Grantee or to delay construction of other development on the Dedication Property.
3. The IOD is hereby terminated and Grantee relinquishes any claims or rights under the IOD or to the Dedication Property.

### **GENERAL PROVISIONS**

1. This Rejection of Irrevocable Offer of Dedication shall take effect upon, from and immediately after its recording in the Office of the County Recorder of Orange County, California.
2. This Rejection of Irrevocable Offer of Dedication shall be governed by and construed in accordance with the laws of the State of California.

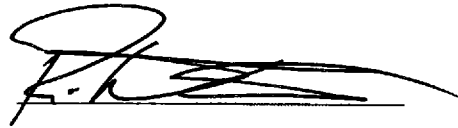
[The remainder of this page is intentionally left blank]

Date: 15 June 2023, 2023

SADDLEBACK VALLEY UNIFIED SCHOOL

DISTRICT, a public school district organized and existing under Chapter 1 of Division 3 of Title 2 of the Education Code of the State of California

By:



Its:

ASSISTANT SUPERINTENDENT  
Robert Edward Crasen

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

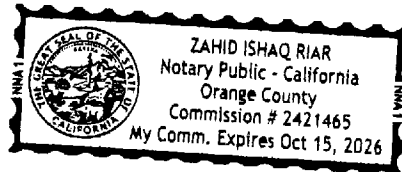
STATE OF CALIFORNIA                    )  
  )  
COUNTY OF Orange                    )

On 15, June, 2023 before me, ZAHID ISHAQ RIAR - Notary Public,  
Notary Public, personally appeared Robert Edward Craven,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]



(Seal)

**EXHIBIT "A"**

**LEGAL DESCRIPTION AND DEPICTION OF  
DEDICATION PROPERTY**

LOT 8 OF TRACT NO. 19124, IN THE CITY OF LAKE FOREST, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP FILED OCTOBER 5, 2021 IN BOOK 993, PAGES 42 THROUGH 50 INCLUSIVE OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF ORANGE COUNTY, CALIFORNIA.

