

PUBLIC NOTICE

Notice is hereby given by the City of San Clemente ("City") that the City is in possession of certain refundable monies as set forth in more detail below. The refundable monies are being held in the City's Beach Parking Impact Fee Fund Payable (account number 068-000-21163-000-00000), and the refundable monies add up to a combined total of \$1,670,985.20. Pursuant to Government Code section 50050 *et seq.*, it is proposed the unclaimed monies shall become the property of the City on November 23, 2021.

The City has complied with all requirements of the Court's final judgment and order from the Walker v. San Clemente matter. Per the judgment the City compiled a list of all owners and addresses for which Beach Parking Impact Fees (BPIF) were paid, this list was continuously posted on the City's website. The list established the eligibility of refund payments to property owners based on City payment records and property ownership referenced in the County Assessors Property Tax list on July 1, 2014 which verified ownership on January 1, 2014. On March 2, 2017 the City entered into an agreement with Bank of New York Mellon (BNY Mellon) to facilitate the refund process. Correspondences were sent to all property owners with instructions to claim the refund. In December 2018, BNY Mellon returned the remaining \$1,791,153 unclaimed balance back to the City and the City took over the refund process for the remaining 1,334 unclaimed BPIF refunds. In April of 2020, the City sent out a second correspondence to the remaining eligible property owners and successfully refunded approximately 100 property owners totaling \$120,168. In aggregate the City refunded 5,256 eligible property owners for a total of \$7,257,617 or 81% of BPIF dollars.

If you believe you are entitled to any of the funds described below and listed on the City's website, please file a claim with the City Treasurer in writing at 910 Calle Negocio, San Clemente, CA 92673. You **MUST** file your claim before November 23, 2021. Proof of eligibility is required. To make a claim, please submit in writing all of the following: name, address, daytime telephone number, proof that you are the depositor or an authorized representative of the depositor, amount of claim, and the grounds for the claim. Submit your claim to the attention of the City Treasurer, Mark A. Taylor and reference BPIF Refund. The City Treasurer reserves the right to request additional information and may accept or reject a claim. If a claim is rejected, the claimant may file a verified complaint seeking to recover all, or a designated part, of the unclaimed monies in a court of competent jurisdiction within Orange County and serve a copy of the complaint and summons upon the City Treasurer. A copy of the complaint and summons must be served within thirty (30) days of receiving the City's notice the claim was rejected.

The Beach Parking Impact Fee Fund contains monies refundable to eligible property owners of record within the City of San Clemente that appear on the

County Assessor's Property Tax list per the July 1, 2014 tax roll (reflecting ownership as of January 1, 2014) whose property was subject to the City's Beach Parking Impact Fee. Any funds that remain on account on November 23, 2021 shall be forfeited in accordance with Section 50050 *et seq.* of the Government Code.

A list of properties eligible for a refund, the amount of the refund, and more details, can be found at <https://www.san-clemente.org/bpif/>. You can also request the list of properties eligible for a refund, and the accompanying refund amounts, by contacting the City via email at bpifrefund@san-clemente.org or by calling (949) 226-4311.