

### FAITHFUL PERFORMANCE BOND

WHEREAS, the City Council of the City of Huntington Beach, State of California, and  
Huntington Industrial Gateway III, LLC

(hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install  
and complete designated public improvements, which said agreement, dated \_\_\_\_\_,  
20\_\_\_\_, and identified as project PM 2022-107, is hereby referred to and made a part hereof; and

WHEREAS, said principal is required under the terms of said agreement to furnish a bond  
for the faithful performance of said agreement.

Now, therefor, we, the principal and U.S. Specialty Insurance Company,  
as surety, are held and firmly bound unto the City of Huntington Beach, hereinafter called "City", the penal  
sum of Four Million Seven Hundred Thirty-Two One Hundred dollars (\$ 4,732,100.00 )  
lawful money of the United States, for the payment of which sum well and truly to be made, we bind  
ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these  
presents.

The condition of this obligation is such that if the above bounded principal, his or its heirs,  
executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and  
truly keep and perform the covenant, condition and provisions in the said agreement and any alteration  
thereof made as therein provided, on his or their part, to be kept and performed at the time and in the  
manner therein specified, and in all respects according to their true intent and meaning, and shall  
indemnify and save harmless "City", its officers, agents and employees, as therein stipulated, then this  
obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified  
therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's  
fees incurred by " City in successfully enforcing such obligation, all to be taxed as costs and included in  
any judgment rendered.

The surety hereby stipulates and agrees that no charge, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligations on this bond, and it does hereby waive notice of any change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on March 07, 2023.

Huntington Industrial Gateway III, LLC, as Principal

By (See attached Signature Block)

By \_\_\_\_\_

U.S. Specialty Insurance Company, as Surety

By  \_\_\_\_\_  
Edith Garibay, Attorney-in-Fact

By \_\_\_\_\_

APPROVED AS TO FORM

By:  \_\_\_\_\_  
MICHAEL E. GATES  
CITY ATTORNEY  
CITY OF HUNTINGTON BEACH

Signature Block

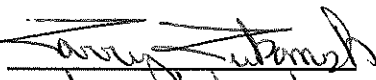
Bond no. 1001047762

Faithful Performance Bond

**Huntington Gateway Industrial III, LLC, a  
Delaware limited liability company**

**By: SRG Huntington Gateway III, L.P., a  
Delaware limited partnership  
Its: Managing Member**

**By: SRG Investors, LLC, a  
Delaware limited liability company  
Its: General Partner**

By:   
Name: Larry Lukens  
Its: Authorized Agent

STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF ORANGE )

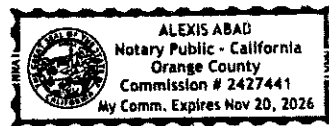
ON March 13, 2023 BEFORE ME, Alexis Abad, A  
NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED  
Larry Lykanish, PROVED TO ME ON THE BASIS  
OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAME(S) IS/ ARE  
SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT  
HE/SHE/THEY EXECUTED 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 Alexis Abad

SEAL



STATE OF CALIFORNIA )  
 ) SS  
COUNTY OF ORANGE )

ON \_\_\_\_\_, BEFORE ME, \_\_\_\_\_, A  
NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED  
\_\_\_\_\_, PROVED TO ME ON THE BASIS  
OF SATISFACTORY EVIDENCE TO BE THE PERSONS 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),  
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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 \_\_\_\_\_

SEAL

# CALIFORNIA CERTIFICATE OF 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 03-07-2023 before me, KASSANDRA DE LEON, NOTARY PUBLIC,  
(here insert name and title of the officer)

personally appeared EDITH GARIBAY -----

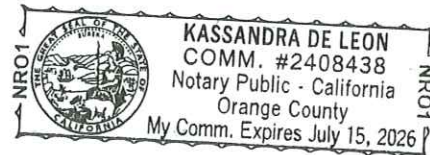
who proved to me on the basis of satisfactory evidence to be the person(x) whose name(x) is/are xxx subscribed to the within instrument and acknowledged to me that xx/she/xxxx executed the same in xxx/her/xxxx authorized capacity(ies), and that by xx/her/xxxx signature(s) on the instrument the person(x), or the entity upon behalf of which the person(x) 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

KASSANDRA DE LEON, NOTARY PUBLIC



(Seal)

## Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of \_\_\_\_\_

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)  
☒ Attorney-in-Fact  
☐ Corporate Officer(s) \_\_\_\_\_  
Title(s) \_\_\_\_\_

- ☐ Guardian/Conservator  
☐ Partner - Limited/General  
☐ Trustee(s)  
☐ Other: \_\_\_\_\_

representing: \_\_\_\_\_  
Name(s) of Person(s) or Entity(ies) Signer is Representing

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:  
☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:  
Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

#### Other

- ☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)  
☐ \_\_\_\_\_