

RESOLUTION NUMBER 5295

A RESOLUTION OF THE CITY OF PERRIS, APPROVING PERRIS PARK DEVELOPMENT IMPACT FEE CREDIT/REIMBURSEMENT AGREEMENT WITH KB HOME COASTAL, INC., RELATED TO KB HOME TRACT 32262, 31926, 31926-2, AND 36343

WHEREAS, the City of Perris (“**City**”), and KB Home Coastal Inc., a California Corporation (“**Developer**”) are parties to that certain DIF Credit/Reimbursement Agreement dated July 19, 2013 related to Tract Nos. 31926, 31926-2, and 36343 (“**Monument Park DIF Agreement**”); and

WHEREAS, Perris Municipal Code Section 19.68.020 establishes Development Impact Fees (“**DIF Fees**”) that developers are required to pay for their fair share of the costs to construct the infrastructure that will be necessary to accommodate and mitigate the impacts and burdens on the public generally generated by new development and that are necessary to protect the safety, health and welfare of persons in the City. DIF Fees are collected as a condition to the development of land prior to the issuance of building permits; and

WHEREAS, Developer owns approximately 72 acres of real property (“**Property**”) located within the City of Perris, California, which Property is subject to Tentative Tract Map 32262; and

WHEREAS, Developer previously obtained from City certain entitlements for the construction of a residential development on the Property (“**Project**”). As a condition to City’s approval of the Project, City required Developer to construct certain public works of improvement, specifically improvements and access to the Perris Valley Storm Drain Trail as set forth in Tract Map 32262 Conditions of Approval 15(e) and 17 (collectively, the “**Trail Improvements**”); and

WHEREAS, Developer and City are parties to that certain DIF Credit/Reimbursement Agreement dated July 19, 2013 related to Tract Nos. 31926, 31926-2, and 36343 (“**Monument Park DIF Agreement**”). The Monument Park DIF Agreement provided for certain credits and/or reimbursements of the park component of the DIF fees for those tracts. Developer previously constructed park improvements for Tracts 31926, 31926-2, and 36343 (“**Monument Park Improvements**”). Developer and City agree that Developer is entitled to reimbursement of the park component of DIF Fees in the amount of \$1,500,000 for the construction of the Monument Park Improvements; and

WHEREAS, City and Developer now desire to enter into this Agreement for the following purposes: to provide for the reimbursement to Developer of \$1,000,000 for the Monument Park Improvements; to provide a means by which the remaining \$500,000 credit shall be applied to the Trail Improvements; to provide a means for City to construct the Trail Improvements in lieu of Developer; and to terminate the Monument Park DIF Agreement.

NOW, THEREFORE, based on the evidence presented, including the written staff report and oral testimony on this matter, the City Council does hereby find, determine and resolve as follows:

Section 1. The above recitals are all true and correct and are hereby adopted as findings.

Section 2. Based on the information contained within the staff report and the accompanying attachments, the City Council hereby approves this Resolution authorizing the reimbursement to KB Home Coastal Inc., on the terms and conditions set forth in the attached city of Perris Park Development Impact Fee credit/reimbursement agreement for KB home tract 32262 herein, a sum not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00) for the Monument Park Improvements.

Section 3. The Reimbursement Amount shall consist of: a payment of \$1,000,000 to be paid to Developer in two (2) equal installments, with the first payment no later than thirty (30) days after execution of the Perris Park Development Impact Fee credit/reimbursement agreement for KB Home Tract 32262; and the second payment no later than January 1, 2019; and a credit of \$500,000 against the construction of the Trail Improvements.

Section 4. The City Manager is authorized and directed to take such actions and execute such documents as may be necessary to implement and effect this Resolution on behalf of the City of Perris.

Section 5. The City Clerk shall certify to the passage and adoption hereof.

ADOPTED, SIGNED and APPROVED this 29th day of May, 2018.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Nancy Salazar, City Clerk of the City of Perris, California, do hereby certify that the foregoing Resolution Number 5295 was duly and regularly adopted by the City of Perris City Council at a regular meeting thereof held on the 29th day of May, 2018, by the following called vote:

AYES: CORONA, RABB, ROGERS, BURKE, VARGAS
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

Nancy Salazar, City Clerk