

RESOLUTION NO. 4626

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, WAIVING PENALTIES AND INTEREST FOR CERTAIN PARCELS WITHIN COMMUNITY FACILITIES DISTRICT 91-1 PURSUANT TO GOVERNMENT CODE § 53340

WHEREAS, a settlement has been reached between the City of Perris (“City”) and Kenneth A. Steele and Ana Steele (“Steeles”) regarding the property, as described in the Legal Description attached as Exhibit “A.” The City will waive penalties and interest in the amount of \$147,589.33 that accrued on the delinquent Community Facilities District (“CFD”) taxes for the property if the next purchaser of the property pays all past and currently due special taxes and costs in full. The special tax delinquencies from 1995-2000 at the property were caused by former owners. The next purchaser of the property shall be unrelated to the owner(s) responsible for the delinquency.

WHEREAS, a settlement has been reached between the City of Perris (“City”) and Perris Holdco (“Holdco”) regarding the properties, as described in the Legal Description attached as Exhibit “B.” The City will waive penalties and interest in the total amount of \$3,647,918.61 that accrued on the delinquent CFD taxes for the properties if the next purchasers of the properties pay all past and currently due special taxes and costs in full for each property purchased. The special tax delinquencies from 1995-2009 for the properties were caused by former owners. The next purchasers of the property shall be unrelated to the owner(s) responsible for the delinquency.

WHEREAS, Government Code § 53340, subdivision (f), authorizes the City to waive the delinquency penalties and redemption penalties, including the penalties and interest for the properties, pursuant to the findings made by the City Council below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The foregoing recitals are incorporated herein as if set forth in full.
2. The City Council finds that each of the conditions under Government Code § 53340, subdivision (f), are met as follows:
 - A. The waivers provided for herein will be applied only to present delinquencies, and shall not be applied to penalties and interest that accrue on any subsequent special taxes that become delinquent, if any;
 - B. All past and currently due special taxes and all other costs due will be paid in full within a specified period of time;
 - C. The properties shall be sold or transferred to new owners unrelated to the owners responsible for the delinquency; and,

D. The waivers provided for herein are in the best interest of the bondholders in that it will result in the payment of past special taxes and facilitate the development of the properties, thus providing greater security for future special taxes.

3. Upon approval of this resolution, the City shall direct the City's Finance Director and tax consultant Willdan Financial Services to implement the waivers of the penalties and interest and take any and all other actions as may be necessary to effect the waivers contemplated by this resolution. Such waiver shall be irrevocable.

ADOPTED, SIGNED and APPROVED this 24th day of September, 2013

Daryl R. Busch, Mayor

Attest:

Nancy Salazar, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PERRIS)

I, NANCY SALAZAR, City Clerk of the City of Perris, California, do hereby certify that Resolution Number 4626 was adopted by the City Council of the City of Perris at a regular meeting held on the 24th day of September, 2013, and that the same was adopted by the following vote:

AYES: YARBROUGH, LANDERS, ROGERS, RODRIGUEZ, BUSCH
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

NANCY SALAZAR
CITY CLERK

EXHIBIT "A"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 13 OF PARCEL MAP 26437, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 169, PAGE(S) 66 THROUGH 71, INCLUSIVE, OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY.

ALSO, EXCEPTING AN UNDIVIDED ONE-HALF INTEREST IN THE OIL, GAS, PETROLEUM, NAPHTHA AND OTHER HYDROCARBON SUBSTANCES AND MINERALS LYING BELOW A DEPTH OF 500.00 FEET, WITH THE RIGHT OF DEVELOPMENT, PRODUCTION, AND REMOVAL BY SLANT DRILLING AND OTHER METHODS NOT REQUIRING THE USE OF SURFACE OF SAID LAND, AS RESERVED BY WESTERN FARM CREDIT BANK, SUCCESSOR TO FEDERAL LAND BANK OF SACRAMENTO, A CORPORATION IN DEED RECORDED AUGUST 10, 1990 AS INSTRUMENT NO. 298154 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

APN: 305-080-046-8

EXHIBIT "B"

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL A:

PARCELS 11, 14, 15 AND 16, AS SHOWN BY PARCEL MAP 26437, ON FILE IN BOOK 169, PAGES 66 THROUGH 71, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

THEREON WITH THAT PORTION OF PARCELS 9 AND 10 OF PARCEL MAP NO. 26437, AS SHOWN BY PARCEL MAP ON FILE IN BOOK 169, PAGES 66 THROUGH 71, INCLUSIVE, OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, AS ADJUSTED BY THAT CERTAIN LOT LINE ADJUSTMENT MAP RECORDED AUGUST 8, 1991 DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCEL 10, AS SHOWN BY PARCEL MAP 26437, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP ON FILE IN BOOK 169, PAGES 66 THROUGH 71, INCLUSIVE, OF PARCEL MAPS, RECORDS OF SAID RIVERSIDE COUNTY, AS SHOWN BY LOT LINE ADJUSTMENT NO. 4/91 RECORDED AUGUST 8, 1991 AS INSTRUMENT NO. 272987, OFFICIAL RECORDS OF SAID COUNTY, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF BARRETT AVENUE (39.00 FEET HALF WIDTH) DISTANT NORTH 0°11'10" WEST, 1215.84 FEET FROM THE NORTHWEST CORNER OF PARCEL 1 OF SAID PARCEL MAP NO. 26437;

THENCE CONTINUING ALONG SAID STREET NORTH 0°11'10" WEST 42.00 FEET;

THENCE NORTH 89°48'50" EAST, 246.00 FEET;

THENCE NORTH 0°11'10" WEST, 194.00 FEET;

THENCE NORTH 89°48'50" EAST, 20.00 FEET;
THENCE NORTH 0°11'10" WEST, 94.26 FEET;
THENCE NORTH 89°48'50" EAST, 93.02 FEET;
THENCE NORTH 89°51'32" EAST, 82.00 FEET;
THENCE SOUTH 0°08'28" EAST, 193.96 FEET;
THENCE NORTH 89°51'32" EAST, 145.04 FEET;
THENCE SOUTH 0°08'28" EAST, 133.99 FEET;
THENCE SOUTH 37°54'48" EAST, 70.00 FEET;
THENCE SOUTH 52°05'12" WEST, 277.07 FEET;
THENCE NORTH 0°08'28" WEST, 55.00 FEET;
THENCE SOUTH 89°51'32" WEST, 187.39 FEET;
THENCE NORTH 7°54'51" EAST, 169.32 FEET;
THENCE SOUTH 89°48'50" WEST, 246.00 FEET TO THE POINT OF
BEGINNING.

SAID LAND IS SHOWN AS PARCEL N ON LOT LINE ADJUSTMENT
RECORDED AUGUST 8, 1991 AS INSTRUMENT NO. 272987 OFFICIAL
RECORDS.

THAT PORTION OF PARCEL 9 OF PARCEL MAP 26437, AS SHOWN BY
MAP ON FILE IN BOOK 169, PAGES 66 THROUGH 71 OF PARCEL MAPS,
RECORDS OF RIVERSIDE COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EAST LINE OF BARRETT AVENUE
(39.00 FEET HALF WIDTH) DISTANT NORTH 0°11'10" WEST, 1088.25
FEET FROM THE NORTHWEST CORNER OF PARCEL 1, ALL AS SHOWN
ON SAID PARCEL MAP NO. 26437;

THENCE CONTINUING ALONG SAID STREET NORTH 0°11'10" WEST,
127.59 FEET;

THENCE NORTH 89°48'50" EAST, 246.00 FEET;

THENCE SOUTH 7°54'51" WEST, 169.32 FEET;

THENCE SOUTH 89°51'32" WEST, 33.29 FEET;

THENCE NORTH 0°11'10" WEST, 40.01 FEET;

THENCE SOUTH 89°48'50" WEST, 188.85 FEET TO THE POINT OF
BEGINNING.

SAID LAND IS SHOWN AS PARCEL H, ON LOT LINE ADJUSTMENT
RECORDED AUGUST 8, 1991 AS INSTRUMENT NO. 272987 OFFICIAL
RECORDS.

EXCEPTING AN UNDIVIDED ONE-HALF INTEREST IN THE OIL, GAS,
PETROLEUM, NAPHTHA AND OTHER HYDROCARBON SUBSTANCES
AND MINERALS LYING BELOW A DEPTH OF 500.00 FEET, WITH THE
RIGHT OF DEVELOPMENT, PRODUCTION, AND REMOVAL BY SLANT
DRILLING AND OTHER METHODS NOT REQUIRING THE USE OF
SURFACE OF SAID LAND, AS RESERVED BY WESTERN FARM CREDIT
BANK, SUCCESSORS TO FEDERAL LAND BANK OF SACRAMENTO, A
CORPORATION IN DEED RECORDED AUGUST 10, 1990 AS
INSTRUMENT NO. 298154 OF OFFICIAL RECORDS OF RIVERSIDE
COUNTY, CALIFORNIA.

PARCEL B:

NON EXCLUSIVE EASEMENTS FOR INGRESS, EGRESS, PARKING,
UTILITIES AND OTHER RIGHTS WITHIN THE COMMON AREA, AS SET
FORTH IN THAT CERTAIN DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND RECIPROCAL EASEMENTS,
RECORDED AUGUST 28, 1991 AS INSTRUMENT NO. 299079 OFFICIAL
RECORDS.

APN(S): 305-080-044-6, 305-080-047-9, 305-080-048-0, 305-080-049-1, 305-080-061-1, 305-080-062-2