

RESOLUTION NO. 4037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING AND ORDERING THE EXECUTION OF THAT CERTAIN DEPOSIT AND REIMBURSEMENT AGREEMENT AND FEE DEPOSIT AGREEMENT WITH RVONE HOMES, LLC AND MAGNOLIA LP AND MAKING CERTAIN FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH

WHEREAS, there has been filed with the City Clerk that certain Deposit and Reimbursement Agreement (the “Deposit and Reimbursement Agreement”), by and among the CITY OF PERRIS (the “City”) and RVONE HOMES, LLC and MAGNOLIA, LP (the two entities are collectively referred to herein as the “Developer”), the developer of the real property (the “Property”) described on Exhibit “A” hereto and by this reference incorporated herein; and

WHEREAS, the Deposit and Reimbursement Agreement, the form of which is on file with the City Clerk and by this reference incorporated herein, provides for the deposit with City of certain funds to cover City expenses in connection with the formation of a community facilities district comprising said Property, and providing the means by which such deposit may be reimbursed to the Developer, such reimbursement to come from the proceeds from the sale of special tax bonds to be issued pursuant to the Mello-Roos Community Facilities Act of 1982 (the “Mello-Roos Act”); and

WHEREAS, there has been filed with the City Clerk that certain Fee Deposit and Reimbursement Agreement (the “Fee Deposit Agreement”), by and between the City and the Developer relating to the Property and attached hereto as Exhibit B and by this reference incorporated herein; and

WHEREAS, the Fee Deposit Agreement provides for the deposit of certain City fees as security for the payment of the City fees from the proceeds of the Bonds to be issued by the CFD; and

WHEREAS, the City Council finds that the approval and execution of the Deposit and Reimbursement Agreement and the Fee Deposit Agreement is in the best interest of the City and provides the means by which such property development may occur without putting general funds of the City at risk; and

WHEREAS, City Council desires that Wells Fargo Bank, National Association (“Wells Fargo”) hold and disburse such funds as agent for the City pursuant to the Deposit and Reimbursement Agreement;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Perris, California, as follows:

Section 1. That the recitals set forth hereinabove are true and correct in all respects.

Section 2. That the Deposit and Reimbursement Agreement and the Fee Deposit Agreement in the forms on file with the City Clerk or attached hereto are hereby approved.

Section 3. That the Mayor, City Manager or Assistant City Manager of the City is hereby authorized and directed to execute the Deposit and Reimbursement Agreement and the Fee Deposit Agreement for and on behalf of the City.

Section 4. That Wells Fargo is hereby designated as agent for the City and shall hold and disburse the funds pursuant to the Deposit and Reimbursement Agreement.

Section 5. That the Mayor, City Manager or the Assistant City Manager of the City of Perris is hereby instructed to receive the cash deposit heretofore made by the Developer and deposit the same in a designated account at Wells Fargo to be used to pay the formation costs of the community facilities district and the proper costs related thereto. Upon receipt of bond proceeds, such funds advanced by the Owner shall be reimbursed to the Developer from bond proceeds pursuant to the Deposit and Reimbursement Agreement.

ADOPTED, SIGNED and APPROVED this 27th day of November, 2007.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

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

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4037 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the 27th day of November, 2007, and that it was so adopted by the following vote:

AYES: Motte, Rogers, Yarbrough, Landers, Busch
NOES: None
ABSENT: None
ABSTAIN: None

By: _____
City Clerk, Judy L. Haughney

EXHIBIT A

The Property is described as follows:

Lots 1 through 81 of Tract No. 31226 recorded March 28, 2007, County of Riverside recorded document no. 2007-0209515.

Tentative Tract No. 31225 consisting of assessor parcel numbers: 311-030-012
311-030-013

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EXHIBIT B

Form of Fee Deposit Agreement