

**RESOLUTION NUMBER 5864**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING AND ORDERING THE EXECUTION OF THAT CERTAIN DEPOSIT AND REIMBURSEMENT AGREEMENT WITH D.R. HORTON 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 D.R. HORTON (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 Reimbursement Agreement (the “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 City Council finds that the approval and execution of the Deposit and Reimbursement 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 U.S. Bank National Association (“U.S. Bank”) 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 in the form attached hereto is 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 for and on behalf of the City.

**Section 4.** That U.S. Bank 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 U.S. Bank 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 may be reimbursed to the Developer from bond proceeds pursuant to the Deposit and Reimbursement Agreement.

**ADOPTED, SIGNED and APPROVED** this 26<sup>th</sup> day of October, 2021.

\_\_\_\_\_  
Mayor, Michael M. Vargas

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

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 5864 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held on the 26<sup>th</sup> day of October, 2021, and that it was so adopted by the following vote:

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

By: \_\_\_\_\_  
City Clerk, Nancy Salazar