

ORDINANCE NUMBER 998

*AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF A CONTRIBUTION AGREEMENT RELATING TO PUBLIC FACILITIES WITHIN AND FOR COMMUNITY FACILITIES DISTRICT NUMBER 93-2 (PERRIS PLAZA) OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA*

*WHEREAS*, the City Council (the "City Council") of the City of Perris (the "City") has conducted proceedings for the establishment of proposed Community Facilities District Number 93-2 (Perris Plaza) of the City of Perris, County of Riverside, State of California (the "District"), pursuant to Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the California Government Code, the "Mello-Roos Community Facilities Act of 1982" (the "Act"), for the financing of the design, construction and acquisition of public facilities for the benefit of the District; and

*WHEREAS*, at any time either before or after the formation of the district, the legislative body may provide, by ordinance, that for a period specified in the ordinance, the local agency may contribute, from any source of revenue not otherwise prohibited by law, any specified amount, portion, or percentage of the revenues for the purposes set forth in the ordinance, limited to the following: the acquisition or construction of a facility, the acquisition of interest in real property, or the payment of debt service with respect to the financing of either, the provision of authorized services, and the payment of expenses incidental thereto. The contribution shall not constitute an indebtedness or liability of the local agency; and

*WHEREAS*, there has been presented to the City Council a certain agreement entitled "Contribution Agreement" between the City on behalf of Community Facilities District Number 93-2 (Perris Plaza) of the City of Perris, County of Riverside, State of California, and the Coudures Family Limited Partnership, a California limited partnership, as Owner (the "Agreement") which provides, inter alia that the City shall reserve and set aside an amount equal to fifty percent (50%) of the sales and use taxes generated within the District for a period of eight (8) years from the date on which sales and use taxes are first received within the District and after the expiration of said eight-year period, the City shall thereafter reserve and set aside an amount equal to twenty-five (25%) of the sales and use taxes generated within the District thereafter for a period of seven (7) years. Such money so set aside shall be used by the City solely for the payment as a credit against the special taxes levied within the District of the purpose of paying for the cost of acquisition and construction of the public facilities and to the extent such portion of the sales and use taxes exceeds the amount of special taxes so levied, such excess shall be set aside and used for the costs of acquiring and constructing public facilities; and

*WHEREAS*, this City Council finds that such public facilities are necessary and in accordance with the General Plan of the City and that the annual expenditure of funds for the payment of a portion of the special taxes levied to pay for the public facilities is of benefit of the City; and

*WHEREAS*, the City Council has determined that it is in the best interest of the City that the City enter into the Agreement.

*NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES ORDAIN AS FOLLOWS:*

*SECTION 1. Recitals True and Correct.* The above-stated recitals are true and correct.

*SECTION 2. Findings.* This City Council hereby finds and determines that the public facilities to be constructed within the District are necessary and in accordance with the General Plan of the City and that the division and application of the sales and use taxes generated within the District in the manner set forth hereinabove and in the Agreement presented to this meeting is of benefit to the City and this Council hereby approves such application of the sales and use taxes subject to annual budgeting and appropriation. The obligations contained in the Agreement shall be deemed budgeted and appropriated for fiscal year 1994-95, but all future payments shall be contingent and conditioned on the annual budgeting and appropriation process.

*SECTION 3. Approval of Contribution Agreement.* The Agreement is approved in substantially the form submitted to this meeting, and the Mayor and City Clerk are authorized to sign and attest and deliver those agreements on behalf of the City. The City Manager and the Finance Director are authorized and directed to take any and all action required or necessary to effectuate the provisions of this resolution and for the City to perform its part of the Agreement.

ADOPTED, SIGNED AND APPROVED this 27th day of February, 1995.

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MAYOR OF THE CITY OF PERRIS

Attest:

\_\_\_\_\_  
City Clerk

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

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 998 was introduced at a Regular City Council meeting held the 13th day of February, 1995, and adopted by the City Council at a Regular City Council meeting held the 27th day of February, 1995, by the following called vote:

Ayes:    Long, Baitinger, Torres, Fletcher and Denney  
Noes:    None  
Absent:  None

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City Clerk