

**RESOLUTION NUMBER 5092**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS AUTHORIZING AND ORDERING JUDICIAL FORECLOSURE OF CURRENT AND FUTURE DELINQUENT SPECIAL TAXES RELATED TO ITS COMMUNITY FACILITIES DISTRICTS OF THE CITY OF PERRIS, PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, the City Council (the “Council”) of the City of Perris, California (the “City”), on behalf of its community facilities districts of the City of Perris (collectively referred to as the “Districts”), has conducted proceedings resulting in the issuance and sale of bonds (the “Bonds”) pursuant to the Mello-Roos Community Facilities Act of 1982, constituting California Government Code Sections 53311, *et seq.* (the “Act”); and

**WHEREAS**, pursuant to the Act, the City has duly recorded Notices of Special Tax Lien on property within the Districts and duly and regularly levies special taxes, which special taxes and interest and penalties thereon constitute a lien against the parcels of the land on which it is levied (the “Property”) until the same are paid, and which liens secure in whole or part the outstanding Bonds issued pursuant to the Act; and

**WHEREAS**, certain installments of the special taxes have not been paid when due, and certain special taxes may not be paid when due in the future; and

**WHEREAS**, pursuant to Section 53356.1(a) of the Act, the City Council is authorized to order that any delinquent special taxes levied in whole or in part for payment of the Bonds, together with any penalties, interest, and costs, be collected by an action brought in the superior court to foreclose the lien of special tax not later than four (4) years after the due date of the last installment of principal and is authorized, pursuant to Section 53356.2, to take such actions as may be necessary to relieve the County of Riverside tax collector of any further duty to collect the special taxes; and

**WHEREAS**, pursuant to Section 53356.1(b) of the Act and pursuant to the bond documents related to the Bonds, the City has covenanted for the benefit of owners of the Bonds to file such foreclosure actions in its own name on their behalf and is authorized to order the foreclosure pursuant to the terms and conditions of the Act; and

**WHEREAS**, the City wishes to direct the City Attorney and the City staff to prosecute such judicial foreclosure actions on all Districts within the City to the extent delinquent Property meets the foreclosure criteria with respect to the applicable Bonds.

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

***Section 1.*** That the above recitals are all true and correct.

***Section 2.*** The City finds that the Act authorizes the filing of judicial foreclosure lawsuits to collect delinquent special taxes on the Property within the Districts, including but not limited to the ones listed on Exhibit A hereto, and hereby orders that the delinquent special taxes and all future delinquent special taxes as to the Property subject to the special taxes be collected by an action brought in the appropriate Superior Court to foreclose the liens thereof in accordance with the Act and the foreclosure covenants related to the applicable Bonds.

***Section 3.*** The City Attorney is authorized to prosecute the foreclosure actions and to collect, in the name of the City, the Districts and on behalf of the owners of the Bonds, all amounts due on account of the delinquent special taxes with respect to the Property, including attorneys' fees and costs incurred in connection therewith.

***Section 4.*** The City Attorney is hereby authorized and ordered to prosecute the foreclosure actions and to collect, in the name of the City, the Districts and on behalf of the owners of the Bonds, all amounts due on account of any future special taxes levied the Property which become delinquent in the Districts, including attorneys' fees and costs incurred in connection therewith, pursuant to the terms of the Act and the bond documents without further action by the City Council.

***Section 5.*** The City Council finds that the Act provides for the payment of the costs and attorneys' fees for prosecution of the foreclosure lawsuits authorized by the City on redemption prior to entry of judgment as well as on post-judgment redemption, and hereby authorizes the City Attorney to require payment of all costs and all attorneys' fees incurred in the applicable foreclosure lawsuit as a condition of such redemption.

***Section 6.*** City personnel in conjunction with the City Attorney and other City consultants are authorized and directed if and as applicable, pursuant to Government Code Section 53356.2: (a) to record notices of intent to remove the delinquent special taxes from the tax rolls, and (b) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

***Section 7.*** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it in the book of original resolutions.

***Section 8.*** This Resolution shall take effect immediately upon its adoption.

**ADOPTED, SIGNED** and **APPROVED** this 14<sup>th</sup> day of March, 2017.

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Mayor, Michael M. Vargas

ATTEST:

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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 5092 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 14<sup>th</sup> day of March, 2017, by the following called vote:

AYES: BURKE, CORONA, RABB, ROGERS, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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City Clerk, Nancy Salazar

**EXHIBIT A**

**DELINQUENT PARCELS**

<b>CFD</b>	<b>APN</b>
2001-1, IA No. 4	300-082-009
2001-1, IA No. 4	300-102-004
2001-1, IA No. 5	307-390-011
2001-1, IA No. 5	307-383-013
2001-2	303-444-006
2001-1	320-350-025
2004-3, IA No. 2	330-440-003
2004-3, IA No. 2	330-461-034
2005-2	320-422-013
2005-2	310-282-012
2005-4	302-282-018
2014-2 (Formerly 91-1)	305-080-078
88-1	300-291-006