

RESOLUTION NUMBER 5105

44

WHEREAS, an “Amended and Restated Agreement For The Development Of A Distribution Center In The Perris Business Park And Resolution Of Delinquent CFD Penalties And Interest” (hereinafter, the “**Agreement**”) has been prepared by and between the CITY OF PERRIS, a municipal corporation (hereinafter, the “**City**”) and FR/CAL REDLANDS, LLC, a Delaware limited liability company (hereinafter, with its permitted successors and assigns, the “**Developer**”) (together referred to as the “**Parties**”).

WHEREAS, under the Agreement, the Developer is proposing to build an approximately 643,273 square foot industrial warehouse distribution center (the “**Project**”) on the “**Property**,” which is legally described on Exhibit A attached to the Agreement, in exchange for the City agreeing to waive all penalties and interest in the amount of One Million Three Hundred Seven Thousand One Hundred Sixty-Two and 66/100 Dollars (\$1,307,162.66) for the Property that accrued on the delinquent “**CFD Taxes**” (as defined in the Agreement) through no fault of the Developer (the “**Penalties and Interest**”).

WHEREAS, Government Code §53340, subdivision (f), authorizes the City to waive the delinquency penalties and redemption penalties, including the Penalties and Interest for the Property, 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 waiver provided for herein and in the Agreement will be applied only to present delinquencies, and shall not be applied to penalties and interest that accrue on special taxes that become delinquent subsequent to the date of this Resolution, if any;
 - B. All past and currently due special taxes and costs are paid in full as of the date of this Resolution;
 - C. The current owner of the Property that is receiving the waiver did not cause the delinquencies; and
 - D. The waiver provided for herein and in the Agreement is in the best interest of the bondholders in that it will facilitate the development of the Property, thus providing greater security for future special taxes.

3. Notwithstanding the adoption of this Resolution, the waiver of the Penalties and Interest shall not take effect until and unless each of the “**Waiver Conditions**”, as defined and as set forth in Section 2.2 of the Agreement, have been satisfied.

4. Upon completion of the Project, Developer shall give written notice to City that the Waiver Conditions have been satisfied. The notice shall be sent to the City Manager and shall be in the form of the letter attached to the Agreement as Exhibit D. Upon City’s verification that the Waiver Conditions have been satisfied, the City Manager shall countersign the notice, direct City’s Finance Director and special tax consultant to implement the waiver of the Penalties and Interest and take any and all other actions as may be necessary to effect the waiver contemplated by this Agreement. Such waiver shall be irrevocable.

5. The Agreement and the waiver of the Penalties and Interest provided for therein are hereby re-approved and re-authorized.

ADOPTED, SIGNED and APPROVED this 11th day of April, 2017

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

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

I, Nancy Salazar, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 5105 was duly adopted by the City Council of the City of Perris at a regular meeting of said City Council on the 11th day of April, 2017, and that it was so adopted by the following vote:

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

Nancy Salazar, City Clerk