

RESOLUTION NUMBER 3918

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING AND AUTHORIZING EXECUTION OF A JOINT COMMUNITY FACILITIES AGREEMENT AND AN ACQUISITION AND FUNDING AGREEMENT IN CONNECTION WITH THE FORMATION OF COMMUNITY FACILITIES DISTRICT 2006-2 (MONUMENT PARK ESTATES); AND MAKING FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH

WHEREAS, the City of Perris (the “City”) is taking proceedings pursuant to the Mello-Roos Community Facilities Act of 1982 (constituting Sections 53311, *et. seq.*, of the Government Code of the State of California) for the formation of Community Facilities District 2006-2 (Monument Park Estates) of the City of Perris (“District”) and for the issuance of bonds by the District; and

WHEREAS, the owner and developer of all of the property within said District is Monument Park, LLC (the “Owner”); and

WHEREAS, pursuant to Section 53316.2 of the Act, a community facilities district is authorized to finance facilities to be owned or operated by an entity other than the agency that created the community facilities district pursuant to a joint community facilities agreement; and

WHEREAS, there is on file in the office of the City Clerk a Joint Community Facilities Agreement (the “EMWD Agreement”), dated February 27, 2007, among the Owner, the City and Eastern Municipal Water District (“EMWD”); and

WHEREAS, there is on file in the office of the City Clerk an Acquisition and Funding Agreement, dated February 27, 2007 (the “Acquisition Agreement”), by and between the Owner and the City relating to facilities and fees to be acquired and funded by the City; and

WHEREAS, the governing board of EMWD has approved the EMWD Agreement presented at this meeting; and

WHEREAS, the Owner has approved the EMWD Agreement and the Acquisition Agreement; and

WHEREAS, the City has determined that it is necessary and desirable to enter into the EMWD Agreement and the Acquisition Agreement and that these agreements will be beneficial to the residents of the City;

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 said form of EMWD Agreement on file with the City Clerk be and is hereby approved, with such changes as may be approved by the City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The City Manager or Finance Director is hereby authorized and directed to execute the EMWD Agreement on behalf of the City, with such execution to be attested to by the City Clerk.

Section 3. That said form of Acquisition Agreement on file with the City Clerk be and is hereby approved, with such changes as may be approved by the City Manager or Finance Director, said officer's execution thereof to evidence approval of the changes. The City Manager or Finance Director is hereby authorized and directed to execute the Acquisition Agreement on behalf of the City, with such execution to be attested to by the City Clerk.

ADOPTED, SIGNED and **APPROVED** this 27th day of February, 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 3918 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 27th day of February, 2007, and that it was so adopted by the following called vote:

AYES: Rogers, Yarbrough, Landers, Motte, Busch

NOES:

ABSENT:

ABSTAIN:

City Clerk, Judy L. Haughney