

**RESOLUTION NUMBER 3197**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING AND AUTHORIZING EXECUTION OF A FUNDING AGREEMENT AND A COMMUNITY FACILITIES AGREEMENT IN CONNECTION WITH THE FORMATION OF COMMUNITY FACILITIES DISTRICT 2004-1 (AMBER OAKS); AND MAKING FINDINGS AND DETERMINATIONS 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 2004-1 (Amber Oaks)(“District”) and for the issuance of bonds by the District; and

**WHEREAS**, the developer of property within said proposed District is YH PERRIS 31114, LLC, a California limited liability company (“Developer”); and

**WHEREAS**, pursuant to Section 53316.2 fo the Act, certain of the facilities to be financed will be owned and operated by Eastern Municipal Water District (“Eastern”) to the extent set forth in the Community Facilities Agreement (the “Community Facilities Agreement”) among the City, the Developer and Eastern; and

**WHEREAS**, the Developer had requested that a Funding Agreement (the “Funding Agreement”) be entered into between the City and the Developer as a means for the Developer to recover costs or fees advanced for such public improvements and which upon completion are to be turned over to the City and to other public agencies for operation and maintenance; and

**WHEREAS**, it is in the best interests of the City and the residents of the City that the Funding Agreement and the Community Facilities Agreement be approved and entered into as set forth hereinbelow;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS DOES HEREBY FIND, RESOLVE, DETERMINE AND ORDER** as follows:

**Section 1.** That the recitals set forth hereinabove are true and correct in all respects.

**Section 2.** That said form of Community Facilities Agreement on file with the City Clerk of the City be and is hereby approved with such changes therein as are acceptable to the City Manager, said City Manager’s execution thereof to be conclusive evidence of his acceptance of such changes. Said Communities Facilities Agreement shall become effective upon approval and execution by Eastern and by the City Manager.

**Section 3.** That said form of Funding Agreement on file with the City Clerk of the City be and is hereby approved with such changes therein as are acceptable to the City Manager, said City Manager's execution thereof to be conclusive evidence of his acceptance of such changes.

**Section 4.** That the City Manager is hereby authorized and directed to execute the Community Facilities Agreement and the Funding Agreement on behalf of the City with such execution to be attested to by the City Clerk.

**ADOPTED, SIGNED and APPROVED** this 9<sup>th</sup> day of March, 2004.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3197 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 9<sup>th</sup> day of March, 2004, by the following called vote:

AYES: Yarbrough, Landers, Motte, Rogers, Busch

NOES:

ABSENT:

ABSTAIN:

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City Clerk, Margaret Rey