

RESOLUTION NUMBER 3402

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2001-2 (VILLAGES OF AVALON) OF THE CITY OF PERRIS, DECLARING THE RESULTS OF A SPECIAL ELECTION RELATING TO ANNEXATION NO. 1; ORDERING THE ANNEXATION OF SUCH TERRITORY; THE LEVYING OF A SPECIAL TAX WITHIN ANNEXATION NO. 1; AUTHORIZING THE ISSUANCE OF BONDED INDEBTEDNESS; AND DIRECTING THE RECORDING OF A NOTICE OF SPECIAL TAX LIEN

The City Council (the "Council") of the City of Perris, California (the "City"), acting in its capacity as the legislative body (the "Legislative Body") of the Community Facilities District No. 2001-2 (Villages of Avalon) of the City of Perris (the "District"), does hereby resolve as follows:

WHEREAS, the Legislative Body called and duly held an election in the District pursuant to Resolution No. 3401 ("Resolution Calling Election") for the purpose of presenting to the qualified electors within the certain territory proposed to be annexed to the District known and designated as "Annexation No. 1" (the "Property"), a proposition for the levy of a special tax and the establishment of an appropriations limit ("Proposition A") and the issuance of bonded indebtedness in accordance with the method set forth in Exhibit "A" to Resolution No. 3380 (the "Resolution of Intention"); and

WHEREAS, the landowners of record within the Property as of the close of the public hearing held on May 10, 2005, unanimously consented to a waiver of the time limits for setting the election and a waiver of any written analysis, arguments or rebuttals as set forth in California Government Code sections 53326 and 53327. Such waivers are set forth in written certificates executed by the landowners which are on file with the City Clerk as election official (the "Election Official") concurring therein; and

WHEREAS, pursuant to the terms of the Resolution Calling Election and the provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"), the special election was held on May 10, 2005; and

WHEREAS, there has been presented to this Legislative Body a Certificate of the Election Official as to the Results of the Canvass of the Election Returns (the "Certificate of the Election Official"), a copy of which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City Of Perris, acting in its capacity as the Legislative Body of Community Facilities District No. 2001-2 (Villages of Avalon) of the City of Perris, California, as follows:

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

Section 2. The canvass of the votes cast in the Property to be annexed to the District at the special election held in the District on May 10, 2005, as shown in the Certificate of the Election Official, is hereby approved and confirmed.

Section 3. Proposition A presented to the qualified electors of the Property for receipt by the Election Official on May 10, 2005, has received a unanimous vote of the qualified electors voting at said election, and Proposition A has carried. The Legislative Body is hereby authorized to take the necessary steps to levy the special tax authorized by Proposition A on the Property and to issue from time to time as it deems appropriate, bonds for the District secured by such special tax.

Section 4. The City Clerk is hereby directed to enter the title of this Resolution on the minutes of the Legislative Body and to indicate the official declaration of the result of such special election.

Section 5. The Legislative Body hereby determines that the Property is added to and part of the existing District with full legal effect, and hereby authorizes the levy of a special tax at the Rate and Method of Apportionment set forth in Exhibit "A" to the Resolution of Intention.

Section 6. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the Legislative Body hereby establishes the following accountability measures pertaining to the levy by the District of the Special Tax described in Section 3 above:

- A. Such Special Tax with respect to the District shall be levied for the specific purposes set forth in Proposition A and Section 3 hereof.
- B. The proceeds of the levy of such Special Tax shall be applied only to the specific purposes set forth in Section 3 hereof and Proposition A referred to therein.
- C. The District shall establish an account or accounts into which the proceeds of such Special Tax with respect to each Improvement Area shall be deposited.
- D. The City Manager or Finance Director, or his designee, acting for and on behalf of the District, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

Section 7. The City Clerk is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Riverside an amendment to the notice of special tax lien in the form required by the Act, said recording to occur no later than fifteen days following adoption by the City Council of this Resolution.

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

Section 9. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

ADOPTED, SIGNED and APPROVED this 10th day of May, 2005.

Mayor, Daryl R. Busch

ATTEST:

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 3402 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 10th day of May, 2005, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Rogers, Busch
NOES:
ABSENT:
ABSTAIN: Yarbrough

City Clerk, Margaret Rey

EXHIBIT "A"
(RESOLUTION NUMBER 3402)

CITY OF PERRIS, CALIFORNIA
COMMUNITY FACILITIES DISTRICT NO. 2001-2
(VILLAGES OF AVALON)
OF THE CITY OF PERRIS, ANNEXATION NO. 1

CERTIFICATE OF THE ELECTION OFFICIAL
AS TO THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS

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

I, MARGARET REY, City Clerk in my capacity as Elections Official in the City of Perris, California, in its capacity as the legislative body of the Community Facilities District No. 2001-2 (Villages of Avalon) of the City of Perris, DO HEREBY CERTIFY, that pursuant to the provisions of Section 53325.4 of the Government Code and Division 15, commencing with Section 15000 of the Elections Code of the State of California, I did canvass the return of the votes cast at the Special Tax Election on May 10, 2005, held in

**COMMUNITY FACILITIES DISTRICT NO. 2001-2 (VILLAGES OF AVALON) OF THE
CITY OF PERRIS, ANNEXATION NO. 1**

I FURTHER CERTIFY that the Statement of All Votes Cast, to which this certificate is attached, shows the total number of ballots cast within the Property to be annexed to the District for the Proposition, and the totals of the respective columns and the totals as shown for the Proposition are full, true and correct.

WITNESS my hand and Official Seal this 10th day of May, 2005.

CITY OF PERRIS, CALIFORNIA, acting as the
LEGISLATIVE BODY OF THE COMMUNITY
FACILITIES DISTRICT NO. 2001-2 (VILLAGES
OF AVALON) OF THE CITY OF PERRIS

By: _____
City Clerk, Margaret Rey

**CITY OF PERRIS
COMMUNITY FACILITIES DISTRICT NO. 2001-2
(VILLAGES OF AVALON)
OF THE CITY OF PERRIS, ANNEXATION NO. 1**

**STATEMENT OF ALL VOTES CAST
SPECIAL TAX ELECTION
May 10, 2005**

| | Qualified Landowner <u>Votes</u> | Votes <u>Cast</u> | <u>YES</u> | <u>NO</u> |
|---|--|----------------------|------------|-----------|
| City of Perris, Community Facilities District No. 2001-2 (Villages of Avalon) of the City of Perris, Annexation No. 1, Special Election, May 10, 2005 | | | | |

PROPOSITION A SUBMITTED TO VOTE OF VOTERS:

Shall the property within the Area of Annexation No. 1 to Community Facilities District No. 2001-2 (Villages of Avalon) of the City of Perris (the “District”) be annexed to the District; and shall the District incur an indebtedness and be authorized to issue bonds in the maximum aggregate principal amount of \$10,000,000 with interest at a rate or rates established at such time as the bonds are sold in one or more series at fixed or variable interest rates, however not to exceed any applicable statutory rate for such bonds, the proceeds of which will be used to finance or refinance (1) the purchase, construction, modification, expansion, improvement or rehabilitation of certain real or other tangible property, including all furnishings, equipment and supplies related thereto and the payment of development and other fees of public agencies (collectively, the “Facilities”), which Facilities have a useful life of five years or longer; (2) the Reimbursement Obligation, dated March 1, 2002, by the City in favor of Barratt American Incorporated (the “Obligation”) and (3) the incidental expenses to be incurred in connection with financing the Facilities, annexing property to and administering the District (the “Incidental Expenses”), as provided in the Resolution of the City Council of the City of Perris calling a special election within the area of Annexation No. 1 to the District; and shall a Special Tax be levied to pay the principal of and interest on such indebtedness and bonds and to pay directly the cost of acquisition and construction of Facilities and Incidental Expenses and pay the Obligation as authorized in the Resolution; and shall an appropriations limit be established for Annexation No. 1 to the District pursuant to Article XIII B of the California Constitution, said appropriations limit to be equal to the amount of all proceeds of the special tax collected annually, as adjusted for changes in the cost of living and changes in population?