

RESOLUTION NUMBER 3754

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, WAIVING PENALTIES AND INTEREST FOR CERTAIN PARCELS WITHIN COMMUNITY FACILITIES DISTRICT 88-3 PURSUANT TO GOVERNMENT CODE § 53340

WHEREAS, an “Agreement With Perris Alere LLC 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 “City”) and PERRIS ALERE LLC, a Delaware limited liability company (hereinafter “Developer”) (together referred to as the “Parties”).

WHEREAS, under the Agreement, the Developer is proposing to build an approximately 650,000 square foot industrial warehouse distribution center (the “Project”) on the Property, as set forth in the Legal Description attached to the Agreement as Exhibit “A”, in exchange for the City agreeing to waive all penalties and interest in the amount of \$1,307,162.66 for the Property that accrued on the delinquent CFD Taxes through no fault of the Developer (collectively, 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:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The City Council finds that each of the conditions under Government Code § 53340, subdivision (f), is 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 Developer’s acquisition of the Property, if any;
- B. All past and currently due special taxes and costs are paid in full, in that they were paid from the escrow wherein the Developer acquired the Property;
- C. The current owner, the Developer, 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 result in the payment of past special taxes and facilitate the development of the Property, thus providing greater security for future special taxes.

Section 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, has been satisfied.

Section 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 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 tax consultant MuniFinancial 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.

Section 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 29th day of August, 2006.

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 3754 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 29th day of August, 2006, 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