

**RESOLUTION NO. 4173**

**A RESOLUTION OF THE CITY OF THE CITY OF PERRIS,  
CALIFORNIA, APPROVING THE ASSET AND REAL  
PROPERTY PURCHASE AGREEMENT WITH THE  
McCANNA RANCH WATER COMPANY, ASSIGNING  
RIGHTS UNDER THE PURCHASE AGREEMENT TO THE  
PERRIS PUBLIC UTILITY AUTHORITY  
AND AUTHORIZING CERTAIN ACTIONS AND  
THE EXECUTION OF CERTAIN DOCUMENTS IN  
CONNECTION THEREWITH**

**WHEREAS**, on November 25, 2008, the City Council of the City of Perris adopted Resolution No. 4163 (the "Resolution of Necessity") declaring that the public interest and necessity required the acquisition of the assets of McCanna Ranch Water Company ("MRWC"); and

**WHEREAS**, adoption of the Resolution of Necessity indicated the commencement of a condemnation case related to the assets of MRWC; and

**WHEREAS**, subsequent to adoption of the Resolution of Necessity, the City and MRWC have negotiated the terms of the settlement of the condemnation case and purchase of the assets of MRWC pursuant to the hereinafter described agreement; and

**WHEREAS**, attached hereto as Exhibit "A" and by this reference incorporated herein is the form of Asset and Real Property Purchase Agreement (the "Agreement"), to be made and entered into as of December 12, 2008, by and between the City and MRWC;

**WHEREAS**, concurrently or shortly after the execution of the Agreement, the City will transfer and assign all of its rights, title and interest and obligations to the Perris Public Utility Authority (the "Authority") pursuant to the Assignment Agreement (the "Assignment Agreement"), dated December 12, 2008 between the City and the Authority;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS  
DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. That the foregoing recitals are true and correct.

Section 2. The City, based on the information presented at the hearing, hereby finds significant public benefits will result in the issuance of the Note by the Authority to finance the water system in accordance with the criteria set forth in Government Code Section 6586, including but not limited to demonstrable savings in effective interest rate, bond preparation, bond underwriting, or bond issuance costs, significant reductions in effective user charges for the water system over time, employment benefits from

undertaking future projects and more efficient delivery of local agency services to residential and commercial development.

Section 3. That the Agreement is hereby approved. The Mayor or City Manager of the City is hereby authorized to execute the Agreement on behalf of the City with such execution to be attested to by the City Clerk.

Section 3. That the Assignment Agreement is hereby approved. The Mayor or City Manager of the City is hereby authorized to execute the Assignment Agreement on behalf of the City.

Section 4. That the City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Perris the 12<sup>th</sup> day of December, 2008.

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Daryl R. Busch, Mayor

Attest:

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Judy L. Haughney  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PERRIS )

I, Judy L. Haughney, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4173 was duly adopted by the City Council of the City of Perris at a regular meeting of said City Council on the 12<sup>th</sup> day of December, 2008, and that it was so adopted by the following vote:

AYES:	COUNCILMEMBERS:	Yarbrough, Landers, Evans, Rogers, Busch
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

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Judy L. Haughney  
City Clerk  
City of Perris

(SEAL)

**EXHIBIT A**

[See Attached]