

RESOLUTION NO. 2019-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING THE COVENANT AGREEMENT FOR REIMBURSEMENT OF SEWER CONNECTION COSTS BETWEEN THE CITY OF HESPERIA (CITY) AND RICH DEVELOPMENT ENTERPRISES, LLC (DEVELOPER) TO FACILITATE THE FINANCIAL REIMBURSEMENT ARRANGEMENT FOR SEWER FEES CHARGED TO THE CITY FOR SEWER INVOICES INCURRED BY THE DEVELOPER PURSUANT TO THE AGREEMENT BETWEEN THE CITY AND SAN BERNARDINO COUNTY SERVICE AREA 64 (CSA 64).

WHEREAS, On March 5, 2019, City Council approved the final, amended version of the agreement between the City and CSA 64 (CSA Agreement) to facilitate the extension of sewer service to the south of CSA 64 in order to serve property within the City's boundary located on the southern portion of Bear Valley Road near Fish Hatchery Road; and

WHEREAS, the CSA Agreement was created in order to provide sewer service to the Rich Development project and surrounding areas as the construction of a sewer connection is a condition of approval for the proposed commercial shopping center; and

WHEREAS, the City entered into the CSA Agreement on April 2, 2019 which established that CSA 64 would provide sewer service to the City for the Development Area; and

WHEREAS, the CSA Agreement established a method for collecting sewer service fees whereby CSA 64 will bill the City directly for sewer services to the aforementioned property on a bimonthly basis; and

WHEREAS, the City must enter into a reimbursement Agreement with the Developer and/or all future property owners, to establish a method of reimbursement as well as related terms and conditions; and

WHEREAS, the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs between the City and the Developer establishes that the Developer shall reimburse the City for all sewer invoices incurred pursuant to the CSA Agreement as well as a 10% administrative fee;

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

- Section 1. The City Council hereby specifically finds that all of the facts set forth in this resolution are true and correct; and
- Section 2. The City Council hereby approves the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs between the City of Hesperia and Rich Development Enterprises, LLC;

ADOPTED AND APPROVED this 6th day of August, 2019.

Larry Bird
Mayor

ATTEST:

Melinda Sayre
City Clerk