

RESOLUTION NO. 2019-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING AN AMENDMENT TO THE COVENANT AGREEMENT FOR REIMBURSEMENT OF SEWER CONNECTION COSTS BETWEEN THE CITY OF HESPERIA (CITY) AND 18667 HESPERIA, LLC.

WHEREAS, On March 5, 2019, City Council approved the final 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 to provide sewer service to the Rich Development Retail Project; 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 established a method for collecting sewer service fees whereby CSA 64 would bill the City directly for sewer services to the aforementioned property on a bimonthly basis; and

WHEREAS, the City then had to 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, On August 2, 2019 City Council approved the aforementioned Agreement between the City and the Developer which established that the Developer would reimburse the City for all sewer invoices incurred pursuant to the CSA Agreement as well as a 10% administrative fee; and

WHEREAS, Upon final review, the Developer notified City Staff that the owner name on the Agreement was incorrect which initiated an amendment in the Agreement to change the owner name from Rich Development Enterprises, LLC to 18667 Hesperia, LLC.; and

WHEREAS, Council approval is needed in order to amend the Agreement and change the owner name.

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 an amendment to the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs between the City of Hesperia and 18667 Hesperia, LLC to change the owner name from Rich Development Enterprises, LLC to 18667 Hesperia, LLC

ADOPTED AND APPROVED this 15th day of October, 2019.

Larry Bird
Mayor

ATTEST:

Melinda Sayre
City Clerk