

RESOLUTION NO. LB 21/22-1

RESOLUTION OF THE GOVERNING BOARD OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-1 OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT, APPROVING AND AUTHORIZING THE EXECUTION OF A MITIGATION AGREEMENT BETWEEN AND AMONG WILLIAM S. HART UNION HIGH SCHOOL DISTRICT, COMMUNITY FACILITIES DISTRICT NO. 2008-1 OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT, AND WH CASTAIC 497 LLC AND DELEGATING AUTHORITY RELATED THERETO

WHEREAS, WH Castaic 497 LLC (“Owner”) is the current owner of Tract Map No. 52584 within unincorporated portions of Los Angeles County, consisting of uninhabited, undeveloped property proposed to be developed with four hundred ninety-seven (497) dwelling units (“DU” and “Project”), as to which there are no registered voters or others currently residing thereon (“Property”);

WHEREAS, the William S. Hart Union High School District (“School District”) and Owner’s predecessor in interest previously entered into that certain School Facilities Funding and Mitigation Agreement By and Between the William S. Hart Union High School District and Hasley Canyon Land Company (“Hasley Mitigation Agreement”), providing for the mitigation of impacts from the then-proposed development to occur on the Property;

WHEREAS, in 2008, pursuant to the terms of the Hasley Mitigation Agreement, the School District and Owner’s predecessor took steps to form “Community Facilities District No. 2008-1 of the William S. Hart Union High School District” (“CFD No. 2008-1”) pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, as amended (“Act”), which includes the Property;

WHEREAS, the Owner has now acquired the Property and proposes that the School District and Owner enter into a new mitigation agreement, which will supersede and replace the Hasley Mitigation Agreement, and take steps to form Community Facilities District No. 2021-1 of the William S. Hart Union High School District (“CFD No. 2021-1”), which will contain two improvement areas (“Improvement Areas”);

WHEREAS, upon execution of the new mitigation agreement and completion of the formation proceedings for proposed CFD No. 2021-1, the School District will thereafter take actions to dissolve CFD No. 2008-1 and cancel the existing special tax lien of CFD No. 2008-1 applicable to the Property;

WHEREAS, Owner and School District, for the herein described good and valuable consideration, have negotiated the provisions of that certain Amended and Restated School Facilities Funding and Mitigation Agreement between the School District, CFD No. 2008-1, and Owner (“Mitigation Agreement”), attached hereto as Exhibit “A”;

WHEREAS, Owner has requested that School District take actions to establish CFD No. 2021-1 for the purpose of funding the School Facilities, together with certain public improvements to be owned and operated by Castaic Union School District (“Elementary and Middle School Facilities”), Los Angeles County Water Works District No. 36 (“Water Facilities”), and Santa Clarita Valley Sanitation District (“Sanitation Facilities,” and collectively with School Facilities, Elementary and Middle School Facilities, and Water Facilities, the “Facilities”) through the levy of special taxes of the Improvement Areas of the proposed CFD No. 2021-1 (“Special Taxes”) applicable to the Project and the issuance of bonds, or other financing(s), secured by pledge of the authorized Special Taxes (“Bonds”);

WHEREAS, on May 5, 2021, the School District took steps to state its intention to form CFD No. 2021-1, including the Improvement Areas thereof pursuant to the provisions of the Act;

WHEREAS, Owner and School District have agreed upon the terms for the mitigation of the impacts of the Project on the school facilities of School District (“School Facilities”) as set forth in the Mitigation Agreement;

WHEREAS, the Governing Board of the School District, acting as the Legislative Body of CFD No. 2008-1 (“Board”), has reviewed and considered the Mitigation Agreement relating to the Facilities of the Project.

NOW, THEREFORE, THE GOVERNING BOARD OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 2008-1 OF THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Board hereby approves the Mitigation Agreement. The Board hereby authorizes and directs the Superintendent, or designee, to sign and deliver the Mitigation Agreement in substantially the form described in the recitals above on behalf of the School District; provided, however, that the Superintendent, and/or School District’s legal counsel may authorize minor, non-substantive revisions to the Mitigation Agreement prior to signature and delivery thereof.

Section 3. Following execution and notarization by all parties to the Mitigation Agreement, the Mitigation Agreement is authorized to be recorded.

Section 4. Upon execution of the Mitigation Agreement and completion of the formation proceedings for proposed CFD No. 2021-1, the Board hereby directs that the Mitigation Agreement will, for all purposes, and as stated therein, supersede and replace the Hasley Mitigation Agreement.

(Continued on the following page)

Section 5. The Board hereby authorizes and directs the Superintendent, or designees, to take all such further actions and to execute such additional documents as are necessary to implement the intent of this Resolution and the terms of the Mitigation Agreement.

ADOPTED, SIGNED, AND APPROVED this 4th day of August, 2021.

**GOVERNING BOARD OF THE WILLIAM S.
HART UNION HIGH SCHOOL DISTRICT,
ACTING AS THE LEGISLATIVE BODY OF
COMMUNITY FACILITIES DISTRICT NO.
2008-1 OF THE WILLIAM S. HART UNION
HIGH SCHOOL DISTRICT**

By: _____
President, Governing Board of the
William S. Hart Union High School
District, Acting as the Legislative Body of
Community Facilities District No. 2008-1
of the William S. Hart Union High School
District

By: _____
Clerk, Governing Board of the William S.
Hart Union High School District, Acting
as the Legislative Body of Community
Facilities District No. 2008-1 of the
William S. Hart Union High School
District

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, Joe Messina, Clerk of the Governing Board of the William S. Hart Union High School District, do hereby certify that the foregoing was duly adopted by the Governing Board, Acting as the Legislative Body of CFD No. 2008-1, of such District at a regular meeting of said Board held on the 4th day of August, 2021, at which a quorum of the Board was present and acting throughout, for which notice and an agenda were prepared and posted as required by law, the Board members had due notice of the meeting, and the attached resolution was adopted at such meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Clerk, Governing Board of the William S. Hart
Union High School District, Acting as the
Legislative Body of Community Facilities
District No. 2008-1 of the William S. Hart
Union High School District

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, Joe Messina, Clerk of the Governing Board of the William S. Hart Union High School District, do hereby certify that the foregoing is a true and correct copy of Resolution No. LB21/22-1, which was duly adopted by Governing Board of the William S. Hart Union High School District, Acting as the Legislative Body of CFD No. 2008-1, at a meeting thereof on August 4, 2021.

Dated this 4th day of August, 2021.

Clerk, Governing Board of the William S. Hart Union High School District, acting as the Legislative Body of Community Facilities District No. 2008-1 of the William S. Hart Union High School District,

EXHIBIT “A”

SCHOOL FACILITIES FUNDING AND MITIGATION AGREEMENT