

RESOLUTION NO. 21/22-01

RESOLUTION OF THE BOARD OF EDUCATION OF THE MODESTO CITY SCHOOLS AUTHORIZING THE EXECUTION AND DELIVERY OF SCHOOL IMPACT MITIGATION AGREEMENTS FOR CROSSROADS WEST SPECIFIC PLAN AREA AND TAKING RELATED ACTIONS

WHEREAS, on March 19, 2019, the City Council of the City of Riverbank, California (the “**City**”) adopted Resolution No. 2019-015, approving the Crossroads West Specific Plan (the “**Plan**”); and

WHEREAS, the area included in the Plan consists of approximately 380 acres of land located in the City (the “**Plan Area**”) and currently the development of over 2,000 new residential units in the Plan Area is contemplated; and

WHEREAS, the development will generate new students requiring the Modesto High School District (the “**District**”) and the Sylvan Union School District (together with the District, the “**Districts**”) to construct new school facilities and/or expand existing school facilities (collectively, the “**Crossroads West School Facilities**”).

WHEREAS, pursuant to Senate Bill 50, enacted in August 1998 (“**SB 50**”), as set forth in Education Code Sections 17620 *et seq.* and Government Code Sections 65995 *et seq.*, the Districts impose fees (the “**SB 50 Impact Fees**”) payable by property owners or developers to mitigate the impacts of new developments on the Districts’ facilities; and

WHEREAS, the revenues from SB 50 Impact Fees will not be sufficient to provide the necessary funding for the construction of the Crossroads West School Facilities; and

WHEREAS, the formation of a Mello-Roos Community Facilities District (the “**CFD**”) pursuant to Government Code Section 53311 *et seq.* could provide a mechanism (including the levy of special tax and the issuance of bonds) to fund the cost of the Crossroads West School Facilities; and

WHEREAS, there has been presented to the District, the form of an agreement (the “**Mitigation Agreement**”); and

WHEREAS, it is contemplated that the Districts may enter into one or more Mitigation Agreements, each with one or more owners of properties (each, an “**Owner**”) in the Plan Area; and

WHEREAS, pursuant to the Mitigation Agreements, upon the satisfaction of conditions set forth therein, the Districts will commence proceedings for the formation of the CFD and, after the successful formation of the CFD and the levy of the special tax, such Owner(s) will be relieved of their obligations to pay SB 50 Impact Fees for the Crossroads West School Facilities;

NOW, THEREFORE, the Board of Education of the Modesto City Schools hereby resolves, determines and finds the following:

Section 1. The above recitals, and each of them, are true and correct and are a substantive part of this Resolution

Section 2. The form of the Mitigation Agreements, submitted herewith and on file with the Clerk of this Board, is hereby approved. Each of the District's Board President (or in the President's absence, the Vice President), the Superintendent, and the Associate Superintendent - Business Services (the "**Authorized Officers**" and each an "**Authorized Officer**"), acting individually, is hereby authorized, for and in the name and on behalf of the District, to execute and deliver the Mitigation Agreements, in substantially such form, each with changes therein as the Authorized Officer executing the same may require or approve (such approval to be conclusively evidenced by the execution and delivery thereof).

Section 3. The Authorized Officers and other officers of the District are hereby authorized, jointly and severally, to do all things (including but not limited to the execution and delivery of documents) which they may deem necessary or proper to effectuate the purpose of this Resolution and each of the Mitigation Agreements and any such actions previously taken by such officers are hereby ratified.

ADOPTED AND APPROVED by the Board of Education of the Modesto City Schools
this 18th day of October 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

MODESTO CITY SCHOOLS

By: _____
President, Board of Education of the
Modesto City Schools

ATTEST:

By: _____
Clerk, Board of Education of the
Modesto City Schools

Resolution No. 21/22-01
October 18, 2021