

**RESOLUTION NO. SA 2018 -**

**A RESOLUTION OF THE CITY COUNCIL, SITTING AS THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF POMONA, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT FOR THE PROPERTY KNOWN AS MISSION PROMENDAE – 101 WEST MISSION BOULEVARD IN POMONA, CALIFORNIA (APN'S 8341-008-912, 913, 914, 915, 916 & 917 – TO JOHN PENA IRROVACABLE FAMILY TRUST 82-6632724, FOR THE PURCHASE PRICE OF \$5,750,000.**

**WHEREAS**, the former Pomona Redevelopment Agency (“Agency”) was a community redevelopment agency organized and existing under the California Redevelopment Law;

**WHEREAS**, the Agency was dissolved effective February 1, 2012, by way of Assembly Bill 1x26 (as subsequently amended from time to time, the “Dissolution Act”) and the California Supreme Court’s decision in *California Redevelopment Association v. Matosantos* (2011) 53 Cal.4th 231;

**WHEREAS**, the Dissolution Act created a “successor agency” for each dissolved redevelopment agency, and charged such agencies with completing various tasks and obligations geared towards “winding down” the affairs of their respective redevelopment agency;

**WHEREAS**, the Dissolution Act created an “oversight board” for each successor agency, and charged such boards with overseeing, reviewing, and approving enumerated successor agency actions;

**WHEREAS**, upon dissolution of the Agency, all real property assets of the former Agency were transferred to the Successor Agency for management and disposition in accordance with the Dissolution Act;

**WHEREAS**, the Successor Agency was required to prepare a Long Range Property Management Plan (“LRPMP”) to address the disposition and use of all real property assets of the former Agency, and to submit an Oversight Board-approved LRPMP to the Department of Finance (Health & Safety Code § 34191.4.);

**WHEREAS**, the Pomona Oversight Board (“Oversight Board”) has heretofore approved the Successor Agency’s LRPMP and Finance subsequently approved the Successor Agency’s LRPMP on October 7, 2014;

**WHEREAS**, the Successor Agency owns that certain real property commonly known as Mission Promenade – 101 West Mission Boulevard, in the City of Pomona, California, and specifically identified as Los Angeles County Assessor’s Parcel Nos. (8341-008-912, 913, 914, 915, 916 & 917) (the “Property”), and such Property is identified for sale in the LRPMP;

**WHEREAS**, the John Pena Irrevocable Family Trust 82-6632724 (the “Buyer”) desires to purchase the Property;

**WHEREAS**, the Successor Agency has obtained a valuation report for the Property from an MAI Certified Appraiser, CBRE, Inc., which concluded the Property value to be \$4,500,000;

**WHEREAS**, the Successor Agency desires to sell to Buyer, and Buyer desires to purchase from the Successor Agency, the Property on the terms and conditions set forth in the Purchase and Sale Agreement attached hereto; and

**WHEREAS**, the sale of the Property is exempt from the California Environmental Quality Act pursuant to section 15061(b)(3) of the CEQA Guidelines, as it can be seen with certainty that the transfer of the subject Property will not have a significant effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council, sitting as the Successor Agency to the former Redevelopment Agency of the City of Pomona as follows:

**SECTION 1.** That, based upon staff reports, presentations, public testimony, and other matters presented during consideration of this matter, the Successor Agency finds and declares the foregoing recitals to be true and correct, and are expressly incorporated as a material part of this Resolution.

**SECTION 2.** That the Successor Agency hereby approves the sale of Mission Promenade – 101 West Mission Boulevard, located in the City of Pomona, California, and specifically identified as Los Angeles County Assessor’s Parcel Nos. 8341-008-912, 913, 914, 915, 916 & 917), for the sale price of \$5,750,000; subject to the terms and conditions of the attached Purchase and Sale Agreement.

**SECTION 3.** That the Successor Agency hereby approves the Purchase and Sale Agreement setting forth the terms for the sale of Mission Promenade – 101 West Mission Boulevard, located in the City of Pomona, California, and specifically identified as Los Angeles County Assessor’s Parcel Nos. (8341-008-912, 913, 914, 915, 916 & 917 to John Pena Irrevocable Family Trust 82-6632724, in substantially the form as attached hereto as Exhibit A, and authorizes the City Manager to execute the Purchase and Sale Agreement on behalf of the Successor Agency, as well as other documents reasonably required to complete the transaction contemplated in this Resolution.

**SECTION 4.** That the transaction contemplated in this Resolution, and the effectiveness of the Purchase and Sale Agreement, is contingent on approval thereof by the Oversight Board. The Successor Agency directs staff to take necessary actions to seek and obtain Oversight Board approval of the Purchase and Sale Agreement as required by the Dissolution Act, as well as approval by the California Department of Finance to the extent such approval is requested by the parties or required by law.

**SECTION 5.** The Successor Agency Secretary shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval, and is authorized to execute such other documents and certificates necessary to complete the transaction contemplated in this Resolution.

**APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF APRIL 2018.**

**ATTEST:**

**POMONA CITY COUNCIL SITTING  
AS SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY OF THE  
CITY OF POMONA, CALIFORNIA,  
PURSUANT TO CALIFORNIA  
HEALTH AND SAFETY CODE  
SECTION 34173**

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Eva M. Buice, MMC, Clerk

\_\_\_\_\_  
Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Arnold M. Alvarez-Glasman, Successor Agency Counsel

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, EVA M. BUICE, MMC, CLERK of the CITY OF POMONA CITY COUNCIL sitting as the SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF POMONA, California, pursuant to California Health and Safety Code Section 34173 do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Successor Agency held on the \_\_\_\_ day of April 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this \_\_\_\_ day of April 2018.

\_\_\_\_\_  
Eva M. Buice, MMC, Clerk