

RESOLUTION NO. 2018-163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT WITH WATT COMMUNITIES, LLC, FOR THE PROPERTY COMMONLY KNOWN AS CITY PARKING LOT 2

WHEREAS, Vehicle Parking District Lot 2 (APN No. 8336-021-901, the “Property”) is located on the north side of Center Street and owned by the City of Pomona (“City”), and is presently used for public parking purposes as part of the City’s Vehicle Parking District (“VPD”) formed and operating pursuant to the Vehicle Parking District Law of 1043 (Streets & Highways Code sections 31500 *et seq.*)

WHEREAS, as far back as 2013, the VPD and City recognized that the Property was underutilized for its intended purposes, and expressed interest in disposing of the site for alternative purposes consistent with the long-term land use and planning objectives of the City;

WHEREAS, Streets & Highways Code section 31503 authorizes the City Council to sell real property acquired for public parking purposes that is not needed for that use;

WHEREAS, Watt Communities, LLC (“Developer”) desires to acquire the Property in contemplation of a future market-rate residential project, the exact nature, size, and scope of which is unknown and speculative at this time, and shall be governed by future discretionary entitlements to be considered by the City, following consideration of an environmental analysis that satisfies the requirements of the California Environmental Quality Act (“CEQA,” and the “Project”);

WHEREAS, Developer has previously entered into a purchase and sale agreement with the Successor Agency to the Pomona Redevelopment Agency (“Successor Agency”), approved as of March 19, 2018, for the acquisition of a parcel adjacent to the Property for potential inclusion in the Project, and escrow on said transaction is currently open and pending (“SA Transaction”);

WHEREAS, on July 16, 2018, the City entered into an Exclusive Negotiation Agreement with Developer for the Property, and the City has caused an appraisal of the Property to be performed;

WHEREAS, the City and Developer have reached an agreement as to a purchase price for the Property, which is consistent with the fair-market value stated in said appraisal, and the City Council finds and declares that sale of the Property to Developer, on the terms and conditions stated in this Resolution, furthers the common benefit and welfare of the public, and is beneficial to the health, safety, and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. That the above recitals are true and accurate and incorporated as a substantive part of this Resolution, and supportive of the findings made herein.

SECTION 2. That the City Council finds that the Property is not needed for public parking purposes, and hereby approves sale of the Property to Developer for the purchase price of THREE HUNDRED AND SEVENTY-THOUSAND DOLLARS (\$370,000), the proceeds of which shall be utilized for purposes consistent with the VPD, and such sale shall be in accordance with the Purchase and Sale Agreement and Joint Escrow Instructions attached as Exhibit “A” (“Agreement”), which is hereby approved by the City Council in substantially the form attached.

SECTION 3. That the City Manager is hereby authorized to execute the Agreement on behalf of the City of Pomona, and to execute such other documents, and take such other actions, as may be reasonably necessary to consummate the transaction described herein.

SECTION 4. That the City Council, on the basis of the whole record and exercising independent judgment, finds that this Resolution is not subject to environmental review pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for implementation of the California Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. The proposed transaction contemplates only the sale of the Property in its current condition, and any subsequent alternation or development of the Property by Developer, for the Project or otherwise, will be subject to future discretionary action of the City Council, and subject to the City Council’s consideration and approval of the appropriate environmental analysis and resulting study under the California Environmental Quality Act.

SECTION 5. The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall be effective immediately upon its approval.

APPROVED AND ADOPTED THIS 19TH DAY OF NOVEMBER 2018

ATTEST:

CITY OF POMONA:

Marie M. Macias, Interim City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, MARIE M. MACIAS, INTERIM CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the 19th day of November 2018, by the following vote:

AYES: Sandoval, Gonzalez, Robledo, Carrizosa, Ontiveros-Cole, Escobar, and Torres

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this 20th day of November 2018.

Marie M. Macias, Interim City Clerk