

RESOLUTION NO. 2019-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, APPROVING DEED RESTRICTIONS AS A CONDITION TO GRANT NO. 58H3-15-2523 FOR GENERAL PARK IMPROVEMENTS CONSTRUCTED WITH GRANT FUNDING AT KENNEDY PARK AND ESPERANZA Y ALEGRIA PARK

WHEREAS, the City Council approved the application for grant funds from the Los Angeles County Regional Park and Open Space District (District) in the amount of \$500,000;

WHEREAS, on December 15, 2015, the City Council adopted Resolution No. 2015-52 creating ten new Capital Improvement Program park projects and accepting the \$500,000 Grant No. 58H3-15-2523 (Grant) from the District;

WHEREAS, the Grant funds were used to construct park improvements at ten parks within the City;

WHEREAS, as a condition to the Grant, and prior to the City receiving full reimbursement of Grant funds, the City must agree to and comply with the deed restriction conditions of the Grant;

WHEREAS, on December 17, 2018, due to the requirement for deed restrictions to be placed at each of the ten parks, the City Council adopted Resolution No. 2018-168 and modified the Grant Agreement to reduce the number of parks affected by the deed restriction requirement from ten to two parks (Kennedy Park and Esperanza y Alegria Park); and

WHEREAS, the deed restrictions require that the two parks remain parks in perpetuity, and District agents and employees are granted right of entry onto the two park properties in perpetuity.

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

SECTION 1. The Deed Restriction shall remain in full force and effect and shall bind the City and all assigns or successors-in-interest in perpetuity.

SECTION 2. The Deed Restriction (EXHIBIT "A") is irrevocable and shall constitute an enforceable restriction within the meaning of a) Article XIII, Section 8 of the California Constitution and b) Section 402(i) of the California Revenue and Taxation Code or successor statute.

SECTION 3. The District or its agents or employees may enter onto the park property at times reasonably acceptable to Owner(s) to ascertain whether the use restrictions set forth above are being observed.

SECTION 4. Any act, conveyance, contract, or authorization by Owner(s) whether written or oral which uses or would cause to be used or would permit use of the Property contrary to the terms of this Deed Restriction will be deemed a violation and a breach hereof.

SECTION 5. If any provision of these restrictions is held to be invalid, or for any reason becomes unenforceable, no other provision shall be affected or impaired.

SECTION 6. The City Council hereby authorizes the City Manager, as agent for the City of Pomona, to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests, which may be necessary for the completion of the aforementioned project.

SECTION 7. The City Clerk shall attest and certify to the passage and adoption of this resolution and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED THIS 4th DAY OF FEBRUARY 2019.

ATTEST:

CITY OF POMONA

Rosalia Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Christi Hogin, Interim City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, ROSALIA BUTLER, 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 4th day of February 2019 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Rosalia Butler, City Clerk