

**RESOLUTION NO. SA 2019 - 04**

**A RESOLUTION OF THE CITY COUNCIL, SITTING AS THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN ASSIGNMENT, ASSUMPTION AND CONSENT TO ASSIGNMENT OF PURCHASE AND SALE AGREEMENTS FOR THE PROPERTY AT 192 E. CENTER STREET AND 353 N. GIBBS STREET (APN'S 8336-026-904 & 905) IN POMONA, CALIFORNIA TO TRIAD VENTURES, INC.**

**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 the Department of Finance subsequently approved the Successor Agency's LRPMP on October 7, 2014;

**WHEREAS**, the Successor Agency owns that certain real property commonly known as 192 E. Center Street and 353 N. Gibbs Street, in the City of Pomona, California, and specifically

identified as Los Angeles County Assessor's Parcel No'. (8336-026-904 & 905) (the "Property"), and such Property is identified for sale in the LRPMP as Site Number 1

**WHEREAS**, on March 18, 2018 the Successor Agency entered into a Purchase and Sale Agreement with Watt Communities for the acquisition of the Property;

**WHEREAS**, Watt Communities ("Watt") anticipated developing the Property in partnership with Triad Ventures, Inc. ("Triad"), but Watt has subsequently decided not to pursue the purchase of the Property;

**WHEREAS**, Triad is fully committed to purchasing the Property and Watt and Triad have agreed to assign Watt's interest in the Property to Triad;

**WHEREAS**, the assignment of the Purchase and Sale Agreement from Watt to Triad requires the Successor Agency's consent; and

**WHEREAS** That the City Council, sitting as the Successor Agency to the former Redevelopment Agency of the City of Pomona, 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 assignment of a previously approved sale of the Property in its current condition, and any subsequent alternation or development of the Property by Developer 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.

**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 and consents to the assignment and assumption pursuant to the Assignment, Assumption and Consent to Assignment of Purchase and Sale Agreements for the property at 192 E. Center Street and 353 N. Gibbs Street, located in the City of Pomona, California, and specifically identified as Los Angeles County Assessor's Parcel Nos. 8336-026-904 & 905.

**SECTION 3.** That the Successor Agency hereby approves the Assignment, Assumption and Consent to Assignment of Purchase and Sale Agreements , in substantially the form as

Resolution No. SA 2019 -

August 5, 2019

Page 2 of 4

attached hereto as Exhibit A, and authorizes the City Manager to execute the Agreement on behalf of the Successor Agency in the form approved by the City Attorney's Office, and further authorizes the City Manager to execute such other documents as are reasonably necessary to complete the transaction contemplated in this Resolution.

**SECTION 4.** 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 AUGUST 2019.

**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**

\_\_\_\_\_  
Rosalia A. Butler, MMC, City Clerk

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

**APPROVED AS TO FORM:**

Best Best & Krieger LLP

By: \_\_\_\_\_  
Successor Agency Counsel

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, ROSALIA A. BUTLER, 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

Resolution No. SA 2019 -

August 5, 2019

Page 3 of 4

hereby certify that the foregoing Resolution was adopted at a regular meeting of the Successor Agency held on the \_\_\_\_ day of AUGUST 2019 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 August 2019.

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Rosalia A. Butler, MMC, City Clerk