

RESOLUTION NO. 2019-113

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING AN ASSIGNMENT, ASSUMPTION AND CONSENT TO ASSIGNMENT OF PURCHASE AND SALE AGREEMENTS FOR THE PROPERTY COMMONLY KNOWN AS CITY PARKING LOT 2 (APN 8336-021-901) IN POMONA, CALIFORNIA TO TRIAD VENTURES, INC.**

**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**, on November 19, 2018 the City entered into a Purchase and Sale Agreement with Watt Communities (“Watt”) for the acquisition of the property commonly known as City Parking Lot 2 (APN 8336-021-901);

**WHEREAS**, 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 City’s consent;

**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 hereby approves and consents to the assignment and assumption pursuant to the Assignment, Assumption and Consent to Assignment of Purchase and Sale Agreements

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for the property commonly known as City Parking Lot 2 (APN 8336-021-901), located in the City of Pomona, California.

**SECTION 3.** That the City hereby approves the Assignment, Assumption and Consent to Assignment of Purchase and Sale Agreements Agreement in substantially the form as attached hereto as Exhibit A, and authorizes the City Manager to execute the Agreement on behalf of the City 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.** 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 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.

**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 5th DAY OF AUGUST 2019

**ATTEST:**

**CITY OF POMONA:**

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

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Tim Sandoval, Mayor

**APPROVED AS TO FORM:**

Best Best & Krieger LLP

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City Attorney

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF POMONA

I, ROSALIA A. BUTLER, MMC, CITY CLERK of the CITY OF POMONA CITY COUNCIL 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 5th 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 5th of August 2019.

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Rosalia A. Butler, MMC, City Clerk

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