

RESOLUTION NO. 2019 - 147

RESOLUTION NO. 2019-146 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A LETTER OF UNDERSTANDING WITH UNION PACIFIC RAILROAD FOR THE ACQUISITION OF CERTAIN REAL PROPERTY IN POMONA, CALIFORNIA

WHEREAS, the City is considering the construction of a public parking garage on Vehicle Parking District Lot 10 (the “Project”);

WHEREAS, if the City were to proceed with the Project, a portion of land that functions as First Street needs incorporation into the site footprint of the Project;

WHEREAS, Union Pacific Railroad (UP) owns the underlying fee title to First Street and has agreed to sell to the City the necessary 19,870 square foot segment of street for \$104,317.50;

WHEREAS, the City and UP have negotiated a Letter of Understanding (LOU) that sets forth the terms of the sale; and

WHEREAS, CEQA applies when a public agency proposes to “approve” a project. (Pub. Resources Code, § 21080(a).) The term “approval” refers to a public agency decision that “commits the agency to a definite course of action in regard to a project.” (State CEQA Guidelines, § 15352(a).) Here, the LOU will convey the land from UP to the City but there will be no change in use as a result of this transaction and the acquisition does not commit the City to any definite course of action. The City still retains the discretion to purchase or not purchase the project, and approve or not approve any future parking garage project on the property. Therefore, the LOU does not constitute a “project” for purposes of CEQA and no further environmental review at this time is required..

NOW, THEREFORE, BE IT RESOLVED by the City Council 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 City Council finds and declares the foregoing recitals to be true and correct, and are expressly incorporated as a material part of this Resolution.

SECTION 2. The City Council hereby approves the LOU and authorizes and directs the City Manager to execute the LOU. The City Manager is also hereby directed to take all additional actions reasonably necessary to implement this action, including but not limited to executing additional escrow instruction or other documents necessary to complete the purchase of the property.

SECTION 3. The City Council hereby finds and declares that this action does not constitute a “project” for purposes of CEQA and directs staff to file a Notice of Determination within 5 days of the approval of this resolution.

SECTION 4. The City Clerk 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 SEPTEMBER 2019.

ATTEST:

POMONA CITY COUNCIL

Rosalia A. Butler, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Best Best & Krieger LLP

By: _____
Interim City Counsel

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 held on the ____ day of SEPTEMBER 2019 by the following vote:

AYES:

NOES:

Resolution No. 2019-146

September 9, 2019

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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 September 2019.

Rosalia A. Butler, MMC, City Clerk

Exhibit A - . Letter of Understanding between the City of Pomona and Union Pacific Railroad