

RESOLUTION NO. 2019-158

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF POMONA AND SEVENTH STREET DEVELOPMENT, INC. FOR THE CONVEYANCE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS VETERAN'S PARK (ASSESSORS PARCEL NO. . 8707-019-903, 906, & 909) TO SEVENTH STREET DEVELOPMENT, INC PURSUANT TO GOVERNMENT CODE SECTION 37420 ET SEQ.

WHEREAS, the City of Pomona, a California municipal corporation ("City") is the fee owner of approximately 13.95 acres (approximately 11.38 net acres) of real property comprised of APNs 8707-019-903, 906 & 909 in the City of Pomona commonly known as Veteran's Park (the "Site") plus certain vehicular easement rights over the adjacent parcel identified as APNs 8707-019-018 & 019 and 8707-019-902 (the "Easement"). The Site and Easement including improvements located thereon, along with all of the following, are collectively referred to as the "Property;"

WHEREAS, the City and Seventh Street Development, Inc. (together referred to as the "Parties") entered into an Exclusive Negotiating Agreement on or about September 26, 2018, which expiration term was extended by the Parties to September 21, 2019, through a letter agreement dated March 12, 2019 (the "ENA"), pursuant to which the Parties agreed to negotiate a purchase and sale agreement for the purchase and development of the Property with up to four light industrial/manufacturing buildings with ancillary offices totaling approximately 210,000 square feet;

WHEREAS, the City intends to sell the Property to Seventh Street Development, Inc. for \$11,650,000 who will develop the Property with up to four light industrial/manufacturing buildings with ancillary offices totaling approximately 210,000 square feet, subject to the Purchase and Sale Agreement;

WHEREAS, California Government Code sections 37420 through 37430 authorize the City to dispose of public property;

WHEREAS, California Government Code section 37421 provides that when the City finds that the public interest and convenience require the conveyance of City property, the City may adopt a resolution stating such finding and intention to convey the property;

WHEREAS, California Government Code section 37422 provides that such resolution shall fix a time for hearing protests to the property conveyance, provide for publication of notice of the hearing, fix the time when the City will take final action regarding the property conveyance and shall contain an accurate description of the property to be conveyed; and

WHEREAS, California Government Code section 37423 requires publication of said resolution in a daily newspaper circulated in the City and posting of the resolution in three conspicuous locations on the Property.

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

SECTION 1. Findings. 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. Findings. The City finds that the public interest and convenience require conveyance of the Property to Seventh Street Development, Inc. for economic development purposes. The property has been underutilized as a park and the new development will stimulate development in the surrounding area while also providing for the replacement of the park facilities in a manner that will enhance community access to improved recreational facilities and programming.

SECTION 3. Notice of Hearing. A public hearing will be held by the City to hear any protests regarding the conveyance of the Property by the City to Seventh Street Development, Inc. on October 7, 2019 at 7:00 p.m., in the City Council Chambers located at 505 Garey Ave, Pomona, CA 91766, or as soon thereafter as the matter may be heard. The City hereby authorizes and directs the City Clerk to post copies of this Resolution for not less than ten (10) days in at least three (3) conspicuous places on the Property and publish this Resolution at least once in a daily newspaper published and circulated within the City.

SECTION 4. The City shall take final action regarding conveyance of the Property to Seventh Street Development, Inc. on October 7, 2019 following the public hearing described in Section 3 of this Resolution.

SECTION 5. 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 OCTOBER 2019.

ATTEST:

POMONA CITY COUNCIL

Rosalia A. Butler, MMC, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Best Best & Krieger LLP

By: _____
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 OCTOBER 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 OCTOBER 2019.

Rosalia A. Butler, MMC, City Clerk

Exhibit A – 1 -Purchase and Sale Agreement between the City of Pomona and Seventh Street Development, Inc.