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RESOLUTION NO. R-56-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY

WHEREAS, the City of Colton ("City") currently owns in fee that certain real property generally located at the northwest corner of Colton Avenue and Mt. Vernon Avenue in the City (APN 0161-221-03-0000) and legally described in Exhibit "A" attached to this resolution and incorporated by reference herein (the "Property"), and;

WHEREAS, the City desires to sell the Property by entering into a Disposition and Development Agreement ("DDA") with Evergreen Development Company, Inc., a California corporation ("Developer"), to, among other things, convey the Property to Developer to develop the Property as a grocery and dry good store and one (1) additional retail building or restaurant for purposes of economic development, and;

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

WHEREAS, California Government Code Section 37421 provides that when the legislative body of a city finds that the public interest and convenience require the sale of public buildings and sites dedicated to public use, it may adopt a resolution of its finding and intention to sell such property, and;

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 contain an accurate description of the property to be conveyed, and;

WHEREAS, pursuant to Government Code section 65402, the proposed disposition of the Property shall be presented to the City's Planning Commission ("Planning Commission"), and such disposition shall be contingent on a finding by the Planning Commission that the conveyance of the Property from City to Developer is in conformance with the City's general plan, and;

WHEREAS, the City wishes to declare its intent to dispose of and convey the Property pursuant to the terms of a DDA, fix a time for the hearing of any protests to the disposition, provide for publication of the notice of said hearing, and fix the time for final action on the disposition of the Property and approval of a DDA.

1 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
2 COLTON, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

3 **SECTION 1. Incorporation of Recitals.** The foregoing recitals are true and
4 correct and are incorporated herein and made an operative part of this Resolution.

5 **SECTION 2. Findings.** The City Council of the City hereby finds and determines
6 that public convenience and necessity require the sale of the Property. The factors
7 demonstrating that the public convenience and necessity require the sale of the Property
8 include, but are not limited to the following: the Property will be utilized by Developer as a
9 grocery and dry goods store and one (1) retail building or restaurant separate from the
10 grocery and dry good store for purposes of economic development, which will create or
maintain jobs within the City and alleviate conditions of economic and physical blight in the
City, all of which benefit the health, safety and welfare of the City.

11 **SECTION 3. Declaration of Intent to Sell; Fixing of Hearing.** The City Council
12 of the City hereby declares its intent to sell the Property pursuant to a DDA and fixes July 7,
13 2015 at 6:00 p.m. at Colton City Hall, 650 N. La Cadena Drive, Colton, as the date, time and
14 location for hearing any protests to the proposed sale of the Property, for approval of the
DDA, and of the final action date.

15 **SECTION 4. Publication and Posting.** In compliance with California
16 Government Code section 37423, the City Council of the City hereby directs City staff to
17 publish this resolution at least once in the Colton City News newspaper prior to July 7, 2015,
18 and to post this Resolution for not less than ten (10) days in at least three (3) conspicuous
places upon the Property prior to July 7, 2015.

19 **SECTION 5. CEQA.** The City Council of the City of Colton has determined that
20 the sale of property in this Resolution is not a "project" requiring environmental review
21 pursuant to the California Environmental Quality Act (Public Resources Code, sections
22 21000, *et seq.*); rather, a sale does not involve any commitment to any specific project and,
23 as a result, is excluded from the definition of "project" in section 15378(b)(4) of the State
24 CEQA Guidelines (Title 14 California Code of Regulations sections 15000, *et seq.*). The
City Clerk is authorized and directed to file all appropriate notices pursuant to CEQA with
the Clerk of the Board of Supervisors of the County of San Bernardino, California.

25 **SECTION 6. Severability.** If any provision of this Resolution is held invalid, the
26 remainder of this Resolution shall not be affected by such invalidity, and the provisions of
27 this Resolution are severable.
28

EXHIBIT "A"
TO RESOLUTION OF INTENT



LEGAL DESCRIPTION (APN: 0161-221-03)

THE SOUTHERLY 427.12 FEET OF THE EASTERLY 150 FEET OF LOT 20, COLTON LAND AND WATER COMPANY ADDITION, TO THE CITY OF COLTON, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 1 OF MAPS, PAGE 40, RECORDS OF SAID COUNTY.

NOTE NO. 1: A PORTION OF SAID BLOCK 20 IS COVERED BY MAP OF COLTON AVENUE TRACT RECORDED IN BOOK 19 OF MAPS, PAGE 88, RECORDS OF SAID COUNTY.

NOTE NO. 2: THE PROPERTY HEREIN DESCRIBED IS ALSO SHOWN ON LICENSED SURVEYOR'S MAP, RECORDED IN BOOK 6, PAGE 51, RECORD OF SURVEY.

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do
6 hereby certify that the foregoing is a full, true and correct copy of **RESOLUTION NO.**
7 **R-56-15**, duly adopted by the City Council of said City, and approved by the Mayor of
8 said City, at its Regular Meeting of said City Council held on the **2nd day of June, 2015**,
9 and that it was adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Jorrin, Navarro, González,
11 Bennett, Suchil and Mayor
12 DeLaRosa

13 NOES: COUNCILMEMBER None

14 ABSTAIN: COUNCILMEMBER None

15 ABSENT: COUNCILMEMBER None
16

17 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
18 seal of the City of Colton, California, this _____ day of _____, 20__.

19
20
21 _____
22 CAROLINA R. PADILLA
23 City Clerk
24 City of Colton

25 (SEAL)
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27
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