

RESOLUTION NO. R-68-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, APPROVING A DONATION AGREEMENT BY AND BETWEEN THE CITY OF COLTON AND CARL ROSS, TRUSTEE OF THE CARL ROSS LIVING TRUST

WHEREAS, the City of Colton (“City”) has an approved West Valley Habitat Conservation Plan (“HCP”) for the Delhi Sands Flower-loving Fly (“DSF”), and;

WHEREAS, on February 2, 2015, the United States Fish & Wildlife Service (“USFWS”) issued to the City an Incidental Take Permit for the DSF to the approved HCP, and;

WHEREAS, the approved HCP and the issuance of the Incidental Take Permit allows development to occur, but not without the City acquiring an approximate 50.3 acres of habitat conservation land for the DSF as required by USFWS, and;

WHEREAS, pursuant to the HCP, in order for the City to acquire the habitat conservation land, the City has adopted a “HCP mitigation fee”, currently at \$62,750 per acre, that will be charged to property owners who wish to develop their property, and;

WHEREAS, no development permit can be issued without the City first acquiring an initial 20 acres of Habitat Conservation land pursuant to USFWS, and;

WHEREAS, Carl Ross, Trustee of the Carl Ross Living Trust, (“Donor”) is owner of approximately 20 acres of vacant real property (San Bernardino County Assessor Parcel Numbers 0254-051-48, 49, 63, 64, 65, 66; and APNs 0254-061-36, 37, 38 (collectively, the “Donor Property”), and;

WHEREAS, the City conducted an appraisal dated April 21, 2015, which determined the average fair market value of the Donor Property is \$7.25 per square foot (“Property Value”), and;

WHEREAS, the City desires to accept the Donor Property for the purposes of wildlife conservation in furtherance of the HCP, and Donor desires to donate the Property to City, and;

WHEREAS, the Donor plans to use the Property Value to offset the cost of the HCP mitigation fee that will be assessed against other property he owns within the HCP Plan area for future development and to use the balance of the Property Value as a tax deduction, and;

WHEREAS, Donor has signed a Donation Agreement donating the Donor Property to the City of Colton.

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

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-68-15**, 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 **16th day of June, 2015**,
9 and that it was adopted by the following vote, to wit:

10 AYES: COUNCILMEMBER Toro, Jorin, 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)
26
27
28