

1 facility and approximately 6,600 square feet of additional retail/restaurant space (the "Project"),
2 serving the needs of the regional community and expanding the City's sales tax base, employment
3 and shopping opportunities; and

4 **WHEREAS**, pursuant to an appraisal of the County Parcel conducted by a licensed
5 appraiser, the County Parcel (19,144 square feet) was appraised for a fair market value of
6 \$287,160; and

7 **WHEREAS**, City and County have negotiated a Purchase and Sale Agreement and Escrow
8 Instructions ("Agreement"), in substantially the form attached hereto as Exhibit "C" and
9 incorporated herein by this reference, for City to acquire the County Parcel for the development of
10 the Project.
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13 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON**
14 **RESOLVES AS FOLLOWS:**
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17 **SECTION I.** **INCORPORATION OF RECITALS.** The recitals set forth above are
18 true and correct and are hereby incorporated into this Resolution.

19 **SECTION II.** **FINDINGS.** The City finds that the public interest and convenience
20 require the purchase and conveyance of the County Parcel to Developer for economic
21 development of the County Parcel as a full service fueling station, convenience store, quick
22 service restaurant or casual dining, car wash facility and approximately 6,600 square feet of
23 additional retail/restaurant space, which will create or maintain jobs within the City and alleviate
24 conditions of economic and physical blight in the City, all of which benefit the health, safety and
25 welfare of the City.
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1 **SECTION III.** **APPROVAL OF AGREEMENT.** The City Council of the City of Colton
2 hereby approves the Agreement in substantially the form attached hereto as Exhibit "C."

3 **SECTION IV.** **IMPLEMENTATION.** The City Manager or his or her designee is hereby
4 authorized and directed, on behalf of the City, to take any actions and execute any and all
5 necessary documents to implement the Agreement.

6
7 **SECTION V.** **CEQA.** The approval of the Agreement does not commit the City to a
8 definite course of action in regards to the Project because the Project remains subject to the City's
9 full exercise of discretion as a lead agency under Public Resources Code section 21000 *et seq.*,
10 the California Environmental Quality Act ("CEQA"), to conduct environmental review of the
11 Project, to approve or disapprove the Project, and to require the Project to undertake mitigation
12 measures or alternatives as may be set forth in the environmental review document.

13
14 **SECTION VI.** **SEVERABILITY.** If any provision of this Resolution or the application
15 of any such provision to any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of this Resolution that can be given effect without the invalid
17 provision or application, and to this end the provisions of this Resolution are severable. The City
18 declares that the City would have adopted this Resolution irrespective of the invalidity of any
19 particular portion of this Resolution.

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21 **SECTION VII.** **NOTICE OF EXEMPTION.** The City Council hereby directs staff to
22 prepare, execute and file a Notice of Exemption with the San Bernardino County Clerk within
23 five days of the passage and adoption of this Resolution.

24 **SECTION VIII.** **CERTIFICATION.** The City Clerk shall certify to the adoption of this
25 Resolution.

26 **SECTION IX.** **EFFECTIVE DATE.** This Resolution shall become effective immediately
27 upon its adoption.
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PASSED, APPROVED AND ADOPTED this 4th day of August, 2015.



RICHARD A. DELAROSA
Mayor

ATTEST:



CAROLINA R. PADILLA
City Clerk

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EXHIBIT "A"
LEGAL DESCRIPTION
APN 0254-071-45-0000

[Attached behind this cover page]

EXHIBIT A

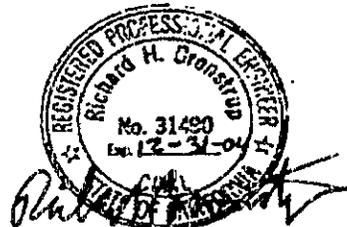
(Pepper Plaza)

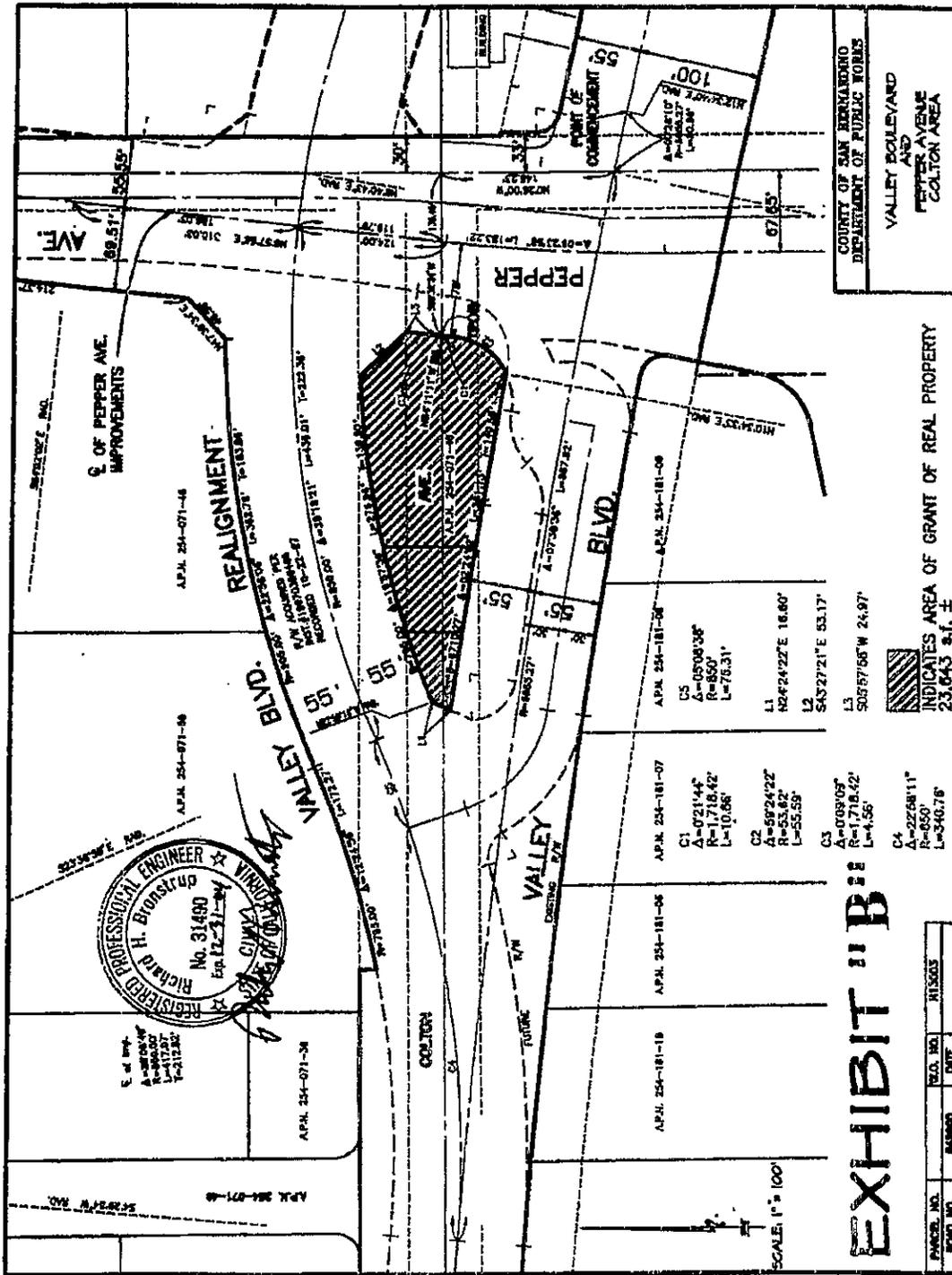
County Parcel Legal Description
(Assessor Parcel Number: 254-071-45)

T.1S., R.5W. SEC. 24, S.B.M.
Valley Boulevard @ Pepper Ave.
Colton Area

That portion of Valley Boulevard (formerly Colton Avenue) 60.00 feet wide, as shown on Map of the Town of Rialto and adjoining subdivision in the County of San Bernardino, State of California, as per map recorded in Book 4 of Maps, Page 11, in the office of the County Recorder of said County and, that portion of Farm Lot 216 of said subdivision granted to the State of California by Deed recorded in Book 1050, page 218, of Official Records of said County and, those portions of Farm Lots 213 and 216 of said subdivision described in Resolution of the Board of Supervisors of said County, recorded October 4, 1966, in Book 6707, page 95, also described in City of Colton Resolution No. 2731, recorded December 22, 1966, in Book 6747, page 325, both Official Records of said County, being described as follows:

COMMENCING at a point in the centerline of Valley Boulevard, said point being the terminus of a 7000.00 foot radius curve, concave to the Southwest, as shown on California State Highway Map approved July 19, 1937, and being on file in the office of the County Surveyor of the County of San Bernardino, designated as County Surveyor Plat No. 3157, a radial line through said point bears North $12^{\circ}34'40''$ East; thence Northwesterly along the centerline of Valley Boulevard, said centerline being a curve concave Southwesterly and having a radius of 6655.27 feet, through a central angle of $00^{\circ}26'10''$, an arc distance of 50.66 feet (50.36 feet per Book 6747, page 325) to an intersection with the centerline of Pepper Ave. (60.00 feet wide) as shown on Map of The Town of Rialto and Adjoining Subdivisions as per Map recorded in Book 4 of Maps, page 11, records of said County; thence North $00^{\circ}26'00''$ West along the centerline of said Pepper Avenue a distance of 145.23 feet (145.16 feet per Book 6747, page 325 O.R.) to an intersection with the centerline of Colton Avenue (60.00 feet wide) as shown on Map of said Subdivision; thence South $89^{\circ}32'24''$ West along said centerline of Colton Avenue, a distance of 135.45 feet to a point of intersection with that parcel described in deed to the County of San Bernardino recorded October 22, 1997 in Instrument #19970386485, Official Records, said point of intersection being the TRUE POINT OF BEGINNING and the beginning of a non-tangent curve concave Westerly and having a radius of 1,718.42 feet, a radial line through said point bears North $84^{\circ}11'11''$ West; thence Southerly along said curve and said parcel through a central angle of $0^{\circ}21'44''$, an arc distance of 10.86 feet to a point of reverse curve concave Northwesterly and having a radius of 53.62 feet; thence Southwesterly along said curve and said County parcel through a central angle of $59^{\circ}24'22''$, an arc distance of 55.59 feet to a point in the Northeast line of Valley Boulevard (110.00 feet wide), said point being the beginning of a non-tangent curve concave to the Southwest and having a radius of 6710.27 feet, a radial line through said point bears North $10^{\circ}34'33''$ East; thence Northwesterly along said curve and said Northeasterly line through a central angle of $02^{\circ}24'02''$, an arc distance of 281.13 feet to a point of intersection with that parcel described in deed to the County of San Bernardino recorded October 22, 1997 in Instrument #19970386485, Official Records, thence North $24^{\circ}24'22''$ East along said parcel, a distance of 16.60 feet to the beginning of a non-tangent curve concave Southeasterly and having a radius of 795.00 feet, a radial line through said point bears North $22^{\circ}50'18''$ West; thence Northeasterly along said curve and said parcel through a central angle of $19^{\circ}57'39''$, an arc distance of 276.96 feet to an angle point; thence South $43^{\circ}27'21''$ East, along said parcel a distance of 53.17 feet to an angle point; thence South $05^{\circ}57'58''$ West along said parcel, a distance of 24.97 feet to the beginning of a tangent curve concave Westerly and having a radius of 1,718.42 feet; thence Southerly along said curve and said parcel through a central angle of $0^{\circ}09'09''$, an arc distance of 4.58 feet to the TRUE POINT OF BEGINNING.





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EXHIBIT "B"
Resolution R-13-15
Planning Commission Resolution,
Finding of Conformity with General Plan
(Attached behind this cover page)

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RESOLUTION NO. R-13-15

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COLTON, CALIFORNIA, FINDING THAT THE DISPOSITION OF
CERTAIN PUBLIC PROPERTIES FOR COMMERCIAL DEVELOPMENT
IS CONSISTENT WITH THE CITY'S GENERAL PLAN**

5 **WHEREAS**, the City of Colton ("City") currently owns in fee that certain right-of-way
6 generally located at the southwest corner of Valley Boulevard and Pepper Avenue in the City,
and commonly referred to as "Old Valley Boulevard" (the "City Parcel"), and;

7 **WHEREAS**, the County of San Bernardino ("County") owns that certain real property
8 generally located at the southwest corner of Valley Boulevard and Pepper Avenue (APN 0254-
071-45-0000), adjacent to the City Parcel (the "County Parcel"), and;

9 **WHEREAS**, the City desires to purchase the County Parcel for its conveyance along with
10 the City Parcel for future development, and;

11 **WHEREAS**, California Government Code Sections 37421 and 37422 provide that when
12 the legislative body of a City finds that the public interest and convenience require the sale of
13 public sites, it may adopt a resolution of its finding and intention to sell such property, and must
provide for publication and public hearing of the proposed sale, and;

14 **WHEREAS**, on July 7, 2015, the City Council approved Resolution No. R-81-15, finding
15 that the public interest and convenience require the purchase and sale of the County Parcel,
publishing and setting the public hearing for August 4, 2015, and;

16 **WHEREAS**, the City wishes to purchase the County Parcel for the sale of both the City
17 and County Parcels to Valley-Orange Enterprises, LLC ("Developer") for the development of a
18 full service fueling station, convenience store, quick service restaurant or casual dining, car wash
19 facility and approximately 6,600 square feet of additional retail/restaurant space (the "Project"),
serving the needs of the regional community and expanding the City's sales tax base, employment
and shopping opportunities, and;

20 **WHEREAS**, City and County have negotiated a Purchase and Sale Agreement and
21 Escrow Instructions ("Agreement") for City to acquire the County Parcel for the development of
the Project, and;

22 **WHEREAS**, City and Developer have negotiated a Disposition and Development
23 Agreement ("Agreement") for Developer to acquire the City Parcel and County Parcel from the
24 City for development of the Project, and;

25 **WHEREAS**, the Public Properties are designated for Retail use in the City of Colton's
26 General Plan ("General Plan") and are zoned Retail under the Hub City Centre Specific Plan; and;

27 **WHEREAS**, pursuant to Government Code Section 65402, the Planning Commission of
28 the City of Colton must make a finding that the location, purpose and extent of the disposition of
the Public Properties conforms with the City's General Plan; and;

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I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Colton at a meeting held on July 28, 2015, by the following vote of the Planning Commission:

AYES: Arrieta, Larson, Grossich, Granado-Dominguez, Delgado, Archuleta, Prieto
NOES:
ABSENT:
ABSTAIN:



Planning Commission Secretary
Mark R. Tomich, AICP

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EXHIBIT "C"
Purchase and Sale Agreement and Escrow Instructions
By and between
The City of Colton and the County of San Bernardino
(Attached behind this cover page)

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-95-15**, 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 **4th day of August,**
9 **2015**, 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
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21 _____
22 CAROLINA R. PADILLA
23 City Clerk
24 City of Colton

25 (SEAL)
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