

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RESOLUTION NO. R-97-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON TO AMEND THE FISCAL YEAR 2015-2016 BUDGET TO INCREASE REVENUES AND EXPENDITURES REGARDING THE SALE OF CITY PROPERTY PURSUANT TO THAT CERTAIN DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COLTON AND VALLEY-ORANGE ENTERPRISES, LLC; AND, THAT CERTAIN PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS BY AND BETWEEN THE CITY OF COLTON AND THE COUNTY OF SAN BERNARDINO**

**WHEREAS**, the City of Colton (“City”) currently owns in fee that certain real property generally located at the southwest corner of Valley Boulevard and Pepper Avenue in the City (referred to as, “Old Valley Boulevard”) (the “City Parcel”); and

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

**WHEREAS**, on August 4, 2015, the City entered into that certain Purchase and Sale Agreement and Escrow Instructions (“P&SA”) with the County of San Bernardino for the purchase of the County Parcel, and

**WHEREAS**, on August 4, 2015, the City entered into that certain Disposition and Development Agreement (“DDA”) with Valley-Orange Enterprises, LLC (“Developer”) for disposition and development of the City and County Parcels; and

**WHEREAS**, Developer wishes to purchase the City and County Parcels for development of a full service fueling station, convenience store, quick service restaurant or casual dining, car wash 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

**WHEREAS**, pursuant to an appraisal of the County Parcel conducted by a licensed

1 appraiser and a valuation analysis of the City Parcel conducted by the City's qualified economic  
2 development consultant, the combined fair market value for both the City and County Parcels was  
3 valued for \$485,617, (the "Purchase Price"); and

4           **WHEREAS**, City and County have negotiated a P&SA for the City to acquire the County  
5 Parcel in the amount of \$287,160; and

6           **WHEREAS**, City and Developer have negotiated a DDA for Developer to acquire the City  
7 Parcel from the City, in the amount of \$198,457; and

8           **WHEREAS**, a budget appropriation/expenditure for the sale and purchase of the County  
9 and City Parcels, pursuant to the terms of the P&SA and DDA, not listed in the 2015-16 Fiscal  
10 Year budget, is required and must be approved by resolution of the City Council.

11           **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON**  
12 **RESOLVES AS FOLLOWS:**

13  
14  
15  
16 **SECTION I.**           **INCORPORATION OF RECITALS.** The recitals set forth above are  
17 true and correct and are hereby incorporated into this Resolution.

18 **SECTION II.**           **INCREASE IN CITY REVENUES.** The City Council authorizes this  
19 amendment, and adjustment to the Fiscal Year 2015-16 budget, increasing revenues in the amount  
20 of \$485,617 from the sale of the City and County Parcels to Account Number 100-7804-000.

21 **SECTION III.**           **APPROPRIATION OF EXPENDITURES.** The City Council authorizes  
22 this amendment, and adjustment to the Fiscal Year 2015-2016 budget, for an appropriation of  
23 \$287,160 plus estimated escrow closing costs of \$7,500 as follows:

- 24           • Increase Economic Development Division's Professional Services  
25           Expenditure Account Number 100-6300-9050-2350 in the amount of  
26           \$294,660 for associated expenses related to that certain P&SA and DDA for  
27  
28

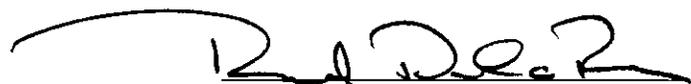
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

the sale of the City and County Parcels.

**SECTION IV.**      **CERTIFICATION.** The City Clerk shall certify to the adoption of this Resolution.

**SECTION V.**      **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** this 4th day of August, 2015.

  
RICHARD A. DELAROSA  
Mayor

ATTEST:

  
CAROLINA R. PADILLA  
City Clerk

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-97-15**, 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 **4<sup>th</sup> 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  
20  
21 \_\_\_\_\_  
22 CAROLINA R. PADILLA  
23 City Clerk  
24 City of Colton

25 (SEAL)  
26  
27  
28