

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. CHA-03-15

A RESOLUTION OF THE COLTON HOUSING AUTHORITY APPROVING THAT CERTAIN DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COLTON, THE COLTON HOUSING AUTHORITY AND EVERGREEN – COLTON & MT. VERNON, L.L.C. FOR THE SALE AND DEVELOPMENT OF CITY AND AUTHORITY REAL PROPERTY PURSUANT TO THAT DISPOSITION AND DEVELOPMENT AGREEMENT

WHEREAS, the Colton Housing Authority (“Authority”) was activated by the City of Colton (“City”) on March 15, 2011, by Resolution R-28-11, to collaborate with the City to aid in the provision of sanitary and safe housing for people of low and moderate income within the City, and;

WHEREAS, the Authority serves as the housing successor to the former City of Colton Redevelopment Agency and, as such, pursuant to Health and Safety Code Section 34176, certain real property of the former Redevelopment Agency generally located at the northwest corner of Colton Avenue and Mount Vernon Avenue in the City (APNs 0161-221-04, 05, 06, 37, 67, 70) and legally described in Exhibit “A” attached to this resolution and incorporated by reference herein (the “Authority Parcels”), was transferred to the Authority upon the Redevelopment Agency’s dissolution, and;

WHEREAS, the City owns that certain real property generally located at the northwest corner of Colton Avenue and Mount Vernon Avenue adjacent to the Authority Parcels (APN 0161-221-03) (the “City Parcel”), the conveyance, separate resolution, of which is being considered by the City Council at a duly noticed public hearing on July 7, 2015, and;

WHEREAS, pursuant to Health and Safety Code Section 34312.3(b), property owned by a Housing Authority may be sold at market value for a non-housing use, provided that the proceeds of the sale are designated for low income housing purposes, and;

WHEREAS, pursuant to an appraisal of the Authority Parcels and City Parcel conducted by a licensed appraiser, Smothers Appraisal Services, the Authority Parcels and City Parcel was appraised for a fair market value of \$1,040,000, and Developer has offered to purchase the Authority Parcels and City Parcel for \$1,050,000, and;

WHEREAS, the Planning Commission of the City of Colton approved Resolution No. R-12-15 (Exhibit “B”), finding that the proposed sale of the Authority Parcels and City Parcel is in conformity with the General Plan, Zoned C-2 (General Commercial) with Residential Overlay, pursuant to California Government Code section 65402, and;

WHEREAS, EVERGREEN - Colton & Mt. Vernon, L.L.C. (“Developer”) wishes to purchase the Authority Parcels and City Parcel for the development of a Smart & Final Extra and an additional retail/restaurant building (the “Project”) serving the needs of the regional community and expanding the City’s sales tax base, employment and shopping opportunities, and;

1 **WHEREAS**, Authority and Developer have negotiated a Disposition and Development
2 Agreement (“Agreement”), in substantially the form attached hereto as Exhibit “C” and
3 incorporated herein by this reference, for Developer to acquire the Authority Parcels from the
4 Authority for development of the Project.

4 **NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COLTON
5 HOUSING AUTHORITY RESOLVES AS FOLLOWS:**

6 **SECTION I.** **INCORPORATION OF RECITALS.** The recitals set forth above are
7 true and correct and are hereby incorporated into this Resolution.

8 **SECTION II.** **APPROVAL OF AGREEMENT.** The Authority hereby approves the
9 Agreement in substantially the form attached hereto as Exhibit “C.”

10 **SECTION III.** **IMPLEMENTATION.** The Authority Executive Director or his or her
11 designee is hereby authorized and directed, on behalf of the Authority, to take any actions and
12 execute any and all necessary documents to implement the Agreement.

13 **SECTION IV.** **CEQA.** The approval of the Agreement does not commit the Authority to
14 a definite course of action in regards to the Project because the Project remains subject to the
15 City’s full exercise of discretion as a lead agency under Public Resources Code section 21000 *et*
16 *seq.*, the California Environmental Quality Act (“CEQA”), to conduct environmental review of
17 the Project, to approve or disapprove the Project, and to require the Project to undertake mitigation
18 measures or alternatives as may be set forth in the environmental review document.

19 **SECTION V.** **SEVERABILITY.** If any provision of this Resolution or the application
20 of any such provision to any person or circumstance is held invalid, such invalidity shall not affect
21 other provisions or applications of this Resolution that can be given effect without the invalid
22 provision or application, and to this end the provisions of this Resolution are severable. The
23 Authority declares that the Authority would have adopted this Resolution irrespective of the
24 invalidity of any particular portion of this Resolution.

25 **SECTION VI.** **NOTICE OF EXEMPTION.** The Authority hereby directs staff to
26 prepare, execute and file a Notice of Exemption with the San Bernardino County Clerk within five
27 days of the passage and adoption of this Resolution.

28 **SECTION VII.** **CERTIFICATION.** The City Clerk, acting as Secretary of the Colton
Housing Authority, shall certify to the adoption of this Resolution.

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

//
//
//
//
//
//
//

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

PASSED, APPROVED AND ADOPTED this 7th day of July, 2015.


RICHARD A. DELAROSA, Chair
Colton Housing Authority

ATTEST:


CAROLINA R. PADILLA
Authority Secretary

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

EXHIBIT "A"
LEGAL DESCRIPTIONS
APN: 0161-221-04, 05, 06, 37, 67, 70

[Attached behind this cover page]

Exhibit "A"
Legal Descriptions - Colton Housing Authority Parcels

(APN 0161-221-04)

THAT PORTION OF LOTS 22, 23 AND 24, BLOCK 23 OF COLTON AVENUE TRACT, PER PLAT RECORDED IN BOOK 19 OF MAPS, PAGES 88, RECORDS OF SAID COUNTY, LYING SOUTH OF THE SOUTH LINE OF BLOCK 20 OF COLTON LAND AND WATER COMPANY'S SUBDIVISION RECORD IN BOOK 1 OF MAPS, PAGES 40, RECORDS OF SAID COUNTY.
TOGETHER WITH THOSE PORTIONS OF THE ALLEY THAT WOULD PASS BY LAW AS VACATED BY RESOLUTION NO. 1985 RECORDED JUNE 17, 1959 IN BOOK 4850, PAGE 181, OFFICIAL RECORDS.

PARCEL 2: (APN 0161-221-05)

THAT PORTION OF LOTS 21, IN BLOCK 23, OF COLTON AVENUE TRACT, IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 19 OF MAPS, PAGE 88, RECORDS OF SAID COUNTY, LYING SOUTH OF THE SOUTH LINE OF BLOCK 20 OF COLTON LAND AND WATER COMPANY'S SURVEY, RECORDED IN BOOK 1 OF MAPS, PAGE 40, RECORDS OF SAID COUNTY.
TOGETHER WITH THE PORTION OF THE SOUTHEASTERLY ½ OF THE ALLEY LYING ADJACENT TO THE NORTHWESTERLY LINE OF LOT 21 AS THE SAME WAS VACATED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF COLTON BY RESOLUTION NO. 1985 RECORDED JUNE 17, 1959 IN BOOK 4850 OF OFFICIAL RECORDS, PAGE 181 OF OFFICIAL RECORDS.

(APN 0161-221-06)

LOT 20, BLOCK 23 OF COLTON AVENUE TRACT, IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 19 OF MAPS, PAGE 88, RECORDS OF SAID COUNTY, LYING SOUTH OF THE SOUTH LINE OF BLOCK 20 OF COLTON LAND AND WATER COMPANY'S SURVEY, RECORDED IN BOOK 1 OF MAPS, PAGE 40, RECORDS OF SAID COUNTY.
TOGETHER WITH THE SOUTHEASTERLY ½ OF THE ALLEY LYING ADJACENT TO THE NORTHWESTERLY LINE OF LOT 20 AS THE SAME WERE VACATED BY THEE MAYOR AND COMMON COUNCIL OF THE CITY OF COLTON BY RESOLUTION NO. 1985, RECORDED JUNE 17, 1959, IN BOOK 4850, PAGE 181, OFFICIAL RECORDS.
TOGETHER WITH THAT PORTION OF COLTON AVENUE VACATED BY RESOLUTION OF THE CITY OF COLTON, MAYOR AND CITY COUNCIL RESOLUTION NO. R-51-90., ADJOINING SAID PROPERTY ON THE SOUTHEAST WHICH WOULD PASS BY OPERATION OF LAW BY A CONVEYANCE OF SAID PROPERTY, A CERTIFIED COPY OF SAID RESOLUTION RECORDED JULY 11, 1991, INSTRUMENT NO. 91-260781, OFFICIAL RECORDS AND RECORDED NOVEMBER 7, 1994, INSTRUMENT NO. 94-450046, OFFICIAL RECORDS.

(APN 0161-221-37)

THAT PORTION OF LOT 20, COLTON LAND AND WATER COMPANY SUBDIVISION, IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 1 OF MAPS, PAGE 40, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 150 FEET WEST OF THE SOUTHEAST CORNER OF LOT 20; THENCE CONTINUING WEST ALONG SAID SOUTH LINE 125 FEET; THENCE NORTH AND PARALLEL WITH THE EAST LINE OF SAID LOT 20, 200 FEET; THENCE EAST AND PARALLEL WITH THE SOUTH LINE OF SAID LOT, 125 FEET; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID LOT, 200 FEET TO THE POINT OF BEGINNING.

(APN 0161-221-67)

THAT PORTION OF BLOCK 20 OF THE LANDS OF COLTON LAND AND WATER COMPANY SUBDIVISION, IN THE CITY OF COLTON, AS PER PLAT RECORDED IN BOOK 1 OF MAPS, PAGE 40, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 20 OF THE LANDS OF COLTON LAND AND WATER COMPANY SUBDIVISION, SAID POINT BEING 275.0 FEET WEST OF THE EAST LINE OF SAID BLOCK 20, SAID EAST LIEN BEING THE WEST LINE OF MT. VERNON AVENUE FOR THE PURPOSE OF THIS DESCRIPTION; THENCE NORTHERLY AND PARALLEL TO THE EAST LINE OF SAID BLOCK 20, 200.0 FEET TO THE TRUE POINT OF BEGINNING; THENCE EASTERLY AND PARALLEL TO THE SOUTH LINE OF SAID BLOCK 20, 125.0 FEET; THENCE NORTHERLY AND PARALLEL TO THE EAST LINE OF SAID BLOCK 20, 121.12 FEET; THENCE WESTERLY AND PARALLEL TO THE SOUTH LINE OF SAID BLOCK 20, 125.0 FEET; THENCE SOUTHERLY AND PARALLEL TO THE EAST LINE OF SAID BLOCK 20, 121.12 FEET TO THE TRUE POINT OF BEGINNING.

(APN: 0161-221-70)

THAT PORTION OF BLOCK 23 OF THE MAP OF THE COLTON AVENUE TRACT, IN THE CITY OF COLTON, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN ON THE MAP RECORDED IN BOOK 19, PAGE 88 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF LOT 20 OF THE COLTON LAND AND WATER COMPANY ADDITION AS SHOWN ON LICENSED SURVEYORS MAP, RECORDED IN BOOK 6, PAGE 51 OF RECORDS OF SURVEY OF SAID COUNTY, SAID POINT BEING THE INTERSECTION OF THE CENTERLINE OF THE 15 FOOT ALLEY OF SAID BLOCK 23 WITH THE SOUTHERLY LINE OF SAID LOT 20; THENCE LEAVING SAID SOUTHERLY LINE SOUTH 48° 36' 27" WEST 49.81 FEET ALONG THE CENTERLINE OF SAID 15 FOOT ALLEY; THENCE NORTH 18° 10' 17" WEST, 34.63 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID LOT 20; THENCE NORTH 89° 57' 54" EAST 48.17 FEET ALONG SAID SOUTHERLY LINE OF THE POINT OF BEGINNING.

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

EXHIBIT "B"

**Resolution R-12-15
Planning Commission Resolution,
Finding of Conformity with General Plan
(Attached behind this cover page)**

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-12-15

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

WHEREAS, the City of Colton ("City") owns approximately 1.47 acres of that certain real property generally located at the northwest corner of Mount Vernon Avenue and Colton Avenue in the City of Colton, California ("City Property"); and

WHEREAS, the Colton Housing Authority ("Authority") owns approximately 1.47 acres of that certain real property generally located at the northwest corner of Mount Vernon Avenue and Colton Avenue in the City of Colton, California ("Authority Property"); and

WHEREAS, Evergreen Development Company, Inc., a California corporation (the "Developer") is in the process of purchasing approximately 0.44 acres of that certain real property located adjacent to and west of the City Property and Authority Property ("Developer Property"); and

WHEREAS, the Developer desires to acquire the City Property and Authority Property (collectively, the "Public Properties") for the purpose of redeveloping the Public Properties Property and Developer Property as a 27,600± square foot Smart & Final Extra grocery store and 4,400± square foot appropriate accompanying retail (the "Project"); and

WHEREAS, the City and the Developer have negotiated the terms of that certain Disposition and Development Agreement (Smart & Final) (the "Agreement") regarding the conveyance and development of the Public Properties; and

WHEREAS, the City and Authority wish to proceed with the sale of the Public Properties pursuant to the terms and conditions of the Agreement; and

WHEREAS, the Public Properties are designated for General Commercial use in the City of Colton's General Plan ("General Plan") and are zoned General Commercial (C2); and

WHEREAS, pursuant to Government Code Section 65402, the Planning Commission of 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

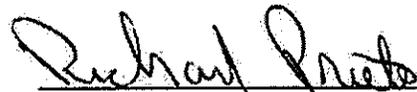
WHEREAS, after a duly noticed public meeting held on the 23rd day of June, 2015, and the consideration of all facts and circumstances, the Planning Commission desires to make a finding of General Plan conformance based upon substantial evidence.

1 **NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of
2 Colton, California, in Regular Session assembled this 23rd day of June, 2015, that the proposed
3 disposition of the Public Properties by the City and Authority to Developer is found to be in
4 conformity with the City of Colton General Plan, based on the following findings:

- 5 A. Assemblage of the small lots as proposed will create a more attractive and cohesive
6 development to the site, per General Plan Land Use Element Policy LU-1.5.
7 B. Development of the site as a location for a sought-after retail store will strengthen the
8 economic base of the City, and help build fiscal stability, per General Plan Land Use
9 Element Goal LU-3.
10 C. The proposed disposition of the property will bring needed shopping opportunities, tax
11 revenue and employment opportunities to the area, as stated in General Plan Land Use
12 Element Goal LU-9.
13 D. Bringing small lots together for development of an attractive retail center will help
14 revitalize the Mount Vernon corridor at a key intersection, per General Plan Land Use
15 Goal LU-17 and General Plan Land Use Policy LU-17.10.

16 **BE IT FURTHER RESOLVED**, that the Planning Commission has determined that the
17 above referenced findings, in conjunction with all written and oral evidence presented to the
18 Planning Commission, including staff reports and Commission deliberation, provides substantial
19 evidence for the Planning Commission's finding of General Plan conformity with respect to the
20 proposed disposition of the Public Properties.

21 **PASSED, APPROVED, AND ADOPTED** this 23rd day of June, 2015.

22
23
24
25
26
27
28


Planning Commission Chairperson
Richard Prieto

ATTEST:



Planning Commission Secretary
Mark R. Tomich, AICP

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

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 June 23, 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

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

EXHIBIT "C"

Disposition and Development Agreement

By and between

The Colton Housing Authority, the City of Colton and Evergreen Devco, Inc.

(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 and Secretary for the Colton Housing
6 Authority of the City of Colton, California, do hereby certify that the foregoing is a full,
7 true and correct copy of **RESOLUTION NO. CHA-03-15**, duly adopted by the City
8 Council of said City, and approved by the Chairperson of said City, at its Regular
9 Meeting of said Colton Housing Authority Meeting held on the **7th day of July, 2015**,
10 and that it was adopted by the following vote, to wit:

- 11 AYES: COUNCILMEMBER Toro, Jorin, Navarro, Bennett,
12 Suchil, and Mayor Zamora
13 NOES: COUNCILMEMBER González
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 _____
23 CAROLINA R. PADILLA
24 City Clerk/Secretary
25 City of Colton

26 (SEAL)
27
28