

- 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

WHEREAS, the Successor Agency to the Redevelopment Agency of the City of Rialto (“Successor Agency”) is a public body corporate and politic, organized and operating under Parts 1.8 and 1.85 of Division 24 of the California Health and Safety Code, and the successor the former Redevelopment Agency of the City of Rialto (“former Agency”) that was previously a community redevelopment agency organized and existing pursuant to the Community Redevelopment Law, Health and Safety Code Section 33000, *et seq.* (“CRL”); and

WHEREAS, Assembly Bill x1 26 (“AB x1 26”) added Parts 1.8 and 1.85 to Division 24 of the California Health & Safety Code and which laws were modified, in part, and determined constitutional by the California Supreme Court in the petition *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 (“Matosantos Decision”), which laws and court opinion caused the dissolution of all redevelopment agencies and winding down of the affairs of former redevelopment agencies; thereafter, such laws were amended further by Assembly Bill 1484 (“AB 1484”) (together AB x1 26, the Matosantos Decision, and AB 1484 are referred to as the “Dissolution Laws”); and

WHEREAS, as of February 1, 2012 the former Agency was dissolved pursuant to the Dissolution Laws and as a separate public entity, corporate and politic the Successor Agency administers the enforceable obligations of the former Agency and otherwise unwinds the former Agency’s affairs, all subject to the review and approval by a seven-member oversight board (“Oversight Board”); and

WHEREAS, Health and Safety Code Section 34191.5(b) requires the Successor Agency to prepare a “long-range property management plan” (also referred to herein as the “LRPMP”) addressing the future disposition and use of all real property of the former Agency no later than six

1 months following the DOF's issuance to the Successor Agency of a finding of completion pursuant to
2 Health and Safety Code Section 34179.7; and

3 **WHEREAS**, DOF issued a finding of completion to the Successor Agency on May 9, 2013;
4 and

5 **WHEREAS**, the Successor Agency prepared an LRPMP and the LRPMP prepared by the
6 Successor Agency was approved by the Oversight Board and the DOF; and

7 **WHEREAS**, the Successor Agency approved a Purchase and Sale Agreement and Joint
8 Escrow Instructions ("Agreement") between the Successor Agency and PDC OC/IE LLC ("Buyer")
9 to allow the Buyer to purchase three Successor Agency parcels ("Agency Parcel") at the east side of
10 Alder Avenue and north of Walnut Avenue (APN# 0240-221-02, 03 and 26) for \$1,203,648; and

11 **WHEREAS**, on April 16, 2015, the Oversight Board approved the Agreement and in May
12 2015, the California Department of Finance stated that it had no objections; and

13 **WHEREAS**, the Agreement included a contingency period of 270 days from the Agreement
14 execution date and two (2) ninety (90) day extensions at the Buyer's discretion to close escrow
15 ("Contingency Period"); and

16 **WHEREAS**, the Contingency Period will end in July 2016 and the Successor Agency and the
17 Buyer propose to extend the Contingency Period to November 30, 2016 to allow sufficient time to
18 correct the contamination, obtain the development entitlements, and close escrow.

19 **NOW, THEREFORE, BE IT RESOLVED**, the Successor Agency to the Redevelopment
20 Agency of the City of Rialto hereby finds, determines, and resolves as follows:

21 **Section 1.** The foregoing recitals are incorporated into this resolution by this reference,
22 and constitute a material part hereof.

23 **Section 2.** The Successor Agency Board hereby approves the Amendment #1 to the
24 Agreement in substantially the form attached hereto as Attachment A, which is
25 incorporated herein. The Successor Agency Mayor/Chair and City
26 Clerk/Secretary are authorized to execute the Agreement and Amendment #1
27 and make minor revisions to the agreement or amendment, including any future
28

1 contingency or closing date extensions, as the Mayor/Chair and Successor
2 Agency legal counsel deem appropriate to close escrow.

3 **Section 3.** The Mayor/Chair of the Successor Agency Board shall sign the passage and
4 adoption of this resolution and thereupon the same shall take effect and be in
5 force.

6 **PASSED APPROVED AND ADOPTED** this 12th day of July, 2016.

7
8 _____
9 Deborah Robertson, Mayor/Chair
10 Successor Agency to the Redevelopment Agency of the City of Rialto

11 **ATTEST:**

12
13 _____
14 Barbara McGee, City Clerk/Secretary
15 Successor Agency to the Redevelopment Agency of the City of Rialto

16 **APPROVED AS TO FORM:**

17
18 _____
19 FRED GALANT, ESQ., City Attorney/Agency Legal Counsel
20
21
22
23
24
25
26
27
28

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF RIALTO)

I, Barbara McGee, City Clerk of the City Rialto, do hereby certify that the foregoing Resolution No.____ was duly passed and adopted at a regular meeting of the City Council of the City of Rialto held on the ____ day of _____, 2016.

Upon motion of Councilmember _____, seconded by Councilmember _____, the foregoing Resolution No. _____ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of Rialto this ____ day of _____, 2016.

BARBARA MCGEE, City Clerk

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

ATTACHMENT “A”
AMENDMENT #1 TO THE PURCHASE AND SALE AGREEMENT

[Attached on following pages.]