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WHEREAS, the City of Rialto (the “City”) owns approximately 7.2 acres of real property (the “Site”) located within the geographical boundaries of the City, generally located at Casmalia Street westerly of Alder Avenue; and

WHEREAS, Lessee requests a non-exclusive license to secure access across the remainder of the Site to serve the Leased Premises, and to secure certain easement rights to obtain utility services for the Leased Premises; and

WHEREAS, the parties desire that the Leased Premises be used for the construction, repair, relocation and/or use of a double-sided digital advertising display (“Digital Display”), with supporting structures, illumination facilities and connections, as provided for in this Lease (collectively, the “Sign”); and

WHEREAS, the Lease is conditioned upon and subject to Lessee’s ability to obtain (i) all required entitlements and approvals from the City or other applicable governmental agencies, including those required under California Environmental Quality Act (Public Resources Code Sections 2100 *et seq.*) (“CEQA”), for Lessee’s construction, use, and operation of the Sign and its Appurtenant Rights (as defined in the Lease); and (ii) any and all required approvals from the California Department of Transportation (including the California Department of Transportation

1 Outdoor Advertising Division (“Caltrans”) that may be necessary in order to allow for the
2 construction and installation of the Sign on the Leased Premises, including, without limitation, the
3 relocation of one of Lessee’s existing outdoor advertising billboard display to the Leased Premises
4 pursuant to the California Outdoor Advertising Act (“COAA”); and

5 **WHEREAS**, in accordance with California Government Code Section 52201, the City held a
6 noticed public hearing regarding the proposed Lease; and

7 **WHEREAS**, the City prepared a report summarizing the details of the Lease in accordance
8 with Section 52201 of the California Government Code (the “Report”) and made such Report
9 available for public inspection prior to the public hearing on the Lease; and

10 **WHEREAS**, all actions required by all applicable law with respect to the proposed Lease to
11 be taken by City have been taken in an appropriate and timely manner; and

12 **WHEREAS**, an environmental impact report for the Renaissance Specific Plan which
13 encompasses the Site and the proposed project was certified by the City Council on November 9,
14 2010 and a recirculated subsequent environmental impact report was certified by the City Council on
15 December 13, 2016, all in accordance with the California Environmental Quality Act, California
16 Public Resources Code Section 21000, et seq., and the implementing regulations set forth at Title 14
17 California Code of Regulations Section 15000, et seq. (collectively, “CEQA”); and

18 **WHEREAS**, the City determined that the Lease is categorically exempt from the
19 requirements of the California Environmental Quality Act pursuant to Section 15303 of the CEQA
20 Guidelines, New Construction or Conversion of Small Structures; and

21 **WHEREAS**, the City Council has duly considered all terms and conditions of the proposed
22 Lease and believes that the redevelopment of the Site pursuant thereto is in the best interests of the
23 City of Rialto and the health, safety, and welfare of its residents, and in accord with the public
24 purposes and provisions of applicable state and local laws and requirements.

25 **NOW, THEREFORE, CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY**
26 **FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**
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Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.

Section 2. The City Council hereby finds and determines, based on all documentation, testimony and other evidence in the record before it, including without limitation the Report, that (a) the proposed lease of the Site will assist in the creation of economic opportunity, as defined in California Government Code Section 52200.2, by providing for the development of the Site and operation thereof in accordance with the Lease, thereby increasing tax revenues, as described in more detail in the Report; and (b) the consideration being paid to the City is not less than the fair market value (as defined in California Code of Civil Procedure Section 1263.320) of the Site.

Section 3. The City Council hereby approves the Lease. The Mayor and City Clerk are authorized to execute the Lease with such revisions as the Mayor, City Attorney, and Special Counsel to the City deem appropriate to further the City's interests. The City Administrator and his authorized designees are authorized to take such actions as may be necessary or appropriate to implement the Lease, including executing further instruments and Leases, issuing warrants, and taking other appropriate actions to perform the obligations and exercise the rights of the City under the Lease. A copy of the Lease when executed shall be placed on file in the office of the City Clerk.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of April, 2019.

DEBORAH ROBERTSON, Mayor

ATTEST:

BARBARA McGEE, City Clerk

APPROVED AS TO FORM:

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FRED GALANTE
ALESHIRE & WYNDER, City Attorney

1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No.____ was duly passed and adopted at a regular meeting of the City Council of the
6 City of Rialto held on the ____th day of April, 2019.

7 Upon motion of Council Member _____, seconded by Council Member
8 _____, the foregoing Resolution No. _____ was duly passed and adopted.

9 Vote on the motion:

10 AYES:

11 NOES:

12 ABSENT:

13
14 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
15 Rialto this _____ day of _____, 2019.

16 _____
17 BARBARA MCGEE, CITY CLERK
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ATTACHMENT NO. 1
AREA A CONTRACT