

1 **WHEREAS**, the City and Lamar now wish to enter into an agreement to memorialize the
2 terms and conditions upon which Lamar will have the right to relocate and reconstruct certain
3 Billboards.

4
5 **WHEREAS**, City owns certain real property located in the City of Rialto, California, more
6 particularly described in the two Property Leases attached hereto and incorporated herein by this
7 reference (the “Premises”).

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9 **WHEREAS**, Lessee desires to install and conduct certain advertising business operations on
10 a portion of the Premises identified in each of the Property Leases as the “Leased Premises”.

11 **WHEREAS**, Lessor desires to convey leasehold interests to Lessee and Lessee desires to
12 acquire from Lessor leasehold interests in the Premises pursuant to the terms and conditions set forth
13 in the Property Leases.

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15 **WHEREAS**, the parties desire that the Leased Premises be used for the construction, repair,
16 relocation and/or use of a double-sided digital advertising display (“Digital Display”), with
17 supporting structures, illumination facilities and connections, as provided for in the Leases
18 (collectively, the “Signs”).

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20 **WHEREAS**, the Commencement of the Leases is conditioned upon and subject to Lessee’s
21 ability to obtain (i) all required entitlements and approvals from the City or other applicable
22 governmental agencies, including those required under California Environmental Quality Act
23 (Public Resources Code Sections 2100 *et seq.*) (“CEQA”), for Lessee’s construction, use, and
24 operation of the Signs and its Appurtenant Rights (as defined below); and (ii) any and all required
25 approvals from the California Department of Transportation (including the California Department of
26 Transportation Outdoor Advertising Division (“Caltrans”) that may be necessary in order to allow
27 for the construction and installation of the Signs on the Leased Premises.
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1 **WHEREAS**, in accordance with California Government Code Section 52201, the City and
2 RHA held a noticed public hearing regarding the proposed Leases; and

3 **WHEREAS**, the City/RHA prepared a report summarizing the details of the Leases in
4 accordance with Section 52201 of the California Government Code (the “Report”) and made such
5 Report available for public inspection prior to the public hearing on the Leases; and

6 **WHEREAS**, all actions required by all applicable law with respect to the proposed Leases to
7 be taken by City/RHA have been taken in an appropriate and timely manner; and

8 **WHEREAS**, the City determined that the Leases are categorically exempt from the
9 requirements of the California Environmental Quality Act pursuant to Section 15303 of the CEQA
10 Guidelines, New Construction or Conversion of Small Structures; and

11 **WHEREAS**, the City Council has duly considered all terms and conditions of the proposed
12 Leases and believes that they are in the best interests of the City of Rialto and the health, safety, and
13 welfare of its residents, and in accord with the public purposes and provisions of applicable state and
14 local laws and requirements.

15 **NOW, THEREFORE, CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY**
16 **FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

17 **Section 1.** The foregoing recitals are true and correct and constitute a substantive part of
18 this Resolution.

19 **Section 2.** The City Council hereby approves the Billboard Relocation Agreement. The
20 Mayor and City Clerk are authorized to execute the Billboard Relocation Agreement with such
21 revisions as the City Attorney deems appropriate. The City Administrator and his authorized
22 designees are authorized to take such actions as may be necessary or appropriate to implement the
23 Billboard Relocation Agreement. A copy of the Billboard Relocation Agreement when executed
24 shall be placed on file in the office of the City Clerk.

25 **Section 3.** The City Council hereby finds and determines, based on all documentation,
26 testimony and other evidence in the record before it, including without limitation the Report, that (a)
27 the proposed lease of the Sites will assist in the creation of economic opportunity, as defined in
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1 California Government Code Section 52200.2, by providing for the development of the Site and
2 operation thereof in accordance with the Leases, thereby increasing tax revenues, as described in
3 more detail in the Report; and (b) the consideration being paid to the City is not less than the fair
4 market value (as defined in California Code of Civil Procedure Section 1263.320) of the Site.

5 **Section 4.** The City Council hereby approves the Leases. The Mayor and City Clerk are
6 authorized to execute the Leases with such revisions as the City Attorney deems appropriate. The
7 City Administrator and his/her authorized designees are authorized to take such actions as may be
8 necessary or appropriate to implement the Leases, including executing further instruments, issuing
9 warrants, and taking other appropriate actions to perform the obligations and exercise the rights of
10 the City under the Leases. A copy of the Leases when executed shall be placed on file in the office
11 of the City Clerk.

12 **Section 5.** The City Clerk shall certify to the adoption of this Resolution.

13 **PASSED, APPROVED AND ADOPTED** this ____ day of ____, 2019.

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16 _____
17 DEBORAH ROBERTSON, Mayor

18
19 ATTEST:

20
21 _____
22 BARBARA McGEE, City Clerk

23 APPROVED AS TO FORM:

24
25 _____
26 FRED GALANTE
27 ALESHIRE & WYNDER, City Attorney
28

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 _____, 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
Property Leases (2)

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