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WHEREAS, in 1992 the Redevelopment Agency of the City of Rialto, (the “RDA”), purchased from the San Bernardino County Transportation Authority the former train station building and property located at 119 N. Riverside Avenue, identified by Assessor Parcel Number 0130-161-27, (the “Property”), for the purpose of utilizing the building for a restaurant; and

WHEREAS, on January 1, 2004, the RDA entered a Commercial Lease Agreement with Cuca’s Mexican Restaurant, Inc., a California corporation, for the purposes of operating the Cuca’s Mexican Restaurant on the Property, (the “Cuca’s Lease”); and

WHEREAS, the Cuca’s Lease included an initial five year term with three optional five year extensions, with the extension requests subject to a sixty (60) day notification; and

WHEREAS, the first two optional five year extensions were exercised extending the term of the Cuca’s Lease through December 31, 2018; and

WHEREAS, the third optional five year extension was not exercised and the Cuca’s Lease thereafter reverted to a month-to-month tenancy in accordance with the terms thereof; and

WHEREAS, pursuant to the dissolution of redevelopment agencies per Assembly Bill (“AB”) ABX1 26 (Chapter 5, Statutes of 2011) and ABX1 27 (Chapter 6, Statutes of 2011), and subsequent legislation, AB 1484 (Chapter 26, Statutes of 2012) (altogether, “Dissolution Act”), the City of Rialto (“City”) adopted Resolution No. 6057 on September 27, 2011, electing to serve as Successor Agency to the RDA (hereafter the “Successor Agency”); and

1 **WHEREAS**, pursuant to the Dissolution Act, the Successor Agency prepared a Long-
2 Range Property Management Plan (the “LRPMP”) to identify all the assets held by the
3 Successor Agency and their disposition in accordance with the Dissolution Act; and

4 **WHEREAS**, the Property was identified as “Project #16 – Cuca’s Restaurant” in the
5 LRPMP and was designated as a property to be liquidated for the benefit of the taxing
6 entities pursuant to Section 34191.5(c)(2)(B) of the California Health and Safety Code, with
7 the reference “*to be sold at the end of the long-term lease; to be offered first to the existing*
8 *tenant;*” and

9 **WHEREAS**, on August 12, 2016, the California Department of Finance approved the
10 Successor Agency’s LRPMP; and

11 **WHEREAS**, the Cuca’s Lease has expired and remains on a month-to-month tenancy,
12 and the provisions for the option to purchase the Property, and the Successor Agency’s
13 agreement to offer a first right of refusal to the tenant to purchase the Property, have likewise
14 expired; and

15 **WHEREAS**, it is now necessary to declare the Property as surplus land in accordance
16 with the provisions of California Government Code section 54220 *et seq* (“Surplus Land Act”)
17 and dispose of the Property pursuant to the LRPMP.

18 **NOW, THEREFORE, THE BOARD OF THE SUCCESSOR AGENCY TO THE**
19 **REDEVELOPMENT AGENCY OF THE CITY OF RIALTO, HEREBY FINDS, DETERMINES**
20 **AND RESOLVES AS FOLLOWS:**

21 **Section 1.** The Recitals set forth above are true and correct and incorporated herein
22 by reference.

23 **Section 2.** The Successor Agency Board, based on the facts described in the
24 Recitals set forth above, hereby finds and declares the Property, as further described herein
25 on Exhibit “A”, is surplus land as defined in California Government Code Section 54221 and
26 not necessary for the Successor Agency’s use, and is to be disposed of in accordance with
27 the Long-Range Property Management Plan.

Section 3. The Executive Director or his designee is hereby directed to send written notices of availability of the Property for sale, to negotiate the terms of a proposed sale of the Property with an interested public entity or, if none, another interested party, and to otherwise follow the procedures of the Surplus Land Act, California Government Code Section 54220, et seq., as amended on January 1, 2020, as applicable to a proposed sale of the Property.

Section 4. Any proposed agreement for the sale of the Property shall be subject to the approval of the Successor Agency and the Oversight Board.

Section 5. The sale of the Property as surplus is exempt from environmental review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15312 (Surplus Government Property Sales).

Section 6. This Resolution shall take effect immediately upon its adoption by the Successor Agency, and the Successor Agency Secretary shall attest to and certify the vote adopting this Resolution.

PASSED APPROVED AND ADOPTED this _____ day of _____, 2021.

DEBORAH ROBERTSON, Chair

ATTEST:

BARBARA MCGEE, Agency Secretary

APPROVED AS TO FORM:

ERIC S. VAIL, Agency Counsel

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

4 I, Barbara McGee, Secretary to the Successor Agency of the Redevelopment Agency
5 of the City of Rialto, do hereby certify that the foregoing Resolution No.____ was duly passed
6 and adopted at a regular meeting of the Successor Agency held on the ____ day of
7 _____, 2021.

8 Upon motion of Board Member _____, seconded by Board Member
9 _____, the foregoing Resolution No. ____ was duly passed and adopted.

10 Vote on the motion:

11 AYES:

12 NOES:

13 ABSENT:

14
15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the
16 City of Rialto this ____ day of _____, 2021.

17
18
19 _____
20 BARBARA MCGEE, Agency Secretary
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EXHIBIT A

Legal Description and Map of "Property"

119 N. Riverside Avenue

Parcel 1 of Parcel Map No. 14136 recorded June 23, 1992 in Book 167, at Page 54 of Parcel Maps records of San Bernardino County, California.

APN 0130-161-2