

RESOLUTION NO. 2019-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE
ELSINORE, CALIFORNIA, APPROVING A DISPOSITION AND
DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LAKE
ELSINORE AND RICARDO F. SOLANO AND MIRIAM MARTINEZ SOLANO**

WHEREAS, the City of Lake Elsinore ("City") is a municipal corporation organized and operating under the laws of the State of California; and

WHEREAS, City is the current owner of that certain commercial property comprised of approximately 0.07 acres located at the northwest corner of Main Street and Graham Avenue in the City of Lake Elsinore (Assessor's Parcel No. 347-174-010) (the "City Property"); and

WHEREAS, the City Property is located adjacent to the Guadalajara Mexican Grill & Cantina restaurant located on approximately 0.166 acres of Commercial Mixed Use (CMU) zoned property owned by Ricardo F. Solano and Miriam Martinez Solano (the "Developer Property"); and

WHEREAS, the City is currently leasing the City Property to Ricardo F. Solano and Miriam Martinez Solano for use as an outdoor patio to the restaurant; and

WHEREAS, Ricardo F. Solano and Miriam Martinez Solano wish to purchase the City Property and to improve and integrate the City Property with the Developer Property for continued use as a patio area for the restaurant; and

WHEREAS, by conveying the City Property to the Developer and merging the City Property with the Developer Property (the "Merged Property") the City will facilitate the creation of a viable commercial mixed use site and provide an economic opportunity to improve and expand the restaurant use that will serve City residents and visitors, provide jobs and generate tax revenues; and

WHEREAS, the City Council has duly considered all of the terms and conditions of the Disposition and Development Agreement, as set forth in the agenda report presented to it and as attached thereto and any testimony received at the public hearing at which this matter was considered, and believes that the sale of the City Property is in the best interests of the City, its residents and visitors in accord with the public purposes and provisions of applicable State and local law; and

WHEREAS, notice of the public hearing was published in accordance with the requirements of Government Code section 52201, the Summary Report prepared pursuant thereto was available for public review, and all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, DOES
HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. The Recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. The City Council finds that the proposed sale of the City Property will assist in the creation of an economic opportunity by facilitating the creation of an economically viable commercial mixed use site that will serve City residents and visitors, create jobs and generate tax revenues.

SECTION 3. The City Council hereby approves the sale of the City Property for a purchase price of \$45,000 subject to the satisfaction of certain conditions, including application by the Developer and approval by the City of all necessary entitlements in compliance with the City's zoning ordinance and applicable land use and building regulations. The terms and provisions of the Disposition and Development Agreement between the City and the Developer with respect to the sale of the City Property is hereby approved, with such changes as may be mutually agreed upon by the City Manager (or his duly authorized representative), in consultation with the City Attorney, as are minor and in substantial conformance with the form of the Disposition and Development Agreement submitted herewith.

SECTION 4. Approval of the Disposition and Development Agreement is exempt from CEQA because it does not constitute a "project" for purposes of CEQA nor does it commit the City to approving a project or any subsequent action with respect to the future use of the City Property. The escrow for the conveyance of the City Property will not close unless and until the entitlements for development of the Merged Property are approved in compliance with CEQA and all applicable laws. Because the Merged Property is less than .25 acres and is already developed, the proposed improvement will likely fall under a Class 32 exemption pursuant to CEQA Guidelines Section 15332.

SECTION 5. The City Manager is hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest, to the final version of the Disposition and Development Agreement after completion of any such non-substantive, minor revisions. Copies of the final form of the Agreement, when duly executed and attested, shall be placed on file in the office of the City Clerk. Upon satisfaction of the conditions present to conveyance, the Mayor is authorized to execute the Grant Deed conveying the City Property.

SECTION 6. In addition, the City Manager is authorized and directed to do any and all things, and to execute any and all additional documents, which he may deem necessary or advisable to effectuate this Resolution, including all escrow instructions and documents, which in consultation with the City Attorney, he may deem necessary or advisable in order to carry out and implement the Disposition and Development Agreement and otherwise effectuate the purposes of this Resolution and to administer the City's obligations, responsibilities and duties to be performed under the Disposition and Development Agreement.

SECTION 7. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 9. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 12th day of March, 2019.

Steve Manos, Mayor

ATTEST:

Mark Mahan, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Mark Mahan, Deputy City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. _____ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of March 12, 2019, and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Mahan
Deputy City Clerk