

RESOLUTION NO. 7498

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE FINDING AND CONFIRMING THAT THE COMMITMENT BY ATLANTIC-FIRESTONE, LLC TO CONSTRUCT, OPERATE AND MAINTAIN FOR PUBLIC USE THE PUBLIC AMENITIES IDENTIFIED IN THE FIRESTONE BOULEVARD/ATLANTIC AVENUE INTERSECTION IMPROVEMENT PROJECT MEETS THE CITY'S OBLIGATIONS PURSUANT TO THAT PROJECT AND THE PURPOSES FOR WHICH PROPERTY WAS ACQUIRED IN EMINENT DOMAIN

WHEREAS, the City of South Gate, a California municipal corporation, previously approved the Firestone Boulevard/Atlantic Avenue Intersection Improvement Project ("Project"), which Project included road widening and intersection realignment improvements, along with certain public amenity improvements including City Hall Annex/Police substation and associated public parking, public plaza, walkways and related landscaping ("Public Amenities"); and

WHEREAS, the City of South Gate acquired properties via negotiated acquisition and eminent domain in order to build, operate and maintain the Project; and

WHEREAS, the construction, operation and maintenance of the Public Amenities portion of the Project would require the City to undertake significant additional and ongoing expenditures; and

WHEREAS, the City Council of the City of South Gate previously adopted Resolution Nos. 7462 and 7463, which Resolutions, among other things, approved the joinder of the adjacent azalea Project, a commercial retail project, with the Project under approved Site Plan 299 previously submitted and approved by the City; and

WHEREAS, concurrently with this Resolution, the City Council of the City of South Gate is considering a Resolution to approve and adopt the Infrastructure Financing and Fee Waiver Agreement and Joint Escrow Instructions, which Agreement would, among other things, require the Developer of the adjacent azalea Project to construct, operate, maintain, and retain for public use, a City Hall Annex/Police substation, parking, public plazas, public walkways and related landscaping substantially similar to the Public Amenities;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of South Gate finds that the Recitations set forth above are true and accurate and are incorporated into this Resolution.

SECTION 2. The City Council of the City of South Gate finds and determines that a greater emphasis on outdoor public walkways, public plazas and public gathering areas would better serve the health, safety and welfare of the community at this time and into the foreseeable future, and therefore the City Council finds that a decrease in the indoor City Hall Annex/Police

substation space as was originally contemplated under the Public Amenities portion of the Project and an increase in the public walkways, public plazas and public gathering areas is appropriate and meets the purposes of the Project and the health, safety and welfare of the community.

SECTION 3. The City Council of the City of South Gate finds that the City Hall Annex/Police substation space, available parking, public walkways and related landscaping, and public plaza areas depicted on **Attachment No. 1** to this Resolution and further described in Attachment Nos. 15 and 16 to the Infrastructure Financing and Fee Waiver Agreement and Joint Escrow Instructions concurrently being considered by the City Council fulfill the purposes and overall elements of the Public Amenities portion of the Project and provide for the health, safety and welfare of the community.

SECTION 4. The City Council of the City of South Gate finds that the commitment of the Developer of the azalea Project and Site Plan 299, which incorporates the Public Amenities portion of the Project, in the Infrastructure Financing and Fee Waiver Agreement and Joint Escrow Instructions to build, operate, maintain and program the Public Amenities for City, with attendant public use thereof, is of significant financial and administrative benefit to the City, and in all respects meets the City's requirements to provide the Public Amenities described in the Firestone Boulevard/Atlantic Avenue Intersection Improvement Project, or as modified herein, within the property acquired by eminent domain for such uses.

SECTION 5. The City Clerk shall certify the adoption of this Resolution, which shall be effective upon its adoption.

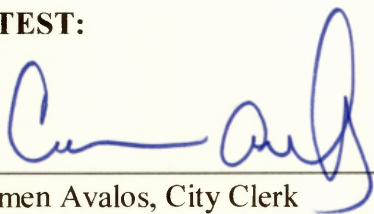
PASSED, APPROVED and ADOPTED this 29th day of May, 2012.

CITY OF SOUTH GATE:



Gil Hurtado, Vice Mayor

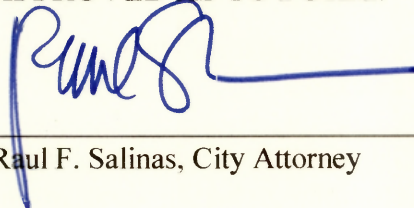
ATTEST:



Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

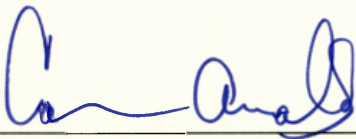
RESOLUTION CERTIFICATION PAGE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 7498 was adopted by the City Council at their Special Meeting held on May 29, 2012, by the following vote:

Ayes: Council Members: Hurtado, Morales and Davila
Noes: Council Members: Gonzalez
Absent: Council Members: De Witt
Abstain: Council Members: None

Witness my hand and the seal of said City on May 31, 2012.



Carmen Avalos, City Clerk
City of South Gate, California