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RESOLUTION NO. C-28382

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2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH APPROVING THE PROPOSED
5 DISPOSITION AND DEVELOPMENT AGREEMENT
6 BETWEEN THE REDEVELOPMENT AGENCY OF THE
7 CITY OF LONG BEACH, CALIFORNIA, AND JCDS
8 PROPERTIES, LLC; FINDING THAT THE
9 CONSIDERATION FOR THE SALE OF CERTAIN REAL
10 PROPERTY IN THE WEST LONG BEACH INDUSTRIAL
11 REDEVELOPMENT PROJECT IS NOT LESS THAN FAIR
12 MARKET VALUE IN ACCORDANCE WITH COVENANTS
13 AND CONDITIONS GOVERNING SUCH SALE; AND
14 APPROVING THE SALE OF THE PROPERTY AND THE
15 DISPOSITION AND DEVELOPMENT AGREEMENT
16

17 WHEREAS, the Redevelopment Agency of the City of Long Beach,
18 California (the "Agency"), is engaged in activities necessary to execute and implement
19 the Redevelopment Plan for the West Long Beach Industrial Redevelopment Project
20 (the "Project"); and

21 WHEREAS, in order to implement the Redevelopment Plan, the Agency
22 proposes to sell certain real property (the "Property") in the Project pursuant to the
23 terms and provisions of the Disposition and Development Agreement and which
24 Property is described in Exhibit "A" which is attached and incorporated by reference;
25 and

26 WHEREAS, JCDS Properties, LLC (the "Developer"), has submitted to
27 the Agency a written offer in the form of a Disposition and Development Agreement to
28 purchase the Property for not less than fair market value for uses in accordance with

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1 the Redevelopment Plan and the covenants and conditions of the Disposition and
2 Development Agreement; and

3 WHEREAS, the proposed Disposition and Development Agreement
4 contains all the provisions, terms and conditions and obligations required by Federal,
5 State and local law; and

6 WHEREAS, Developer possesses the qualifications and financial
7 resources necessary to acquire and insure development of the Property in accordance
8 with the purposes and objectives of the Redevelopment Plan; and

9 WHEREAS, the Agency has prepared a summary setting forth the cost of
10 the Disposition and Development Agreement to the Agency, the estimated value of the
11 interest to be conveyed, determined at the highest uses permitted under the Redevel-
12 opment Plan and the purchase price and has made the summary available for public
13 inspection in accordance with the California Redevelopment Law; and

14 WHEREAS, the Agency has determined that the development of the
15 Property is categorically exempt under the California Environmental Quality Act; and

16 WHEREAS, pursuant to the provisions of the California Community
17 Redevelopment Law, the City Council of the City of Long Beach held a public hearing
18 on the proposed sale of the Property and the proposed Disposition and Development
19 Agreement after publication of notice as required by law; and

20 WHEREAS, the City Council has duly considered all terms and conditions
21 of the proposed sale and believes that the redevelopment of the Property pursuant to
22 the proposed Disposition and Development Agreement is in the best interests of the
23 City and the health, safety, morals and welfare of its residents and in accord with the
24 public purposes and provisions of applicable Federal, State and local law.

25 NOW, THEREFORE, the City Council of the City of Long Beach resolves
26 as follows:

27 Section 1. The City Council finds and determines that the consideration
28 for sale of the Property pursuant to the Disposition and Development Agreement is not

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1 less than fair market value in accordance with covenants and conditions governing the
2 sale, and the Council further finds and determines that the consideration for the sale of
3 the Property, determined at the highest and best use under the Redevelopment Plan, is
4 necessary to effectuate the purposes of the Redevelopment Plan for the Project.

5 Sec. 2. The sale of the Property by the Agency to Developer and the
6 Disposition and Development Agreement which establish the terms and conditions for
7 the sale and development of the Property are approved.

8 Sec. 3. The sale and development of the Property shall eliminate
9 blight within the Project Area and is consistent with the implementation plan for the
10 Project adopted pursuant to Health and Safety Code Section 33490.

11 Sec. 4. This resolution shall take effect immediately upon its
12 adoption by the City Council, and the City Clerk shall certify to the vote adopting this
13 resolution.

14 I hereby certify that the foregoing resolution was adopted by the City
15 Council of the City of Long Beach at its meeting of June 15, 2004, by the
16 following vote:

17 Ayes: Councilmembers: Lowenthal, Baker, Colonna,
18 Carroll, Kell, Richardson,
19 Reyes Uranga, Lerch.

20
21 Noes: Councilmembers: None.

22
23 Absent: Councilmembers: Webb.

24
25
26 
27 _____
City Clerk

Exhibit A

LEGAL DESCRIPTION OF THE SITE

APN: 7429-017-905 through -918

The land referred to herein is situated in the State of California, County of Los Angeles, described as follows:

PARCEL 1: (7429-017-905, 906, 907, 908)

LOTS 17, 18, 19 20 IN BLOCK "B" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT FROM LOT 17, THAT PORTION THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 17; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT A DISTANCE OF 14.55 FEET; THENCE NORTHWESTERLY IN A DIRECT LINE TO A POINT IN THAT CERTAIN COURSE IN THE WESTERLY BOUNDARY OF SAID LOT 17 SHOWN AS HAVING A LENGTH OF 59.954 FEET ON SAID MAP, DISTANT THEREON 31 FEET NORTHERLY FROM THE SOUTHERLY TERMINUS OF SAID CERTAIN COURSE, THENCE SOUTHERLY ALONG SAID COURSE, 31 FEET TO SAID SOUTHERLY TERMINUS; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT, A DISTANCE OF 22.15 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

ALSO EXCEPT FROM LOTS 18 AND 19, THAT PORTION, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 18; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 17 A DISTANCE OF 14.55 FEET; THENCE SOUTHEASTERLY ALONG A DIRECT LINE TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 19 DISTANT THEREON 15 FEET EASTERLY FROM THE SOUTHWESTERLY CORNER OF SAID LOT 19; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOTS 19 AND 18 A DISTANCE OF 40 FEET TO THE POINT OF BEGINNING.

EXCEPT ALL OIL, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN 500 FEET BELOW THE SURFACE OF SAID LAND, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF SAID LAND LYING MORE THAN 500 FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID LAND BUT WITHOUT, HOWEVER, THE

RIGHT TO USE EITHER THE SURFACE OF SAID LAND OR ANY PORTION OF SAID LAND WITHIN 500 FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER.

PARCEL 2: (7429-017-909)

LOT 21, IN BLOCK "B" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, GAS MINERAL HYDROCARBON AND OTHER KINDRED SUBSTANCES FOUND LYING IN OR UNDER SAID LAND, WHICH MINERAL RIGHTS SHALL REVERT TO THE RECORD OWNER UPON THE TERMINATION OF THE EXISTING LEASE WITH THE RICHFIELD OIL COMPANY, AS RESERVED BY WILLIAM T. HATFIELD AND GWEN L. HATFIELD, HUSBAND AND WIFE, IN DEED RECORDED AUGUST 15, 1946 IN BOOK 23533 PAGE 358, OFFICIAL RECORDS.

BY AN INSTRUMENT DATED AUGUST 9, 1960 AND EXECUTED BY RICHFIELD OIL COMPANY, A DELAWARE CORPORATION AND RECORDED AUGUST 17, 1960 IN BOOK D947 PAGE 823, OFFICIAL RECORDS, SAID RICHFIELD OIL COMPANY DOES HEREBY QUITCLAIM ALL RIGHTS ACQUIRED BY THEM UNDER SAID LEASE INSOFAR AND ONLY INSOFAR AS IT AFFECTS THE SUBSURFACE ONLY AND TO A DEPTH OF 100 FEET BELOW THE SURFACE OF SAID LAND.

PARCEL 3: (7429-017-910)

LOTS 22 AND 23 IN BLOCK "B" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED IN THE FINAL DECREE OF CONDEMNATION RECORDED ON FEBRUARY 14, 1929 AS INSTRUMENT NO. 1403 IN BOOK 7432 PAGE 179, OFFICIAL RECORDS.

EXCEPT ALL RIGHT, TITLE AND INTEREST IN AND TO THE OIL, OIL RIGHTS MINERALS, MINERAL RIGHTS, NATURAL GAS, GAS RIGHTS AND OTHER HYDROCARBON SUBSTANCES LYING 500 FEET BELOW THE SURFACE OF SAID LAND, BUT WITHOUT THE RIGHT TO USE THE SURFACE OF THE LAND TO REMOVE, DRILL OR PROSPECT FOR SAME BY ALL RIGHTS UNDER THE COMMUNITY OIL GAS LEASE NOW OF RECORD, AS RESERVED BY W.C. PACKWOOD BY DEED RECORDED JANUARY 10, 1979 AS INSTRUMENT NO. 9-35829, OFFICIAL RECORDS.

PARCEL 4: (7429-017-911 & 912)

LOTS 24 AND 25 IN BLOCK "B" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE: OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM, ALL OIL, GAS, HYDROCARBON AND/OR ASSOCIATED SUBSTANCES IN OR UNDER SAID LAND BELOW DEPTH OF 500 FEET FROM THE SURFACE THEREOF, BUT WITH NO RIGHT TO ENTER UPON THE SURFACE THEREOF OR THE TOP 500 FEET OF THE SUBSURFACE OF SAID LAND, AS EXCEPTED IN DEED RECORDED APRIL 8, 1976 AS INSTRUMENT NO. 2943, OFFICIAL RECORDS.

EXCEPT ALL OIL, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN 500 FEET BELOW THE SURFACE OF SAID LAND, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF SAID LAND LYING MORE THAN 500 FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID LANDS BUT WITHOUT, HOWEVER, THE RIGHT TO USE EITHER THE SURFACE OF SAID LAND OR ANY PORTION OF SAID LAND WITHIN 500 FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER.

PARCEL 5: (7429-017-913, 914, 915, 916, 917, 918)

LOTS .26, 27, 28, 29, 30 AND 31 IN BLOCK "B" OF TRACT NO. 7347, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF: CALIFORNIA, AS PER MAP RECORDED IN BOOK 77 PAGE 46 OF MAPS, IN THE: OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, HYDROCARBON SUBSTANCES AND MINERALS OF EVERY KIND AND CHARACTER LYING MORE THAN 500 FEET BELOW THE SURFACE OF SAID LAND, TOGETHER WITH THE RIGHT TO DRILL INTO, THROUGH, AND TO USE AND OCCUPY ALL PARTS OF SAID LAND LYING MORE THAN 500 FEET BELOW THE SURFACE THEREOF FOR ANY AND ALL PURPOSES INCIDENTAL TO THE EXPLORATION FOR AND PRODUCTION OF OIL, GAS, HYDROCARBON SUBSTANCES OR MINERALS FROM SAID LANDS BUT WITHOUT, HOWEVER, THE RIGHT TO USE EITHER THE SURFACE OF SAID LAND OR ANY PORTION OF SAID LAND WITHIN 500 FEET OF THE SURFACE FOR ANY PURPOSE OR PURPOSES WHATSOEVER.

End of Legal Description.