

June 2013

Property Description

Address: 804 Azusa Ave. # 70 on Property List

Size: 4.11 acres

Date Purchased: March 2001

IUDA Purchase Price: \$3,201,000

Estimated Current Value: \$3,222,568 @ \$18 SF, \$2,300,000-2,400,000 March 2012 appraisal

Reason Acquired: To facilitate the demolition of the older obsolete industrial buildings and redevelopment of the site with new construction.

Plan and Zoning: Industrial

Lease Revenue: None

Environmental: Phase I, no remediation

Potential for Transit-Oriented Development: None

History of Development Proposals: The property was acquired in 2001 by the City as part of a larger acquisition to the east of Azusa Ave. In 2002 the property was transferred to the IUDA. In 2006 the IUDA and City adopted resolutions to transfer the property back to the City as a part of the repayment of a loan from the City to the IUDA. Based upon a February 2006 appraisal the value of the land transferred was \$3,200,000. Due to an oversight the grant deed was never recorded, however the repayment of the loan was accounted for as a part of larger transfer. Attached are the minutes and resolutions of the IUDA and City Council regarding the transfer of the property.

Staff Recommendation: Staff recommends the property be conveyed to the City at no cost on the basis that all actions, including the retirement of debt, were completed except for the recording of the Grant Deed.



804 AZUSA AVENUE
CITY OF INDUSTRY, CA

ANAHEIM-PUENTE RD.

CHESTNUT ST.

AZUSA AV.

VIRGIL

WATERS

WY

SCALE : 1" = 100'

RESOLUTION NO. 705

A RESOLUTION OF THE INDUSTRY URBAN-DEVELOPMENT AGENCY APPROVING THE CONVEYANCE OF REAL PROPERTY TO THE CITY OF INDUSTRY TO SATISFY A PORTION OF ITS DEBT OBLIGATION TO THE CITY IN CONNECTION WITH THE REDEVELOPMENT REVOLVING FUND

THE INDUSTRY URBAN-DEVELOPMENT AGENCY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The City Council of the City of Industry has established a Redevelopment Revolving Fund to be kept in the treasury of the City.

Section 2. From time to time, by prior resolutions, the City Council authorized various sums to be appropriated to and set aside in the Redevelopment Revolving Fund, including the proceeds of several issues of general obligation bonds of the City.

Section 3. The Agency and the City entered into the 1988 Revolving Fund Agreement, which agreement was subsequently amended from time to time (the 1988 Agreement as previously amended is referred to herein as "the Agreement"). Pursuant to the Agreement and various resolutions of the Agency and City Council, as of the date hereof, there exists an outstanding loan plus interest from the City to the Agency of moneys in the Redevelopment Revolving Fund.

Section 4. Moneys in the Redevelopment Revolving Fund are paid to, or on behalf of, the Agency upon the demand of the Agency for certain purposes and any moneys so paid constitute a loan by the City to the Agency.

Section 5. Pursuant to its Resolution No. 621, the moneys paid to, or on behalf of, the Agency from the Redevelopment Revolving Fund constitute a loan to the Agency, and the principal amount of the loan are to be repaid to the City by the Agency together with simple interest on the unpaid balance thereof computed at a rate per annum equal to the prime rate plus two percent, calculated by the Chief Financial Officer of the City at such intervals as deemed appropriate by the Chief Financial Officer but not less than annually. Interest is payable annually in arrears. All unpaid, accrued interest and principal is due and payable not later than June 13, 2024. The Agency may prepay, without penalty, any amount of the principal of the loan at any time and from time to time prior to June 13, 2024. Any amounts so paid are first to be credited against accrued interest and the balance is to be credited against principal.

Section 6. Attached to this Resolution as Exhibit A are the legal descriptions of two separate parcels of real property which the Agency hereby conveys to the City to satisfy a portion of its obligation to repay the loan described in Section 5 hereof. The aggregate fair market value of the two parcels is \$21,283,484.

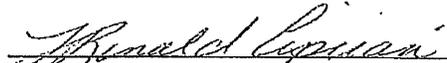
Section 7. The Finance Director of the Agency has been authorized and directed to cooperate with the Chief Financial Officer of the City to establish such accounting and other

procedures as may be necessary, convenient, or desirable under the circumstances to accomplish the purposes and intent of Resolution No. 621. They each are further authorized and directed to cause to be shown on the books and records of the Agency and the City that such amount of \$21,283,484 has been appropriately credited to the outstanding interest and principal obligations of the Agency to the City in connection with the Redevelopment Revolving Fund.

Section 8. The Agency Secretary is hereby authorized and directed to cause a copy of this Resolution to be transmitted to the City.

Section 9. The Agency members and the officers, employees and counsel of the Agency are hereby authorized to do all acts and things which may be required of them by this Resolution. All such acts and things heretofore done are hereby approved, ratified and confirmed.

PASSED, APPROVED AND ADOPTED this 8th day of February, 2006.


L. Ronald Cipriani, Chairman

ATTEST:

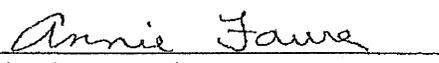

Annie Faure, Secretary

EXHIBIT "A"

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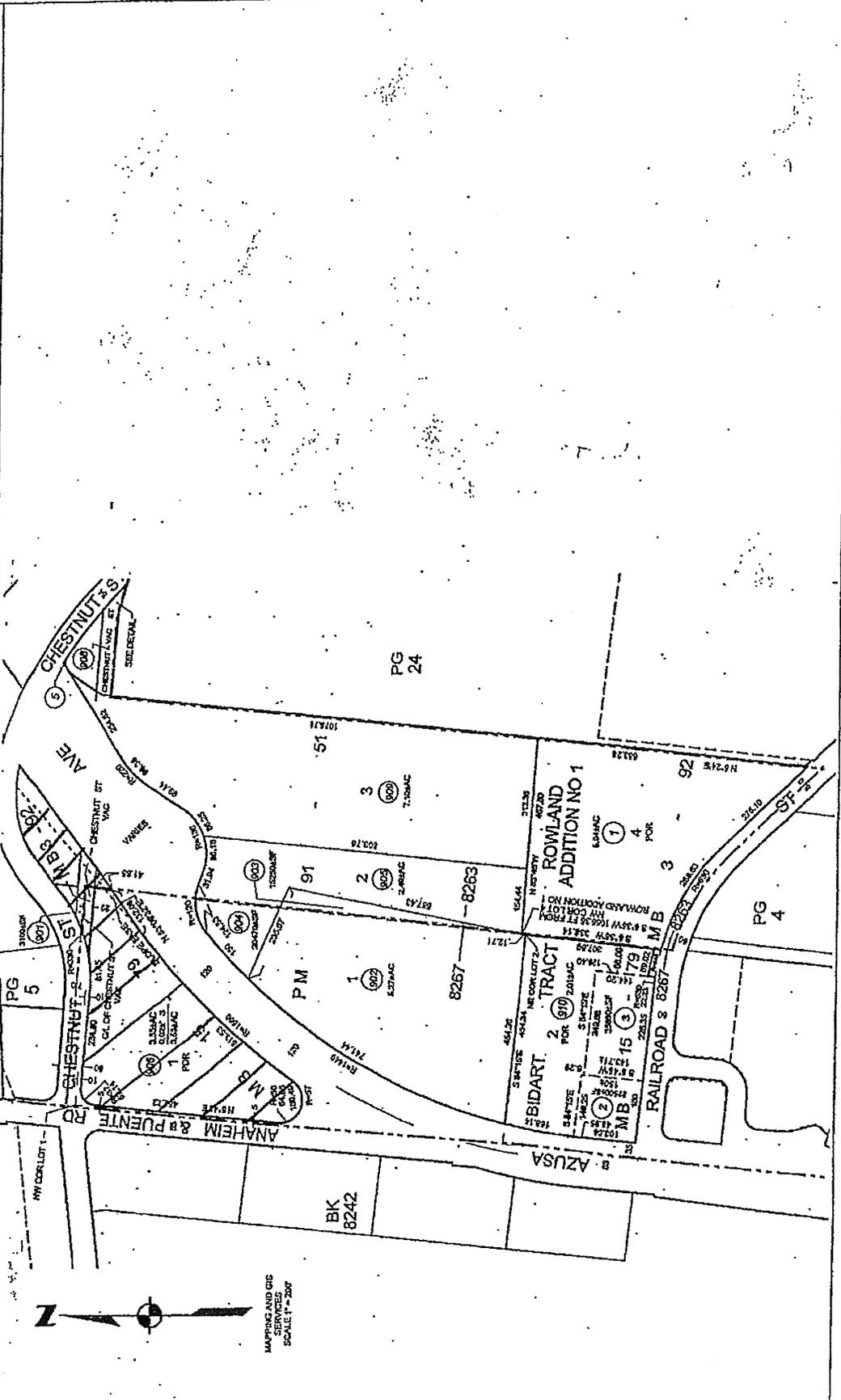


EXHIBIT "A"

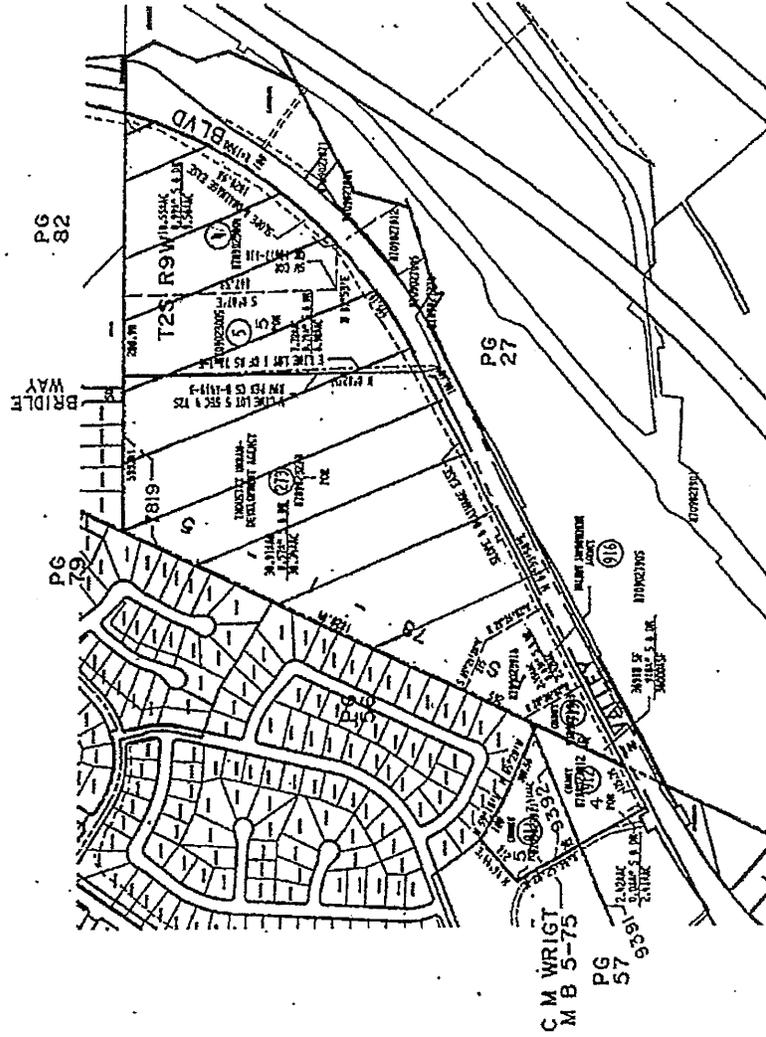
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COUNTY OF LOS ANGELES
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CITY OF INDUSTRY, CALIFORNIA
INDUSTRY URBAN-DEVELOPMENT AGENCY REGULAR MEETING MINUTES
FEBRUARY 8, 2006
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CALL TO ORDER

The Regular Meeting of the Industry Urban-Development Agency of the City of Industry, California, was called to order by Chairman Cipriani at 5:30 p.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Chairman Cipriani.

ROLL CALL

PRESENT: Ron Cipriani, Chairman
Annie Faure, Secretary
Jennie Ferrero, Board Member
Andria Welch, Board Member
Tim Spohn, Board Member

STAFF PRESENT: Kevin Radecki, Executive Director; Jim Grayson, Agency Legal Counsel; and Diane Schlichting, Assistant to the Executive Director.

PUBLIC COMMENTS

There were no public comments.

CONSENT CALENDAR

MOTION BY SECRETARY FAURE AND SECONDED BY BOARD MEMBER SPOHN TO APPROVE THE CONSENT CALENDAR AS SUBMITTED. MOTION CARRIED 5-0.

1. **MOTION TO APPROVE THE READING BY TITLE OF ALL RESOLUTIONS. SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.**

APPROVED THE READING BY TITLE OF ALL RESOLUTIONS.

2. **CONSIDERATION OF REGISTER OF DEMANDS.**

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INDUSTRY URBAN-DEVELOPMENT AGENCY REGULAR MEETING MINUTES
FEBRUARY 8, 2006
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APPROVED THE REGISTER OF DEMANDS AND AUTHORIZED THE APPROPRIATE AGENCY OFFICIALS TO PAY THE BILLS.

3. CONSIDERATION OF THE REGISTER OF DEMANDS FOR BANK OF AMERICA COVERING THE MONTH OF JANUARY 2006

APPROVED THE REGISTER OF DEMANDS COVERING CHECKS DRAWN ON THE BANK OF AMERICA PROJECT NOS. 1, 2, 3, AND PUBLIC WORKS CAPITAL IMPROVEMENT, DEBT SERVICE, AND SURPLUS FUNDS, AND RATIFIED THE ISSUANCE OF THOSE CHECKS.

4. CONSIDERATION OF A COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL AFFECTING PARCELS 1, 2, 3, 4, 5, 6, 7, AND 8 OF PARCEL MAP NO. 328 BEING THE PROPERTY LOCATED AT THE SOUTHEASTERLY CORNER OF GRAND AVENUE AND VALLEY BOULEVARD

APPROVED THE COVENANT AND AGREEMENT, AND AUTHORIZED THE CHAIRMAN AND SECRETARY TO EXECUTE SAME.

5. CONSIDERATION OF A LINE EXTENSION CONTRACT, GAS INSTALLATION BID, AND TRENCH AGREEMENT WITH THE GAS COMPANY TO INSTALL A 4" GAS LINE TO SERVE FUTURE BUILDINGS IN THE 600-ACRE INDUSTRY BUSINESS CENTER DEVELOPMENT FOR AN ESTIMATED COST OF \$27,549.10

APPROVED THE LINE EXTENSION CONTRACT, GAS INSTALLATION BID, AND TRENCH AGREEMENT, AUTHORIZED THE CHAIRMAN AND SECRETARY TO EXECUTE SAME, AND AUTHORIZED THE ISSUANCE OF A CHECK TO THE GAS COMPANY IN THE AMOUNT OF \$27,549.10.

6. CONSIDERATION OF A REQUEST SUBMITTED BY HDR FOR A BUDGET INCREASE IN THE AMOUNT OF \$24,000.00 TO PROVIDE ENGINEERING SERVICES FOR THE LOCAL RESOURCES PROGRAM/COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY IN CONJUNCTION WITH THE RECLAIMED WATER PROJECT, CONSULTANT CONTRACT NO. 10-CGVL-03-01

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APPROVED THE BUDGET INCREASE, AND AUTHORIZED THE CHAIRMAN TO EXECUTE SAME.

CONSIDERATION OF A PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS BETWEEN THE AGENCY AND THE U.S. HUAYUAN HOLDINGS, INC., FOR PROPERTY LOCATED AT 17000 GALE AVENUE IN THE CITY OF INDUSTRY

Executive Director Radecki presented a staff report.

MOTION BY BOARD MEMBER WELCH AND SECONDED BY SECRETARY FAURE TO APPROVE THE AGREEMENT, AND AUTHORIZE THE CHAIRMAN AND SECRETARY TO EXECUTE SAME. MOTION CARRIED 5-0.

CONSIDERATION OF A PROPOSAL SUBMITTED BY URBAN FUTURES TO PREPARE THE PROPOSED 2007 AMENDMENT TO THE REDEVELOPMENT PLAN FOR PROJECT NO. 1 FOR A NOT-TO-EXCEED AMOUNT OF \$185,000.00

Executive Director Radecki presented a staff report. Chairman Cipriani inquired if most of the parcels were located on the west end of the City. Executive Director Radecki stated that they were.

MOTION BY BOARD MEMBER FERRERO AND SECONDED BY SECRETARY FAURE TO APPROVE THE PROPOSAL, AND AUTHORIZE THE CHAIRMAN TO EXECUTE SAME. MOTION CARRIED 5-0.

CONSIDERATION OF AN AGREEMENT FOR CONSULTING SERVICES WITH AEI-CASC FOR STORMWATER POLLUTION PREVENTION ENGINEERING SERVICES ON AN ON-CALL, AS-NEEDED BASIS, FOR A BUDGET AMOUNT OF \$175,000.00

Executive Director Radecki presented a staff report.

MOTION BY BOARD MEMBER WELCH AND SECONDED BY SECRETARY FAURE TO APPROVE THE AGREEMENT, AND AUTHORIZE THE CHAIRMAN AND SECRETARY TO EXECUTE SAME. MOTION CARRIED 5-0.

REQUEST FOR AUTHORIZATION TO ADVERTISE FOR SOLICITATION OF PUBLIC BIDS FOR CONTRACT NO. GCD-0342, FERRERO PARKWAY AND GRAND AVENUE

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RAMPS PAVING, FOR AN ESTIMATED COST OF \$250,000.00

Executive Director Radecki presented a staff report.

MOTION BY BOARD MEMBER FERRERO AND SECONDED BY SECRETARY FAURE TO APPROVE THE PLANS AND SPECIFICATIONS, AND AUTHORIZE THE ADVERTISING FOR RECEIPT OF SEALED BIDS. MOTION CARRIED 5-0.

REQUEST FOR AUTHORIZATION TO ADVERTISE FOR SOLICITATION OF PUBLIC BIDS FOR CONTRACT NO. GCD-0341, LANDSCAPING OF FAURE AVENUE, VALLEY BOULEVARD AND SLOPES ADJACENT TO THE SAN JOSE CREEK FOR AN ESTIMATED COST OF \$286,000.00

Executive Director Radecki pulled this item from the agenda.

CONSIDERATION OF RESOLUTION NO. 705 - "A RESOLUTION OF THE INDUSTRY URBAN-DEVELOPMENT AGENCY APPROVING THE CONVEYANCE OF REAL PROPERTY TO THE CITY OF INDUSTRY TO SATISFY A PORTION OF ITS DEBT OBLIGATION TO THE CITY IN CONNECTION WITH THE REDEVELOPMENT REVOLVING FUND

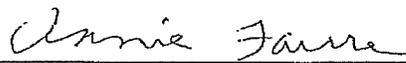
Agency Legal Counsel Grayson presented a report.

MOTION BY SECRETARY FAURE AND SECONDED BY BOARD MEMBER WELCH TO ADOPT RESOLUTION NO. 705. MOTION CARRIED 5-0.

ADJOURNMENT

There being no further business, the Industry Urban-Development Agency adjourned.


L. RONALD CIPRIANI, CHAIRMAN


ANNIE FAURE, SECRETARY

RESOLUTION NO. 2133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY ACCEPTING THE CONVEYANCE OF REAL PROPERTY BY THE INDUSTRY URBAN-DEVELOPMENT AGENCY TO SATISFY A PORTION OF THE AGENCY'S DEBT OBLIGATION TO THE CITY IN CONNECTION WITH THE REDEVELOPMENT REVOLVING FUND

THE CITY COUNCIL OF THE CITY OF INDUSTRY HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. The City Council of the City of Industry has established a Redevelopment Revolving Fund to be kept in the treasury of the City.

Section 2. From time to time, by prior resolutions, the City Council authorized various sums to be appropriated to and set aside in the Redevelopment Revolving Fund, including the proceeds of several issues of general obligation bonds of the City.

Section 3. The Agency and the City entered into the 1988 Revolving Fund Agreement, which agreement was subsequently amended from time to time (the 1988 Agreement as previously amended is referred to herein as "the Agreement"). Pursuant to the Agreement and various resolutions of the Agency and City Council, as of the date hereof, there exists an outstanding loan plus interest from the City to the Agency of moneys from the Redevelopment Revolving Fund.

Section 4. Moneys in the Redevelopment Revolving Fund are paid to, or on behalf of, the Agency upon the demand of the Agency for certain purposes and any moneys so paid constitute a loan by the City to the Agency.

Section 5. Pursuant to its Resolution No. 1940, the moneys paid to, or on behalf of, the Agency from the Redevelopment Revolving Fund constitute a loan to the Agency, and the principal amount of the loan is to be repaid to the City by the Agency together with simple interest on the unpaid balance thereof computed at a rate per annum equal to the prime rate plus two percent, calculated by the Chief Financial Officer of the City at such intervals as deemed appropriate by the Chief Financial Officer but not less than annually. Interest is payable annually in arrears. All unpaid, accrued interest and principal is due and payable not later than June 13, 2024. The Agency may prepay, without penalty, any amount of the principal of the loan at any time and from time to time prior to June 13, 2024. Any amounts so paid are first to be credited against accrued interest and the balance is to be credited against principal.

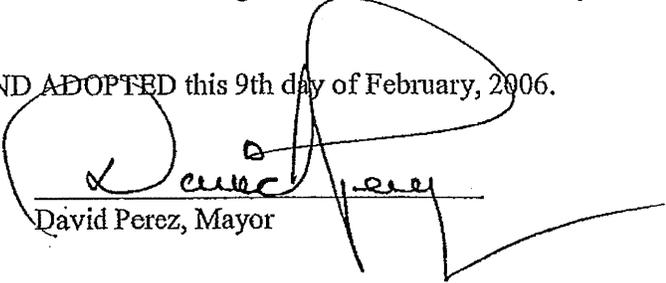
Section 6. Attached to this Resolution as Exhibit A are the legal descriptions of two separate parcels of real property which the Agency is conveying to the City to satisfy a portion of its obligation to repay the loan described in Section 5 hereof. The aggregate fair market value of the two parcels is \$21,283,484. The City hereby accepts said conveyance.

Section 7. The Finance Director of the Agency has been authorized and directed to cooperate with the Chief Financial Officer of the City to establish such accounting and other procedures as may be necessary, convenient, or desirable under the circumstances to accomplish the purposes and intent of Resolution No. 1940. They each are further authorized and directed to cause to be shown on the books and records of the Agency and the City that such amount of \$21,283,484 has been appropriately credited to the outstanding interest and principal obligations of the Agency to the City in connection with the Redevelopment Revolving Fund.

Section 8. The City Clerk is hereby authorized and directed to cause a copy of this Resolution to be transmitted to the Agency.

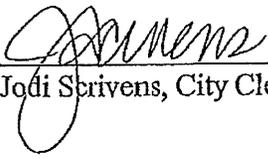
Section 9. The City Manager, the City Attorney, City Staff, and the officers, employees and counsel of the Agency are hereby authorized to do all acts and things which may be required of them by this Resolution. All such acts and things heretofore done are hereby approved, ratified and confirmed.

PASSED, APPROVED AND ADOPTED this 9th day of February, 2006.



David Perez, Mayor

ATTEST:



Jodi Strivens, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF INDUSTRY)

CITY CLERK'S CERTIFICATION
RE: ADOPTION OF CITY RESOLUTION

I, Jodi L. Scrivens, City Clerk of the City of Industry, do hereby certify that the foregoing Resolution No. 2133 was duly passed and adopted at a regular meeting of the City Council on February 9, 2006, by the following vote, to wit:

AYES: COUNCIL MEMBERS: Bielec, Marcellin, Parriott,
MPT/Ferrero, M/Perez

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None



Jodi L. Scrivens, City Clerk
City of Industry, California

(SEAL)

EXHIBIT "A"

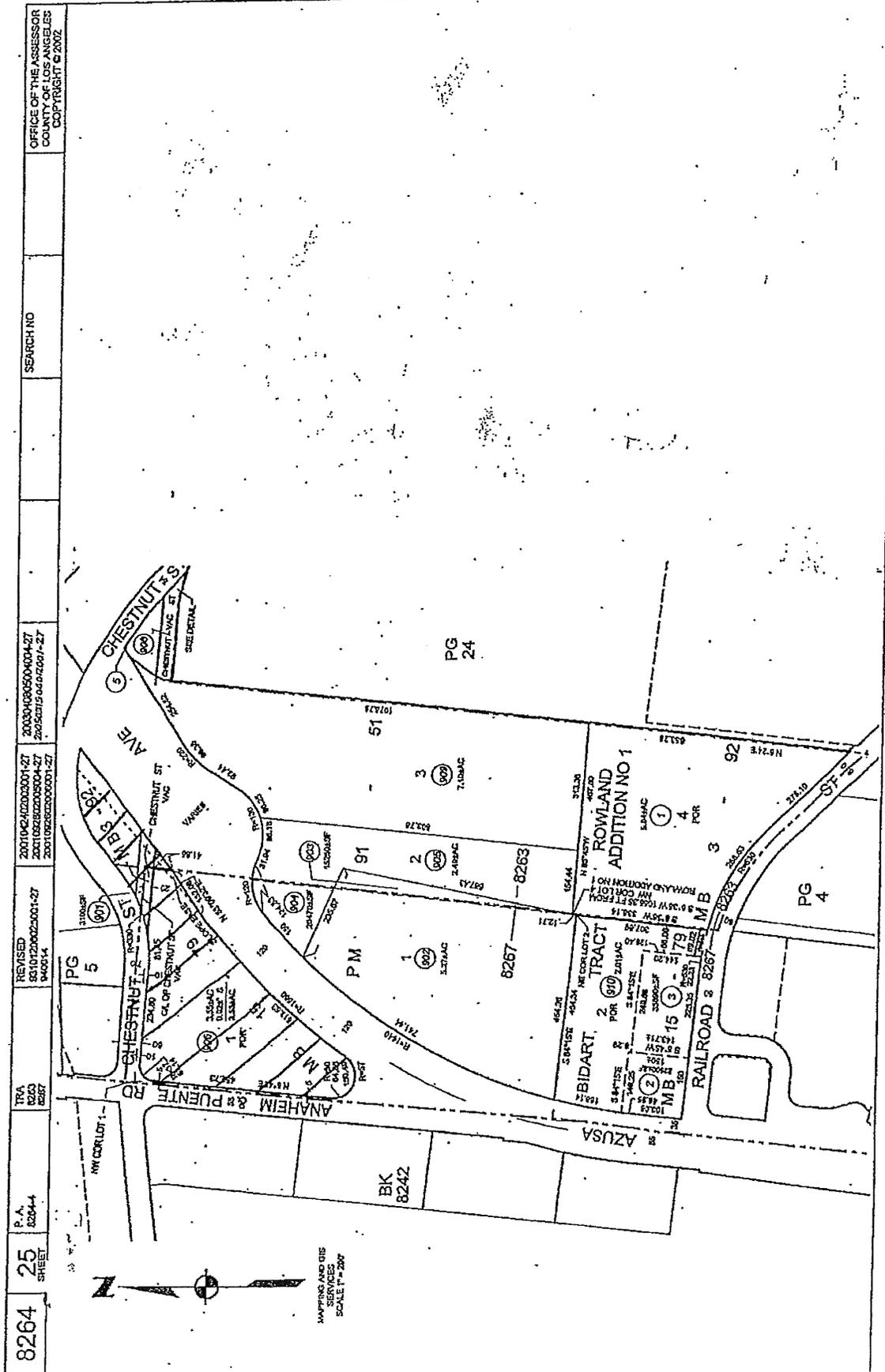


EXHIBIT "A"

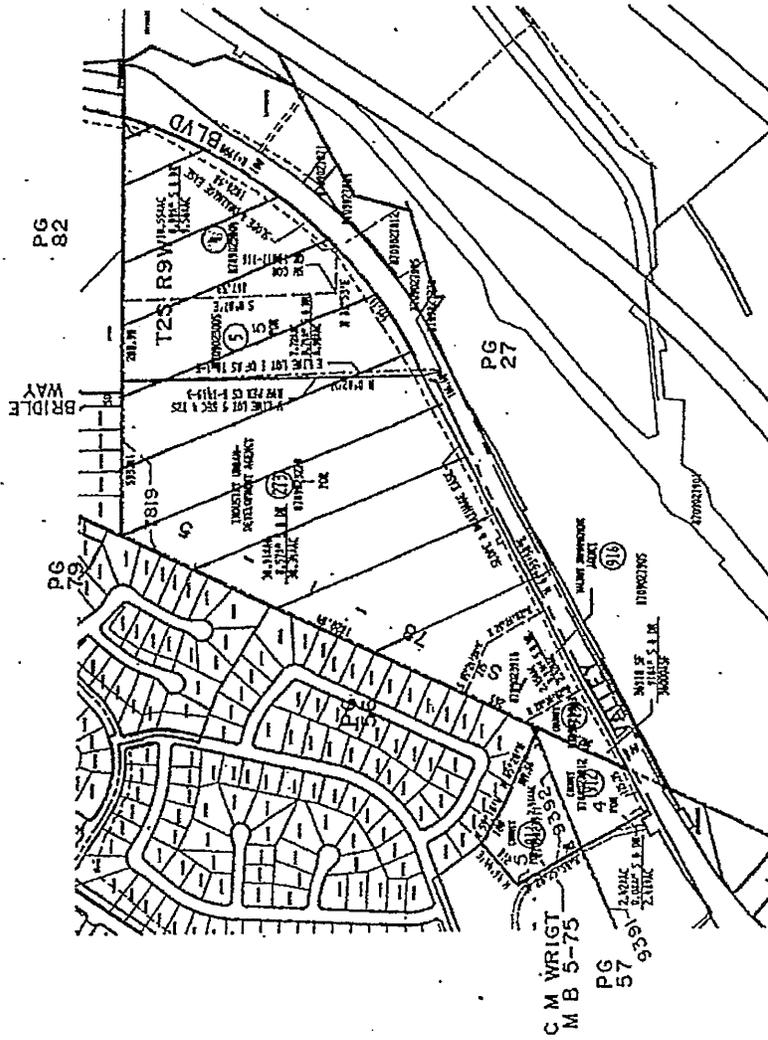
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COUNTY OF LOS ANGELES
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CITY COUNCIL REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
FEBRUARY 9, 2006
PAGE 1

CALL TO ORDER

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor David Perez at 9:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor Perez.

ROLL CALL

PRESENT: David Perez, Mayor
John P. Ferrero, Mayor Pro Tem
Paul Bielec, Council Member
Philip Marcellin, Council Member
Jeff Parriott, Council Member

STAFF PRESENT: Philip L. Iriarte, City Manager; Michele Vadon, City Attorney; John D. Ballas, City Engineer; and Jodi L. Scrivens, City Clerk.

PUBLIC COMMENTS

Mayor Perez welcomed retired Los Angeles County Sheriff Commander Don Webster. Mayor Perez stated that Mr. Webster had served the City of Industry as Captain of the City of Industry Sheriff's Station.

Mayor Perez welcomed Commander Bob Binkley of the Los Angeles County Sheriff's Department, and announced that Commander Binkley was retiring from the Department this month.

Commander Binkley stated that his best years working with the Department were when he worked as the Captain at the Industry Station.

CONSENT CALENDAR

Mayor Perez abstained from the City Council's discussion and vote for item number 2 (Register of Demands) because he had a potential financial conflict of interest in that he has ownership interest in two companies that do business with the City of Industry.

Council Member Marcellin abstained from the City Council's discussion and vote approving

CITY COUNCIL REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
FEBRUARY 9, 2006
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check number 51038 on item 2 (Register of Demands) because he had a potential financial conflict of interest in that he is employed by CNC Engineering.

MOTION BY COUNCIL MEMBER BIELEC, AND SECOND BY COUNCIL MEMBER PARRIOTT THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE ITEMS LISTED ON THE CONSENT CALENDAR. MOTION CARRIED 5-0, WITH MAYOR PEREZ ABSTAINING FROM ITEM NUMBER 2, AND WITH COUNCIL MEMBER MARCELLIN ABSTAINING FROM CHECK NUMBER 51038 ON ITEM 2 (REGISTER OF DEMANDS).

1. **MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.**

APPROVED THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS.

2. **CONSIDERATION OF REGISTER OF DEMANDS.**

APPROVED THE REGISTER OF DEMANDS AND AUTHORIZED THE APPROPRIATE CITY OFFICIALS TO PAY THE BILLS.

3. **CONSIDERATION OF THE MINUTES OF THE DECEMBER 8, 2005 REGULAR MEETING.**

APPROVED THE MINUTES AS SUBMITTED.

4. **CONSIDERATION OF A "COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL" EFFECTING PARCELS 1, 2, 3, 4, 5, 6, 7, AND 8 OF PARCEL MAP NO. 328, BEING THE PROPERTY LOCATED AT THE SOUTHEASTERLY CORNER OF GRAND AVENUE AND VALLEY BOULEVARD.**

APPROVED THE COVENANT AND AGREEMENT, AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE DOCUMENT.

CONSIDERATION OF RESOLUTION NO. 2133 -- "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY ACCEPTING THE CONVEYANCE OF REAL PROPERTY BY THE INDUSTRY URBAN-DEVELOPMENT AGENCY TO SATISFY A PORTION OF THE AGENCY'S DEBT OBLIGATION TO THE CITY IN CONNECTION WITH THE REDEVELOPMENT REVOLVING FUND".

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City Manager Iriarte presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER BIELEC, AND SECOND BY COUNCIL MEMBER MARCELLIN TO ADOPT RESOLUTION NO. 2133. MOTION CARRIED 5-0.

AS BIDS ARE RECEIVED FOR THE PACIFIC PALMS LOWER LEVEL EXPANSION AND REMODEL, A RECOMMENDATION WILL BE MADE FOR THE AWARD OF CONTRACT NO. CITY-1348R

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER MARCELLIN TO AWARD CONTRACT NO. CITY-1348R TO PERERA CONSTRUCTION & DESIGN, INC. IN THE AMOUNT OF \$7,495,134.00. MOTION CARRIED 5-0.

AS BIDS ARE RECEIVED FOR THE PACIFIC PALMS GOLF CART STAGING AREA AND WATER FEATURE REMODEL, A RECOMMENDATION WILL BE MADE FOR THE AWARD OF CONTRACT NO. CITY-1353.

City Engineer Ballas presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER MARCELLIN TO AWARD CONTRACT NO. CITY-1353 TO GAMUT CONSTRUCTION IN THE AMOUNT OF \$3,657,738.00. MOTION CARRIED 5-0.

CONSIDERATION OF A DEVELOPMENT PLAN APPLICATION SUBMITTED BY TILTON-EPPERSON FOR THE PROPERTY LOCATED AT 710 EPPERSON DRIVE FOR THE CONSTRUCTION OF A 12,076 SQUARE FOOT CONCRETE TILT-UP INDUSTRIAL BUILDING.

City Manager Iriarte presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER MARCELLIN TO FIND THE PROJECT CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVE THE FINDINGS SET FORTH IN THE STAFF REPORT, AND APPROVE THE DEVELOPMENT PLAN SUBMITTED BY TILTON-EPPERSON SUBJECT TO STANDARD CONDITIONS NUMBERS 1-6, 9, 10, AND 14, ALL ON FILE WITH THE CITY CLERK. MOTION CARRIED 5-0.

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CITY OF INDUSTRY, CALIFORNIA
FEBRUARY 9, 2006
PAGE 4

CLOSED SESSION

City Clerk Scrivens indicated there was a need for Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case: City of Brea v. City of Industry
Court of Appeal (Fourth Appellate Dist., Div. 2) Case No. E038134

- B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a)
Case: People of the State of California, et al. v. Surf City Squeeze Escondido, Inc., dba Sun Massage Clinic and/or Sun Acupressure, et al.
LASC Case No. KS047772

Mayor Perez recessed the meeting into Closed Session at 9:15 a.m.

RECONVENE CITY COUNCIL MEETING

Mayor Perez reconvened the meeting at 9:17 a.m. All members of the City Council were present.

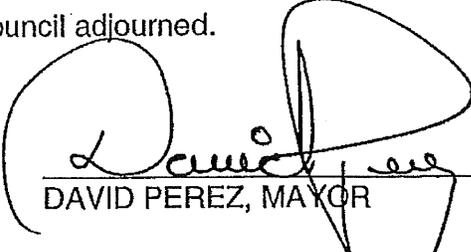
The City Council took no reportable action with regard to Closed Session Items A and B.

ADJOURNMENT

There being no further business, the City Council adjourned.



JODI L. SCRIVENS, CITY CLERK



DAVID PEREZ, MAYOR

KAPLAN HZUSIT AVE.



LEAD SHEET

RECEIVED

APR 23 2001

01-0398424

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
2:21 PM MAR 12 2001

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

FREE VV 10

D.T.T.

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

RECORDING REQUEST BY

2

01-0398424

WHEN RECORDED MAIL TO

NAME John D. Ballas, Agency Engineer
Industry Urban-Development Agency
15651 E.Stafford Street
MAILING City of Industry, CA 91744
ADDRESS

CITY, STATE
ZIP CODE

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

GRANT DEED

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL THIS DEED ID,
UNLESS OTHERWISE SHOWN BELOW,
MAIL TAX STATEMENTS TO:

3

01 0398424

City of Industry
P.O. Box 3366
City of Industry, CA 91744

Attention: John D. Ballas

APN: 8264-025-007,008,8264-005-12,
8264-025-009,10,11,12

This document is exempt from the payment of a recording fee pursuant to Government Code Section 6103.

The undersigned Grantor declares: Documentary transfer tax of \$ None. Based on full value of land conveyed.

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledge, the City of Industry, a California municipal corporation ("Grantor"), hereby grants to the Industry Urban-Development Agency ("Grantee"), that certain real property located in the City of Industry, County of Los Angeles, State of California, and legally described in Exhibits "A", "B", "C" and "D", attached hereto, consisting of one (1) page each and incorporated herein by reference (the "Property"), subject to all matters of record.

The Grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, material status, handicap, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall the Grantee himself or herself or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land herein conveyed. The foregoing covenants shall run with the land.

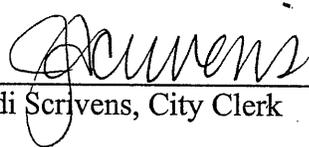
Dated: 3/8/2001

GRANTOR

CITY OF INDUSTRY
a California municipal corporation

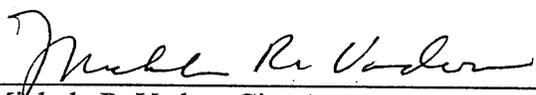
By: 
Dave Winn, Mayor

ATTEST:

By: 
Jodi Scrivens, City Clerk

Dated: 3/8/2001

APPROVED AS TO FORM


Michele R. Vadon, City Attorney

Dated: 3/8/2001

Grantee acknowledges and accepts the foregoing conveyance.

Dated: March 8, 2001

GRANTEE

IUDA

By: 
Rolene Harrison, Chairperson

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles } ss.

On March 8, 2001, before me, Diane M. Schlichting, a Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Rolene Harrison,
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) (s) (is) are subscribed to the within instrument and acknowledged to me that he (she) they executed the same in his (her) (their) authorized capacity (ies), and that by his (her) (their) signature (s) on the instrument the person (s), or the entity upon behalf of which the person (s) acted, executed the instrument.

WITNESS my hand and official seal.

Diane M. Schlichting
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant Deed

Document Date: March 8, 2001 Number of Pages: Eight (8)

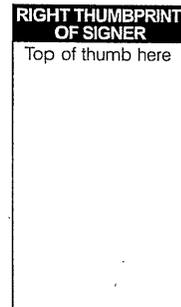
Signer(s) Other Than Named Above: Dave Winn, Jodi Scrivens, and Michele Vadon

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Los Angeles } ss.

On March 8, 2001, before me, Diane M. Schlichting, a Notary Public,
personally appeared Dave Winn, Jodi Scrivens, and Michele Vadon

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Diane M. Schlichting
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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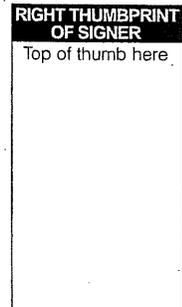
Document Date: March 8, 2001 Number of Pages: Eight (8)

Signer(s) Other Than Named Above: Rolene Harrison

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
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 - Other: _____

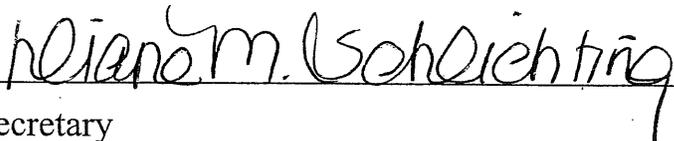
Signer Is Representing: _____



CERTIFICATE OF ACCEPTANCE

This is to certify the interest in real property conveyed by the Deed or Grant herein dated March 8, 2001 from the City of Industry to the INDUSTRY URBAN-DEVELOPMENT AGENCY, a body politic and corporate, is hereby accepted pursuant to authority conferred by Resolution No. 214, adopted October 10, 1978, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: March 12, 2001



Secretary

Industry Urban-Development Agency
CITY OF INDUSTRY, CALIFORNIA

8

Exhibit "A"

Legal No.344-a

LEGAL DESCRIPTION

THAT PARCEL OF LAND IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 126, PAGES 37 AND 38 OF RECORDS OF SURVEY AND RECORDED UNDER FILE No. 91-1142777 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 195,968 SQUARE FEET, (4.4988 ACRES) OF LAND, MORE OR LESS.



Nestor Cardenas, PLS 5824
CNC Engineering Job No C-1277.587
Checked by: WJW June 12, 2000

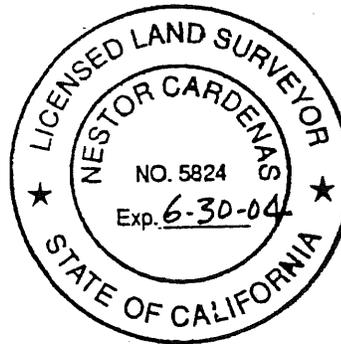
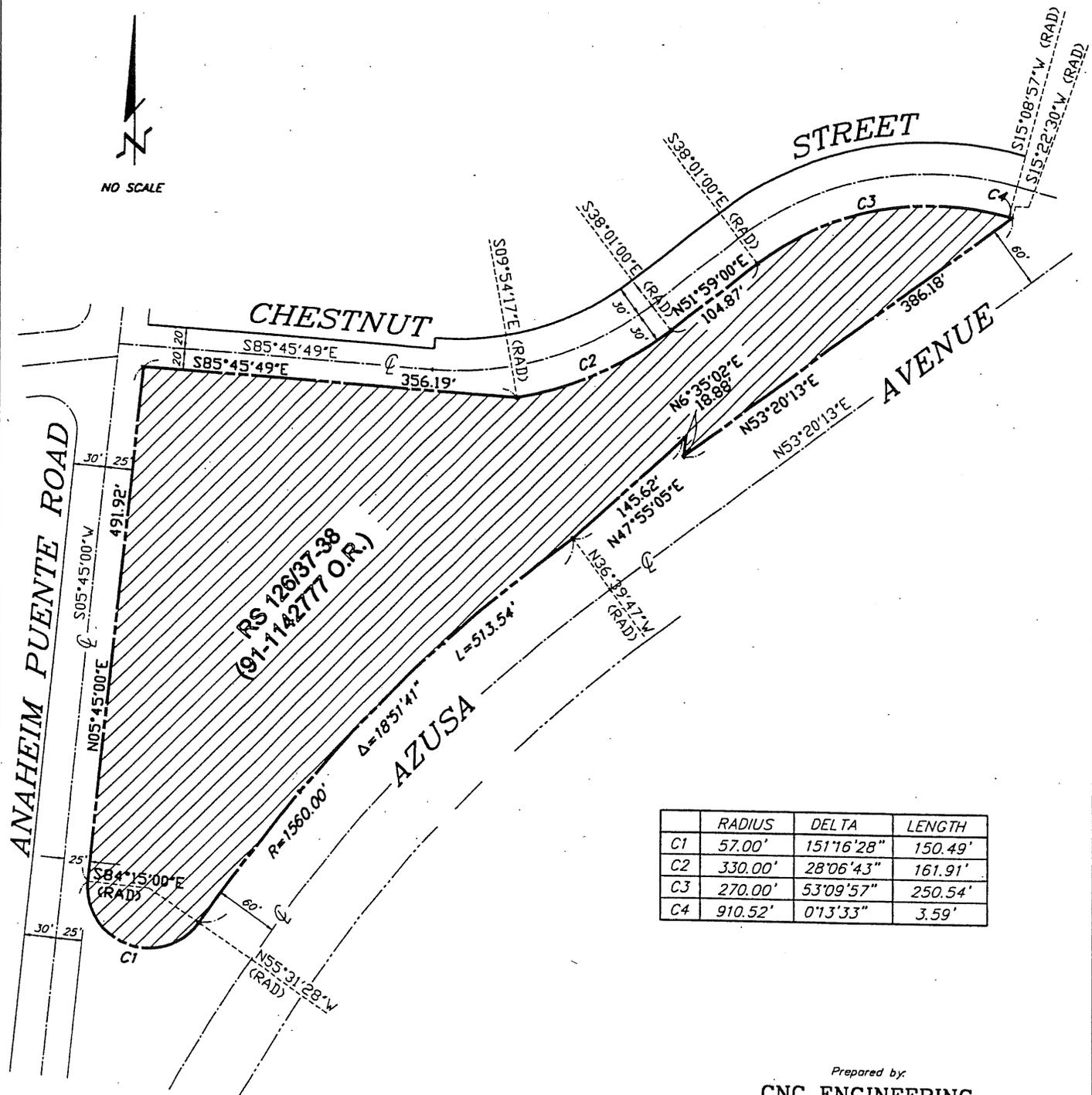


Exhibit "B"



	RADIUS	DELTA	LENGTH
C1	57.00'	151°16'28"	150.49'
C2	330.00'	28°06'43"	161.91'
C3	270.00'	53°09'57"	250.54'
C4	910.52'	0°13'33"	3.59'

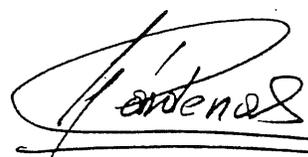
Exhibit "C"

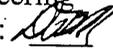
Legal No.344-b

LEGAL DESCRIPTION

PARCELS 1 AND 2 OF PARCEL MAP No. 113, AS SHOWN ON MAP RECORDED IN BOOK 91, PAGE 51 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 373,745 SQUARE FEET, (8.58 ACRES) OF LAND, MORE OR LESS.



Nestor Cardenas, PLS 5824
CNC Engineering Job No C-1277.587
Checked by:  June 12, 2000

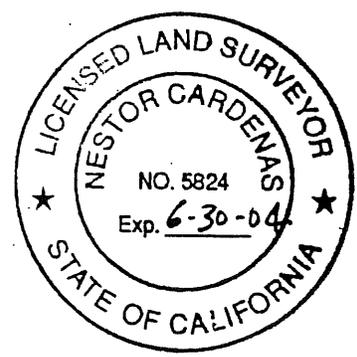
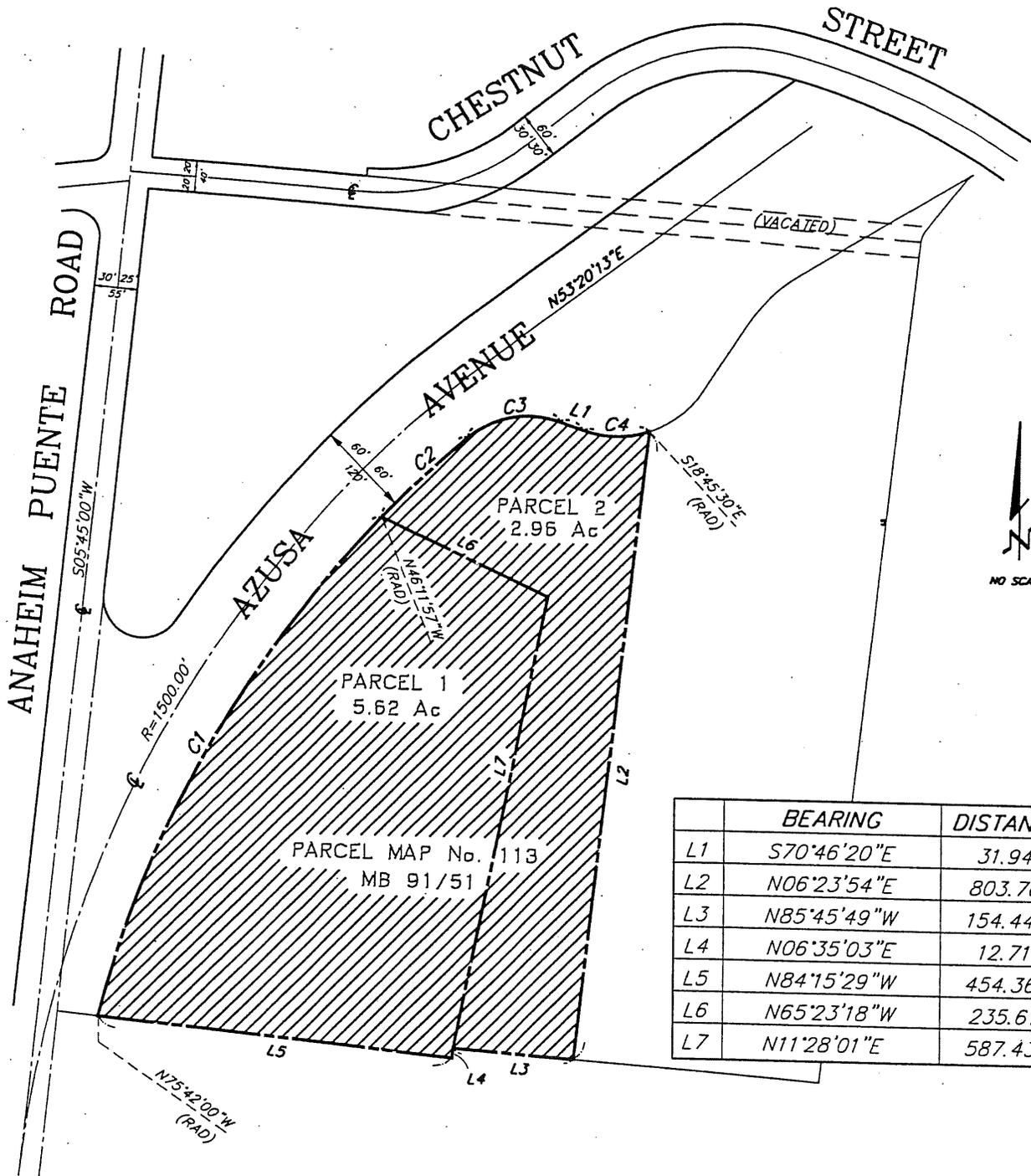


Exhibit "D"



	DELTA	RADIUS	LENGTH
C1	29°30'03"	1440.00'	741.44'
C2	05°58'06"	1440.00'	150.00'
C3	59°27'31"	120.00'	124.53'
C4	37°59'10"	130.00'	86.18'

Prepared by
CNC ENGINEERING
 255 N. HACIENDA BLVD, Suite 222
 CITY OF INDUSTRY, CA. 91744
 Phone (626) 333-0336

INDUSTRY URBAN-DEVELOPMENT AGENCY
REGULAR MEETING MINUTES

MARCH 6, 2001

Page 1

CALL TO ORDER

The Regular Meeting of the Industry Urban-Development Agency was called to order by Chairperson Harrison at 5:30 p.m., in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Chairperson Harrison.

ROLL CALL

PRESENT: Rolene Harrison, Chairperson
Annie Faure, Secretary
Philip Iriarte, Board Member
Jennie Ferrero, Board Member
Tom Durant, Board Member

STAFF PRESENT: Kevin Radecki, Executive Director; Michael B. Montgomery, Agency Legal Counsel; and Diane Schlichting, Assistant to the Executive Director.

ORAL COMMUNICATIONS

There were no oral communications.

REGISTER OF DEMANDS - FOR VARIOUS PROJECT AREAS

Assistant to the Executive Director Schlichting reported that the bills had been audited and approved by the Agency's bookkeeper and the Auditing Committee and that they recommended payment of the Register of Demands for Project No. 1 in the amount of \$1,919,133.87, Project No. 2 in the amount of \$46,573.19, Project No. 3 in the amount of \$23,284.61, the Administrative Account in the amount of \$233,281.00 and the Public Works Capital Improvement Fund in the amount of \$516,574.83. Assistant to the Executive Director Schlichting further reported that the Administrative Account as well as a portion of the Public Works Capital Improvement Fund were proportionately paid out of the three projects and were, therefore, included in the totals of the three projects

INDUSTRY URBAN-DEVELOPMENT AGENCY
REGULAR MEETING MINUTES

MARCH 6, 2001

Page 2

IT WAS MOVED BY SECRETARY FAURE, SECONDED BY BOARD MEMBER DURANT, AND UNANIMOUSLY CARRIED TO APPROVE THE REGISTER OF DEMANDS FOR PROJECT NOS. 1, 2, 3, THE ADMINISTRATIVE ACCOUNT AND THE PUBLIC WORKS CAPITAL IMPROVEMENT FUND AND TO AUTHORIZE PAYMENT OF THE BILLS.

CONSENT CALENDAR

MOTION BY SECRETARY FAURE, SECONDED BY BOARD MEMBER DURANT, AND UNANIMOUSLY CARRIED THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE ITEMS LISTED ON THE CONSENT CALENDAR.

1. **MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.**

2. **AGREEMENT FOR CONVEYANCE OF REAL PROPERTY BETWEEN THE CITY OF INDUSTRY AND THE AGENCY FOR THE ±13 ACRES OF PROPERTY LOCATED ON THE EAST AND WEST SIDE OF AZUSA AVENUE, SOUTH OF CHESTNUT STREET.**

APPROVED THE AGREEMENT.

3. **STANDARD INDUSTRIAL/COMMERCIAL SINGLE-TENANT LEASE BETWEEN THE AGENCY AND PUENTE HILLS TOYOTA TO USE AGENCY-OWNED PROPERTY LOCATED AT 17755 CASTLETON STREET.**

APPROVED THE LEASE.

4. **REQUEST SUBMITTED BY PATTERSON & ASSOCIATES, INC., CONSULTANT CONTRACT NO. 5-PATTERSON 00-01 EED-0295-X01, FOR A BUDGET INCREASE OF \$5,540.00, TO PROVIDE GRADE SEPARATION LIGHTING PLAN, ETC., IN CONJUNCTION WITH THE EAST END PROJECT.**

APPROVED THE BUDGET INCREASE.

INDUSTRY URBAN-DEVELOPMENT AGENCY
REGULAR MEETING MINUTES

MARCH 6, 2001

Page 3

RESOLUTION NO. 593 - "RESOLUTION OF THE INDUSTRY URBAN-DEVELOPMENT AGENCY AUTHORIZING THE INSTITUTION OF PROCEEDINGS TO REFUND OUTSTANDING TAX ALLOCATION REFUNDING BONDS, AND ENGAGING PROFESSIONAL SERVICES"

Mr. Dudley Lang, the Agency's financial consultant, advised the Board that Agency staff had received a proposal from the underwriting staff of Kinsell Newcomb and DeDios to refund on an advance basis the 1992, Project Area Nos. 1, 2, and 3 Tax Allocation Refunding Bonds. Mr. Lang stated that Kinsell Newcomb and DeDios' proposal would produce at closing of the issue at least \$4,500,000.00 in proceeds to the Agency. Mr. Lang advised the Board that the resolution would authorize Kinsell Newcomb and DeDios to initiate those proceedings and at the next Agency Board meeting they would submit a proposal with the results of the financing for the Board's final approval. Mr. Lang advised the Board that Jeff Kinsell with Kinsell Newcomb and DeDios was present to answer any questions they may have. Executive Director Radecki presented Resolution No. 593 entitled "A RESOLUTION OF THE INDUSTRY URBAN-DEVELOPMENT AGENCY AUTHORIZING THE INSTITUTION OF PROCEEDINGS TO REFUND OUTSTANDING TAX ALLOCATION REFUNDING BONDS, AND ENGAGING PROFESSIONAL SERVICES" and read the title thereof.

IT WAS MOVED BY BOARD MEMBER DURANT, SECONDED BY BOARD MEMBER IRIARTE, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 593.

HEARING PURSUANT TO PROPOSED RESOLUTION OF NECESSITY IN CONJUNCTION WITH 911 BIXBY DRIVE

Agency Legal Counsel Montgomery advised the Board that at their last meeting they authorized the Mayor and Executive Director to negotiate for the purchase of the 911 Bixby Drive property. Agency Legal Counsel Montgomery stated that the seller's had not yet signed the escrow agreements. Therefore, the Board needed to adopt a resolution of necessity. Agency Legal Counsel Montgomery presented Resolution No. 594 entitled "A RESOLUTION OF THE INDUSTRY URBAN-DEVELOPMENT AGENCY FINDING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN" and read the title thereof.

IT WAS MOVED BY SECRETARY FAURE, SECONDED BY BOARD MEMBER FERRERO, AND UNANIMOUSLY CARRIED TO ADOPT RESOLUTION NO. 594.

**INDUSTRY URBAN-DEVELOPMENT AGENCY
REGULAR MEETING MINUTES**

MARCH 6, 2001

Page 4

CLOSED SESSION

Agency Legal Counsel Montgomery indicated there was a need for a Closed Session as follows:

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8:**

PROPERTY:	ASSESSOR PARCEL NUMBER 8242-013-001
OWNER:	911 BIXBY PROPERTY COMPANY
AGENCY'S NEGOTIATOR:	CHIEF NEGOTIATOR D. WINN
UNDER NEGOTIATION:	PRICE AND TERMS

Chairperson Harrison recessed the meeting into Closed Session at 5:36 p.m., pursuant to Government Code Section 54956.8.

RECONVENE AGENCY BOARD MEETING:

Chairperson Harrison reconvened the meeting at 5:47 p.m. All Agency Board Members were present.

The following was reported with regard to the Closed Session:

Authorized the Executive Director to execute the escrow instructions and authorized the transfer of funds for the purchase of the property.

ADJOURNMENT

There being no further business, the Agency Board adjourned.



CHAIRPERSON



SECRETARY

AGREEMENT FOR CONVEYANCE OF REAL PROPERTY

This **AGREEMENT FOR CONVEYANCE OF REAL PROPERTY** (the "Agreement") is made and entered, for reference purposes only, on the 6th day of March, 2001, by and between the **CITY OF INDUSTRY**("City") and the **INDUSTRY URBAN-DEVELOPMENT AGENCY ("IUDA")**.

Recitals:

A. On April 10, 2000 the City authorized the acquisition of that approximately thirteen (13) acres of property in the City of Industry, located generally on the east and west side of Azusa Avenue, south of Chestnut Street, and more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference. Said real property is referred to here as the "Property."

B. The City is now the fee owner of the Property; however, the City has found that it is of benefit to the City and its citizens for the Property to be owned and maintained by the IUDA in furtherance of the redevelopment purposes of the IUDA and its Redevelopment Plan for Project No. 1.

C. Section 33342 of the Community Redevelopment Law (California Health & safety Code §§ 33000 *et seq.* -- the "CRL") provides, in pertinent part, that "[r]edevlopment plans may provide for the agency to acquire by ..., purchase... real property in the project area."

D. Section 33220 of the CRL provides, in pertinent part, that a City may, for the purpose of aiding and co-operating in the operation of redevelopment projects, with or without consideration, "...sell... any of its property to a redevelopment agency."

E. The Property is located within the boundaries of IUDA Project Area No. 1 and is specifically included and identified in the Redevelopment Plan for Project No. 1 as property recommended for acquisition by the IUDA to further the redevelopment activities enumerated in the Plan.

F. The City and the IUDA desire to convey the Property to the IUDA at the same price and terms as acquired by the City.

Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, City and IUDA agree as follows:

1. **Agreement to Sell and Purchase.**

The IUDA agrees to purchase the Property on and subject to the terms and conditions in this Agreement. Attached hereto, marked as Exhibit "B" is a form of Grant Deed for the Property.

2. **Purchase Price**

The Purchase Price for the Property shall be the total sum of Eight Million Eight Hundred Twenty six Thousand Dollars (\$8,826,000.00). This total Purchase Price may be increased in the amount equal to the closing costs incurred by the City during the original purchase of the Property.

3. **Title and Escrow**

The IUDA and City are fully aware of the condition of title and mutually agree to waive any requirement for the preparation of any report of title to the Property. Additionally, City and the IUDA agree to process the conveyance of the Property on the terms provided herein without the need for escrow.

4. **Authorized Representatives**

The City Manager of City and the Executive Director of the IUDA are authorized to take any and all actions necessary, including the execution of any and all required documents, to fulfill the conveyance of the Property as provided herein.

5. **Conveyance of the Property**

Upon transfer of the Purchase Price to the accounts of the City, the City Manager shall execute and deliver to the IUDA the Grant Deed for the Property, or any other conveyance document deemed appropriate to the City Manager and Executive Director. The Executive Director shall cause the Grant Deed to be recorded.

6. **Hazardous Materials.**

a. **Definitions.** For purposes of this Agreement, the following terms shall have the following meanings:

(1) **"Environmental Claims"** shall mean any claims by third parties for personal injury (including sickness, disease or death), or for injury to property or natural resources or the environment, including, without limitation, lost profits, consequential damages, diminution of property value or loss of use of property, or for any violation or alleged violation of, or noncompliance with, the requirements of any Environmental Law.

(2) **"Environmental Cleanup liability"** shall mean any cost or expense incurred to investigate, monitor, remove, remediate, treat, clean up, abate or otherwise respond to any Release or threatened Release of Hazardous Materials, including,

without limitation , the cost of obtaining site closure from applicable governmental agencies and the cost of restoring the affected property upon completion of responsive action.

(3) **“Environmental Compliance Costs”** shall mean any cost or expense necessary to enable the affected property to comply with all applicable Environmental Laws.

(4) **“Environmental Law”** shall mean any applicable federal, California, regional or local law, statute, ordinance, rule, regulation or order for the protection of human health or the environment, including, but not limited to, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601, *et seq.*); the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901 *et seq.*); the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*); the Clean Air Act (42 U.S.C. § 7401 *et seq.*); the Safe Drinking Water Act (42 U.S.C. § 300f *et seq.*); the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. § 11001 *et seq.*); the Occupational Safety and Health Act (29 U.S.C. § 651 *et seq.*); the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. § 136 *et seq.*); the Hazardous Materials Transportation Act (49 U.S.C. § 5101 *et seq.*); the Carpenter-Presley-Tanner Hazardous Substance Account Act (Health and Safety Code § 25300 *et seq.*); the Hazardous Waste Control Law (Health and Safety Code § 25100 *et seq.*); the Hazardous Waste Disposal Land Use law (Health and Safety Code § 25220 *et seq.*); the Porter-Cologne Water Quality Control Act (Water Code § 13000 *et seq.*); Hazardous Materials Release Response Plans and Inventory (Health and Safety Code § 25500 *et seq.*); Underground Storage of Hazardous Substances (Health and Safety § 25280 *et seq.*) ; The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) (Health and Safety Code § 25249.5-25249.13); the Asbestos Notification Law (Health and Safety Code § 25915 *et seq.*); the California Occupational Safety and Health Act (Labor Code § 6300 *et seq.*); Chapters 10 and 11, Division 4.5, Title 22, California Code of Regulations; and any law or regulation implementing, amending or succeeding any of the foregoing, and any similar laws or regulations at any time in effect having any of the purposes designated above.

(5) **“Hazardous Materials”** shall mean any pollutant, contaminant, hazardous or toxic substance, material or waste which is or becomes identified, listed or regulated as such under any Environmental Law by the United States government, the State of California or any regional or local governmental authority having jurisdiction over the Property.

(6) **“Release”** shall mean the release, as defined in Health and Safety Code §§ 25320 and 25321, of a Hazardous Material or Hazardous Materials.

b. **IUDA Indemnity.** Effective upon the conveyance of the Property, the IUDA agrees to indemnify, protect, defend, reimburse and hold the City and its Council members, officials, agents, employees and attorneys, harmless from and against any and all claims, actions, proceedings, lawsuits, orders, costs, liabilities, judgments, damages, fines, encumbrances, liens, penalties, punitive damages, losses and expenses (including without limitation all costs and expenses reasonably incurred to investigate and defend claims, whether or not such claim is ultimately defeated, and costs and expenses reasonably incurred for consultants, court fees, administrative fees, expert witness fees, and attorneys’ fees) of whatever

kind or nature, contingent or otherwise, matured or not matured, foreseeable or unforeseeable, any of which are suffered or incurred by said indemnified parties, or assessed, levied or asserted by any person or entity (whether governmental or private) against said indemnified parties, after the conveyance of the Property and relating to the following:

Environmental Claims, Environmental Cleanup Liability and Environmental Compliance Costs arising from the Release or threatened Release of Hazardous Materials in or into the soil or groundwater in, on, under or from the Property as a result of the use, generation, discharge, storage, handling or disposal of Hazardous Materials at the Property by IUDA or IUDA's agents, employees, contractors or invitees after the conveyance of the Property.

7. **Miscellaneous.** This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof and supersedes all prior agreements and understandings written and oral. This Agreement may not be modified or amended except in a writing signed by all parties hereto. In the event any litigation is necessary to enforce or interpret any provisions of this Agreement, the prevailing party in such litigation shall be entitled to recover its court costs and attorneys' fees.

8. **Brokerage Commissions.** City and IUDA (as "Indemnitor") shall each indemnify, defend and hold the other party (as "Indemnitee") harmless from and against any and all cost, liabilities, losses, damages, claims, causes of action or proceedings which may result from the Indemitor's dealing with any broker, agency or finder, license or otherwise in connection with the transaction covered by this Agreement.

9. **Authority to Execute.** The person or persons executing this Agreement warrant and represent that they have the authority to execute this Agreement on behalf of their entity and warrant and represent that they have the authority to bind the performance of its obligations hereunder.

10. **Applicable Law.** The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

11. **Successors and Assigns.** The provisions of this Agreement shall be binding upon, and inure to the benefit of, the City and the IUDA and their successors and assigns as the case or context may require.

12. **Counterparts.** This Agreement may be executed and acknowledged in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one (1) Agreement, binding on the parties hereto.

IN WITNESS WHEREOF, the City and the IUDA have executed this Agreement as of the date and year first written above.

CITY:
THE CITY OF INDUSTRY, a California
municipal corporation

By: 
Mayor, Dave Winn

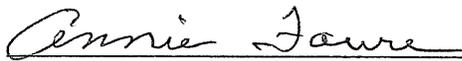
ATTEST:


Jodi L. Scrivens, City Clerk

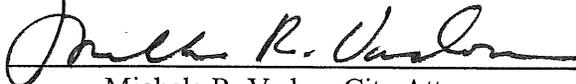
IUDA

By: 
Rolene Harrison
Chairperson, IUDA

ATTEST:


Annie Faure
Secretary, IUDA

APPROVED AS TO FORM:


Michele R. Vadon, City Attorney

APPROVED AS TO FORM:

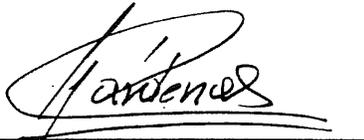

Michael B. Montgomery, IUDA General Counsel

EXHIBIT A
[To be inserted]

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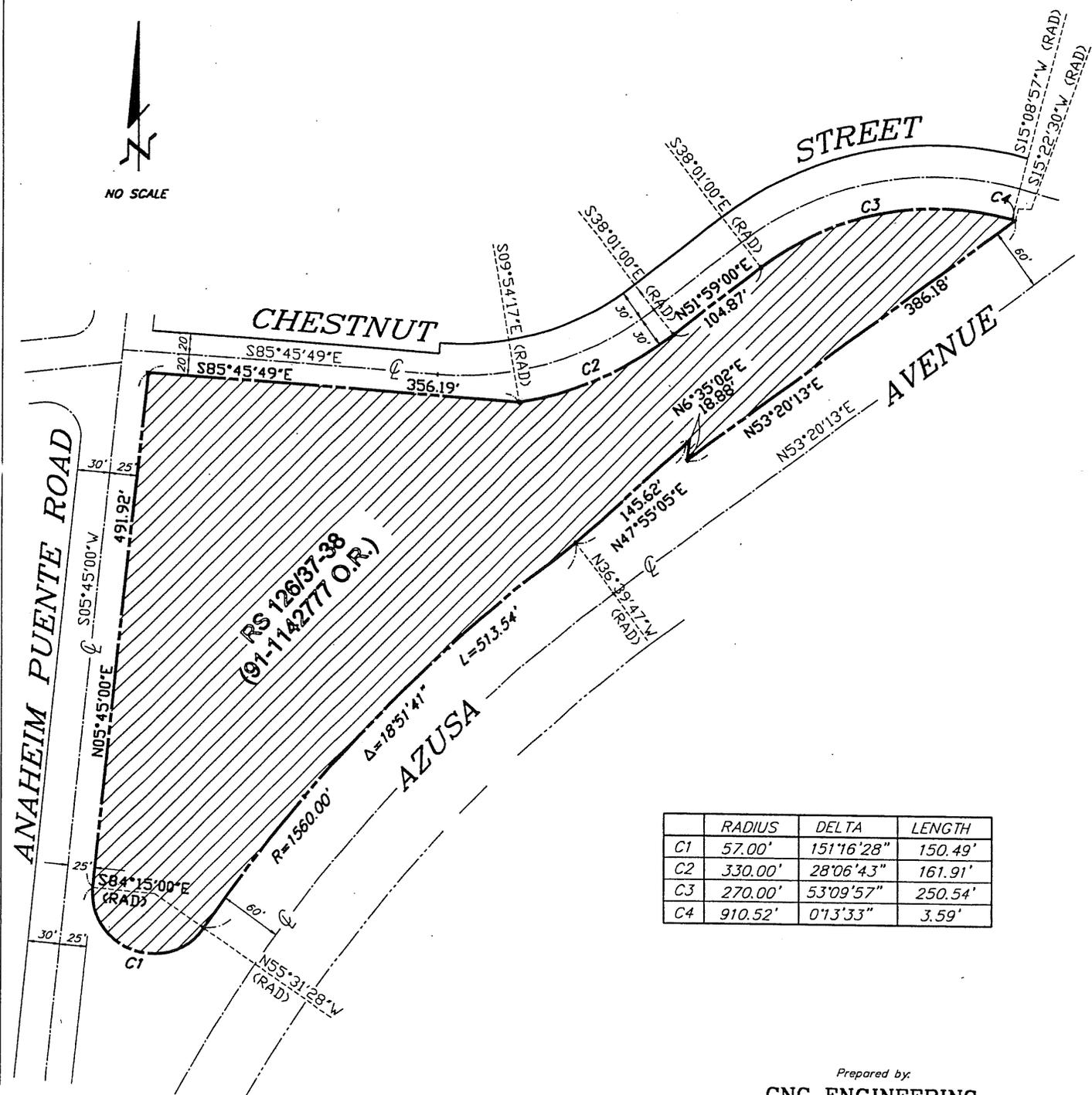


Nestor Cardenas, PLS 5824

CNC Engineering Job No C-1277.587

Checked by:  June 12, 2000





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RS 12637-38
 (91-114277 O.R.)

ANAHEIM PUENTE ROAD

CHESTNUT

AZUSA

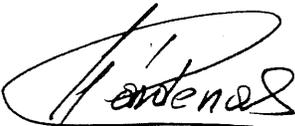
AVENUE

STREET

LEGAL DESCRIPTION

PARCELS 1 AND 2 OF PARCEL MAP No. 113, AS SHOWN ON MAP RECORDED IN BOOK 91, PAGE 51 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 373,745 SQUARE FEET, (8.58 ACRES) OF LAND, MORE OR LESS.

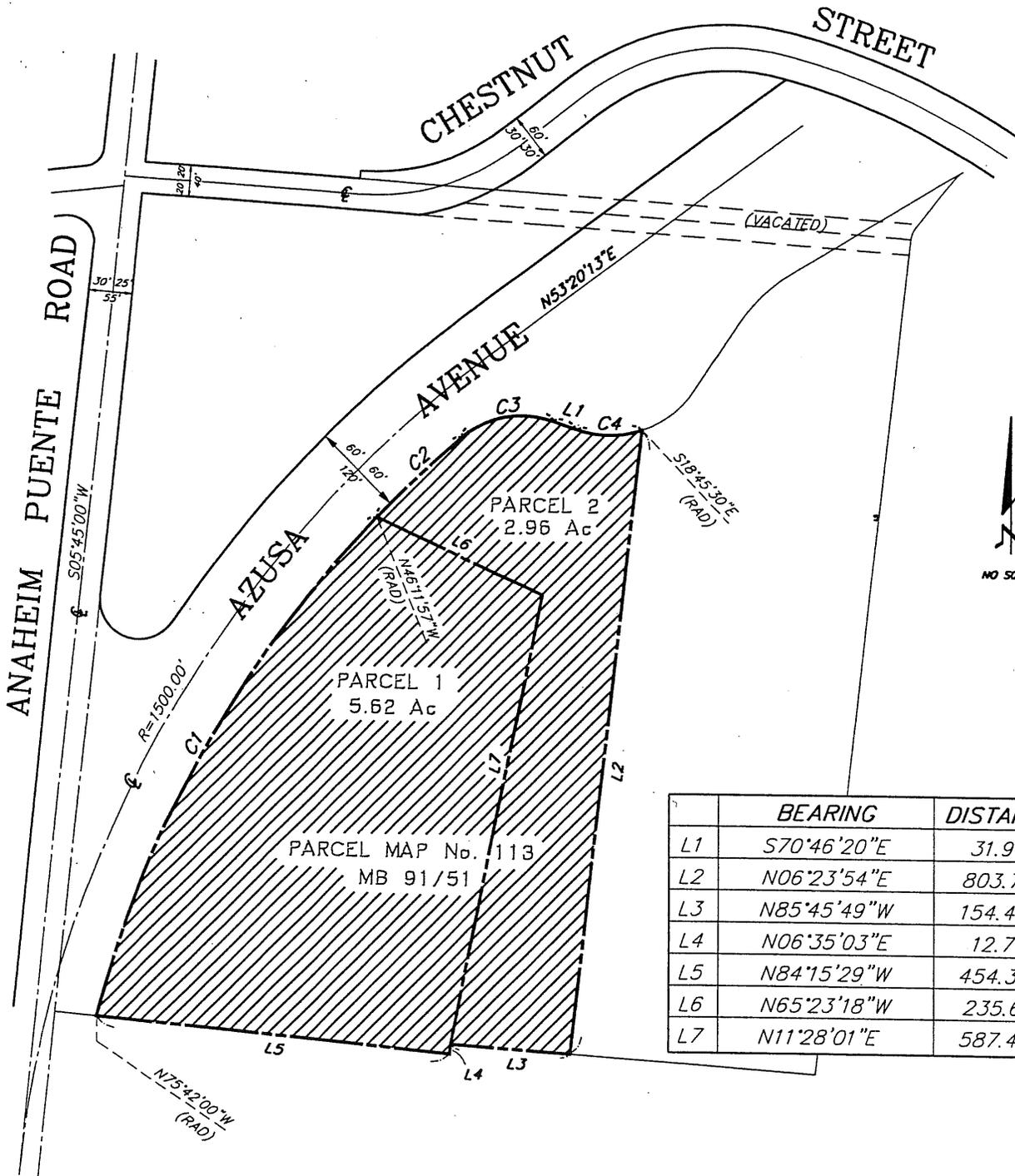


Nestor Cardenas, PLS 5824

CNC Engineering Job No C-1277.587

Checked by:  June 12, 2000





	DELTA	RADIUS	LENGTH
C1	29°30'03"	1440.00'	741.44'
C2	05°58'06"	1440.00'	150.00'
C3	59°27'31"	120.00'	124.53'
C4	37°59'10"	130.00'	86.18'

Prepared by:
CNC ENGINEERING
 255 N. HACIENDA BLVD, Suite 222
 CITY OF INDUSTRY, CA. 91744
 Phone (626) 333-0336

EXHIBIT B

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO AND
MAIL TAX STATEMENTS TO:**

This document is exempt from the payment of a recording fee pursuant to Government Code Section 6103.

The undersigned Grantor declares:
Documentary transfer tax is \$ _____.
Based on full value of land conveyed.

GRANT DEED

For valuable consideration, receipt of which is hereby acknowledged, the City of Industry, a California municipal corporation ("Grantor"), hereby grants to the Industry Urban-Development Agency, a California Redevelopment Agency ("Grantee"), that certain real property located in the City of Industry, County of Los Angeles, State of California, and legally described on Attachment No. 1 attached hereto and incorporated herein by reference (the "Property"), subject to all matters of record.

The Grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall the Grantee himself or herself or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land herein conveyed. The foregoing covenants shall run with the land.

Dated: _____

GRANTOR

CITY OF INDUSTRY
a California municipal corporation

By: _____

Its: _____

ATTEST:

Dated: _____

APPROVED AS TO FORM:

Michele R. Vadon, City Attorney

Dated: _____

By signing below the undersigned Grantee acknowledges and agrees to be bound by the Covenant set forth in the Agreement.

Dated: _____

GRANTEE

IUDA

By: _____

Its: _____

CITY OF INDUSTRY, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
FEBRUARY 22, 2001
Page 1

CALL TO ORDER

The Regular Meeting of the City Council of the City of Industry, California, was called to order by Mayor Dave Winn at 9:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Mayor Dave Winn.

ROLL CALL

PRESENT: Dave Winn, Mayor
John P. Ferrero, Council Member
Earl Mayberry, Council Member
Jack Phillips, Council Member
Dean Winn, Council Member

STAFF PRESENT: Philip L. Iriarte, City Manager; Michele Vadon, City Attorney; John Ballas, City Engineer; Mike Kissell, Planning Director; and Jodi L. Scrivens, City Clerk.

ORAL COMMUNICATIONS

There were no oral communications.

REGISTER OF DEMANDS – \$1,063,416.39

Council Member Mayberry abstained from the discussion and vote for the Zerep portion of this item due to a financial conflict of interest.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER WINN TO APPROVE THE REGISTER OF DEMANDS AND AUTHORIZE THE APPROPRIATE CITY OFFICIALS TO PAY THE BILLS. MOTION CARRIED 4-0, WITH COUNCIL MEMBER MAYBERRY ABSTAINING.

CONSENT CALENDAR

At the request of Council Member Phillips, City Manager Iriarte removed item 8 and item 9 from the Consent Calendar for separate discussion.

CITY OF INDUSTRY, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
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Page 2

MOTION BY COUNCIL MEMBER MAYBERRY, AND SECOND BY COUNCIL MEMBER FERRERO THAT THE RECOMMENDATIONS BE ACCEPTED FOR THE REMAINING ITEMS LISTED ON THE CONSENT CALENDAR. MOTION CARRIED 5-0.

1. **MOTION TO APPROVE THE READING BY TITLE OF ALL ORDINANCES AND RESOLUTIONS. SAID TITLES WHICH APPEAR ON THE PUBLIC AGENDA, SHALL BE DETERMINED TO HAVE BEEN READ BY TITLE AND FURTHER READING WAIVED.**

2. **CONSIDERATION OF THE MINUTES OF THE JANUARY 25, 2001 REGULAR MEETING**

APPROVED THE MINUTES AS SUBMITTED.

3. **CLAIM FOR DAMAGES SUBMITTED BY WILLIAM H. PAINE**

REJECTED CLAIM AND DIRECTED CITY CLERK TO SEND NOTIFICATION.

4. **REQUEST FOR AUTHORIZATION FOR VARIOUS STAFF MEMBERS TO ATTEND THE CALIFORNIA CONTRACT CITIES ASSOCIATION'S ANNUAL CONFERENCE IN PALM SPRINGS, MAY 17-20, 2001**

AUTHORIZED ATTENDANCE.

5. **CONSIDERATION OF ORDINANCE NO. 664 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ADDING A NEW TITLE 7 TO THE INDUSTRY MUNICIPAL CODE PERTAINING TO THE ESTABLISHMENT OF A PUBLIC UTILITIES SYSTEM FOR THE CITY OF INDUSTRY” (SECOND READING)**

ADOPTED ORDINANCE NO. 664.

6. **CONSIDERATION OF ORDINANCE NO. 665 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, PROHIBITING THE UNAUTHORIZED CLOSURE OF CITY STREETS, HIGHWAYS, OR THE UNAUTHORIZED USE OF CITY RIGHT OF WAY” (SECOND READING)**

ADOPTED ORDINANCE NO. 665.

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7. **CONSIDERATION OF ORDINANCE NO. 666 – “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, ESTABLISHING A COMMUNITY DEVELOPMENT AGENCY” (SECOND READING)**

ADOPTED ORDINANCE NO. 666.

8. **CONSIDERATION OF RESOLUTION NO. 1881 – “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, TO SET FORTH CERTAIN OPERATING STANDARDS FOR THE INDUSTRY PUBLIC UTILITIES COMMISSION”**

City Manager Iriarte removed this item from the Consent Calendar for separate discussion.

9. **CONSIDERATION OF RESOLUTION NO. 1882 – “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, TO SET FORTH CERTAIN OPERATING STANDARDS FOR THE INDUSTRY COMMUNITY DEVELOPMENT AGENCY”**

City Manager Iriarte removed this item from the Consent Calendar for separate discussion.

10. **CONSIDERATION OF A “COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL” FOR BECHLER CORPORATION INVOLVING THE PROPERTY AT 14841 EAST DON JULIAN ROAD**

APPROVED THE “COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL” AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.

11. **CONSIDERATION OF AN EASEMENT GRANT DEED FOR PUBLIC USE INVOLVING THE CITY-OWNED PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ANAHEIM-PUENTE ROAD AND CHESTNUT STREET**

APPROVED THE EASEMENT GRANT DEED AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.

12. **CONSIDERATION OF A PIPELINE CROSSING AGREEMENT BETWEEN THE CITY OF INDUSTRY AND UNION PACIFIC RAILROAD COMPANY FOR THE CONSTRUCTION OF AN 8-INCH SEWER MAIN LOCATED APPROXIMATELY 200 FEET EAST OF GRAND AVENUE, AT MILE POST 508.59**

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FEBRUARY 22, 2001
Page 4

APPROVED THE AGREEMENT AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.

13. **CONSIDERATION OF A PIPELINE CROSSING AGREEMENT BETWEEN THE CITY OF INDUSTRY AND UNION PACIFIC RAILROAD COMPANY FOR THE CONSTRUCTION OF AN 8-INCH SEWER MAIN LOCATED APPROXIMATELY 2,200 FEET EAST OF GRAND AVENUE, AT MILE POST 508.96**

APPROVED THE AGREEMENT AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE AGREEMENT.

14. **CONSIDERATION OF A PROPOSAL FROM IBE CONSULTING ENGINEERS FOR THE DESIGN OF MECHANICAL, ELECTRICAL AND PLUMBING REPAIRS AT THE INDUSTRY HILLS SWIM-TENNIS COMPLEX, CONSULTANT CONTRACT NO. 9-IBE-01-01, 141-158, IN THE AMOUNT OF \$52,320.00**

APPROVED THE PROPOSAL.

CONSIDERATION OF RESOLUTION NO. 1881 – “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, TO SET FORTH CERTAIN OPERATING STANDARDS FOR THE INDUSTRY PUBLIC UTILITIES COMMISSION”

City Manager Iriarte presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER WINN, AND SECOND BY COUNCIL MEMBER MAYBERRY TO ADOPT RESOLUTION NO. 1881. MOTION CARRIED BY THE FOLLOWING ROLL-CALL VOTE:

AYES: MAYBERRY, WINN, MPT/FERRERO, M/WINN

NOES: PHILLIPS

ABSENT: NONE

ABSTAIN: NONE

CONSIDERATION OF RESOLUTION NO. 1882 – “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, TO SET FORTH CERTAIN

CITY OF INDUSTRY, CALIFORNIA
CITY COUNCIL REGULAR MEETING MINUTES
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OPERATING STANDARDS FOR THE INDUSTRY COMMUNITY DEVELOPMENT AGENCY”

City Manager Iriarte presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER MAYBERRY TO ADOPT RESOLUTION NO. 1882. MOTION CARRIED BY THE FOLLOWING ROLL-CALL VOTE:

AYES: MAYBERRY, WINN, MPT/FERRERO, M/WINN

NOES: PHILLIPS

ABSENT: NONE

ABSTAIN: NONE

PUBLIC HEARING – REQUEST FOR APPEAL OF THE ACTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY ON JANUARY 11, 2001 TO APPROVE ZONE EXCEPTION NO. 00-2, AN APPLICATION FOR A ZONE EXCEPTION TO INDUSTRY MUNICIPAL CODE SECTION 17.36.060 [W(1)] TO ALLOW AN INCREASE IN THE MAXIMUM ALLOWABLE BUILDING SQUARE FOOTAGE FROM 33% OF THE TOTAL LOT AREA TO 41.3% OF THE TOTAL LOT AREA IN CONNECTION WITH THE CONSTRUCTION OF A NEW INDUSTRIAL BUILDING, LOCATED ON THE WEST SIDE OF NINTH AVENUE, SOUTH OF PROCTOR AVENUE, IN THE CITY OF INDUSTRY

MOTION BY COUNCIL MEMBER WINN, AND SECOND BY COUNCIL MEMBER MAYBERRY TO OPEN THE PUBLIC HEARING. MOTION CARRIED 5-0.

Planning Director Kissell presented a staff report to the City Council.

Mayor Winn inquired if anyone wished to be heard on the matter.

Mr. Orlando Ortega, Vice President of Cacique Inc. located at 14940 Proctor Avenue, addressed the City Council. Mr. Ortega expressed that he would rather not have been at the meeting and that he felt he had always worked with the city in a very amicable way. Mr. Ortega stated that there were unresolved issues, and that Cacique had tried to work with the situation as much as possible. Mr. Ortega further stated that significant expenses had been incurred in order to create alternatives without favoring any parties; however, the alternatives were not approved and the variance was issued. Mr. Ortega said he felt

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strongly about this issue, and that is why he formally appealed the decision.

Mr. Alexander Carpenter, Architect for Cacique Inc., addressed the City Council. Mr. Carpenter stated that the only obstruction was a 25 foot access easement to the Cacique property, which was utilized by employees of, and trucks making deliveries to, Cacique. Mr. Carpenter stated that the access easement provided one-way traffic to enter the property, and there is a one-way road to exit the property onto Proctor Avenue. Mr. Carpenter further stated that the 25 foot easement is subdivided by a 10-15 foot easement by Southern California Edison, thereby reducing the possible effective use of that easement to 15 feet rather than 25 feet. Mr. Carpenter pointed out an existing electrical pole, which reduced the easement area from 25 feet to 19 feet. Mr. Carpenter expressed his concern that, because of this reduction, trucks would not have enough room to maneuver past one-another for two-way traffic, and that there would not be sufficient back-up space available for the trucks. Mr. Carpenter stated that, according to Industry Municipal Code Section 16.10.010, a property must have a 26 foot-wide driveway. Mr. Carpenter further stated that, according to Industry Municipal Code Section 16.10.030, no driveway required by Section 16.10.010 of the code shall be shared in common with any other separate parcel of land in any industrial zone. He explained that this easement could not be utilized by both the Cacique property and the Samuelson property. He pointed out that the plan submitted showed both properties utilizing the easement. Mr. Carpenter recommended that the building be rotated which would avoid traffic congestion in the easement area.

At this point, Mayor Winn asked Mr. Carpenter to conclude his presentation.

Mr. Carpenter concluded by stating that Samuelson's specific reasoning for the zone exception application was because of a financial hardship. Mr. Carpenter submitted supplemental comments for the official record.

Mr. William Kunzman, Traffic Engineer registered with the State of California, addressed the City Council. Mr. Kunzman stated that there were approximately 25 to 30 trucks per day that access Cacique's facility, with a total of approximately 180 vehicles per day. Mr. Kunzman pointed out that the Samuelson property depicted in a drawing reflected a "spec" building, and that there are no tenants at this time. He further stated that the number and size of trucks to utilize the Samuelson property were not known. Mr. Kunzman demonstrated how trucks could possibly interfere with traffic on the easement. He also stated that the trucks could possibly cause difficulty for traffic to get through. Mr. Kunzman stated that there were two city ordinances that were being violated; one is the 100 foot ordinance and the other is the shared driveway ordinance. Mr. Kunzman concluded by suggesting the staggering of driveways, which he believed was critical to safety. Mr.

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Kunzman submitted supplemental comments for the record.

Engineer Ballas inquired as to whether or not Cacique blocked any of the easement area while making deliveries.

Mr. George Salmas, Legal Counsel for Cacique Inc., stated that cars and trucks never park on the easement, and he doesn't recall there ever being such an incident.

Engineer Ballas inquired if Cacique would rescind their appeal if the easement was enlarged 25ft to 30ft.

Mr. Salmas stated that it had not been discussed.

Mr. David Samuelson of Samuelson Partners stated that they would be open to anything.

Mayor Winn requested that the Public Hearing continue, and that the next speaker come forward.

Mr. Salmas addressed the City Council. Mr. Salmas pointed out that the purpose of a variance is a matter of law: to allow a parcel of property to have the same rights as other parcels. Mr. Salmas stated that the reason Samuelson has given in asking for the variance is that 33% coverage versus 42% coverage negatively impacts the value of the property, which was stated on their application. Mr. Salmas also pointed out that Cacique purchased land from Samuelson, with a key part of the transaction being easement rights. Mr. Salmas also stated that Samuelson made a lot of money from this transaction. Mr. Salmas said that Samuelson was paid for the easement, and that they could not take it back. Finally, Mr. Salmas stated that Samuelson has owned the property for a very long time, and they are still going to make a lot of money at 33% or at 42%, and that there was zero hardship to Samuelson in this matter. Mr. Salmas concluded by stating that all the adjacent land owners of the project have expressed safety concerns with regard to this project. Mr. Salmas submitted additional written comments for the record.

Mr. David Samuelson of Samuelson Partners addressed the City Council. Mr. Samuelson stated that he has been doing business in the City of Industry for more than 20 years. Mr. Samuelson stated that, in regards to the project area, the easement is a reciprocal easement, and that Samuelson has as much right to use the easement as Cacique. Mr. Samuelson further stated that they intend to build a building at the location, and that traffic will still be an issue. Mr. Samuelson also commented that there would be a small amount of tenants, and that the truck flow would be minimal. Mr. Samuelson concluded by stating that they intended to develop their location.

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FEBRUARY 22, 2001
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Mayor Winn inquired if anyone else wanted to be heard on the matter. There were no comments.

Planning Director Kissell stated that, with staff having heard all the testimony today, and since the zone exception is not necessary for the presentation of any substantial property right since the property can be fully developed to current standards, and the zone exception may be material detrimental to the public welfare and it could cause the granting of a special privilege, staff recommends that the City Council overrule the Planning Commission's decision and deny Zone Exception No. 00-2.

Planning Director Kissell asked if the City Council had any comments or questions. There were no comments.

MOTION BY COUNCIL MEMBER MAYBERRY, AND SECOND BY COUNCIL MEMBER WINN TO CLOSE THE PUBLIC HEARING. MOTION CARRIED 5-0.

RESOLUTION NO. 1880 – “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, TO DENY ZONE EXCEPTION NO. 00-2, AN APPLICATION TO ALLOW AN INCREASE IN THE MAXIMUM ALLOWABLE BUILDING SQUARE FOOTAGE FROM 33% OF THE TOTAL LOT AREA TO 41.3% OF THE TOTAL LOT AREA FOR A NEW INDUSTRIAL BUILDING TO BE LOCATED ON THE WEST SIDE OF NINTH AVENUE, SOUTH OF PROCTOR AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF”

MOTION BY COUNCIL MEMBER WINN, AND SECOND BY COUNCIL MEMBER FERRERO TO ADOPT RESOLUTION NO. 1880. MOTION CARRIED 5-0.

CONSIDERATION OF AN AGREEMENT BETWEEN THE CITY OF INDUSTRY AND THE INDUSTRY URBAN-DEVELOPMENT AGENCY FOR THE CONVEYANCE OF REAL PROPERTY LOCATED ON THE WEST SIDE OF AZUSA AVENUE, SOUTH OF CHESTNUT STREET

City Manager Iriarte presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER WINN TO APPROVE THE AGREEMENT BETWEEN THE CITY OF INDUSTRY AND THE INDUSTRY URBAN-DEVELOPMENT AGENCY FOR THE CONVEYANCE OF REAL PROPERTY LOCATED ON THE WEST SIDE OF AZUSA AVENUE, SOUTH OF CHESTNUT STREET. MOTION CARRIED 5-0.

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DEVELOPMENT PLAN – METROLINK STATION EXPANSION, 600 SOUTH BREA CANYON ROAD; ADDITION OF A 400 FOOT EXTENSION TO THE NORTH PLATFORM AND THE EXPANSION OF THE EXISTING PARKING LOT TO PROVIDE 606 NEW PARKING SPACES

Planning Director Kissell presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER PHILLIPS, AND SECOND BY COUNCIL MEMBER MAYBERRY TO APPROVE THE FINDINGS SET FORTH IN THE STAFF REPORT, APPROVE THE NEGATIVE DECLARATION, AND APPROVE THE DEVELOPMENT PLAN SUBJECT TO STANDARD CONDITIONS NUMBERS 1-4, 9, 10, AND 14, ALL ON FILE WITH THE CITY CLERK. MOTION CARRIED 5-0.

DEVELOPMENT PLAN – VERIZON WIRELESS, 711 FAIRWAY DRIVE; CONSTRUCTION OF A 62' HIGH, STEEL, MONOPOLE AND 57 SQUARE FEET OF EQUIPMENT CABINETS

Planning Director Kissell presented a staff report to the City Council.

MOTION BY COUNCIL MEMBER FERRERO, AND SECOND BY COUNCIL MEMBER MAYBERRY TO FIND THE PROJECT CATEGORICALLY EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVE THE FINDINGS SET FORTH IN THE STAFF REPORT, AND APPROVE THE DEVELOPMENT PLAN SUBMITTED BY VERIZON SUBJECT TO STANDARD CONDITIONS NUMBERS 1, 2, 4, 5, AND 14, ALL ON FILE WITH THE CITY CLERK. MOTION CARRIED 5-0.

CLOSED SESSION

City Clerk Scrivens indicated there was a need for a Closed Session as follows:

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(a): 1 case
Case: City of Industry v. Shell Oil Co., et al.
LASC# BC233853

Mayor Winn recessed the meeting into Closed Session at 9:32 a.m. pursuant to Government Code Section 54956.9(a).

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RECONVENE CITY COUNCIL MEETING

Mayor Winn reconvened the meeting at 9:48 a.m. All members of the City Council were present.

City Attorney Vadon reported that the City Council had reached settlement with Equilon Enterprises, LLC and Shell Oil Company.

ADJOURNMENT

There being no further business, the City Council adjourned.



DAVE WINN, MAYOR



JODI L. SCRIVENS, CITY CLERK



LEAD SHEET

"Kaf'an Properties"

RECEIVED 00 1008895
JUL 26 2000

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
JUN 30 2000 AT 8 A.M.

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

Deed

FEE

D.T.T.

FREE E

4

CODE

20

CODE

19

CODE

9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

8264 025 007

003

THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

City of Industry
P.O. Box 3366
City of Industry, CA 91744

Attention: John D. Ballas

Escrow No.
Title Order No.

RECEIVED 00 1008895

JUL 26 2000

2

APN: 8264-025-007,008, 8264-005-12

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX is \$ 0.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- Unincorporated area City of Industry

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged; LAWRENCE J. KAPLAN, hereby GRANT(S) to the City of Industry, a Municipal Corporation, the following described real property in the City of Industry, County of Los Angeles, State of California:

Per legal description, "Exhibit A" comprised of one (1) page and as shown on Map "Exhibit B" comprised of one (1) page, attached hereto.

Dated: 6/16/00

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On 6/16/00, before me,
Kevin Radecki

By: *Lawrence J. Kaplan*
LAWRENCE J. KAPLAN

Notary Public, personally appeared _____

Lawrence J. Kaplan

Personally known to me OR _____ Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kevin Radecki
Signature of Notary



EXHIBIT "A"
Legal No.344-a

LEGAL DESCRIPTION

THAT PARCEL OF LAND IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 126, PAGES 37 AND 38 OF RECORDS OF SURVEY AND RECORDED UNDER FILE No. 91-1142777 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 195,968 SQUARE FEET, (4.4988 ACRES) OF LAND, MORE OR LESS.

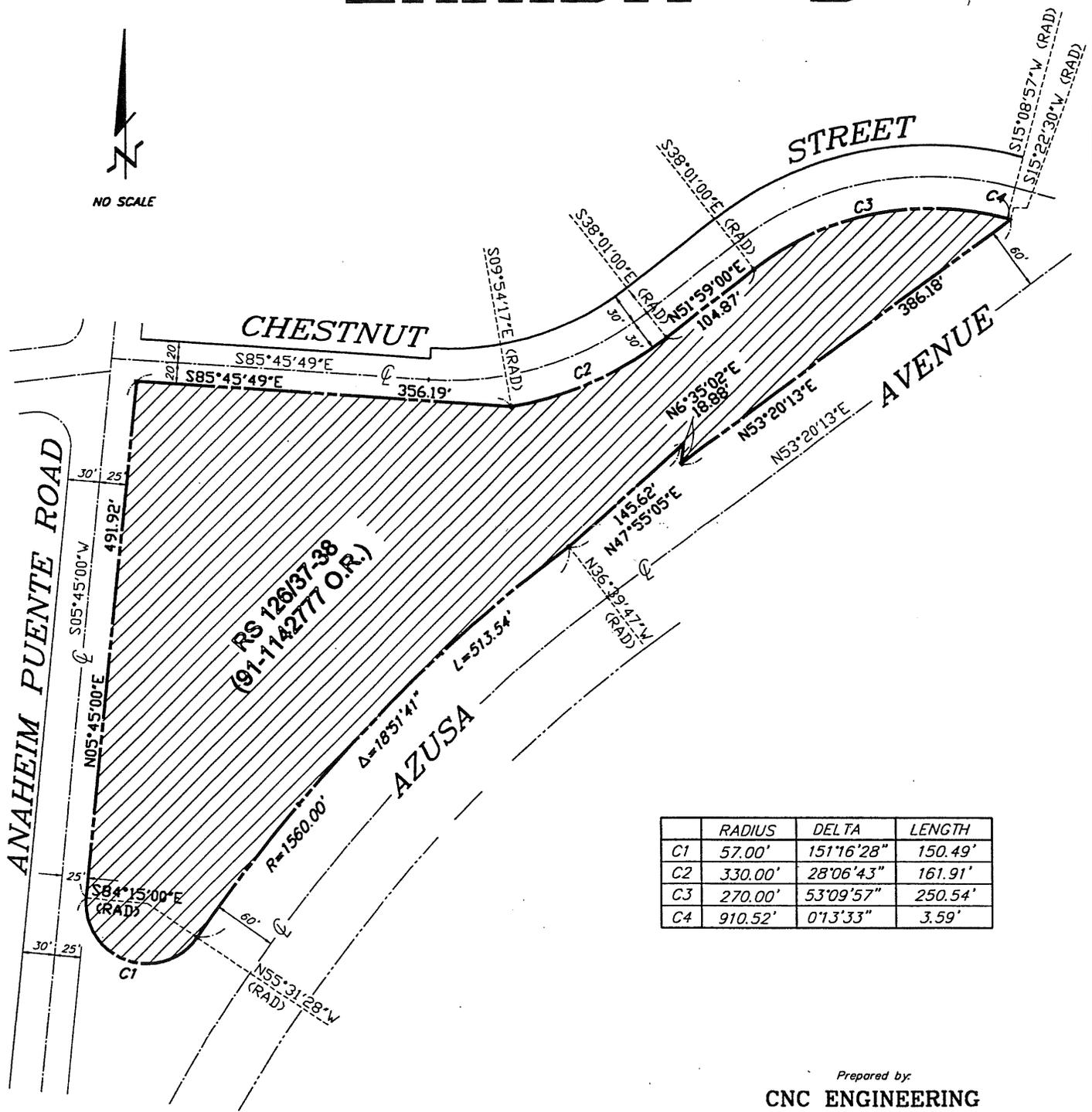


Nestor Cardenas, PLS 5824
CNC Engineering Job No C-1277.587
Checked by: [Signature] June 12, 2000



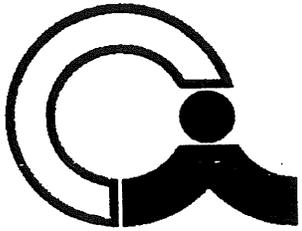
00 1008895

EXHIBIT "B"



	RADIUS	DELTA	LENGTH
C1	57.00'	151'16"28"	150.49'
C2	330.00'	28'06"43"	161.91'
C3	270.00'	53'09"57"	250.54'
C4	910.52'	0'13"33"	3.59'

5



CITY OF INDUSTRY CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant herein, dated June 16, 2000 from Lawrence J. Kaplan to the CITY OF INDUSTRY, a municipal corporation, is hereby accepted pursuant to authority conferred by Resolution No. 398 of the City Council of the City of Industry, adopted August 11, 1966, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: June 16, 2000

A handwritten signature in cursive script, appearing to read 'J. Scrivens', is written over a horizontal line.

Jodi L. Scrivens
City Clerk
CITY OF INDUSTRY, CALIFORNIA

00 1008895



LEAD SHEET

RECEIVED
JUL 26 2000

00 1008896

RECORDED/FILED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
JUN 30 2000 AT 8 A.M.

SPACE ABOVE THIS LINE FOR RECORDERS USE

TITLE(S)

FEE

D.T.T.

FREE E

H

CODE
20

CODE
19

CODE
9

Assessor's Identification Number (AIN)

To Be Completed By Examiner OR Title Company In Black Ink

Number of Parcels Shown

THIS FORM IS NOT TO BE DUPLICATED

RECORDING REQUESTED BY AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

City of Industry
P.O. Box 3366
City of Industry, CA 91744

Attention: John D. Ballas

00 1008896

2

Escrow No.
Title Order No.

APN: 8264-025-009, 10, 11, 12

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX is \$ 0.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- Unincorporated area City of Industry

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged; LAWRENCE J. KAPLAN and BETSY E. KAPLAN, HUSBAND AND WIFE AS JOINT TENANTS, hereby GRANT(S) to the City of Industry, a Municipal Corporation, the following described real property in the City of Industry, County of Los Angeles, State of California:

Per legal description, "Exhibit A" comprised of one (1) page and as shown on Map "Exhibit B" comprised of one (1) page, attached hereto.

Dated: 6/16/00

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On 6/16/00, before me,
Kevin Radecki

By: *Lawrence J. Kaplan*
LAWRENCE J. KAPLAN

Notary Public, personally appeared Lawrence J. Kaplan

By: *Betsy E. Kaplan*
BETSY E. KAPLAN

& Betsy E. Kaplan
 Personally known to me OR Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Kevin Radecki

Signature of Notary



EXHIBIT "A"
Legal No.344-b

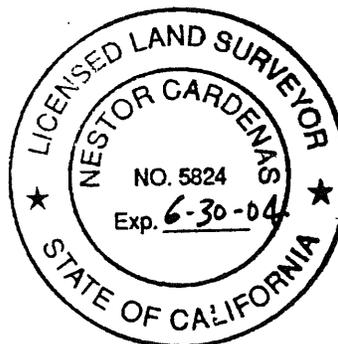
LEGAL DESCRIPTION

PARCELS 1 AND 2 OF PARCEL MAP No. 113, AS SHOWN ON MAP RECORDED IN BOOK 91, PAGE 51 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CONTAINING 373,745 SQUARE FEET, (8.58 ACRES) OF LAND, MORE OR LESS.

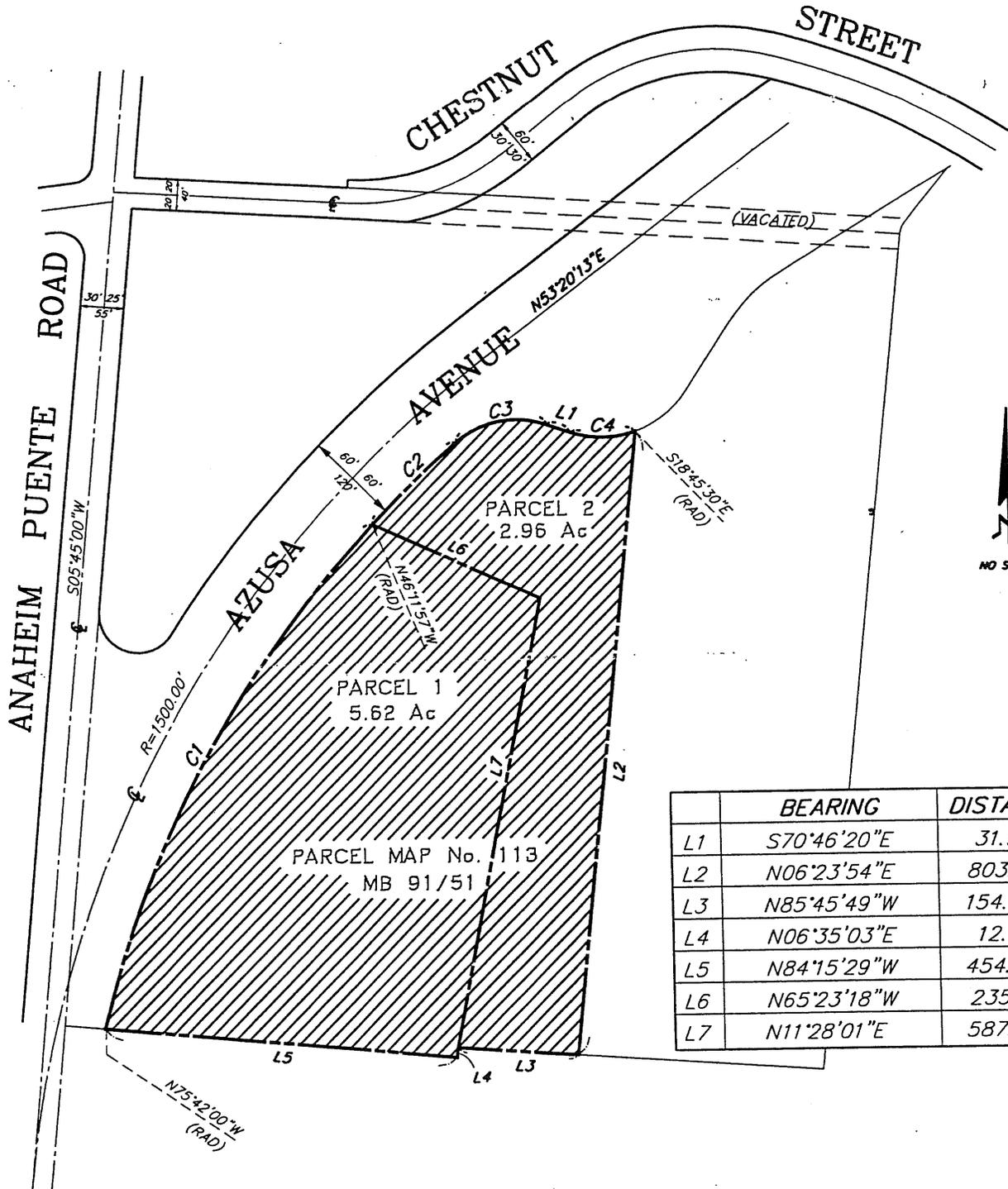


Nestor Cardenas, PLS 5824
CMC Engineering Job No C-1277.587
Checked by:  June 12, 2000



00 1008896

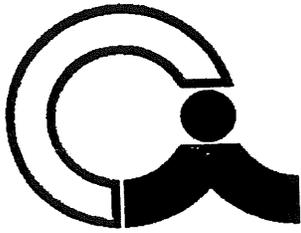
EXHIBIT "B"



	DELTA	RADIUS	LENGTH
C1	29°30'03"	1440.00'	741.44'
C2	05°58'06"	1440.00'	150.00'
C3	59°27'31"	120.00'	124.53'
C4	37°59'10"	130.00'	86.18'

Prepared by:
CNC ENGINEERING
 255 N. HACIENDA BLVD, Suite 222
 CITY OF INDUSTRY, CA. 91744
 Phone (626) 333-0336
 Job No. C-1277.535 . Junel 12,2000

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CITY OF INDUSTRY CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant herein, dated June 16, 2000 from Lawrence J. Kaplan and Betsy E. Kaplan, husband and wife as joint tenants, to the CITY OF INDUSTRY, a municipal corporation, is hereby accepted pursuant to authority conferred by Resolution No. 398 of the City Council of the City of Industry, adopted August 11, 1966, and the grantee consents to recordation thereof by its duly authorized officer.

Dated: June 16, 2000

A handwritten signature in cursive script, appearing to read "Scrivens", written over a horizontal line.

Jodi L. Scrivens
City Clerk
CITY OF INDUSTRY, CALIFORNIA

00 1008896