

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, APPROVING AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF BEAUMONT AND MPLD II INLAND EMPIRE, LLC

WHEREAS, City is a general law city and a municipal corporation of the State of California; and;

WHEREAS, MPLD II INLAND EMPIRE, LLC (“Owner”) owns approximately 198.38 acres of land, described in Exhibit “A” ("Subject Property") attached hereto and incorporated herein by this reference also known as Assessor’s Parcel No. 424-010-011 through 424-010-018, inclusive, located within an existing specific plan known as the Hidden Canyon Specific Plan, located south of SR-60 west of Potrero Boulevard and east of Jack Rabbit Trail in the City of Beaumont; and

WHEREAS, City approved that certain DEVELOPMENT AGREEMENT BY AND BETWEEN CITY OF BEAUMONT AND MPLD II INLAND EMPIRE, LLC dated December 3, 2019 which currently applies to the Property and City and developer desire to amend and restate the original Development Agreement as provided in this Agreement and supersede and replace the original Development Agreement.

WHEREAS, the property owner and the City agree to limitations on sewer flow as specified in the Amended and Restated Development Agreement as determined in the “Sewer Area Study and Preliminary Lift Station Design for Beaumont Crossroads II Logistics”; and

WHEREAS, the Subject Property is subject to the following entitlements: General Plan Amendment 11-GPA-02, Hidden Canyon Specific Plan 11-SPA-01, Hidden Canyon EIR and Addendum, Parcel Map 36426 and Plot Plan PP2018-0134 (“Development Approvals” or “Project”); and

WHEREAS, the Project will provide jobs and industry in the City of Beaumont; and

WHEREAS, Developer is not requesting any form of financial assistance from City to locate, develop, construct and/or operate the Project in the City of Beaumont, and agrees to comply with all conditions of approval; and

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Sections 65864 et seq. of the California Government Code, "Development Agreement Statute" which authorizes cities to enter into property development agreements with any person(s) or entity(ies) having a legal or equitable interest in real property for the development of such real property in order to establish certain development rights in the real property; and

WHEREAS, under Government Code Sections 65864 et seq. and Beaumont City

Council Resolution No. 1987-34 a development agreement is intended to provide assurances to developer that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of approval, regardless of any changes to City policies, rules, and regulations after project approval, and provide assurances that City cannot otherwise unilaterally impose conditions of approval of the project outside the context of a negotiated development agreement; and

WHEREAS, this Agreement will eliminate uncertainty in planning for and secure orderly development of the Subject Property, assure progressive installation of necessary improvements, and ensure attainment of the maximum effective utilization of resources within City at the least economic cost to its citizens; and

WHEREAS, based on the foregoing recitals, City has determined that this Agreement is appropriate under Government Code Sections 65864 et seq. and Beaumont City Council Resolution No. 1987-34; and

WHEREAS, this Agreement is voluntarily entered into in consideration of the benefits to and the rights created in favor of each of the parties hereto and in reliance upon the various representations and warranties contained herein; and

WHEREAS, City, as "Lead Agency" under the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, has determined that the "Project," as more fully described in this Ordinance, has been fully analyzed under CEQA and CEQA Guidelines and is subject to a certified EIR and addendum.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. RECITALS

That the above Recitals are true and correct and are incorporated as though fully set forth herein.

SECTION 2. APPROVAL OF AMENDED AND RESTATED DEVELOPMENT AGREEMENT

That the City Council hereby approves the Amended and Restated Development Agreement by and Between the City of Beaumont and MPLD II Inland Empire, LLC ("Development Agreement"), a copy of which is attached hereto as **Exhibit "B"** and incorporated herein by this reference, subject to the terms and conditions stated therein.

SECTION 3. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court

action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE OF ORDINANCE

That this Ordinance shall take effect thirty (30) days after its second reading by the City Council.

SECTION 5. EFFECTIVE DATE OF DEVELOPMENT AGREEMENT

The Development Agreement shall not be executed by the City until on or after the effective date of the Ordinance.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Beaumont Municipal Code as heretofore adopted by the City of Beaumont that are in conflict with the provisions of this ordinance are hereby superseded to the extent of such inconsistency.

SECTION 7. RECORDATION OF DEVELOPMENT AGREEMENT

The City Clerk is hereby directed to record the fully executed Amended and Restated Development Agreement with the Riverside County Recorder no later than ten (10) days after its execution.

SECTION 8. CERTIFICATION

That the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 21st day of July, 2020, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the ___th day of August, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

Ray Santos, Mayor

Attest: _____
Nicole Wheelwright, Deputy City Clerk

Approved as to form:

John O. Pinkney, City Attorney

EXHIBIT "A"

EXHIBIT "B"