

ORDINANCE NUMBER

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BEAUMONT, CALIFORNIA, APPROVING AN ASSIGNMENT OF
AN AMENDED AND RESTATED DEVELOPMENT AGREEMENT BY
AND BETWEEN THE CITY OF BEAUMONT AND
MPLD II INLAND EMPIRE, LLC,
MPLD INLAND EMPIRE ULC, LLC AND
MPLD INLAND EMPIRE KRD, 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 November 13, 2020 which 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, City approved amendment no. 1 to the development agreement by and between the City of Beaumont and MPLD II Inland Empire LLC dated July 21, 2020 to restrict sewer flows which also currently applies to the Property as provided in this Agreement.

WHEREAS, City and developer desire to partially assign the amended and restated Development Agreement as provided in the attached Agreement to convey two parcels as follows: Parcel 1 of Parcel Map 36426 (APNs 424-010-011 and 016) ULC Property to MPLD Inland Empire ULC, LLC and Parcel 2 of Parcel Map 36426 (APN 424-010-012) KRB Property to MPLD Inland Empire KRB, LLC with all rights and responsibilities of the development agreement relative to these properties being conveyed with these assignments.

WHEREAS, the Subject Properties are 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, 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, 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 ASSIGNMENT OF AMENDED AND RESTATED DEVELOPMENT AGREEMENT

That the City Council hereby approves the Assignment of Amended and Restated Development Agreement by and Between the City of Beaumont and MPLD II Inland Empire, LLC, MPLD Inland Empire ULC, LLC and MPLD Inland Empire KRB, 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.

PASSED AND ADOPTED THIS 15th day of NOVEMBER 2022.

CITY OF BEAUMONT CITY COUNCIL

Lloyd White, Mayor

ATTEST:

Nicole Wheelwright, Deputy City Clerk

APPROVED AS TO FORM:

John Pinkney, City Attorney

EXHIBIT "A"

EXHIBIT "B"