

RESOLUTION NO. 2024-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO, CALIFORNIA, DESIGNATING CERTAIN PRESERVE CIRCULATION (STREETS, SIGNALS & BRIDGES) DEVELOPMENT IMPACT FEE PROJECTS AS “HIGH PRIORITY” PER CHINO MUNICIPAL CODE 3.45 TITLED DEVELOPMENT IMPACT FEES

WHEREAS, Pursuant to that certain Preserve Development Agreement No. 2004-073, effective July 1, 2004, by those certain First, Second and Third Amendments thereto and that certain Amended and Restated Development Agreement No. 2023-0182285 effective July 21, 2023, among City of Chino (“City”) and Chino Development Corporation, and Chino Preserve Development Corporation (collectively, “Developer”), and the conditions of approval for Tracts 16419, 16419-1, 16420, 16420-1, 17057, 17571, 17572, and 19994, Developer was required to design and construct several major projects, including, but not limited to, primary arterials such as Pine and Hellman Avenues, secondary arterials such as Kimball Avenue, collector roads such as Rincon Meadows, and multiple traffic signals (collectively referred to as “Transportation Improvements”) as a condition to the development of The Preserve; and

WHEREAS, Developer has completed all work required in connection with the design and construction of the Transportation Improvements according to the specifications of the City and under the inspection of, and to the satisfaction of the Director of Public Works of the City.

WHEREAS, The Development Impact Fee (“DIF”) Ordinance provides that if, as a condition of approval of a development project, a developer constructs a public facility identified in the Nexus Reports, for which a DIF is imposed, Developer shall be eligible to receive reimbursement and a fee credit toward the DIFs imposed on the project for the same type of public facility so constructed, and shall be entitled to credit for eligible costs of constructing the public facilities; and

WHEREAS, City and Developer desire to enter a Construction Credit & Reimbursement (“Agreement”) for the Transportation Improvements; and

WHEREAS, Developer and City desire to memorialize herein Developer’s right to the highest priority reimbursement of funds from The Preserve Circulation (Streets, Signals & Bridges) DIF fund; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Chino does hereby determine, find, resolve, and order as follows:

SECTION 1. The public improvements which comprise the Transportation Improvements are the subject of the Agreement, which were constructed and accepted by the City for use prior to the date of the completion and acceptance by the City of any other Circulation DIF facilities which may be eligible for reimbursement.

SECTION 2. Accordingly, pursuant to the first-in/first-out provision of the DIF Ordinance (*i.e.*, Section 3.45.130.A7), reimbursement to Developer for the Transportation Improvements shall

have priority and be first in line over all other Circulation DIF facilities. As such, as of the Effective Date of the Agreement.

SECTION 3. City shall reimburse Developer the Remaining Transportation DIF Credit and Reimbursement Amount per the terms of the Agreement, less (i) the amount of the any Credits applied to any project on the Developer’s Properties after the Effective Date and (ii) the amount reimbursed to Developer after the Effective Date, to the full extent of available Circulation DIFs then held by City until the Remaining Circulation DIF Credit and Reimbursement Amount is reimbursed in full via DIF Credits and reimbursements.

APPROVED AND ADOPTED THIS 19th DAY OF NOVEMBER 2024.

EUNICE M. ULLOA, MAYOR

ATTEST:

NATALIE GONZAGA, CITY CLERK

State of California)
County of San Bernardino)ss.
City of Chino)

I, NATALIE GONZAGA, City Clerk of the City of Chino, do hereby certify that the forgoing Resolution was duly adopted by the City Council at a regular meeting held on the 19th day of November 2024, by the following votes:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

NATALIE GONZAGA, CITY CLERK