

**RESOLUTION NO. 2026-003**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 54221 DECLARING CITY OWNED REAL PROPERTY IDENTIFIED WITH ASSESSOR'S PARCEL NUMBERS 0228-051-14-0000 AND 0228-051-15-0000 AS EXEMPT SURPLUS LAND PURSUANT TO THE SURPLUS LAND ACT, GOVERNMENT CODE SECTION 54220, ET SEQ.; AUTHORIZING THE CITY MANAGER AND HIS DESIGNEE(S) TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH THE SURPLUS LAND ACT PURSUANT TO STATE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") GUIDELINES SECTION 15312; AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE SALE AGREEMENT REGARDING THE PROPERTY, CONDITIONED ON COMPLIANCE WITH CEQA PURSUANT TO CEQA GUIDELINES SECTION 15004(b)(2); AND DIRECTING STAFF TO ISSUE A NOTICE OF EXEMPTION.**

**WHEREAS**, the City of Fontana owns the fee simple interest in real property, consisting of two adjacent parcels of land located at 6578 Knox Ave, identified with Assessor's Parcel No. 0228-051-14-0000 ("Parcel 1") and 6616 Knox Avenue, identified with Assessor's Parcel No. 0228-051-15-0000 ("Parcel 2"), and as identified and depicted in **Exhibit A**, attached hereto and by this reference incorporated herein (Parcel 1 and Parcel 2 are collectively referred to as the "Property"); and

**WHEREAS**, the Property is no longer necessary for the City's use and may be disposed of as "surplus land" pursuant to the Surplus Land Act, Government Code sections 54220, et seq. (the "Act"); and

**WHEREAS**, the Act applies when a local agency disposes of "surplus land," which is defined in the Act as "land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use." (Gov. Code § 54221(b)(1)); and

**WHEREAS**, the Act expressly does "not apply to the disposal of exempt surplus land" under Government Code section 54222.3; and

**WHEREAS**, under the Act, the Property may be declared as exempt surplus land pursuant to Government Code section 54221, subdivision (f)(1)(B), if the surplus land is less than one-half acre in area (21,780 square feet) and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes; and

**WHEREAS**, the Property may be declared as exempt surplus land consistent with Government Code section 54221(f)(2) of the Act because the Property is not: within a

coastal zone; adjacent to a historical unit of the State Parks System; listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places; or, within the Lake Tahoe region as defined in Government Code section 66905.5; and

**WHEREAS**, the Act requires local agencies to declare certain real property that it owns in fee as either “surplus land” or “exempt surplus land,” as supported by written findings, prior to any disposition of the real property; and

**WHEREAS**, the City Council has reviewed this Resolution and now desires to declare the Property as exempt surplus land under the Act, based on the findings and justifications contained in this Resolution; and

**WHEREAS**, pursuant to the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”), staff has determined that the potential actions contemplated involve the sale of exempt surplus government property, which is exempt from environmental review under CEQA pursuant to State CEQA Guidelines section 15312, as the Property is not located in an area of statewide, regional or area-wide concern per CEQA Guidelines Section 15206(b)(4).

**WHEREAS**, in connection with the declaration of the Property as exempt surplus land, staff has negotiated a proposed Purchase Sale Agreement with Fontana Investment 2023 LLC, a Delaware limited liability company (“Buyer”); and

**WHEREAS**, the terms of the proposed Purchase Sale Agreement impose, as a condition precedent for the City's obligation to close escrow, the requirement that the Buyer submit a project application and obtain entitlements from the City for a development that involves a residential housing pursuant the City's completion of any required environmental review pursuant to CEQA such that, per CEQA Guidelines section 15004(b)(2), the approval of the Purchase and Sale Agreement is not the approval of a “project” under CEQA; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Fontana, California as follows:

**Section 1.** The above recitals are true and correct and are a substantive part of this Resolution and findings of the City Council of the City of Fontana.

**Section 2.** The City Council finds and declares that the Property (Assessor's Parcel Numbers 0228-051-14-0000 and 0228-051-15-0000) is exempt surplus land, in accordance with the California Surplus Land Act (Government Code section 54220, et seq.). The City Council bases this declaration on the following findings:

- The City currently owns the fee interest in the Property located at 6578 and 6616 Knox Avenue, identified with Assessor's Parcel Numbers 0228-051-14-0000 (“Parcel 1”) and 0228-051-15-0000 (“Parcel 2”), respectively, south of South Highland Avenue in the City of Fontana, California.

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- The Property consisting of Parcel 1 is approximately 2,327 square feet in size and Parcel 2 is approximately 14,485 square feet in size, and all together the size of both parcels is 16,812 square feet, which is less than one-half acre or 21,780 square feet.
- There is no land contiguous to the Property that is being used for open-space or low- and moderate-income housing purposes.
- The vacant land on the western side of the Property is owned by a school district and such land is not currently being used; the land on the south side of the Property is privately owned and has a single family residence situated thereon and streets are located on the other sides of the Property.
- Furthermore, none of the characteristics listed under Government Code section 54221(f)(2) apply to the Property.

**Section 3.** The City Council finds and determines, after independent review and consideration, that pursuant to the California Environmental Quality Act (Public Resources Code section 21000, et seq.) (“CEQA”) that the authorization of the Purchase Sale Agreement and potential sale of the Property according to the terms and conditions thereof is exempt from further environmental review pursuant to State CEQA Guidelines section 15312 as the Property is not located in an area of statewide, regional or area-wide concern per CEQA Guidelines section 15206(b)(4) and directs staff to issue a Notice of Exemption regarding this determination.

**Section 4.** The City Council authorizes the City Manager or his designee(s) to take all actions necessary to comply with the Act, including but not limited to directed to send a copy of this Resolution to the California Department of Housing and Community Development in accordance with the requirements of Section 400(e) of the Act Guidelines.

**Section 5.** The City Council finds that the terms of the proposed Purchase Sale Agreement impose, as a condition precedent for the City’s obligation to close escrow, the requirement that the Buyer submit a project application and obtain entitlements from the City for a development that involves a residential housing pursuant the City’s completion of any required environmental review pursuant to CEQA such that, per CEQA Guidelines section 15004(b)(2), the approval of the Purchase and Sale Agreement is not the approval of a “project” under CEQA and directs staff to issue a Notice of Exemption regarding this determination.

**Section 6.** The City Council approves the Purchase Sale Agreement and authorizes the City Manager and/or his designee(s) to take all actions necessary or appropriate to complete the disposition of the Property pursuant its terms and conditions.

**Section 7.** If any section, subsection, paragraph, sentence, clause or phrase of this Resolution is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution.

**Section 8.** The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

**APPROVED AND ADOPTED** this 10<sup>th</sup> day of February 2026.

**READ AND APPROVED AS TO LEGAL FORM:**

\_\_\_\_\_  
City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 10<sup>th</sup> day of February, 2026, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
City Clerk of the City of Fontana

\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

\_\_\_\_\_  
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION AND DEPICTION OF PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE EAST ½ OF THE SOUTH ½ OF LOT 26 OF THE PRANK C. PLATT HIGHLAND AVENUE ACRES, TRACT 2066 AS FILED IN BOOK 30 PAGE 10 OF HAPS, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA IN THE CITY OF FONTANA' COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA' ALSO BEING WITHIN SECTION 36, TOWNSHIP 1 NORTH, RANGE 6 WEST, SAN BERNARDINO BASE AND MERIDIAN.

THE NORTHEAST 1/4 OF LOT 25 OF THE FRANK C. PLATT HIGHLAND AVENUE ACRES, TRACT 2066 AS FILED IN BOOK 30 PAGE 10 OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ALSO BEING WITHIN SECTION 36, TOWNSHIP 1 NORTH, RANGE 6 WEST SAN BERNARDINO BASE AND MERIDIAN.

APNS: 0228-051-14; 0228-051-15