

RESOLUTION NO. 2024-001

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT REAL PROPERTY OWNED BY THE AGENCY LOCATED AS SHOWN ON THE ATTACHED LEGAL DESCRIPTION, LOCATED ON OLEANDER AVENUE, IS EXEMPT SURPLUS LAND FOR PURPOSES STATED HEREIN, AND FINDING THAT SUCH DECLARATION AND AUTHORIZATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the City of Fontana (the “Agency” or the “City”) is the owner in fee simple of that certain real property described in Exhibit “A”, attached and incorporated herein, which property is approximately 3065 square feet in size and is located on Oleander Avenue in the City of Fontana (“Property”); and

WHEREAS, the Property is less than one half-acre in area and is not contiguous to land owned by the City that is used for open-space or low- and moderate-income housing purposes; and

WHEREAS, the Property, at the time of the conveyance, will be a former street, right-of-way, or easement, and is to be conveyed to the owner of adjacent land provided that the City vacates that portion of Oleander Avenue prior to the conveyance; and

WHEREAS, the City no longer has any use for the Property and it is not part of the City’s General Plan Community Mobility and Circulation Element; and

WHEREAS, the Surplus Land Act, Government Code sections 54220 *et seq.* (as amended, the “Act”), applies when a local agency disposes of “surplus land,” as that term is defined in Government Code section 54221; and

WHEREAS, the Property is “surplus land” under the Act, because it is land owned in fee simple by the Agency for which the City Council will take formal action (in the form of adoption of this resolution) in a regular public meeting declaring that the land is surplus and is not necessary for the Agency’s use; and

WHEREAS, the Act exempts certain surplus land from its requirements, including land that is (i) “less than one-half acre in area and is not contiguous to land owned by the state or local agency that is used for open-space or low- and moderate-income housing purposes.” (Government Code section 54221(f)(1)(B)), and “land that is a former street, right-of-way, or easement, and is conveyed to an owner of an adjacent property.” (Government Code section 54221(f)(1)(E)); and

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WHEREAS, Government Code section 54221(f)(1)(B) currently applies to the Property, and Government Code section 54221(f)(1)(E) will apply to the Property at the time of sale contingent on the occurrence of vacation of that portion of Oleander Avenue; and

WHEREAS, none of the characteristics listed in Government Code section 54221(f)(2) apply to the property; 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.

Section 2. The City Council hereby declares that (i) the Property is surplus land and not necessary for the Agency's use, and (ii) the Property is exempt from the Act pursuant to section 54221(f)(1)(B) of the Act, and (iii) the Property will be exempt from the Act pursuant to section 54221(f)(1)(E) for purpose of sale to the adjacent property owner. The bases for this declaration are the findings that:

- A. The Property is approximately 3065 square feet in area,
- B. The Property is not contiguous to land owned by the local agency that is used for open-space or low- and moderate-income housing purposes, and
- C. The City will conduct a vacation of the portion of Oleander Avenue between Highland Avenue and South Highland Avenue prior to the proposed sale. The Property will be included in the area of the proposed vacation.

Section 3. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"). Agency staff has determined that the designation of this property as exempt surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15060(c)(3), because it is not a project as defined by the CEQA Guidelines, Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the Property is sold to a purchaser, and that purchaser proposes a use for the Property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

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Section 4. 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 5. The City Clerk shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED the 23rd day of January, 2024.

READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran

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 23rd day of January, 2024, by the following vote to wit:

AYES: Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran, Roberts and Sandoval

NOES: N/A

ABSENT: N/A

ABSTAIN: N/A

Germaine Key

City Clerk of the City of Fontana

Acquanetta Warren

Mayor of the City of Fontana

ATTEST:

Germaine Key

City Clerk

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Exhibit A

Legal Description

THAT PORTION OF LOT 10 OF TRACT 1909, IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA ACCORDING TO MAP FILED IN BOOK 27, PAGE 70 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

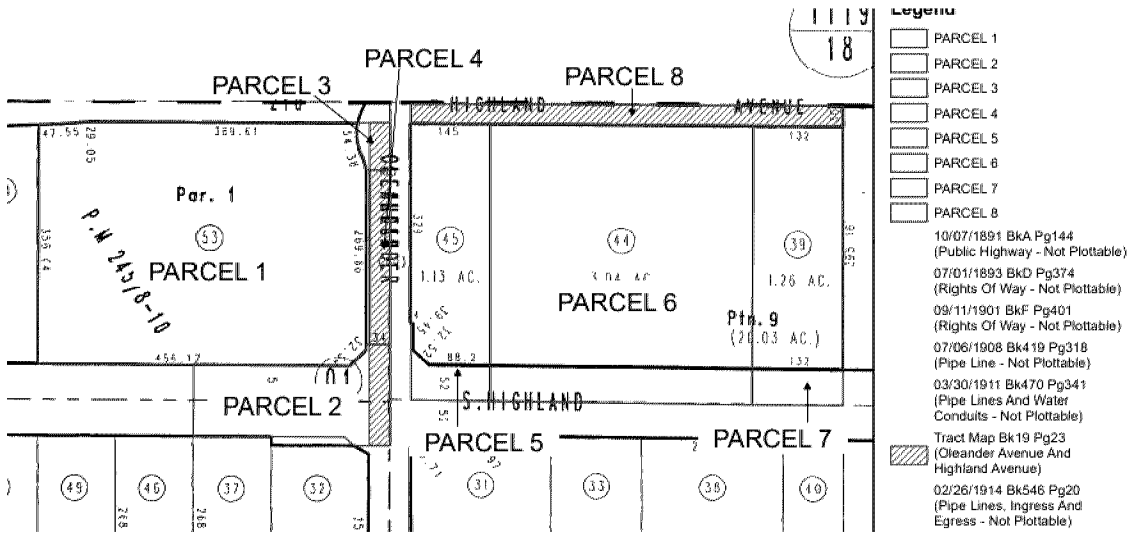
BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 10, SAID CORNER BEING THE POINT OF INTERSECTION OF THE WESTERLY LINE OF OLEANDER AVENUE (60.00 FEET WIDE) WITH THE SOUTHERLY LINE OF HIGHLAND AVENUE (60.00 FEET WIDE) AS SHOWN ON SAID MAP; THENCE ALONG SAID WESTERLY LINE OF SAID OLEANDER AVENUE, SOUTH 00° 15' 56" EAST, 21.296 METERS; THENCE SOUTH 89° 44' 04" WEST, 1.524 METERS TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 11.131 METERS, A RADIAL LINE THROUGH SAID POINT BEARS NORTH 89° 44' 04" EAST; THENCE NORTHWESTERLY, ALONG SAID CURVE, AN ARC LENGTH OF 5.425 METERS THROUGH A CENTRAL ANGLE OF 27° 55' 24" TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 24.445 METERS, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 61° 48' 40" WEST; THENCE NORTHERLY, ALONG SAID CURVE, AN ARC LENGTH OF 16.573 METERS THROUGH A CENTRAL ANGLE OF 38° 50' 38" TO A POINT ON THE NORTHERLY LINE OF SAID LOT 10, SAID NORTHERLY LINE BEING THE SOUTHERLY LINE OF SAID HIGHLAND AVENUE; THENCE ALONG SAID NORTHERLY LINE, NORTH 89° 40' 42" EAST, 5.223 METERS TO THE POINT OF BEGINNING.

TOGETHER WITH THAT PORTION OF THE WEST HALF OF OLEANDER AVENUE ADJACENT THERETO, BOUNDED NORTHERLY BY THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LAND DESCRIBED ABOVE AND BOUNDED SOUTHERLY BY THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LAND DESCRIBED ABOVE, WHICH UPON VACATION WOULD REVERT TO THE FEE OWNER OF SAID LAND BY OPERATION OF LAW.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 5. MULTIPLY ALL DISTANCES USED IN THE ABOVE DESCRIPTION BY 1.00009175 TO OBTAIN GROUND LEVEL DISTANCES.

APN: ADJACENT TO 0240-011-53-0-000

For visual reference only, the land exempt from the Surplus Land Act is depicted below as Parcel 3:



Certificate Of Completion

Envelope Id: F1A6B1F6E5A2470E914AD0BD5F821511
Subject: Please Sign Reso 2024-001.pdf
Source Envelope:
Document Pages: 5
Certificate Pages: 5
AutoNav: Enabled
Envelope Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:
City Clerk
8353 Sierra Avenue
Fontana, CA 92335
clerks@fontana.org
IP Address: 192.146.186.96

Record Tracking

Status: Original
1/25/2024 | 02:02 PM

Holder: City Clerk
clerks@fontana.org

Location: DocuSign

Signer Events

Ruben Duran
ruben.duran@bbklaw.com
Security Level: Email, Account Authentication
(None)

Signature



Signature Adoption: Pre-selected Style
Using IP Address: 174.202.5.52
Signed using mobile

Timestamp

Sent: 1/25/2024 | 02:11 PM
Viewed: 1/27/2024 | 10:26 PM
Signed: 1/27/2024 | 10:26 PM

Electronic Record and Signature Disclosure:
Accepted: 1/27/2024 | 10:26 PM
ID: 454aea97-0e99-4dd5-9c97-1dfe40dc2f78

Acquanetta Warren
awarren@fontana.org
Security Level: Email, Account Authentication
(None)



Signature Adoption: Pre-selected Style
Using IP Address: 174.218.122.30
Signed using mobile

Sent: 1/27/2024 | 10:26 AM
Viewed: 1/29/2024 | 06:57 AM
Signed: 1/29/2024 | 06:57 AM

Electronic Record and Signature Disclosure:
Accepted: 1/29/2024 | 06:57 AM
ID: c096eaff-aabc-4888-9b2c-00dd3c8f4872

Germaine Key
gkey@fontana.org
Security Level: Email, Account Authentication
(None)



Signature Adoption: Pre-selected Style
Using IP Address: 107.201.246.59
Signed using mobile

Sent: 1/29/2024 | 06:57 AM
Viewed: 1/29/2024 | 09:39 AM
Signed: 1/29/2024 | 09:40 AM

Electronic Record and Signature Disclosure:
Accepted: 1/29/2024 | 09:39 AM
ID: 0e7f4066-30dd-40da-8846-a67e86b3391a

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Kathy Kasinger
kkasinger@fontana.org
Records Coordinator

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Accepted: 6/26/2023 | 12:01 PM
ID: 313ff663-c622-41d0-ac8d-292f7d782a66

Wendy Duenas
wduenas@fontanaca.gov

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Status

COPIED

COPIED

Timestamp

Sent: 1/29/2024 | 09:40 AM
Viewed: 1/29/2024 | 10:00 AM

Sent: 1/29/2024 | 09:40 AM

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent
Certified Delivered
Signing Complete
Completed

Hashed/Encrypted
Security Checked
Security Checked
Security Checked

1/25/2024 | 02:11 PM
1/29/2024 | 09:39 AM
1/29/2024 | 09:40 AM
1/29/2024 | 09:40 AM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

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To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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