

RESOLUTION NO. 2026-045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING A RELEASE AGREEMENT RELEASING CERTAIN REAL PROPERTY FROM THE OBLIGATIONS, CONDITIONS, AND RESTRICTIONS OF THAT CERTAIN DISPOSITION AGREEMENT APPROVED BY THE CITY COUNCIL OF THE CITY OF FONTANA ON JULY 2, 2020 BY AND BETWEEN THE CITY OF FONTANA AND HDO4, LLC

WHEREAS, on July 2, 2020, the City Council of the City of Fontana adopted Resolution No. 2020-78, approving a Disposition Agreement by and between the City of Fontana (“City”) and HDO4, LLC (“HDO4”) (the “Disposition Agreement”) regarding the disposition and development of real property located along Duncan Canyon Road between Citrus Avenue and the I-15 Freeway more specifically described on Exhibit “A” which is attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, among other matters, the Disposition Agreement bound HDO4 to purchasing the property and imposed several restrictions and obligations related to the development of the Property; and

WHEREAS, HDO4 is developing a portion of the Property shown on Exhibit “B” which is attached hereto and incorporated herein by this reference, and which is referred to as the “Subject Property” for various residential and commercial uses associated with the Ventana at Duncan Canyon Specific Plan (“Specific Plan”); and

WHEREAS, the City anticipates that development of the Specific Plan will promote economic growth, community aesthetics, and harmonious development within the City which will benefit the welfare of its residents; and

WHEREAS, market and economic conditions in the City have changed since the parties approved the Disposition Agreement, such that the Disposition Agreement now imposes several barriers on the development of the Subject Property, which, if kept in place, would materially delay the development thereof; and

WHEREAS, in the interest of facilitating development of the Specific Plan at the Subject Property, the City and HDO4 mutually desire to approve the Release Agreement attached hereto as Exhibit “C” and incorporated herein by this reference to release the Subject Property from the obligations and restrictions of the Disposition Agreement while preserving certain preserved claims in favor of the City; and

WHEREAS, approval of this Resolution does not constitute approval by the City of any development of the Property or of other activity on the Property that would have a direct or reasonably foreseeable indirect environmental impact pursuant to the California Environmental Quality Act (CEQA). (Pub. Res. Code, § 21065; 14 Cal. Code Regs., §§ 15060(c)(2), 15064(d), & 15378); and

WHEREAS, in accordance with CEQA, the City Council of the City of Fontana certified the Specific Plan Environmental Impact Report (SCH No. 2005111048) on March 27, 2007 (“Certified EIR”). The Certified EIR adequately addressed the project impacts associated with the adoption of the Specific Plan. The requirements of the Specific Plan run with the Property regardless of ownership and are not impacted by the Disposition Agreement or the release therefrom. Accordingly, no further environmental review is required in connection with approval of this Resolution pursuant to CEQA Guidelines Sections 15162 through 15164. (14 Cal. Code Regs., §§ 15162–15164); and

WHEREAS, all the prerequisites with respect to the approval of this Resolution have been met.

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

Section 1. Recitals and Exhibits. The Recitals set forth above and Exhibits attached to this Resolution are true and correct and are incorporated into this Resolution by this reference.

Section 2. Approval of Release Agreement. The City Council hereby approves the Release Agreement, in substantially the form attached to this Resolution as Exhibit “C”, subject to any non-substantive revisions which do not increase the City’s liability and are approved by the City Attorney, and authorizes the City Manager to sign and enter into the Release Agreement on behalf of the City and direct the City Manager to perform the obligations of the City under the Release Agreement.

Section 3. CEQA. Approval of this Resolution does not constitute approval by the City of any development of the Property or of other activity on the Property that would have a direct or reasonably foreseeable indirect environmental impact pursuant to CEQA. (Pub. Res. Code, § 21065; 14 Cal. Code Regs., §§ 15060(c)(2), 15064(d), & 15378.) Moreover, in accordance with CEQA, the City Council of the City of Fontana certified the Certified EIR, which adequately addressed the project impacts associated with the adoption of the Specific Plan. The requirements of the Specific Plan run with the Property regardless of ownership and are not impacted by the Disposition Agreement or the release therefrom. Accordingly, no further environmental review is required in connection with approval of this Resolution pursuant to CEQA Guidelines Sections 15162 through 15164. (14 Cal. Code Regs., §§ 15162–15164.)

Section 4. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution regardless of the invalidity of any particular portion of this Resolution.

Section 5. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 9th day of June, 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 held on the 9th day of June 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 DISCRIPTION OF THE PROPERTY (including the Subject Land)

The land referred to in this report is situated in the City of Fontana, the County of San Bernardino, State of California, and is described as follows:

Parcel A:

That portion of the Southeast 1/4 of the Southeast 1/4 of Section 13, Township 1 North, Range 6 West, San Bernardino Meridian, of the Official Map approved by the surveyor general, dated November 13, 1885, in the City of Fontana, County of San Bernardino, State of California, lying South and East of the Southeasterly line of State Highway No. 31 (Interstate 15), as conveyed to the state of California, for freeway purposes by deed recorded November 26, 1973 in Book 8314, Page 57, of Official Records, said Southeasterly line being further described as follows:

Commencing at a 3/4 inch iron pipe marking the South 1/4 corner of said Section 13; thence North $89^{\circ} 21' 55''$ East along the South line of said Southeast 1/4, 1315.99 feet to the West line of said Southeast 1/4 of the Southeast 1/4 and the point of beginning of the line to be described; thence North $00^{\circ} 26' 36''$ East along said West line, 51.49 feet; thence South $89^{\circ} 21' 56''$ West, 154.46 feet; thence North $83^{\circ} 48' 27''$ West, 145.45 feet to the beginning of a tangent curve to the right, with a radius of 50.00 feet; thence Northwesterly along said curve, 92.61 feet through a central angle of $106^{\circ} 07' 27''$ to the beginning of a tangent compound curve to the right, with a radius of 2942.00 feet; thence Northeasterly along said curve, 1205.95 feet through a central angle of $23^{\circ} 29' 10''$; thence North $45^{\circ} 48' 10''$ East, 265.13 feet to the beginning of a tangent curve to the right, with a radius of 9850.00 feet; thence Northeasterly along said curve, 1081.63 feet through a central angle of $6^{\circ} 17' 30''$ to the East line of said Section 13 and the terminus of the line being described.

Also excepting therefrom, that portion described as follows:

Beginning at the Southwest corner of said Southeast 1/4 of the Southeast 1/4 of Section 13; thence North $89^{\circ} 21' 55''$ East along the South line of said Section 13, 420.75 feet; thence North $00^{\circ} 26' 36''$ East parallel with the West line of said Southeast 1/4 of the Southeast 1/4, 206.25 feet; thence South $89^{\circ} 21' 55''$ West parallel with the South line of said Section 13, 72.50 feet; thence North $00^{\circ} 26' 36''$ East parallel with the West line of said Southeast 1/4 of the Southeast 1/4, 159.87 feet; thence South $89^{\circ} 21' 55'$ West parallel with the South line of said Section 13, 348.25 feet to the West line of said Southeast 1/4 of the Southeast 1/4; thence South $00^{\circ} 26' 36''$ West along said West line, 366.12 feet to the point of beginning.

Parcel B:

The Northerly 380 feet of the Easterly 330 feet of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 1 North, Range 6 West, San Bernardino Meridian, in the County

of San Bernardino, State of California, according to the official plat of said land. Except therefrom that portion described in the deed to the State of California recorded March 17, 1975 in Book 8636, Page 3 of Official Records, in the office of the County Recorder of said County.

Parcel C:

The North East one-quarter of the Northeast one-quarter of Section 24, Township 1 North Range 6 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to United States Government Township Plat approved by the surveyor general, November 13, 1885.

Excepting therefrom all that portion of said Northeast one-quarter lying Southerly of the Northerly line of the property conveyed to Southern Surplus Realty Co., recorded in Book 8285, Page(s) 65 in the office of the County Recorder of said County.

Parcel D:

The Northwest 1/4 of the Northeast 1/4 Section 24, Township 1 North, Range 6 West, San Bernardino Base and Meridian, in the City of Fontana, County of San Bernardino, State of California, according to the official plat of said land, approved by the surveyor general date April 23, 1974.

Excepting therefrom the Northerly 380 feet of the Easterly 330 feet thereof.

Also Excepting therefrom that portion lying Southerly of the most Northerly line of the following described property:

That portion of the Northwest 1/4 of the Northeast 1/4 of Section 24, Township 1 North, Range 6 West, San Bernardino Base and Meridian, lying within a strip of land 330 feet wide, the sidelines of said strip of land 230.00 being feet Northwesterly and 100.00 feet Southeasterly, measured at right angles respectively from the following described surveyed referenced line:

Beginning at a point in the East line of said Section 24, said point being South 1° 10' 03" East

751.58 feet, measured along said East line from found 2 inch iron pipe at the Northeast corner of said Section, said point also being North 1° 10' 03" West 1888.29 feet, measured along said East line from a found "PK" Nail at the East 1/4 corner of said Section 24; thence South 71° 113' 46" West 5516.12 feet to a point in the West line of said Section, said point being North 0° 50' 30" West, 173.14 feet, measured along said West line from a 1 inch iron pipe at the West 1/4 corner of said Section 24, said point also being South 0° 50' 30" East 2468.74 feet, measured along said West line from a found County and surveyor's monument at the Northwest corner of said Section.

Also Excepting therefrom that portion as described in final order of Condemnation by the State of California, recorded September 10, 1976 in Book 9009 Page(s) 656, Official Record, more particularly described as follows:

Beginning at a 3/4 inch pipe marking the North 1/4 corner of said Section; thence along

the North line of said Section North $89^{\circ} 21' 55''$ East 985.99 feet to a point on the West line of the Easterly 330 feet of said Northwest 1/4 of said Northeast 1/4; thence along said West line South $0^{\circ} 45' 40''$ East 202.98 feet to a point on a non-tangent curve concave Northwesterly having a radius of 1033 feet; thence Southwesterly along said curve from a tangent bearing of South $44^{\circ} 34' 17''$ West, through an angle of $21^{\circ} 28' 12''$ a distance 387.09 feet; thence South $66^{\circ} 02' 29''$ West 424.08 feet to the beginning of a tangent curve to the left having a radius of 2967 feet; thence Southwesterly along said curve, through an angle of $5^{\circ} 53' 34''$ a distance of 305.15 feet to the West line of said Northeast 1/4; thence along said West line North $1^{\circ} 11' 24''$ West 721.41 feet to the point of beginning.

Assessor's Parcel Numbers(s):

1: 0226-075-31

2: 1107-262-06

3: 0226-075-38

4: 0226-075-45

5: 1107-262-07

6: 1107-262-08

EXHIBIT "B"

LEGAL DISCRIPTION OF THE SUBJECT PROPERTY

That certain real property located in the City of Fontana, County of San Bernardino, State of California, as more particularly described as:

Parcel A: APN 1107-262-65-0000

The North One-half of the Northeast one-quarter of Section 24, Township 1 North, Range 6 west, San Bernardino base and meridian, in the City of Fontana, County of San Bernardino, State of California.

Excepting therefrom the Northerly 380 feet of the Easterly 330 feet of said Northwest one-quarter of said Northeast one-quarter of said Section 24.

Also excepting therefrom that portion lying East and Southeasterly of the West and Northwesterly right-of-way of John Previti Avenue, granted to the City of Fontana by deed recorded February 24, 2022, by Doc. No. 2022-0073488, official records of said county.

Also excepting therefrom that portion lying Northerly of the Southerly right-of-way of Duncan Canyon road, Granted to the City of Fontana by deed recorded October 19, 2021, by Doc. No. 2021-0473028, official records of said county.

Also excepting therefrom that portion of land described in final order of condemnation by the State of California, recorded September 10, 1976, in book 9009, page 656, official records of said county.

Also shown as Parcel B on Certificate of Compliance for a Lot Line Adjustment recorded 11/14/24 as Doc. No. 2024-0272517, official records of said County.

Together with that portion of the vacated road conveyed by the City of Fontana to HDO4, LLC, in the Quitclaim Deed recorded on April 2, 2025 as Instrument No. 2025-0071224 of Official Records in the Office of the County recorder of said County.

Parcel B: APN: 1107-262-07-0000

The Northerly 380 feet of the Easterly 330 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 24, Township 1 North, Range 6 West, San Bernardino Meridian, in the City of Fontana, County of San Bernardino, State of California, according to the official plat of said land.

Excepting therefrom that portion described in the deed to the State of California recorded March 17, 1975 in Book 8636, Page 3, Official Records, records of said County.

Assessor's Parcel Numbers(s):

1: 1107-262-65

2: 1107-262-07

APN: 1107-262-07



APN: 1107-262-65

EXHIBIT "C"
RELEASE AGREEMENT

[Add Once Final]