

RESOLUTION NO. 2023-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA DECLARING PROPERTY TO BE PUBLIC RIGHT OF WAY AND ACCEPTING THE PROPERTY INTO THE CITY' STREET SYSTEM.

WHEREAS, on March 8, 2022, the City Council of the City of Fontana ("City") approved the ARPA Expenditure Plan which included the Downtown Parking Structure Project ("Project") in the amount of \$10.0 million in the Revenue Loss category; and

WHEREAS, on June 13, 2023, the City Council approved \$5,000,000.00 of Capital Reinvestment Funds 601 for the Project; and

WHEREAS, on August 25, 2022, the City issued a Request for Qualifications (RFQ) for Design-Build Entities for the Project; and

WHEREAS, on August 7, 2023, the City awarded and authorized the City Manager to execute a design-build contract with Bomel Construction Company Inc. for the Project in the amount of \$11,909,993.00, which includes a City-owned contingency in the amount of \$900,000.00 (Bid No. SQ-24-DE-23-01); and

WHEREAS the City identified that a lack of public right of way (utility easement) along Library Drive. would prohibit public utility installation needed for the Project and other City facilities in the vicinity (the "Property"); and

WHEREAS the Property is more particularly described and shown in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, Streets and Highways Code section 1806 provides that the City Council, by resolution, may accept the Property into the City street system.

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

Section 1. That the recitals set forth hereinabove are true and correct in all respects and are incorporated herein.

Section 2. The Property is hereby declared to be public right of way, and pursuant to Section 1806 of the Streets and Highways Code, is hereby accepted by the City of Fontana into the City street system.

Section 3. Pursuant to California Environmental Quality Act ("CEQA") Guidelines, Section 15004, the City's adoption of this Resolution is not a "Project" subject to CEQA because it merely states the City's desire to declare certain City property a public right-

of-way for future development projects and the City will take those measures required to assess potential environmental impacts of the use of said rights-of-way at a future date.

SECTION 4. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED 26th day of September 2023.

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 26th day of September 2023 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