

RESOLUTION NO. 2024-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DECLARING THAT THE CITY OWNED PARCELS KNOWN AS ASSESSOR'S PARCEL NUMBERS 0191-161-18, 0191-161-13, 0191-161-17, 0191-161-28, 0191-161-29, 0191-161-02, 0191-162-18, 0191-162-19, 0191-162-20, 0191-162-21, 0191-162-22, 0191-162-23, 0191-162-24, 0191-162-25, 0191-162-26, 0191-162-27, 0191-162-44, 0191-162-14, 0191-162-13, 0191-162-40, 0191-162-39, 0191-162-09, 0191-162-08, and 0191-162-05 AS "SURPLUS LAND" PURSUANT TO THE SURPLUS LAND ACT, GOVERNMENT CODE SECTION 54220 ET SEQ.; APPROVING FORM OF NOTICE OF AVAILABILITY; AND AUTHORIZING THE CITY MANAGER AND HIS DESIGNEE(S) TO TAKE ALL ACTIONS NECESSARY TO COMPLY WITH THE SURPLUS LAND ACT

WHEREAS, The City of Fontana owns several contiguous and non-contiguous parcels of land (Assessor's Parcel Numbers 0191-161-18, 0191-161-13, 0191-161-17, 0191-161-28, 0191-161-29, 0191-161-02, 0191-162-18, 0191-162-19, 0191-162-20, 0191-162-21, 0191-162-22, 0191-162-23, 0191-162-24, 0191-162-25, 0191-162-26, 0191-162-27, 0191-162-44, 0191-162-14, 0191-162-13, 0191-162-40, 0191-162-39, 0191-162-09, 0191-162-08, and 0191-162-05) ("Parcels") that are no longer necessary for the City's use and should be declared as surplus property suitable for disposition; and

WHEREAS, under the California Surplus Land Act ("SLA"), Government Code Section 54220-54233, surplus property is defined as land owned by any local agency that is no longer necessary for the agency's use; and

WHEREAS, effective January 1, 2020, the SLA was amended to require all local agencies to formally declare agency-owned properties as "surplus land" prior to taking action to dispose of such properties and to issue a "Notice of Availability" (NOA) to certain entities statutorily entitled to notice; and

WHEREAS, the declaration of surplus land must be made by the local agency's legislative body at a regular open meeting supported by written findings; and

WHEREAS, the City Council has made findings that the Parcels are no longer necessary for the City's use; and

WHEREAS, the City intends to follow the provisions of the SLA in the disposition of the Parcels and prioritize affordable housing in the disposition of such land to the extent required by law; and

WHEREAS, this declaration of surplus land does not obligate the City to subsequently dispose of the Parcels and is not an action that results in a binding commitment by the City to move forward with the disposition of the property.

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

SECTION 1. The City Council finds and declares that the City-owned Parcels (Assessor’s Parcel Numbers 0191-161-18, 0191-161-13, 0191-161-17, 0191-161-28, 0191-161-29, 0191-161-02, 0191-162-18, 0191-162-19, 0191-162-20, 0191-162-21, 0191-162-22, 0191-162-23, 0191-162-24, 0191-162-25, 0191-162-26, 0191-162-27, 0191-162-44, 0191-162-14, 0191-162-13, 0191-162-40, 0191-162-39, 0191-162-09, 0191-162-08, and 0191-162-05) are surplus and no longer necessary for the City’s use, 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 properties noted above located in the downtown area of Fontana, generally between Juniper Avenue and Nuevo Avenue and between Arrow Boulevard and Seville Avenue
- The properties include buildings of various sizes which may be currently occupied by various tenants, each occupying their respective space via a month-by-month lease with the city.
- The Parcels are located in an area of focus for the city’s revitalization efforts of downtown Fontana.
- Land uses in the area surrounding the Parcels will continue to shift in support of the overall economic revitalization plan.
- Under-utilization, maintenance, and operational cost as well as other liability issues makes it cost prohibitive to retain ownership of the Parcel as the property is currently developed.
- City ownership, management, and maintenance of the properties will prevent the parcels from being developed into the highest and best use.

SECTION 2. The City Council finds and determines, after independent review and consideration, that the action of declaration of surplus land does not result in a binding commitment by the City to authorize or advance the disposition of the Parcel; will not result in a direct or indirect physical change in the environment; and does not constitute an approval of a project pursuant to CEQA Guidelines Sections 15004 and 15352.

SECTION 3. The City Council approves the form of Notice of Availability attached hereto as Exhibit A and authorizes the City Manager or his designee(s) to take all actions necessary to comply with the SLA, including but not limited to issuing the Notice of Availability for the Parcel to all entities statutorily entitled to receive such notice.

SECTION 4. 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 12th day of November 2024.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, California, 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 of said City at a regular meeting held on the 12th day of November, 2024, 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