

RESOLUTION NO. 2026-008

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, TO SUMMARILY VACATE AN EXCESS RIGHT-OF-WAY ALONG OLD LIVE OAK AVENUE PURSUANT TO AN ADOPTED ADDENDUM TO THE SOUTHRIDGE VILLAGE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT NO. 81-3 (STATE CLEARINGHOUSE [SCH] NO. 81052210) AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION.

WHEREAS, the California Streets and Highways Code provides that an excess right-of-way of a street may be summarily vacated if certain conditions are met; and

WHEREAS, the City of Fontana ("City") holds a right-of-way for street and public utility purposes over, along, under and upon that portion of Old Live Oak Avenue; and

WHEREAS, on July 25, 2023, the City Council adopted Resolution No. 2023-085, approving general plan and specific plan amendments, a tentative parcel map, tentative tract maps, a design review, and an administrative site plan for the Southridge Project ("Project"); and

WHEREAS, as part of Resolution 2023-085, the City Council adopts an Addendum to the EIR for the Southridge Village Specific Plan Final Environmental Impact Report (FEIR) (SCH No. 81052210) and Mitigation, Monitoring, and Reporting Program (MMRP) pursuant State CEQA Guidelines Sections 15162 and 15164 along with the City of Fontana's 2019 Local Guidelines for Implementing CEQA; and

WHEREAS, as part of the Project, the Developer, KB Homes, was required to construct a right-of-way for street and utility purposes along Old Live Oak Avenue and Live Oak Avenue; and

WHEREAS, as a result of the Project, a portion of the original public right-of-way along Old Live Oak Avenue, as more particularly described in **Exhibit A** and depicted on **Exhibit B**, both of which are attached hereto and incorporated herein (the "Excess Right-of-Way"), is no longer required for present or prospective public street or utility purposes; and

WHEREAS, the Excess Right-of-Way has not been used for the purpose for which it was acquired; and

WHEREAS, the vacation of the Excess Right-of-Way will not operate to cut off all access to any property adjoining said street; and

WHEREAS, it has been determined that there are no public service easements existing or required within the area for vacation; and

WHEREAS, consistent with the existing fee ownership, the underlying fee shall revert to the City; and

WHEREAS, this summary vacation is made pursuant to the California Streets and Highways Code, Division 9, Part 3 (sections 8300 et. seq.), Chapter 4- Summary Vacation; and

WHEREAS, pursuant to the adopted Addendum to the Southridge Village Specific Plan Environmental Impact Report No. 81-3 (State Clearinghouse [SCH] No. 81052210) and based on the CEQA Sections 15162 through 15164, staff has determined that, as to the proposed summary vacation, none of the criteria requiring a subsequent environmental document have been met and that further environmental analysis is not required. A Notice of Determination has been prepared; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

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

Section 1. Recitals. The above recitals are true, correct and by this reference incorporated herein.

Section 2. Compliance with California Environmental Quality Act. Having considered the Addendum, the administrative record, the Southridge Village Specific Plan FEIR and all written and oral evidence presented to the City Council, the City Council finds that all environmental impacts of the summary vacation have been addressed within the Southridge Village Specific Plan FEIR and the Addendum. The City Council finds that no new or additional mitigation measures or alternatives are required. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the summary vacation may result in any significant environmental impacts beyond those analyzed in the Southridge Village Specific Plan FEIR. Therefore, no further environmental review is required and staff is directed to file a Notice of Determination

Section 3. Findings. The City Council further finds that:

(a) The subject excess right-of-way to be vacated is not required for present or prospective public use, either for street or highway purposes or for any other public circulation use such as pedestrian, bikeway, or other non-motorized transportation access.

(b) The subject excess right-of-way has not been used for the purpose for which it was acquired.

(c) The excess right-of-way to be vacated does not contain active public utility facilities.

(d) Those properties adjoining the excess right-of-way to be vacated will continue to have access.

(e) This summary vacation is consistent with the City's General Plan.

(f) The public street system for which the excess right-of-way was originally acquired will not be detrimentally affected by this vacation.

Section 4. Order of Vacation. The City Council, under the authority vested in it by the California Streets and Highways Code, hereby orders the vacation of the Excess Right-of-Way described herein as the portion of Old Live Oak Avenue and Live Oak Avenue, which location is more particularly described in **Exhibit A** and depicted on **Exhibit B**, both of which is attached hereto and incorporated herein by this reference.

Section 5. Certification, Recordation and Retention. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof, in the office of the San Bernardino County Recorder. Pursuant to California Streets and Highways Code section 8336, no fee shall be charged for such recordation. The City Clerk shall permanently maintain a true and correct copy of this Resolution.

Section 6. Completion of Vacation. Upon the date this Resolution is recorded, the vacation shall be complete and the excess right-of-way described herein will no longer constitute a right-of-way.

Section 7. Effective Date. This Resolution shall become effective immediately.

Section 8. 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 irrespective of the invalidity of any particular portion of this Resolution.

APPROVED AND ADOPTED this 24th 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 of the City of Fontana, do hereby certify that the foregoing Resolution is the actual Resolution that was duly and regularly adopted by the City Council of the City of Fontana at a regular meeting on the 24th 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