

RESOLUTION NO.2026-031

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DECLARING ITS INTENTION TO VACATE A PUBLIC RIGHT-OF-WAY EASEMENT OVER HIGHLAND AVENUE AND OLEANDER AVENUE PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ. AND DIRECTING THE CITY CLERK TO ADMINISTRATIVELY SET THE HEARING DATE, TIME AND PLACE AND TO PUBLISH AND POST REQUIRED NOTICES

WHEREAS, the City of Fontana (“City”) holds a street right-of-way easement located at Highland Avenue and Oleander Avenue, more specifically described and depicted in EXHIBIT “A” attached hereto and incorporated herein by reference (the “Property”);

WHEREAS, the nature of existing development and changes in use of the Property has rendered the Property unnecessary for present or prospective public use, and the City no longer has use for the Property as a right-of-way;

WHEREAS, the Fontana Water Company holds an easement for pipelines and water conduits and incidental purposes, recorded on March 30, 1911 in Book 470 of Deeds, Page 341 (the “Utility Easement”);

WHEREAS, California Streets and Highways Code Section 8340(c) states that a local agency may reserve and except an easement for an in-place public utility facility from the vacation of an easement;

WHEREAS, the City does not hold the Utility Easement and this vacation is not intended to affect the rights of such Utility Easement;

WHEREAS, the City desires to vacate the public street right of way while reserving a PUE for the benefit of SCE and other public utilities as necessary; and reserving an easement for traffic signal equipment, public access and pedestrian purposes;

WHEREAS, this vacation of the Property is made pursuant to the requirements of California Streets and Highways Code, Division 9. - Change of Grade and Vacation, Part 3. - Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code sections 8300 et seq.), Chapter 3. - General Vacation Procedure;

WHEREAS, Government Code Section 65402(a) states that a local agency may not vacate nor dispose of real property within the City until the location, purpose and extent of the vacation or disposition has been reported upon by the planning agency of the City regarding the conformity with the General Plan;

WHEREAS, as required by California Streets and Highways Code Section 8313(b) and California Government Code Section 65402, the Planning Commission, on June 18, 2024, at a regularly scheduled public hearing found that this vacation is consistent with and in conformity with the General Plan of the City of Fontana;

WHEREAS, the City Council of the City of Fontana has considered whether the proposed vacation is consistent with the General Plan, and adopts the findings made by the Planning Commission during its June 18, 2024 meeting;

WHEREAS, all other 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. CEQA. Compliance with California Environmental Quality Act. As the decision-making body for the Project, the City Council finds that this Resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) (the activity does not have the potential for causing a significant effect on the environment). Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The vacation of the Property will not involve nor approve any physical change to the environment nor any reasonably foreseeable future change. Therefore, no environmental review is required and staff is directed to file a Notice of Exemption.

Section 3. Declaration of Intent. The City Council declares its intent to vacate the portion of the public right-of-way described above as the Property, reserving and excepting the Utility Easement, as more fully described and depicted in Exhibit “A” attached hereto and incorporated herein by reference.

Section 4. Hearing. The City Council, under the authority vested in it by the Streets and Highways Code Section 8320(a)(1) hereby directs the City Clerk to administratively set a hearing date, time and place for a public hearing on the proposed vacation of the public right-of-way identified above. The hearing date shall not be less than 15 days after this Resolution is adopted.

Section 5. Direction to Post Resolution and Publish Notice of Public Hearing. The City Clerk is hereby directed to post this Resolution of Intention, and publish notices of the public hearing, pursuant to the requirements of California Streets & Highway Code Section 8320, et. seq.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

Section 7. 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.

Section 8. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 9. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Resolution is based are located at the City Clerk's office located at 8353 Sierra Avenue, Fontana, CA 92335. The custodian of records is the City Clerk.

APPROVED AND ADOPTED this 12th day of May 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 that was duly and regularly adopted by the City Council of the City of Fontana at a regular meeting on the 12th day of May, 2026, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

Resolution No. 2026-031

ATTEST:

City Clerk