

RESOLUTION NO. 2026-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DECLARING THAT A PUBLIC RIGHT-OF-WAY EASEMENT OVER HIGHLAND AVENUE AND OLEANDER AVENUE IS UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC USE AND VACATING THE SAME PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 8320 ET SEQ. AND RESERVING AN EASEMENT FOR PUBLIC UTILITY PURPOSES.

WHEREAS, the City of Fontana ("**City**") holds a right-of-way easement located at Highland Avenue and Oleander Avenue, more fully described and depicted in EXHIBIT A and EXHIBIT B attached hereto and incorporated herein by reference (hereinafter, said "**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. The City no longer has a use for this roadway as it is not part of the City's General Plan Community Mobility and Circulation Element. Vacation of the right-of-way will allow the possible sale of this portion of the roadway to a buyer for other uses;

WHEREAS, there are existing public utilities in the Property and Southern California Edison and the Fontana Water Company currently hold easements for pipelines and water conduits and incidental purposes, recorded on March 30, 1911 in Book 470 of Deeds, Page 341. The appurtenant rights to the easements will be reserved in accordance with California Streets and Highways Code Section 8340;

WHEREAS, the City does not hold Southern California Edison's or Fontana Water Company's easement or other public utility easements and this vacation is not intended to affect the rights of either to their easements;

WHEREAS, the City desires to vacate the public street right of way while reserving Public Utilities Easements for the benefit of Southern California Edison, the Fontana Water Company, and other public utilities as necessary;

WHEREAS, this vacation is being made pursuant to the requirements of California Streets and Highways Code Section 8320 et seq.;

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, on May 12, 2026, at a regularly scheduled public hearing, adopted Resolution No. 2026-031 declaring its intention to vacate said Property;

WHEREAS, notice of hearing of this proposed vacation was duly published and posted pursuant to the requirements of California Streets and Highways Code 8320 et seq.; and

WHEREAS, a hearing regarding this vacation was duly held on June 9, 2026, pursuant to the requirements of California Streets and Highways Code, 8320 et seq.

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

Section 1. Order of Vacation. The City Council under the authority vested in it by the California Streets and Highways Code, Division 9. – Change of Grade and Vacation, Part 3. – Public Streets, Highways, and Service Easements Vacation Law (Section 8300 et seq.), Chapter 3 – General Vacation Procedure, hereby finds that said right-of-way easement located at Highland Avenue and Oleander Avenue (the “Property”) more fully described and depicted in the attached Exhibit A is unnecessary for present or prospective public use, and orders the vacation of said Property.

Section 2. Reservation of Easement. Any other existing easements for the public utility purposes and traffic signal equipment, public access and pedestrian purposes are excepted from this vacation and reserved from the vacation pursuant to Section California Streets and Highways Code Section 8340.

Section 3. 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 4. Recorded Date. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded in the office of the recorder of the County of San Bernardino. From and after the date such certified copy is so recorded, this vacation shall be complete.

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

Section 6. 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 9th day of June, 2026.

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 at a regular meeting thereof, 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

Resolution No. 2026-049

**EXHIBIT A & EXHIBIT B TO
RESOLUTION NO. 2026-XXX
RE VACATION OF A PUBLIC RIGHT-OF-WAY EASEMENT OVER HIGHLAND
AVENUE AND OLEANDER AVENUE**

Legal Description and Depiction of the Public Right Of Way Easement Over Highland
Avenue and Oleander Avenue

[attached behind this page]