

RESOLUTION NO. SAR 2024-_____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY APPROVING THE SALE OF REAL PROPERTY IDENTIFIED AS APN 0228-301-51 – LOCATED AT CITRUS AND SOUTH HIGHLAND AVENUES - TO THE CITY OF FONTANA AND AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT ON BEHALF OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY AND TO TAKE CERTAIN ACTIONS RELATED THEREWITH

WHEREAS, California Assembly Bill No. 26 (“AB X1 26”) enacted on June 29, 2011, dissolved all redevelopment agencies and community development agencies in existence in the State of California as of February 1, 2012 and designated successor agencies to administer the dissolution and wind down of the former redevelopment agencies; and

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Fontana (“City”) elected to become the Successor Agency to the dissolved Fontana Redevelopment Agency (the “Successor Agency”), as confirmed by Resolution No. 2012-001 adopted on January 10, 2012, and pursuant to Health and Safety Code Section 34173(g), the Successor Agency is a separate legal entity from the City; and

WHEREAS, in accordance with Health and Safety Code Section 34191.5, the Successor Agency prepared a long-range property management plan (“LRPMP”) that addresses the disposition and use of the real properties of the former Fontana Redevelopment Agency; and

WHEREAS, the revised LRPMP was approved by the Fontana Oversight Board on May 15, 2014 and the California Department of Finance on May 23, 2014; and

WHEREAS, in 2008 and prior to the dissolution of the Fontana Redevelopment Agency, the Fontana Redevelopment Agency purchased from the State of California Department of Transportation (“State”) that certain real property then identified as parcel DD 015496-01-01 comprised of eight parcels, (also known as Lots 21-31 of Tract No. 3348, Highland Haven M.B. 47/14-16), now identified with APN 0228-301-51 (“Property”), with a common location west of Citrus Avenue and north of South Highland Avenue; and

WHEREAS, the purchase of the Property from the State was consummated by recordation of that certain Director’s Deed, recorded on August 6, 2008 in the Official Records of the County of San Bernardino, as Instrument No. 2008-0359351, granting the Property by the State of California, acting by and through its Director of

Transportation, to the Fontana Redevelopment Agency with a certificate of acceptance providing that the acceptance of the property interest was by the City of Fontana; and

WHEREAS, unbeknownst to the City, the Fontana Redevelopment Agency, the RDA Successor Agency, the 2008 transfer of this Property was mistakenly recorded as vesting in favor of the City of Fontana by the San Bernardino County Recorder's Office and the land with Assessor's Parcel Number 0228-301-51 was recorded as being owned by the City of Fontana; and

WHEREAS, when the Successor Agency was identifying any real property that should be listed in the LRPMP, the Property was inadvertently not included in the LRPMP, but would have been listed, but for the error that occurred in 2008 when the Property was recorded as being owned by the City of Fontana; and

WHEREAS, the Property is part of a larger (commercial zoned) development area, located north of South Highland Avenue and west of Citrus Avenue; and

WHEREAS, the City has offered to purchase the Property for \$623,505 which the Successor Agency has determined is a fair market value; and

WHEREAS, Health and Safety Code Section 34177(e) requires the Successor Agency to dispose of properties of the former redevelopment agency as directed by the Oversight Board, to be done expeditiously and in a manner aimed at maximizing value; and

WHEREAS, the Successor Agency, as seller, and City, as Buyer, desire to negotiate and execute a real property purchase and sale agreement, in substantially the form attached hereto as **Exhibit A** and incorporated herein by this reference ("Agreement"), in which the Successor Agency agrees to sell to City and City agrees to purchase from the Successor Agency the Property; and

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

NOW, THEREFORE, THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE FONTANA REDEVELOPMENT AGENCY OF THE CITY OF FONTANA, DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated herein to this Resolution by this reference.

Section 2. CEQA Compliance. Pursuant to California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA") and the State and local CEQA Guidelines, the governing board of the Successor Agency determines that its approval of the sale of the Property and authorization to execute the Agreement is not an action that may have a significant effect on the environment, because it is only a transfer of

property. The Successor Agency Secretary is authorized and directed to file a Notice of Exemption with the appropriate official of the County of San Bernardino, California, within five (5) days following the date of adoption of this Resolution.

Section 3. Approval of the Sale of Property. The Governing Board of the Successor Agency hereby approves the sale of the Property to Buyer in the amount of \$623,505.

Section 4. Implementation. The Executive Director or his/her designee, on behalf of the Successor Agency, is hereby authorized and directed to: (a) negotiate and execute the Agreement with Buyer and to take any action necessary to carry out the purposes of this Resolution in compliance with applicable law, including taking any actions necessary to transfer the Property to Buyer and (b) to take any actions necessary to effectuate the sale of the Property and comply with applicable law regarding the sale of the real property to the City of Fontana, including submission of this Resolution to the Oversight Board for approval with a copy of the purchase and sale documents submitted to the county administrative officer, the county auditor-controller and the Department of Finance at the same time; and submission of the Oversight Board approval to the Department of Finance, and posting on the Successor Agency's Internet Web Site no later than May 31st, 2024.

Section 5. Certification. The Successor Agency Secretary shall certify to the adoption of this Resolution.

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

PASSED, APPROVED and ADOPTED at a regular meeting of the Successor Agency to the Fontana Redevelopment Agency on this ____ day of _____ 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST

Successor Agency Secretary, City Clerk of the City of Fontana
Acting Ex-Officio Clerk of the Successor Agency
to the Fontana Redevelopment Agency