

RESOLUTION NO. 2023-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DECLARING THAT THE CITY OWNED PARCEL KNOWN AS 8425 CYPRESS AVENUE (ASSESSOR'S PARCEL NUMBER 0191-121-40-0000) 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 a parcel of land (Assessor's Parcel Number 0191-121-40-0000) ("Parcel") that is 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 Parcel is 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 Parcel (Assessor's Parcel Number 0191-121-40-0000) is surplus and no longer necessary for

Resolution No. 2023-105

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 property located on Cypress Avenue, north of Arrow Boulevard.
- The property currently includes a building scheduled for immanent demolition.
- The Parcel is located on Cypress Avenue in an area that is currently the subject of substantial new and re-development.
- Under-utilization, maintenance, and other potential liability issues makes it cost prohibitive to retain ownership of the Parcel.
- City ownership, management, and maintenance of the Parcel will prevent it from being developed into its 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 14th day of November 2023.

READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran

City Attorney

Resolution No. 2023-105

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 duly and regularly adopted by the City Council at a regular meeting on the 14th day of November 2023, by the following vote to wit:

AYES: Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran and Roberts

NOES: Council Member Sandoval

ABSENT: None

ABSTAIN: None

Germaine Key

City Clerk of the City of Fontana

Lequanetta Warren

Mayor of the City of Fontana

ATTEST:

Germaine Key

City Clerk

Certificate Of Completion

Envelope Id: 59F75E49EC9E410A8763C0D2A93466F6

Status: Completed

Subject: Please Sign Reso 2023-105.pdf

Source Envelope:

Document Pages: 3

Signatures: 4

Envelope Originator:

Certificate Pages: 5

Initials: 0

City Clerk

AutoNav: Enabled

EnvelopeD Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

Holder: City Clerk

Location: DocuSign

11/16/2023 | 03:42 PM

clerks@fontana.org

Signer Events**Signature****Timestamp**

Ruben Duran



Sent: 11/16/2023 | 03:42 PM

ruben.duran@bbklaw.com

Viewed: 11/16/2023 | 03:46 PM

Security Level: Email, Account Authentication
(None)

Signed: 11/16/2023 | 03:47 PM

Signature Adoption: Pre-selected Style

Using IP Address: 74.116.243.2

Electronic Record and Signature Disclosure:

Accepted: 11/16/2023 | 03:46 PM

Sent: 11/16/2023 | 03:47 PM

ID: fb98da05-8038-47b5-b609-3d3d951c58d8

Acquanetta Warren



Viewed: 11/19/2023 | 05:27 AM

awarren@fontana.org

Signed: 11/19/2023 | 05:27 AM

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

Using IP Address: 108.184.102.134

Signed using mobile

Electronic Record and Signature Disclosure:

Accepted: 11/19/2023 | 05:27 AM

Sent: 11/19/2023 | 05:27 AM

ID: c1ce1386-f576-4956-856c-df8482b7a986

Germaine Key



Viewed: 11/19/2023 | 10:05 AM

gkey@fontana.org

Signed: 11/19/2023 | 10:05 AM

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

Using IP Address: 107.201.246.59

Signed using mobile

Electronic Record and Signature Disclosure:

Accepted: 11/19/2023 | 10:05 AM

Sent: 11/19/2023 | 10:05 AM

ID: d187f6ef-2763-4ad1-b983-1c9ca4ecb76b

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

Carbon Copy Events

Kathy Kasinger

kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Accepted: 6/26/2023 | 12:01 PM

ID: 313ff663-c622-41d0-ac8d-292f7d782a66

Status**COPIED****Timestamp**

Sent: 11/19/2023 | 10:05 AM

Viewed: 11/21/2023 | 11:44 AM

Wendy Duenas

wduenas@fontanaca.gov

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Not Offered via DocuSign

COPIED

Sent: 11/19/2023 | 10:05 AM

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

11/16/2023 | 03:42 PM

Certified Delivered

Security Checked

11/19/2023 | 10:05 AM

Signing Complete

Security Checked

11/19/2023 | 10:05 AM

Completed

Security Checked

11/19/2023 | 10:05 AM

Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from City of Fontana

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERs):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.