

REDEVELOPMENT AGENCY FOR
CITY OF FONTANA, CALIFORNIA

REDEVELOPMENT PLAN
FOR THE
DOWNTOWN REDEVELOPMENT PROJECT

Ordinance No. 537, adopted December 16, 1975
by the City Council of the City of Fontana.

RECORDED IN OFFICIAL RECORDS
DECEMBER 26, 1975
V.DENNIS WARDLE
CLERK-RECORDER
SAN BERNARDINO COUNTY, CALIFORNIA

I. INTRODUCTION

The Redevelopment Plan ("Plan") for the Downtown Redevelopment Project ("Project") consists of a Text and Maps. This Plan has been prepared by the Redevelopment Agency for the City of Fontana ("Agency") pursuant to the Community Redevelopment Law of the State of California ("Redevelopment Law"), the United States Constitution, the California Constitution, and all applicable local laws and ordinances. The California Community Redevelopment Law is located in the California Health and Safety Code, Section 33000, et seq.

II. PROJECT AREA BOUNDARY AND DESCRIPTION

A. Boundary

The boundaries of the Downtown Redevelopment Project area ("Project Area") are illustrated on the Map. The legal description of the boundaries of the project area is as follows:

KNOWN AS THE DOWNTOWN REDEVELOPMENT PROJECT LOCATED IN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AND DESCRIBED AS FOLLOWS: Beginning at the intersection of the south line of Spring Street with west line of Sierra Avenue; thence south along said west line to its intersection with the westerly prolongation of the south line of Lerner Lane; thence east along said prolongation and said south line to its intersection with the west line of Wheeler Avenue; thence southerly along said west line to its intersection with a line drawn 200 feet northerly of and parallel to the north line of Arrow Boulevard. (120 feet wide); thence easterly along said northerly line 210 feet; thence southerly 200 feet to the north line of Arrow Boulevard; thence west along said north line to its intersection with the northerly prolongation of the east line of the first alley east of Wheeler Avenue; thence southerly along said northerly prolongation and said east line to the north line of Orange Way; thence west along said north line to its intersection with the west line of the first alley west of Sierra Avenue; thence north along said west line to the south line of Lot 10, Block 46, Tract 2266, Fontana Townsite (M.B. 33/43-53); thence west along said south line to the east line of Nuevo Avenue; thence north along said east line to the north line of Valencia

Avenue; thence west along said north line to its intersection with the east line of Nuevo Avenue; thence north along said east line to its intersection with the south line of Spring Street; thence east along said south line to the point of beginning.

B. Project Description

The project Area includes approximately 29 acres within the City's central business district. This area was the center of commerce since the establishment of the Fontana Community. Later development provided competitive shopping centers to the north and south of the central city. The central business district has evidenced a decline in economic activity in relation to other commercial centers in the community. This is evidenced by a relatively high vacancy factor and by a high percentage of marginal commercial activity. The physical characteristics of the area consist of a mix of standard structures, structures requiring improvements of rehabilitation and substandard structures. Existing off-street parking facilities are not convenient to all portions of the area and do not meet the needs of merchants of the public.

It is the intent of the project to improve the physical appearance of the downtown area, provide adequate off-street parking facilities, to encourage structural improvements where needed and to make improvements to public facilities as are required.

There are approximately 31 dwelling units located within the boundary of the project. The population of the residential portion is estimated to be 36. Commercial uses are designated for this area on the land use map made a part of the plan. Implementation of the plan will require relocation of residents to standard dwellings outside the project area. Most of the dwelling units consist of multiple structures occupied by one or two person families. There are few single family dwellings with only one occupied by a family of three or more. Implementation of the Plan will eliminate incompatible land uses from the central business district.

Relocation activities will occur over a multiple year period and will not

burden the existing housing supply. Adequate dwellings exist or are proposed to satisfy the housing needs of those residing in the project area.

All available assistance and rent supplement programs will be utilized for qualified individuals and families residing in the project area at the time of relocation.

III. PROPOSED REDEVELOPMENT ACTIONS

A. General

The Agency proposed to eliminate and prevent the spread of blight in the Project area by:

- Acquisition of certain real property;
- Demolition or removal of certain buildings and improvements;
- Relocation assistance to displaced residential and non-residential occupants;
- Installation, construction, or reconstruction of streets, utilities; and other public improvements;
- Disposition of any property acquired for uses in accordance with this Plan;
- Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan.

B. Property Acquisition

1. Acquisition of Real Property

The Agency may acquire, but is not required to acquire, any real property located in the Project area, by any means authorized by law.

The Agency shall not acquire real property to be retained by an owner pursuant to a particular agreement is the owner fully performs under the agreement. The Agency, by any means authorized by law except the use of eminent domain, is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is authorized to acquire either the entire fee or any other interest in real property less a fee.

The Agency shall not exercise the power of eminent domain to acquire property for any purpose except public improvements and utilities unless a developer or developers are first legally bound and committed to the Agency to develop the property to be acquired, which commitment shall have been approved by the Agency after a public hearing following a publication of notice of such hearing in a newspaper of general circulation in the City not less than seven (7) calendar days prior to such hearing.

The Agency shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless the owner fails or refuses to participate in the Plan by executing and entering into a participation agreement with the Agency and one or more of the following conditions exist:

- (a) such building requires structural alteration, improvement, modernization, or rehabilitation, or
- (b) the site or lot on which the building is situated requires modification in size, shape or use, or
- (c) it is necessary to impose upon such property any of the standards, restrictions and controls of the Plan.

2. Acquisition of Personal Property

Generally personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project area by any lawful means except eminent domain.

C. Participation by Owners and Tenants

1. Tenant Participation

The Agency shall extend preference to persons who are engaged in business in the Project area, to re-enter in business within the redeveloped area if they otherwise meet the requirement prescribed by the Plan. The Agency shall also extend preferences to other tenants in the Project area if they otherwise meet the requirements prescribed by the Plan. The Agency is authorized to permit business, residential, institutional and semi-public

tenants, if they so desire, to purchase and develop real property in the Project area.

2. Owner Participation

The Agency is also authorized to permit persons who are owners of residential, business and other types of real property in the Project area to be given the opportunity to participate in redevelopment by rehabilitation, by retention of improvements, or by new development by retaining all or a portion of their properties, by acquiring adjacent or other properties in the Project area, or by selling their properties to the Agency and purchasing other properties in the Project area.

In the event an owner-participant fails or refuses to rehabilitate or newly develop his real property in a manner consistent with the Plan and the participation agreement, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

If conflicts develop between the desires of participants for particular site or land uses, the Agency is authorized to establish reasonable priorities and performances among the owners and tenants.

In addition to opportunities for participation by individual persons and firms, participation to the extent it is feasible shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations, or other joint entities.

Participation opportunities shall necessarily be subject to and limited by such factors as the expansion of public facilities, elimination and changing of land uses; realignment of streets; the ability of owners to finance acquisition and development in accordance with the Plan; any reduction in the total number of individual parcels in the Project area; and assembly and development of sites.

Before making offers to purchase property in the Project area, the Agency shall notify the owners of any such properties by certified mail, return

receipt requested, the Agency is considering the acquisition of such property. The Agency shall include a form entitled "Statement of Interest in Participating" with the notification. Within 30 days of receipt of such notification any owner interested in participating in the Project area, shall file a "Statement of Interest in Participating".

The Agency may disregard any Statements received after such 30 day period. Any owner or tenant may also submit such a statement at any time before such notification.

The Agency shall consider such Statements as are submitted on time and seek to develop reasonable participation for those submitting such statements.

3. Rules for Participation Opportunities

The Agency shall provide an opportunity to owners and tenants in the Project area to participate in the growth and development of the Project area, and shall promulgate rules for owner and tenant participation.

4. Participation Agreements

Each person desiring to become a participant shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop or use the property in conformance with the Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project area.

D. Cooperation with Public Bodies

Public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or

operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however will seek the cooperation of all public bodies which own or intend to acquire property in the Project area. The Agency shall impose on all such public bodies the planning and design controls contained in the Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. Any public body which owns or leases property in the Project area will be afforded all the privileges of owner and tenant participation agreement with the Agency.

E. Property Management

It is the intent of the Agency to fulfill urgent economic needs within the Project area and to dispose of any property acquired therein at the earliest opportunity consistent with the procedures and purposes of this Plan.

During such time as property, if any, in the Project area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment.

The Agency is authorized, but not required, to make payments in lieu of property taxes to one or more taxing agencies.

F. Relocation of Persons Displaced by the Project

1. Assistance in Finding Other Locations

The Agency shall assist all persons (including families, business concerns, and others) displaced by the Project in finding other locations and facilities. In order to carry out the Project with a minimum of hardship to persons displaced from their homes, the Agency shall assist

individuals and families in finding housing that is decent, safe, sanitary, within their financial means, in reasonable convenient locations, and otherwise suitable to their needs. The Agency is also authorized to provide housing inside or outside the Project area for displaced persons.

2. Relocation Payments

The Agency is authorized to pay all relocation payments and to provide relocation advisory assistance to all Project residents and business concerns that is in the best interest of the Project and as authorized by law.

No person shall be required to move from his dwelling because of its acquisition by the Agency unless within a reasonable period of time, prior to displacement, to the extent that it can be reasonable accomplished, there is available to such displaced person, if he so requires a dwelling in an area not generally less desirable in regard to public utilities and public and commercial facilities, at a rent or price within the financial means of the family and/or individuals displaced, which dwelling shall be decent, safe, and sanitary and reasonably accessible to his place of employment.

G. Demolition, Clearance, Public Improvement, Building and Site Preparation.

1. Demolition and Clearance

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property acquired by the Agency in the Project area as necessary to carry out the purpose of this Plan.

2. Public Improvements, Public Facilities, and Public Utilities

The Agency is authorized to install and construct or to cause to be installed and constructed the public improvements, public facilities, and public utilities (within or outside the Project area) necessary to carry out the Plan.

3. Preparation of Building Sites

The Agency is authorized to prepare or cause to be prepared as building sites any real property in the Project area.

H. Rehabilitation and Moving structures by the Agency

1. Rehabilitation

The Agency is authorized to rehabilitate or to cause to be rehabilitated by any building or structure in the Project area acquired by the Agency. The Agency is also authorized and directed to advise, encourage, and assist in the rehabilitation of property in the Project area not owned by the Agency.

2. Moving of Structures

As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any standard structure or building to a location within or outside the Project area.

I. Real Property Disposition and Development

1. General

For the purpose of this Plan, the Agency is authorized to sell, lease exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated leases or sales without public bidding.

All real property acquired by the Agency in the Project area shall be sold or leased to public or private persons or entities for development for the uses permitted in the Plan. Real property may be conveyed by the Agency to the City or any other public body without charge. Property containing buildings or structures rehabilitated by the Agency shall be offered for resale within one year after completion of rehabilitation or an annual report concerning such property shall be published by the agency as required by law.

The Agency shall reserve such powers and controls in the disposition and

development documents as may be necessary to prevent transfer, retention, or use of land for speculative purposes prior to completion of the development and to insure that development is carried out pursuant to this Plan.

All purchasers of lessees of property shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

2. Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions to this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinances, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, religion national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leased, or contracts for the sale, lease, sublease, or other transfer of land in the Project area shall contain such

nondiscrimination and non-segregation clauses as are required by law.

3. Development

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct any building, facility, structure, or other improvement either within or outside the Project area for itself or for any public body or public body or public entity to the extent that such improvement would be of benefit to the Project area.

During the period of development in the Project area, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project area, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project area is proceeding in accordance with development documents and time schedules.

Development plan both public and private, shall be submitted to the Agency for approval and architectural review. All development must conform to this Plan and all applicable Federal, State and local laws and must receive the approval of the appropriate public agencies according to the normal procedures of such agencies, including city agencies, boards and commissions.

J. Personal Property Disposition

For purposes of this Plan the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

IV. USES PERMITTED IN THE PROJECT AREA

A. Maps

In addition to illustrating the location of the Project area boundary, the maps also illustrate the proposed public rights-of-way and the proposed land uses to be permitted in the Project area.

B. Commercial Uses

The area shown on the maps as Commercial shall be developed for general commercial uses. The General Commercial uses shall include, but not be limited to, office, retail, service and/or entertainment uses plus related accessory uses as permitted by the Land Use Provisions of the Fontana City Code.

C. Public Uses

1. Rights-of-way

The principal streets and highways in the Project area are shown on the maps and are as follows: Wheeler Avenue, Sierra Avenue, Nuevo Avenue, Arrow Boulevard, Valencia Avenue and Orange Way.

Such streets and alleys in the Project area may be widened, altered, abandoned, or closed as necessary for proper development of the Project. Additional public streets, alleys and easements may be created in the Project area as needed for proper development and circulation.

The public rights-of-way may be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities and activities typically found in public rights-of-way.

2. Public, Semi-Public, Institutional and Non-profit Uses

With the approval of the Agency, parking, open space, public and semi-public uses may be interspersed with other uses in any area.

In any area the Agency is authorized to permit the establishment or enlargement of public, semi-public, institutional, or non-profit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal, employee, philanthropic and charitable institutions and facilities of other similar associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved. The Agency shall impose such other reasonable restrictions as are necessary to protect the development and use in the Project area.

D. General Controls and Limitations

All real property in the Project area is hereby made subject to the controls and requirements of this Plan.

No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of the Plan in a manner inconsistent with the provisions of this Plan.

1. New Construction

All construction in the Project area shall comply with all applicable State and Local Laws in effect from time-to-time including, without limitation, the Building, Electrical, Heating and Ventilating, Housing, and Plumbing Codes of the City.

All setback areas shall be landscaped and maintained by the owner. Any portion necessary for vehicle access shall be paved.

Parking structures and parking facilities for the joint use of two or more parcels may be constructed with prior written approval of the Agency. No parking space shall be located in a setback area except with prior written approval from the Agency. Parking spaces visible from streets shall be landscaped in accordance with the City's zoning ordinance to prevent unsightly or barren appearance. Lighting for parking space shall be shielded from adjacent properties and adjoining streets.

Off-street loading facilities shall be located in a manner to avoid interference with public use of sidewalks from the street, off-street loading facilities must also be screened by landscaping to the extent and in the manner required by the Agency.

The existing setback requirements of the City shall apply to all new developments within the Project area; provided, however, that the Agency may expressly establish and apply setback requirements which exceed City requirements.

2. Existing Nonconforming Uses

The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with the developments and uses in this Project area.

The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project area.

The Agency must authorize additions, alterations, repairs or other improvements in the Project area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project where, in the determination of the Agency, such improvements would be compatible as interim uses with surrounding uses and development.

3. Rehabilitation

Any existing structure within the Project area which the Agency shall approve for retention and rehabilitation shall be repaired, altered, reconstructed, or rehabilitated in such manner that it will be safe and sound in all physical respects and not detrimental to the surrounding areas.

4. Limitation on Type, Size and Height of Buildings

The type, size, and height of buildings shall be as limited by the applicable Federal, State and local statutes, ordinances and regulations.

5. Open spaces, Landscaping, Light, Air, and Privacy

The approximate amounts of open space to be provided in the Project area is the total of all areas which will be in the public right-of-way, the public grounds, the space around buildings, and all other outdoor areas not permitted to be covered by buildings. Landscaping plans shall be submitted to the Agency for review and approval to ensure the optimum use of living plant material.

6. Signs

All signs shall conform to City sign ordinances as they now exist or are hereafter amended. Design of all new signs shall be submitted to the Planning Commission for review and approval before erection.

7. Utilities

The Agency shall require that all utilities be placed underground when physically and economically feasible, or when not feasible, above ground utilities may be permitted by the Agency.

8. Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project area. Within the Project area, except with the approval of the Agency, there shall be no extraction of oil, gas, or other mineral substances, nor any opening or penetration for any purpose connected herewith within 500 feet of the surface.

9. Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

10. Resubdivision of Parcels

After rehabilitation and development pursuant to the Plan, no parcel in the Project area, including any parcel retained by a conforming owner or participant shall be resubdivided without the approval of the Agency.

11. Minor Variations

Under exceptional circumstances, the Agency is authorized to permit a variation from the limits, restrictions and controls established by the Plan. In order to permit such variation, the Agency must determine that;

- (a) The application of certain provisions of the Plan would result

in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Plan.

(b) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls.

(c) Permitting a variation will not be materially detrimental to the public welfare or injuries to property or improvements in the area.

(d) Permitting a variation will not be contrary to the objectives of the Plan.

In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Plan.

G. Design for Development

Within the limits, restrictions, and controls established in the Plan, the Agency is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project area.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency. One of the objectives of this Plan is to create an attractive and pleasant environment in the project area. Therefore, such plans shall give consideration to good design, open space, and other amenities to enhance the aesthetic quality of the Project area. The Agency shall not approve any plans that do not comply with this Plan.

Nothing in this section shall relieve any person or the Agency from meeting the requirements of the various land use and development ordinances and resolutions of the City or the regulations of this Agency.

H. Building Permits

1. Review of Applications for Issuance of Permits

No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project area from the date of adoption of this Plan until the application for such permit has been processed in the manner herein provided. Any such permit that is issued must be in conformance with the provisions of this Plan.

Upon receipt by the City of an application for permit, the Planning Commission shall be requested by the City to review the application to determine what effect, if any, the issuance thereof would have upon the Plan. Within twenty-five (25) days thereafter said Planning Commission shall file with the City a written report setting forth the finding of fact, but not limited to, the following:

- (a) Whether the proposed improvements would be compatible with the standards and other requirements set forth in the Plan; and
- (b) What modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of the Plan; and
- (c) Whether the applicant has entered into an agreement with the Agency for the development of said improvements and submitted development plans to the Agency.

After receipt of said report or after said 25-day period, whichever occurs first, the City may allow the issuance of the permit with conditions; or shall withhold the issuance of the permit if the Planning Commission finds that the proposed improvement does not meet the requirements of the Plan. Within five (5) days after allowing or withholding issuance of the permit, the City shall notify the applicant by certified mail.

V. METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Methods

The Agency is authorized to finance this project with financial assistance from the City, State of California, property tax increments, interest income, Agency bonds, or any other available source.

Nominal advances and loans for early survey and planning and nominal operating capital for administration of this Project have been and are to be provided by the City until adequate tax increments or other funds are available or sufficiently assured to repay the loans and to permit borrowing adequate working capital from sources other than the City. As available, gas tax funds from the State of California and the County of San Bernardino may be used for the street system. Also all or a portion of the parking may be installed through a parking authority or otherwise.

The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds, and indebtedness may be paid from tax increments or any other funds available to the Agency.

Except for public improvements, any method of financing should be undertaken only if a developer or developers are first legally bound and committed to the Agency to develop the property involved, which commitment shall have been approved by the Agency after a public hearing following a publication of notice of such hearing in a newspaper of general circulation in the City not less than seven (7) calendar days prior to such hearing and only as, if and when tax increment or other funding is available or sufficiently assured to support appropriate financing.

The proceeds of any such financing should be used for direct Agency acquisition, relocation and clearance within the Project area only where such actions are necessary to produce effective renewal results within a reasonable period of time.

B. Tax Increments

All taxes levied upon taxable property within the project area each year by or for the benefit of the State of California, County of San Bernardino, City of Fontana, any district, or other public corporation

(hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Redevelopment Plan, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Redevelopment Project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency of agencies which did not include the territory of the Project on the effective date of such ordinance but to which such territory is annexed or otherwise included after such effective date, the assessment roll last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project on said effective date); and
2. That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on bonds, loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance in whole or in part, this Redevelopment Project. Unless and until the total assessed value of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph 1 hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid into the funds of the respective taxing agencies. When said bonds, loans, advances and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid into the fund of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in paragraph 2 above are hereby irrevocably pledged for the payment of the principal and of interest on the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part.

The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

C. Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the United States, or any other public or private source will be utilized if available.

VI. ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Action by the City shall include, but not be limited to, the following:

- A. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project area. Such action by the City shall include the requirements of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan.
- B. Institution and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project area.
- C. Revision of the zoning within the Project area to permit the land uses and development authorized by this Plan.
- D. The undertaking and completing of any other proceedings necessary to carry out the Project.

VII. ADMINISTRATION AND ENFORCEMENT OF THE PLAN

The administration and enforcement of this Plan including the preparation and execution of any documents implementing this Plan shall be performed by the Agency and/or the City.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project area may be enforced by such owners.

VIII. DURATION OF THIS PLAN

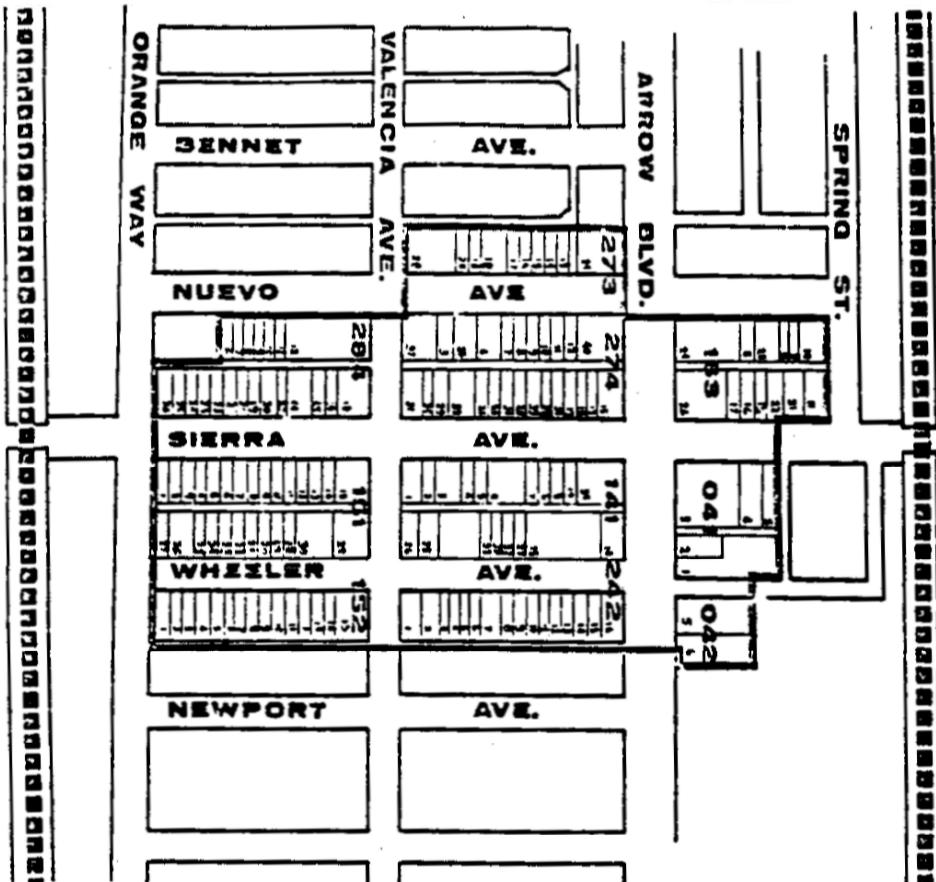
Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan set forth hereinabove in Section IV as said provisions exist now or as they may be amended shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for thirty-five (35) years from date of adoption of this Plan by the City Council.

IX. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Community Redevelopment Law or by any other procedure established by law.

[MASTREDE.DOC/CZ]

[09/30/92]



CITY OF
CONTANA



DOWNTOWN REDEVELOPMENT

legend

PROJECT
BOUNDARIES

**PROJECT FARCE
MAP - SUBJECT
TO ACQUISITION**

**CITY OF
FONTANA
PLANNING
DEPARTMENT**

DATE: Oct. 76
BY: FM

150 300 - 600

NO 8TH

827

CITY OF FONTANA



DOWNTOWN
REDEVELOPMENT
PROJECT LAND
USE MAP

Legend

— PROJECT
BOUNDARY

COMMERCIAL

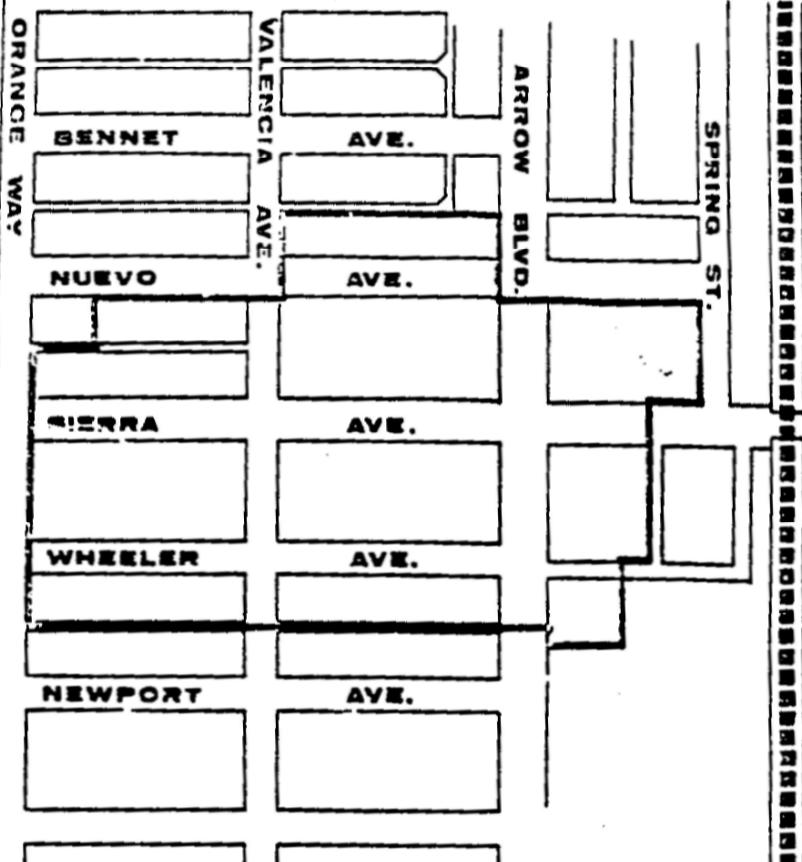
CITY OF
FONTANA
PLANNING
DEPARTMENT

DATE: Oct. 75
BY: FPA

NORTH

150 300 600

ORANGE WAY



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA
APPROVING AND ADOPTING THE DOWNTOWN REDEVELOPMENT PROJECT
REDEVELOPMENT PLAN.

WHEREAS, the Redevelopment Agency for the City of Fontana, California (hereinafter referred to as the "Agency") has formulated and prepared the Downtown Redevelopment Project Redevelopment Plan (hereinafter referred to as the "Redevelopment Plan"); and

WHEREAS, the Planning Commission of the City of Fontana has submitted its report and recommendation, recommending approval of the Redevelopment Plan; and

WHEREAS, the Agency has adopted rules for owner participation and rules for preferences for persons in business to reenter the Project Area; and

WHEREAS, the Agency has submitted to this City Council the Redevelopment Plan, accompanied by the Report to the City Council required by Section 33352 of the California Health and Safety Code; and

WHEREAS, after due notice, public hearings have been held by the Agency and the City Council; and

WHEREAS, at those public hearings the Agency and the City Council considered all matters required by law; and

WHEREAS, at the public hearing the City Council heard and passed upon all oral and written objections by overruling such objections;

NOW, THEREFORE, the City Council of the City of Fontana does ordain as follows:

Section 1. The legal description of the boundaries of the Downtown Redevelopment Project covered by the Redevelopment Plan is as follows:

Beginning at the intersection of the south line of Spring Street with the west line of Sierra Avenue; thence south along said west line to its intersection with the westerly prolongation of the south line of Lerner Lane; thence east along said prolongation and said south line to its intersection with the west line of Wheeler Avenue; thence southerly along said west line to its intersection with a line drawn 200 feet northerly of and parallel to the north line of Arrow Blvd. (120 ft. wide); thence easterly along said line 210 ft; thence southerly 200 ft. to the north line of Arrow Blvd; thence west along said north line to its intersection with the northerly prolongation of the east line of the first alley east of Wheeler Avenue; thence southerly along said northerly prolongation and said east line to the north line of Orange Way; thence west along said north line to its intersection with the west line of the first alley west of Sierra Avenue; thence north along said west line to the south line of Lot 10, Block 46, Tract 2266, Fontana Townsite (M.B. 32/43-53); thence west along said south line to the east line of Nuevo Avenue; thence north along said east line to the north line of Valencia Avenue; thence west along said north line to its intersection with the east line of the first alley west of Nuevo Avenue; thence north along said east line and its northerly prolongation to the south line of Arrow Blvd; thence east along said south line to its intersection with the east line of Nuevo Avenue; thence north along said east line to its intersection with the south line of Spring Street; thence east along said south line to the point of beginning.

Section 2. The purposes and intent of the City Council with respect to the Downtown Redevelopment Project Area are to:

- (a) Eliminate the conditions of blight.
- (b) Ensure, as far as possible, that the causes of the blighting conditions will be either eliminated or protected against.

- (c) Provide participation for the owners and persons in business in the Project Area.
- (d) Encourage and ensure the rebuilding and development of the Project Area.
- (e) Encourage and foster the economic revitalization of the Project Area.
- (f) Relocate the owners, occupants and residents of the Project Area as needed.

Section 3. The Redevelopment Plan for the Downtown Redevelopment Project is hereby incorporated by reference, and made a part hereof as if fully set out herein.

Section 4. All written and oral objections to the Redevelopment Plan are hereby overruled and the Redevelopment Plan is hereby adopted, approved and designated as the official Redevelopment Plan for the Downtown Redevelopment Project.

Section 5. The City Council hereby finds and determines that:

- (a) The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law.
- (b) The Redevelopment Plan will redevelop the area in conformity with the California Community Redevelopment Law and in the interests of the public peace, health, safety and welfare.
- (c) The adoption and implementation of the Redevelopment Plan is economically sound and feasible.
- (d) The Redevelopment Plan conforms to the General Plan of the City of Fontana.
- (e) The implementation of the Redevelopment Plan will promote the public peace, health, safety, and welfare of the City of Fontana and will effectuate the purposes and policies of the California Community Redevelopment Law.
- (f) The condemnation of real property, as provided for in the Redevelopment Plan, is necessary for the execution of that plan and adequate provisions have been made for payment for property to be acquired as provided by law.
- (g) The Agency has a feasible method and plan for the relocation of businesses and persons displaced from the Project Area, whether temporarily or permanently.
- (h) Relocation of families or households is proposed by the Redevelopment Plan and the City Council of the City of Fontana has found and determined that relocation of individuals and families is feasible and practical and that relocation payments will be made as authorized by State and Federal statutes.
- (i) The Redevelopment for the Project Area will afford a maximum opportunity consistent with the sound needs of the locality as a whole for the redevelopment of such area by private enterprise.
- (j) The City Council is satisfied that permanent housing facilities will be available within three years from the time any occupants of the project area might be displaced and that pending the development of any such facilities there will be available to such displaced occupants adequate temporary housing at rents comparable to those in the community at the time of their displacement.

Section 6. In order to implement and facilitate the effectuation of the Redevelopment Plan hereby adopted and approved, certain official action must be taken by this City Council with reference, among other things, to changes in zoning, the vacating and removal of streets, and other public ways, the location and relocation of sewer and water mains and other public facilities, and other public action, and, accordingly this City Council hereby:

- (a) Pledges its cooperation in helping to carry out the Redevelopment Plan;
- (b) Requests the various officials, departments, boards and agencies of the City of Fontana having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the Redevelopment Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designated to effectuate the Redevelopment Plan.

Section 7. Before entering into any sales or lease of the Project Area, or any part or portion thereof, the Agency shall submit the contract of sale or lease, together with the developer or lessee's plan for redevelopment, to this City Council and obtain its approval of the proposed document or documents and plan or plans for redevelopment.

Section 8. The Agency is directed to expedite the demolition of each existing structure following acquisition and relocation of occupants thereof.

Section 9. The City Clerk is hereby directed to send a copy of this Ordinance to the Agency and the Agency is hereby vested with the responsibility for carrying out the Redevelopment Plan subject to the restrictions and directions set forth herein.

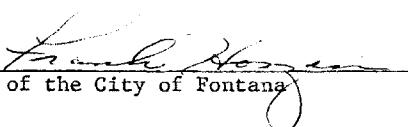
Section 10. The City Clerk is hereby directed to record as promptly as practicable with the County Recorder of San Bernardino County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the California Community Redevelopment Law. Such recording shall be in compliance with the provisions of Section 27295 of the Government Code to the extent applicable.

Section 11. The Building Department of the City of Fontana is hereby directed for a period of two years after the effective date of this Ordinance to advise all applicants for building permits within the Project Area that the site for which a building permit is sought for the construction of buildings or for other improvements is within a redevelopment project area.

Section 12. The City Clerk is hereby directed to transmit a copy of this Ordinance to the Auditor and Tax Assessor of San Bernardino County and to the governing body of each of the taxing agencies which levies taxes upon any property in the Project Area.

Section 13. This ordinance shall take effect thirty (30) days after the date of its adoption and prior to the expiration of fifteen (15) days from the passage thereof shall be published by the City Clerk at least once in the Herald-News, a newspaper of general circulation, published and circulated in the City of Fontana and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this 16th day of December, 1975.



Mayor of the City of Fontana

ATTEST:

Patricia M. Murray
City Clerk

I, Patricia M. Murray, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing ordinance, which was introduced at a regular meeting of said City Council on the 2nd day of December, 1975, was finally passed and adopted not less than five days thereafter on the 16th day of December, 1975.

AYES: Mayor Horzen, Councilmen Gilday, Koehler, Young

NOES: Councilman Jimenez

ABSENT: None

Patricia M. Murray
City Clerk of the City of Fontana

I further testify that said ordinance was thereupon signed by the Mayor of the City of Fontana.

Patricia M. Murray
City Clerk of the City of Fontana

EXHIBIT 'A'

AMENDMENT NO. 1
TO THE REDEVELOPMENT PLAN
FOR THE DOWNTOWN REDEVELOPMENT
PROJECT

The Redevelopment Plan for the Downtown
Redevelopment Project (the "Plan"), is hereby amended as
follows:

1. The legal description of the boundaries of the
Project Area as set forth in Article II A. of the Plan is
amended to include the legal description attached hereto as
Exhibit "A".

2. The first paragraph of Section C.1. of
Article III of the Plan is amended by the addition of
Marygold Avenue.

3. Section C.1. of Article III of the Plan is
amended by adding the following paragraph:

The Agency is authorized to
acquire and construct, or cause to be
acquired and constructed, curbs, gutters,
paving, sidewalks, street lights, sewers,
storm drains, traffic signals, electrical
distribution systems, flood control
facilities, natural gas distribution
systems, water supply and distribution
systems and telephone systems on or with

respect to Sierra Avenue and Marygold Avenue, whether within or outside the Project Area, and to acquire and construct other streets or access areas within the area added to the Project Area by Amendment No. 1 to the Plan, together with appurtenances of the types described above and appurtenant work pertaining thereto."

4. Section D. is added to Article V of the Plan to read as follows:

"D. Other Financing Methods

The Agency is authorized to implement any financing vehicle as the same exists or as may be permitted under the laws of the State of California, from time to time, or any other methods of financing as may hereafter become available to the Agency, including, but not limited to, S.B. 99 financings for commercial and residential new construction and/or rehabilitation."

5. Article VIII of the Plan shall read as follows:

"Except for the nondiscrimination and nonsegregation provisions, which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for forty-five (45) years from the date of adoption of the last amendment to this Plan by the City Council."

6. The Plan is amended by adding thereto the map which is attached hereto as Exhibit "B".

EXHIBIT 'A'

Beginning at the intersection of the centerline of Sierra Avenue and the centerline of Marygold Avenue which point is the southeast corner of Farm Lot 720, Semi-Tropic Land and Water Company Subdivision; Thence westerly 990 feet along the centerline of Marygold Avenue; Thence northerly 660 feet to the north line of said Farm Lot 720; Thence easterly 330 feet along the north line of said Farm Lot 720; Thence northerly 165 feet along a line dividing the east and west halves of Farm Lot 713, Semi-Tropic Land and Water Company Subdivision; Thence easterly 660 feet to the centerline of Sierra Avenue, which line is also the east line of said Farm Lot 713; Thence southerly 825 feet along the centerline of Sierra Avenue to the point of beginning.

AMENDMENT NO. 2
TO THE REDEVELOPMENT PLAN FOR THE
DOWNTOWN REDEVELOPMENT PROJECT

The Redevelopment Plan for the Downtown Redevelopment Project (the "Plan") is hereby amended as follows:

1. The legal description of the boundaries of the Project Area as set forth in Article II A of the Plan is amended to include the legal description attached hereto as Exhibit "A".

2. Section G.2. of Article III of the Plan is amended by adding the following paragraph:

"The Agency is authorized to acquire and construct, or cause to be acquired and constructed, curbs, gutters, paving, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, flood control facilities, natural gas distribution systems, water supply and distribution systems and telephone systems on or with respect to Sierra Avenue, Valley Boulevard and Marygold Avenue whether within or outside the Project Area, and to acquire and construct other streets or access areas within the area added to the Project Area by Amendment No. 2 to the Plan together with appurtenances of the types described above and appurtenant work pertaining thereto."

3. Section C.1. of Article IV of the Plan is amended by the addition of Marygold Avenue and Valley Boulevard.

4. Section B.2. of Article V of the Plan is amended by adding the following paragraph at the end thereof:

"The Agency shall not incur indebtedness in a principal amount in excess of \$230,000, exclusive of interest payable thereon, payable in whole from tax increment revenues attributable to the area added by Amendment No. 2 to the Plan. Increment revenues in excess of said principal amount together with interest due thereon shall be paid to the County of San Bernardino and the other affected taxing entities, but only on and after the date that said indebtedness, together with interest payable thereon, has been paid in full."

LEGAL DESCRIPTIONAMEND #2 DOWNTOWN REDEVELOPMENT PROJECT

Commencing at a point on the northwest corner of Lot 128, Marygold Acres Subdivision recorded in Book 19 of Maps, page 15, records of San Bernardino County, also being the intersection of the centerlines of Valley Blvd. (formerly Colton Avenue) and Sierra Avenue (formerly Magnolia Avenue) both being 60 feet in width; thence easterly along the centerline of Valley Blvd., a distance of 2640.73 feet to the centerline of Palmetto Avenue, which point is also the northeast corner of Lot 122, said Marygold Acres; thence southerly along the east line of said Lot 122, which line is also the centerline of vacated Palmetto Avenue, a distance of 997.84 feet to the north right of way line of Interstate 10 as per deed recorded in Book 1731, page 79, of Book 1727, page 498 and Book 1735, page 254, official records of San Bernardino County; thence south $88^{\circ}02'30''$ west, along the said north right of way line of Interstate 10, a distance of 1393.92 feet; thence north $84^{\circ}34'28''$ west, continuing along said north right of way line of Interstate 10, a distance of 484.42 feet; thence north $5^{\circ}25'32''$ east, a distance of 45 feet per deed recorded in Book 7469, page 853, official records of San Bernardino County; thence north $84^{\circ}34'28''$ west, a distance of 60.00 feet to a tangent point of a curve; thence continuing westerly along said curve, concave to the northeast, having a radius of 898.00 feet through a central angle of $6^{\circ}45'25''$, having a length of 105.90 feet to a tangent point; thence north $77^{\circ}49'03''$ west, a distance of 280.00 feet, to a tangent point of a curve per a deed recorded in Book 7607, page 661, official records of San Bernardino County; thence continuing westerly along said curve, concave to the northeast, having a radius of 180.00 feet, through a central angle of $29^{\circ}03'58''$, having a length of 91.32 feet to a point of reverse curvature; per a deed recorded in Book 7307, page 14, official records of San Bernardino County; thence continuing westerly along said curve, concave to the southwest, having a radius of 220.00 feet, through a central angle of $43^{\circ}42'40''$, having a length of 167.84 feet to a point on the east right of way line of Sierra Avenue, per deed recorded in Book 7307, page 14, official records of San Bernardino County; thence continuing westerly along a line to the centerline of Sierra Avenue, said line being perpendicular to the centerline of Sierra Avenue; thence North $0^{\circ}28'25''$ west along said centerline of Sierra Avenue to the centerline of Valley Blvd., which point is also the point of beginning.

Exhibit A
Legal Description
REVISION OF AMENDMENT #2

All that portion of Lots 721 and 728 Semi-Tropic Land and Water Co. Subdivision as recorded in Book II of Maps, page 12 records of San Bernardino County, more specifically described as follows;

Beginning at the northwest corner of said Lot 721, also being the intersection of the centerlines of Juniper Avenue and Marygold Avenue; Thence easterly along the northerly line of said Lot 721, also being the centerline of Marygold Avenue, a distance of 1,320 feet to the northeast corner of said Lot 721, also being the intersection of the centerlines of Marygold Avenue and Sierra Avenue; Thence southerly along the easterly line of said Lot 721 and 728, also being the centerline of Sierra Avenue, a distance of 1,323.96 feet to the southeast corner of said Lot 728, also being the intersection of the centerlines of Sierra Avenue and Valley Blvd.; Thence westerly along the southerly line of said Lot 728, also being the centerline of Valley Blvd.; a distance of 668 feet to a line parallel with and 8 feet west of the west line of the east $\frac{1}{4}$ of said Lot 728; Thence northerly along said line a distance of 663.29 feet to the northerly line of said Lot 728 also being the southerly line of said Lot 721; Thence westerly along said southerly line of Lot 721, a distance of 652 feet to the southwest corner of said Lot 721, also being the centerline of Juniper Avenue; Thence northerly along the westerly line of said Lot 721, also being the centerline of Juniper Avenue, a distance of 660 feet to the point of beginning.

AMENDMENT NO. 3
TO THE
REDEVELOPMENT PLAN FOR THE
DOWNTOWN REDEVELOPMENT PROJECT
(SUBAREA 1, SUBAREA 2 AND SUBAREA 5)

This Amendment No. 3 to the Redevelopment Plan for the Downtown Redevelopment Project (Subarea 1, Subarea 2 and Subarea 5) contains the legal description of Subarea 1, Subarea 2 and Subarea 5 of the redevelopment project area, as selected and approved by the Planning Commission of the City of Fontana, California, pursuant to its Resolution No. FRA-255, dated December 4, 1984, and includes certain other changes and amendments to the Redevelopment Plan for the Downtown Redevelopment Project as adopted by the City Council of the City of Fontana, California, pursuant to Ordinance No. 537, dated December 16, 1975, as amended by Ordinance No. 661, dated July 1, 1980, as amended by Ordinance No. 696, dated August 4, 1981, as amended by Ordinance No. 698, dated August 18, 1981 and as shall be further amended by appropriate ordinance adopting Amendment No. 3 to the Redevelopment Plan for the Downtown Redevelopment Project (Subarea 3 and Subarea 4) (collectively referred to herein as the "Redevelopment Plan"). The amendments to the Redevelopment Plan as contained in this Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) include items which pertain specifically to Subarea 1, Subarea 2 and Subarea 5 as included within Amendment No. 3. The Redevelopment Plan is hereby amended pursuant to this Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as follows:

1. The legal description of the lands included within the scope of the Redevelopment Plan, as contained in Article II.A. thereof, is amended by incorporating and adding thereto the legal description of the redevelopment project area included in Subarea 1, Subarea 2 and Subarea 5 to be added by this Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5):

"and

(insert legal description of Amendment No. 3
(Subarea 1, Subarea 2 and Subarea 5))"

2. A third sentence is hereby added to the new paragraph added by Amendment No. 3 (Subarea 3 and Subarea 4) in Section B.1 of Article III of the Redevelopment Plan to provide as follows:

"Without limitation upon the generality of the foregoing, the Agency may exercise the power of eminent domain in connection with the assembly of land which may be necessary for the acquisition and construction of commercial, retail and other development to be undertaken in Subarea 1 of the Project Area described in Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5)."

Section G.2 of Article III of the Redevelopment Plan is amended by adding the following new subparagraph at the end of said section which provide as follows:

"5) public improvements including all appurtenances and appurtenant work pertaining or related thereto and all necessary or required work and attendant facilities and structures with respect to construction, extension, reconstruction, realignment and improvements including paving, street lighting, public utilities, sewer facilities, landscaping, sidewalks and all curbs, wheel chair ramps, gutters and drainage facilities and appurtenant work thereto either within or of benefit to the Project Area described in Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as follows: Valley Boulevard from Sierra Avenue to a point approximately 2,400 linear feet west of said intersection; Cypress Avenue from Valley Boulevard to the right-of-way of the Interstate 10 Freeway; Juniper Avenue from Valley Boulevard south to the right-of-way of the Interstate 10 Freeway; Washington Drive from the extension of Oleander Avenue to the extension of Juniper Avenue; Foothill Boulevard from Mango Avenue to Palimetto Avenue.

6) construct, install and upgrade public street traffic signalization equipment, electroliers, controls, signage and all appurtenant equipment, facilities and improvements for the following intersections including any necessary or convenient redesign and reconstruction of roadway surfaces, medians or landscaping which may be required to properly regulate the circulation of vehicular or pedestrian traffic through said intersections either within or of benefit to in the Project Area described in Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as follows: Foothill Boulevard and Palmetto Avenue; Foothill Boulevard and Mango Avenue; Valley Boulevard and Sierra Avenue; Valley Boulevard and Juniper Avenue and Valley Boulevard and Cypress Avenue."

4. The first paragraph of Section C.1 of Article IV of the Redevelopment Plan is amended to add the following public streets and rights-of-way:

"Valley Boulevard and Washington Drive."

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11/25/84AMENDMENT NO. 3
TO THE
REDEVELOPMENT PLAN FOR THE
DOWNTOWN REDEVELOPMENT PROJECT
(SUBAREA 3 AND SUBAREA 4)

This Amendment No. 3 to the Redevelopment Plan for the Downtown Redevelopment Project (Subarea 3 and Subarea 4) contains the legal description of Subarea 3 and Subarea 4 of the redevelopment project area, as selected and approved by the Planning Commission of the City of Fontana, California, pursuant to its Resolution No. 254, dated December 4, 1984, and includes certain other changes and amendments to the Redevelopment Plan for the Downtown Redevelopment Project as adopted by the City Council of the City of Fontana, California, pursuant to Ordinance No. 537, dated December 16, 1975, as amended by Ordinance No. 661, dated July 1, 1980, as amended by Ordinance No. 696, dated August 4, 1981, and as amended by Ordinance No. 698, dated August 18, 1981 (collectively referred to herein as the "Redevelopment Plan"). The amendments to the Redevelopment Plan as contained in this Amendment No. 3 (Subarea 3 and Subarea 4) include items which pertain specifically to Subarea 3 and Subarea 4 as included within Amendment No. 3 in addition to the items as set forth in paragraphs 1, 2(a), 3, 4, 6, 8, 9, 10 and 11 hereof which pertain to all aspects of Amendment No. 3 and the various amendments to the Redevelopment Plan as contained herein. The items contained in Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) pertain only to said Subareas and do not affect or otherwise amend the Redevelopment

Plan in a general nature. The Redevelopment Plan is hereby amended pursuant to this Amendment No. 3 (Subarea 3 and Subarea 4) as follows:

1. The introductory paragraph of Article I of the Redevelopment Plan is amended to provide as follows:

"The Redevelopment Plan for the Downtown Redevelopment Project was approved and adopted by City of Fontana (the "City") Ordinance No. 537, dated December 16, 1975. Said Redevelopment Plan was amended by City Ordinance No. 661, dated July 1, 1980 ("Amendment No. 1"). Said Redevelopment Plan as amended, was further amended by City Ordinance No. 696, dated August 4, 1981, and City Ordinance No. 698, dated August 18, 1981 (hereinafter collectively referred to as "Amendment No. 2"). Amendment No. 3 (Subarea 3 and Subarea 4) to said Redevelopment Plan, as amended, was approved and adopted by City Ordinance No. 791, dated December , 1984 ("Amendment No. 3 (Subarea 3 and Subarea 4)") Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) to said Redevelopment Plan, as amended, was approved and adopted by City Ordinance No. 792, dated December , 1984 ("Amendment No. 3

(Subarea 1, Subarea 2 and Subarea 5)"). The Redevelopment Plan for the Downtown Redevelopment Project consists of the original redevelopment plan, as adopted by Ordinance No. 537, and Amendment No. 1, Amendment No. 2, Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) (collectively referred to herein as the "Redevelopment Plan"). The Redevelopment Plan is divided into Part I (Text) and Part II (Map). This Redevelopment Plan has been prepared by the Fontana Redevelopment Agency (the "Agency") pursuant to the Community Redevelopment Law of the State of California, the California Constitution and all applicable local laws and ordinances."

2. Article II of the Redevelopment Plan, entitled "Project Area Boundary and Description", is amended as follows:

(a) The first paragraph of Article II.A. of the Redevelopment Plan is amended to provide as follows:

"A. Boundary

The redevelopment project area boundaries of the Downtown Redevelopment Project, including Amendment No. 1, Amendment No. 2, Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) thereto (the "Project Area"), are illustrated on the Map attached hereto. The legal description of the boundaries of the Project Area is as follows:

(b) The legal description of the lands included within the scope of the Redevelopment Plan, as contained in Article II.A. thereof, is amended by incorporating and adding thereto the legal description of the redevelopment project area included in Subarea 3 and Subarea 4 to be added by this Amendment No. 3 (Subarea 3 and Subarea 4):

"and

(insert legal description of Amendment No. 3
(Subarea 3 and Subarea 4))"

3. A new paragraph is hereby added and inserted between the existing provisions of the second paragraph of Section B.1 of Article III and the existing provisions of the third paragraph of said Section of the Redevelopment Plan to provide as follows:

"The Agency shall not acquire real property by exercise of the power of eminent domain without first obtaining, for each acquisition, the approval of the City Council of the City of Fontana. Commencement of eminent domain proceedings to acquire property located within the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) shall begin within twelve (12) years from the effective date of the ordinances which approve and adopt Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5)."

4. Section F of Article III of the Redevelopment Plan is repealed and said Section F of Article III is hereby readopted to provide as follows:

"F. Relocation Assistance and Provisions for Low- and Moderate-Income Housing

1. Assistance in Finding Other Locations

The Agency shall assist any person to find another location or facility who is displaced by the acquisition of property by the Agency in the Project Area. In order to implement the

Redevelopment Plan with a minimum of hardship to said persons, the Agency shall provide relocation assistance thereto in finding suitable structures and locations that are decent, safe, sanitary, within their financial means, in reasonably convenient locations. The Agency shall adopt and revise relocation assistance guidelines as necessary and appropriate for the Project Area in accordance with all applicable law.

2. Relocation Payments

The Agency shall provide all relocation assistance payments as may be required by law. The Agency may provide additional relocation assistance payments which the Agency may deem to be reasonably necessary to carry out the purposes of this Redevelopment Plan. Such additional discretionary payments shall be subject to the availability of funds therefor.

3. Low- and Moderate-Income Replacement Housing

Whenever dwelling units located within that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and

Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) which house persons and families of low or moderate income are destroyed or removed from the low- and moderate-income housing market as part of the implementation of the Redevelopment Plan, the Agency shall, within four (4) years of such destruction or removal, either rehabilitate, develop, or construct, or cause to be rehabilitated, developed, or constructed, for rental or sale to persons and families of low or moderate income an equal number of replacement dwelling units at affordable rents within the Project Area or within the territorial jurisdiction of the Agency, in accordance with all of the provisions of applicable law."

5. Section G.2 of Article III of the Redevelopment Plan is amended by adding a new paragraph which provides as follows:

"The Agency is also authorized to install and construct, or cause to be installed and constructed, pursuant to Health and Safety Code Section 33445, the buildings, facilities, structures and other improvements which are publicly owned either within or outside of the Project Area, upon the appropriate findings and determinations having been made by the City Council, as follows:

1) public improvements including all appurtenances and appurtenant work pertaining or related thereto and all necessary or required work and attendant facilities and structures with respect to construction, extension, reconstruction, realignment and improvements including paving, railroad grade crossings, bridges, street lighting, public utilities, sewer facilities, landscaping, sidewalks and all curbs, wheel chair ramps, gutters and drainage facilities and appurtenant work thereto in the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) as follows: Upland Avenue from Juniper Avenue to Mango Avenue; Bennett Avenue from Seville Avenue to Upland Avenue; Nuevo Avenue from Seville Avenue to Upland Avenue; Emerald Avenue from Seville Avenue to Upland Avenue; Seville Avenue from Juniper Avenue to Mango Avenue; Spring Street from Juniper Avenue to Nuevo Avenue; Arrow Road from Juniper Avenue to Nuevo Avenue; Arrow Road from Newport Avenue to Mango Avenue; Rosena Avenue from Orange Way to Arrow Road; Bennett Avenue from Orange Way to Arrow Road; Newport Avenue from Orange Way to Arrow Road;

Emerald Avenue from Orange Way to Arrow Road; Orange Way from Juniper Avenue to Mango Avenue; Ceres Avenue from Juniper Avenue to Mango Avenue; Juniper Avenue from Upland Avenue to Ceres Avenue; Nuevo Avenue from Orange Way to a point 330' east on Orange Way; Valencia Avenue from Juniper Avenue to the alley between Bennett Avenue and Nuevo Avenue; Valencia Avenue from Mango Avenue to the alley between Emerald Avenue and Newport Avenue; Sierra Avenue from Upland Avenue to Foothill Boulevard; Foothill Boulevard from Sierra Avenue to Cypress Avenue; southwest corner of Juniper Avenue and Foothill Boulevard; Cypress Avenue from Foothill Boulevard to Upland Avenue; Juniper Avenue from Foothill Boulevard to Ivy Avenue and Ivy Avenue from Sierra Avenue to Nuevo Avenue.

2) construct, install and upgrade public street traffic signalization equipment, electroliers, controls, signage and all appurtenant equipment, facilities and improvements for the following intersections including any necessary or convenient redesign and reconstruction of roadway

surfaces, medians or landscaping which may be required to properly regulate the circulation of vehicular or pedestrian traffic through said intersections in the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) as follows: Foothill Boulevard and Cypress Avenue; Foothill Boulevard and Juniper Avenue; Foothill Boulevard and Sierra Avenue; Sierra Avenue and Upland Avenue and Cypress Avenue and Arrow Road.

3) construct, install and improve a railroad separated grade crossing at the intersection of Sierra Avenue and the right-of-way of the Atchison, Topeka and Santa Fe Railway Co. in the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4).

4) construct, install, improve and equip an expansion of the existing City police facility located at the City Civic Center."

6. The third paragraph of Section I.2 of Article III of the Redevelopment Plan is amended to provide as follows:

"All deeds, leases or contracts for the sale, lease, sublease or use of any land in the Project Area shall contain the nondiscrimination clauses prescribed in Health and Safety Code Section 33436."

7. The first paragraph of Section C.1 of Article IV of the Redevelopment Plan is amended to add the following public streets and rights-of-way:

"Foothill Boulevard; Cypress Avenue; Mango Avenue; Upland Avenue; Seville Avenue; Orange Way and Ceres Avenue."

8. The introductory paragraph of Section D.4 of Article IV of the Redevelopment Plan is amended to provide as follows:

"All real property in the Project Area is hereby made subject to the controls and requirements of this Redevelopment Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of the Redevelopment Plan except in conformance with the

provisions hereof. The location of public open space areas within the Project Area shall be in accordance with the adopted General Plan of the City."

9. Section D of Article V of the Redevelopment Plan is amended by adding new subsections 12 and 13 which provide as follows:

"12. Limitations on the Number of Buildings

The number of buildings which may be constructed or located in the Project Area shall not exceed the maximum number as may be permitted under the applicable zoning and development standards of the City.

13. Approximate Number and Condition of the Existing Dwelling Units

The approximate number and condition of the existing residential dwelling units located within the Project Area as of the date of adoption of Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) is more fully described in the Housing Element of the General Plan of the City, as amended, as of July 26, 1984."

10. Section E of Article V of the Redevelopment Plan is hereby added to provide as follows:

"E. Limitation

1. The dollars of taxes which may be divided and allocated to the Agency from that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) pursuant to Section B of this Article V is limited to the amount of indebtedness of the Agency, whether funded, refunded, assumed or otherwise, but not to exceed the sum of forty-one million dollars (\$41,000,000).

2. No loan, advance or indebtedness to finance in whole or in part the implementation of this Redevelopment Plan from tax increments which may be generated from property located within that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) may be divided and allocated to the Agency from said portion of the Project Area pursuant to Section B of this Article V shall be

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established after a date twenty (20) years from the date of adoption of the ordinance approving and adopting Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) to this Redevelopment Plan.

This limitation shall not be applicable to the issuance of refunding bonds issued for the purpose of paying or retiring any loans, advances, or indebtedness previously incurred by the Agency.

3. The pro rata amount of bonded indebtedness, attributed to and secured by tax increments from that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) which may be outstanding at one time shall be sixteen million four hundred thousand dollars (\$16,400,000)."

11. Article VIII of the Redevelopment Plan is amended to provide as follows:

"VIII. Duration Of This Redevelopment Plan

Except for the nondiscrimination and nonsegregation provisions, which shall run in perpetuity, the provisions of this Redevelopment Plan shall be effective and the provisions of other documents formulated pursuant to this Redevelopment Plan may be made effective for forty-five (45) years from the date of adoption of Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) of this Redevelopment Plan by the City Council of the City of Fontana."

LEGAL DESCRIPTION OF AMENDMENT NO. 3
TO THE DOWNTOWN REDEVELOPMENT PROJECT AREA

Amendment number 3 to the Downtown Redevelopment Project Area consists of the following Sub Areas:

SUB AREA 1

Beginning at the intersection of Cypress Avenue and Valley Boulevard also being the north/west corner of Farm Lot 730, Semi-Tropic Land and Water Company Subdivision as recorded in Map Book 11 of maps, page 12 records of San Bernardino County. Thence easterly along the centerline of Valley Boulevard, a distance of 2640.00 feet to the intersection of Sierra Avenue and Valley Boulevard also being the north/east corner of Farm Lot 729. Thence southerly along the centerline of Sierra Avenue, a distance of 660 feet to the north/east corner of Farm Lot 736. Thence westerly along said farm lot line, a distance of 87.00 feet more or less to the intersection of Route 10 right of way line and the northerly line of said farm lot. Thence continuing along Route 10 right of way S 12° 25' 16" W, a distance of 122.82 feet. Thence S 88° 02' 30" W 52.00 feet. Thence S 69° 42' 27" W, a distance of 515.73 feet. Thence S 0° 30' 24" E, a distance of 12 feet. Thence S 70° 59' 16" W, a distance of 170.94 feet to the beginning of a curve concave to the north/west and having a central angle of 18° 26' 09" and a radius of 485 feet. Thence south/westerly along said curve, a distance of 156.06 feet to the end of said curve. Thence S 89° 25' 25" E, a distance of 350.00 feet more or less to the intersection of Juniper Avenue and northerly right of way line of Route 10. Thence northerly along the centerline of Juniper Avenue to the intersection of the southline of Farm lot 30. Thence continuing westerly, a distance of 1320.00 feet more or less to the intersection of the centerline of Cypress Avenue. Thence northerly along the centerline of Cypress Avenue a distance of 660.00 feet more or less to the point of beginning.

SUB AREA 2

Beginning at the intersection of San Bernardino Avenue and Sierra Avenue as shown per Marygold Acres as recorded in Map Book 19, page 15 records of San Bernardino County. Said location also being the northwest corner of Lot 63. Thence southerly along a distance of 330 feet to the true point of beginning. Thence continuing south a distance of 495 feet to a point 165 feet south of the north line of Lot 64. Thence east a distance of 660 feet to the east line of said lot. Thence northerly a distance of 495 feet. Thence northerly a distance of 660 feet to the point of beginning. Excepting therefrom the easterly 20 feet and the northerly 33 feet of Lot 63.

SUB AREA 3

Beginning at the intersection of Juniper Avenue and Ceres Avenue as shown as per Tract No. 2266 as recorded in Map Book 32, page 51, records of San Bernardino County. Thence northerly along said centerline of Juniper Avenue a distance of 3,154.57 feet to the intersection of Upland Avenue and Juniper Avenue. Thence easterly along said centerline a distance of 2,640.43 feet to the intersection of Mango Avenue and Upland Avenue. Thence southerly along said centerline a distance of 3,028.25 feet to the intersection of Ceres Avenue and Mango Avenue. Thence westerly along said centerline a distance of 2,638.87 feet to Juniper Avenue being the Point of Beginning.

Excepting therefrom those Redevelopment Project areas adopted by City of Fontana Ordinance No. 537.

SUB AREA 4

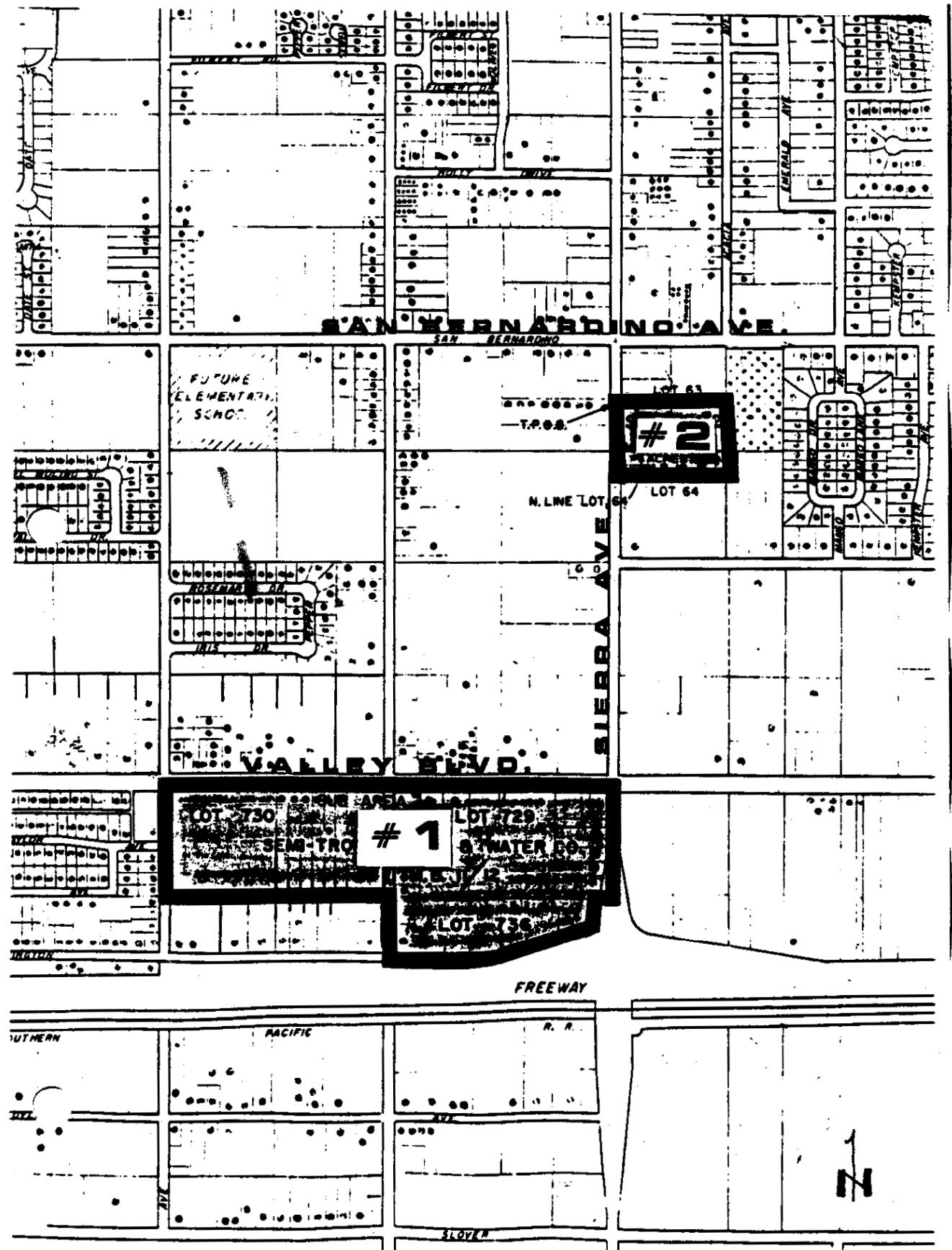
Beginning at the intersection of Cypress Avenue and Foothill Boulevard also being the north/west corner of Farm Lot 652, Semi-Tropic Land and Water Company Subdivision as recorded in Map Book 11 of maps, page 12, records of San Bernardino County. Thence easterly along the centerline of Foothill Boulevard a distance of 2640 feet to the intersection of Sierra Avenue and Foothill Boulevard. Thence southerly along the centerline of Sierra Avenue a distance of 1320 feet to the intersection of Sierra Avenue and Upland Avenue also being the south/east corner of Farm Lot 658. Thence westerly along the centerline of Upland Avenue a distance of 497.80 feet as shown on Tract No. 2933 as recorded in Map Book 40, page 22 records of said county to the intersection of Nuevo Avenue and Upland Avenue. Thence northerly along said centerline a distance of 651.05 feet to the intersection of Nuevo Avenue and Ivy Avenue. Thence westerly a distance of 73.17 feet more or less to the intersection of west line of Lot 17 of Tract No. 2718 as recorded in Map Book 38, pages 17 and 18, records of said county. Thence northerly along the west line of said Lot 17 a distance of 306 feet to the center of an easement as recorded per official record of said county per 3536, page 36 12-30-54. Thence westerly along centerline of said easement a distance of 748.55 feet to the intersection of Juniper Avenue. Thence continuing westerly to a point that is on the south line of the north/west quarter Farm Lot 652 and 122 feet westerly of the easterly line of the north/west quarter of said lot. Thence southerly and parallel to the easterly line of the west half of said farm lot a distance of 330 feet more or less to a point on the southline of Farm Lot 652. Thence westerly 538 feet more or less to the south/west corner of said Farm Lot 652. Also being on the centerline of Cypress Avenue. Thence northerly along centerline of Cypress Avenue a distance of 660 feet more or less to the north/-westcorner of said Farm Lot 652 to the point of beginning.

SUB AREA 5

Beginning at the intersection of Mango Avenue and Foothill Boulevard also being the north/west corner of Farm Lot 525, Semi-Tropic Land and Water Co. Subdivision as recorded in Map Book 11 of maps, page 12, records of San Bernardino County. Thence easterly along the centerline of Foothill

Boulevard, a distance of 1,320 feet to the intersection of Palmetto Avenue and Foothill Boulevard. Thence southerly along the centerline of Palmetto Avenue a distance of 660 feet, said point also being the south/east corner of Farm Lot 525. Thence westerly a distance of 1,320 feet to the intersection of Mango Avenue, said point being the southwest corner of Farm Lot 525. Thence northerly along the centerline of Mango Avenue, a distance of 660 feet more or less to the north/west corner of said Farm Lot 525 to the point of beginning.

AMENDMENT #3
SUB AREAS



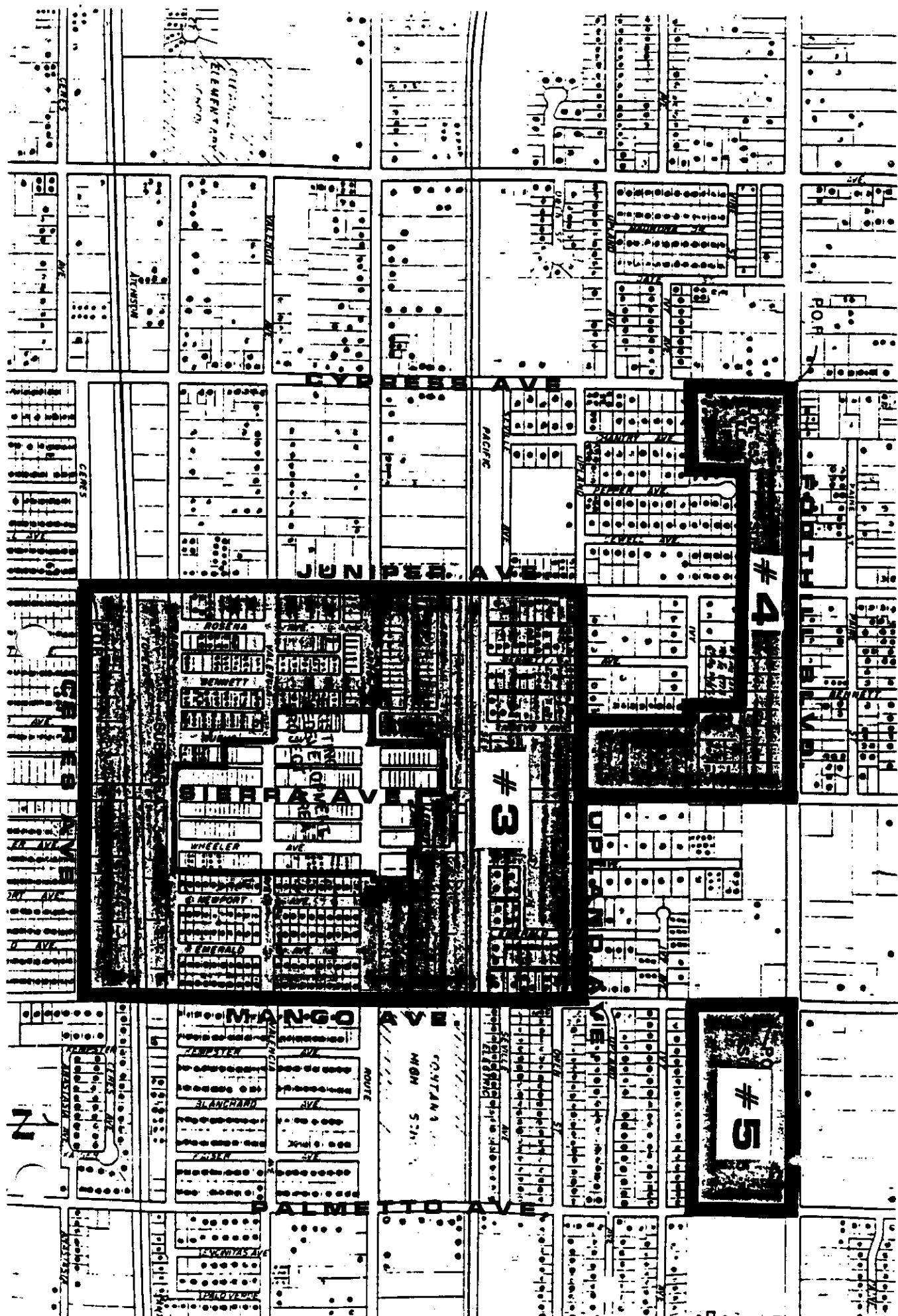


EXHIBIT "A"

AMENDMENT NO. 4 TO THE REDEVELOPMENT PLAN
FOR THE DOWNTOWN REDEVELOPMENT PROJECT

The Redevelopment Plan for the Downtown Redevelopment Project (the "Plan") is hereby amended as follows:

1. Article III, Section B, Subsection 1 of the Plan is hereby amended by adding thereto at the end thereof a new paragraph to read in its entirety as follows:

"Separate and apart from the commencement of eminent domain proceedings to acquire real property located within the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as otherwise provided in this Plan, the Agency shall not commence any proceeding to acquire property by eminent domain pursuant to this Plan later than January 15, 1998."

2. Article V, Section E of the Plan is hereby amended by adding thereto new Subsections 4 and 5 to read in their entirety as follows:

"4. Separate and apart from loans, advances or indebtedness pertaining to property located within that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as otherwise provided in Article V, Section E, Subsection 2 herein, no loan, advance or indebtedness to be repaid from allocations of taxes and established or incurred by the Agency to finance, in whole or in part, the Redevelopment Project shall be established or incurred after fifteen (15) years following the effective date of the Ordinance pursuant to which this Subsection 4 was adopted as part of this Plan, or of the ordinance approving the last amendment to this Plan and extending such date. Such loan, advance or indebtedness may be repaid over a period of time longer than such time limit. Such time limitation may be extended only by amendment of this Plan. Separate and apart from loans, advances or indebtedness pertaining to property located within that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as otherwise provided in Article V, Section E, Subsection 3 herein, the principal amount of bonded indebtedness (issued pursuant to Section 33640, et seq., of the Health and Safety Code) to be repaid in whole or in part from such allocations of taxes, and which can be outstanding at one time, as applicable to the Redevelopment Project, shall not exceed the sum of fifty million dollars (\$50,000,000) without an amendment of this Plan."

5a. A limitation on the number of dollars of taxes which may be divided and allocated to the Agency need not be specified as a dollar value limitation so long as a limitation does in fact exist to enable the Agency to reasonably determine a limitation on such amounts when certain financial variables are known. Taxes shall not be divided and shall not be allocated to the Agency beyond such limitation, except by amendment of this Plan. Separate and apart from the dollar amount of taxes which may be divided and allocated pertaining to property located within that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as otherwise provided in Article V, Section E, Subsection 1 herein, the dollar amount of taxes which may be divided and allocated to the Agency ("tax allocations") pursuant to Subsection 4 of this Section "E" in any fiscal year shall be a figure derived by multiplying the maximum annual debt service (as hereinafter defined) on those forms of indebtedness as further provided in Paragraph "b" below and payable from the tax increment revenues attributable to the Redevelopment Project

other than Subareas 1 through 5 set forth in Amendment No. 3, by a factor of 1.75 ("coverage"). As used herein, maximum annual debt service means the largest of the sums obtained for any fiscal year after the computation is made by totaling the following for each such fiscal year: (1) the principal amount of all serial Bonds and serial parity Bonds payable in such fiscal year; and (2) the amount of minimum sinking fund payments; (3) the interest which would be due during such fiscal year on the aggregate principal amount of Bonds and parity Bonds which would be outstanding in such fiscal year if the Bonds and parity Bonds outstanding on the date of such computation were to mature or be redeemed in accordance with the maturity schedule or schedules for the serial Bonds and serial parity Bonds and the schedule or schedules of minimum sinking fund payments for term Bonds and term parity Bonds; (4) any other optional or mandatory call and redemption of bonds; and (5) the principal and interest due and payable in each fiscal year of the agency with respect to loans, notes, contractual obligations or other forms of indebtedness payable to third parties either in whole or in part from the tax allocations. At the time and for the purpose of making such computation, the amount of term Bonds and term parity Bonds already retired in advance of the above-mentioned schedule or schedules shall be deducted pro rata from the remaining amounts thereon.

b. Separate and apart from tax allocation bonded indebtedness pertaining to property located within that portion of the Project Area described in Amendment No. 3 (Subarea 3 and Subarea 4) and Amendment No. 3 (Subarea 1, Subarea 2 and Subarea 5) as otherwise provided in Article V, Section E, Subsection 3 herein, the principal amount of tax allocation bonded indebtedness applicable to the Redevelopment Project issued pursuant to Section 33640, *et seq.*, of the Health and Safety Code, exclusive of (i) sales and use tax revenue bonds or other similar bonded indebtedness or contractual obligations, (ii) other Agency subordinated contractual obligations payable from tax allocations and, (iii) other forms of indebtedness and City and/or Agency indebtedness payable from tax allocations, which can be outstanding at any one time and payable in whole or in part from tax allocations attributable to the Redevelopment Project shall be limited to fifty million dollars (\$50,000,000) if and to the extent the same is serviceable solely from tax allocations, applying to such tax allocations the 1.75 coverage test as set forth above to so determine the total amount of tax allocations to be allocated to the Agency for the debt service requirements on such tax allocation bonded indebtedness issued pursuant to said Section 33640 in addition to that amount required for the repayment of principal and interest on such other Agency subordinated contractual obligations payable from tax allocations and other forms of indebtedness and City and/or Agency indebtedness payable from tax allocations; provided, however, that if other sources of payment are lawfully combined with tax allocations, there shall be no limit as to the amount of bonded indebtedness serviceable from such other source of funds, except as to that portion of the total tax allocation bonded indebtedness which is attributable to being serviced from tax allocations which shall not at any one time exceed such figure of fifty million dollars (\$50,000,000) principal amount outstanding as set forth above applying the same coverage test to determine the total amount of tax allocations which shall be available to the Agency."

ORDINANCE NO. 1138

AN ORDINANCE OF THE CITY OF FONTANA,
CALIFORNIA, APPROVING AND ADOPTING AMENDMENTS
TO THE REDEVELOPMENT PLAN FOR THE DOWNTOWN
REDEVELOPMENT PROJECT AREA, AS PREVIOUSLY
AMENDED, AND AMENDMENTS THERETO CONCERNING
TIME LIMITATIONS

WHEREAS, the City Council of the City of Fontana ("City Council") approved and adopted the Redevelopment Plan for the Downtown Redevelopment Project on January 15, 1985, and adopted Amendment I thereto which became effective on July 31, 1980, and Amendment II thereto which became effective on September 4, 1981, and Amendment III thereto which became effective on January 17, 1985; and

WHEREAS, pursuant to Assembly Bill 1290, which became effective on January 1, 1994 ("AB1290"), all redevelopment plans adopted on or before December 31, 1993, must contain specific time limits on: 1) the establishment of loans, advances and indebtedness; 2) the effectiveness of all redevelopment plans; and 3) redevelopment agency's authority to pay indebtedness or receive property taxes pursuant to Section 33670 of the Health and Safety Code; and

WHEREAS, pursuant to Health and Safety Code §33333.6(e)(1), the legislative body of a redevelopment agency must amend each of its redevelopment plans adopted prior to January 1, 1994, to conform with AB 1290 if those plans contain an existing time limit that exceeds the applicable time limit established by Health and Safety Code Section 33333.6 or if they do not contain any time limits at all; and

WHEREAS, the Redevelopment Plan for the Downtown Redevelopment Project and its amendments must be amended to conform with AB1290; and

WHEREAS, in adopting an ordinance pursuant to Health and Safety Code Section 33333.6(e)(1) to bring a redevelopment plan into compliance with AB1290, neither the Fontana City Council nor the Fontana Redevelopment Agency is required to comply with Article 12 of Part 1 of Division 24, commencing with Section 33450 of the Health and Safety Code which sets forth requirements for amending redevelopment plans.

NOW, THEREFORE, the City Council of the City of Fontana does ordain as follows:

Section 1. Section E of Article V of the Redevelopment Plan for the Downtown Redevelopment Project is hereby amended to read as follows:

"E. Limitations.

1. The dollars and taxes which may be divided and allocated to the Agency from that portion of the Project Area described in Amendment No. 3 (subarea 3 and subarea 4) and Amendment No. 3 (subarea 1, subarea 2 and subarea 5) pursuant to Section B of this Article V is limited to the amount of indebtedness of the Agency, whether funded, refunded, assumed or otherwise, but not to exceed the sum of forty-one million dollars (\$41,000,000).
2. The pro rata amount of bonded indebtedness, attributed to and secured by tax increments from that portion of the Project Area described in Amendment No. 3 (subarea 3 and subarea 4) and Amendment No. 3 (subarea 1, subarea 2 and subarea 5) which may be outstanding at one time shall be sixteen million four hundred thousand dollars (\$16,400,000).
3. A. Original Project Area. The Agency's authority to establish loans, advances and indebtedness pursuant to this Plan to finance in whole or in part the Downtown Redevelopment Project as originally adopted shall cease on January 1, 2004, unless a different time is required by the Redevelopment Law, or unless this limitation is extended by amendment of this Plan in accordance with the Redevelopment Law. Notwithstanding this limitation, the Agency shall not be prevented from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law.

Unless a different time is required by the Redevelopment Law, the time limitation set forth herein may be extended only by amendment of the Plan, after the Agency finds, based on substantial evidence that: (1) significant blight remains within the Project Area; and (2) this blight cannot be eliminated without the establishment of additional debt, provided that in no

event shall a subsequent amended time limitation exceed January 1, 2014 unless a different time is required or allowed by the Redevelopment Law.

B. Amendment I. The Agency's authority to establish loans, advances and indebtedness to finance in whole or in part activity associated with the territory added to the Downtown Redevelopment Project Area by Amendment I, shall cease on January 1, 2004, unless a different time is required by the Health and Safety Code, or unless this limitation is extended by amendment of this Plan in accordance with the Redevelopment Law. Notwithstanding this limitation, the Agency shall not be prevented from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law.

Unless a different time is required by the Redevelopment Law, the time limitation set forth herein may be extended only by amendment of the Plan, after the Agency finds, based on substantial evidence that: (1) significant blight remains within the Project Area; and (2) this blight cannot be eliminated without the establishment of additional debt, provided that in no event shall a subsequent amended time limitation exceed January 1, 2014 unless a different time is required or allowed by the Redevelopment Law.

C. Amendment II. The Agency's authority to establish loans, advances and indebtedness to finance in whole or in part activity associated with the territory added to the Downtown Redevelopment Project Area by Amendment II, shall cease on January 1, 2004 unless a different time is required by the Redevelopment Law, or unless this limitation is extended by amendment of this Redevelopment Plan in accordance with the Redevelopment Law. Notwith-

standing this limitation, the Agency shall not be prevented from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law.

Unless a different time is required by the Redevelopment Law, the time limitation set forth herein may be extended only by amendment of the Plan, after the Agency finds, based on substantial evidence that: (1) significant blight remains within the Project Area; and (2) this blight cannot be eliminated without the establishment of additional debt, provided that in no event shall a subsequent amended time limitation exceed, January 1, 2014 unless a different time is required or allowed by the Redevelopment Law.

D. Amendment III. The Agency's authority to establish loans, advances and indebtedness to finance in whole or in part activity associated with the territory added to the Downtown Redevelopment Project Area by Amendment III, shall cease on January 1, 2004 unless a different time is required by the Health and Safety Code, or unless this limitation is extended by amendment of this Plan in accordance with the Redevelopment Law. Notwithstanding this limitation, the Agency shall not be prevented from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33413 of the Redevelopment Law.

Unless a different time is required by the Redevelopment Law, the time limitation set forth herein may be extended only by amendment of the Plan, after the Agency finds, based on substantial evidence that: (1) significant blight remains within the Project Area; and (2) this blight cannot be eliminated without the establishment

of additional debt, provided that in no event shall a subsequent amended time limitation exceed, January 1, 2014 unless a different time limit is required or allowed by the Redevelopment Law."

4. A. Original Project Area. Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond January 15, 2026 unless a different time is required by the Health and Safety Code. The limitation set forth in this subsection A shall not be applied to limit allocation of taxes to the Agency to the extent required to eliminate project deficits created under subdivision (e) of Section 33320.5, subdivision (g) of Section 33334.6 or subdivision (d) of Section 33487 of the Redevelopment Law, in accordance with the plan adopted pursuant thereto for the purpose of eliminating the deficits or to implement a replacement housing program pursuant to Section 33413 of the Health and Safety Code. In the event of a conflict between these limitations and the obligations under Section 33334.6 or to implement a replacement housing program pursuant to Section 33413 of the Redevelopment Law, the City Council shall amend the ordinance adopted pursuant to Section 33333.6 of the Redevelopment Law to modify the limitations to the extent necessary to permit compliance with the plan adopted pursuant to subdivision (g) of Section 33334.6 of the Redevelopment Law and to allow full expenditure of monies in the Agency's Low and Moderate Income Housing Fund in accordance with Section 33334.3 of the Redevelopment Law or to permit implementation of the replacement housing program pursuant to Section 33413 of the Redevelopment Law.

The limitations set forth in this subsection A shall not be construed to affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to Section 33401 of the Redevelopment Law, authorized by the

City Council, or the Agency pursuant to Part 1 of Division 24 of the Redevelopment Law, prior to January 1, 1994, nor shall the limitations set forth in this subsection A be construed to affect the right of the Agency to receive property taxes, pursuant to Section 33670 of the Redevelopment Law to pay the indebtedness or other obligation.#

B. Amendment I. Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond July 31, 2030 unless a different time is required by the Redevelopment Law. The limitations set forth in this subsection B shall not be applied to limit allocation of taxes to the Agency to the extent required to eliminate project deficits created under subdivision (e) of Section 33320.5, subdivision (g) of Section 33334.6 or subdivision (d) of Section 33487 of the Redevelopment Law, in accordance with the plan adopted pursuant thereto for the purpose of eliminating the deficits or to implement a replacement housing program pursuant to Section 33413 of the Redevelopment Law. In the event of a conflict between these limitations and the obligations under Section 33334.6 or to implement a replacement housing program pursuant to Section 33413 of the Redevelopment Law, the City Council shall amend the ordinance adopted pursuant to Section 33333.6 of the Redevelopment Law to modify the limitations to the extent necessary to permit compliance with the plan adopted pursuant to subdivision (g) of Section 33334.6 of the Redevelopment Law and to allow full expenditure of monies in the Agency's Low and Moderate Income Housing Fund in accordance with Health and Safety Code Section 33334.3 or to permit implementation of the replacement housing program pursuant to Section 33413 of the Redevelopment Law.

The limitations set forth in this subsection B shall not be construed to affect the validity of any bond, indebtedness, or other obligation,

including any mitigation agreement entered into pursuant to Section 33401 of the Redevelopment Law, authorized by the City Council, or the Agency pursuant to Part 1 of Division 24 of the Redevelopment Law, prior to January 1, 1994, nor shall the limitations set forth in this subsection B be construed to affect the right of the Agency to receive property taxes, pursuant to Section 33670 of the Redevelopment Law to pay the indebtedness or other obligation.

C. Amendment II. Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond September 4, 2031 unless a different time is required by the Redevelopment Law. The limitations set forth in this subsection C shall not be applied to limit allocation of taxes to the Agency to the extent required to eliminate project deficits created under subdivision (e) of Section 33320.5, subdivision (g) of Section 33334.6 or subdivision (d) of Section 33487 of the Redevelopment Law, in accordance with the plan adopted pursuant thereto for the purpose of eliminating the deficits or to implement a replacement housing program pursuant to Section 33413 of the Redevelopment Law. In the event of a conflict between these limitations and the obligations under Section 33334.6 or to implement a replacement housing program pursuant to Section 33413 of the Redevelopment Law, the City Council shall amend the ordinance adopted pursuant to Section 33333.6 of the Redevelopment Law to modify the limitations to the extent necessary to permit compliance with the plan adopted pursuant to subdivision (g) of Section 33334.6 of the Redevelopment Law and to allow full expenditure of monies in the Agency's Low and Moderate Income Housing Fund in accordance with Section 33334.3 of the Redevelopment Law or to permit implementation of the replacement housing program pursuant to Section 33413 of the Redevelopment Law.

The limitations set forth in this subsection C shall not be construed to affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to Section 33401 of the Redevelopment Law, authorized by the City Council, or the Agency pursuant to Part 1 of Division 24 of the Redevelopment Law, prior to January 1, 1994, nor shall the limitations set forth in this subsection C be construed to affect the right of the Agency to receive property taxes, pursuant to Section 33670 of the Redevelopment Law to pay the indebtedness or other obligation.

D. Amendment III. Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond January 17, 2035 unless a different time is required by the Redevelopment Law. The limitations set forth in this subsection D shall not be applied to limit allocation of taxes to the Agency to the extent required to eliminate project deficits created under subdivision (e) of Section 33320.5, subdivision (g) of Section 33334.6 or subdivision (d) of Section 33487 of the Redevelopment Law, in accordance with the plan adopted pursuant thereto for the purpose of eliminating the deficits or to implement a replacement housing program pursuant to Section 33413 of the Redevelopment Law. In the event of a conflict between these limitations and the obligations under Section 33334.6 of the Redevelopment Law or to implement a replacement housing program pursuant to Section 33413 of the Redevelopment Law, the City Council shall amend the ordinance adopted pursuant to Section 33333.6 of the Redevelopment Law to modify the limitations to the extent necessary to permit compliance with the plan adopted pursuant to subdivision (g) of Section 33334.6 of the Redevelopment Law and to allow full expenditure of monies in the Agency's Low and Moderate Income Housing Fund in accordance with Section 33334.3 of the Redevelopment Law

or to permit implementation of the replacement housing program pursuant to Section 33413 of the Redevelopment Law.

The limitations set forth in this subsection D shall not be construed to affect the validity of any bond, indebtedness, or other obligation, including any mitigation agreement entered into pursuant to Section 33401 of the Redevelopment Law, authorized by the City Council, or the Agency pursuant to Part 1 of Division 24 of the Redevelopment Law, prior to January 1, 1994, nor shall the limitations set forth in this subsection D be construed to affect the right of the Agency to receive property taxes, pursuant to Section 33670 of the Redevelopment Law to pay the indebtedness or other obligation."

Section 2. Article VIII of the Downtown Redevelopment Plan is hereby amended to read as follows:

"VIII. Duration of this Redevelopment Plan.

Except for the nondiscrimination and nonsegregation provisions, which shall run in perpetuity, the provisions of this Redevelopment Plan shall be effective and the provisions of other documents formulated pursuant to this Redevelopment Plan may be made effective up to January 17, 2025, unless this Redevelopment Plan is amended to provide a different time limit permitted under the Redevelopment Law."

Section 3: If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4: This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, the Ordinance or a summary of the ordinance, shall be published at least once in the Herald News, a newspaper of general circulation in the City of Fontana; and thereafter this Ordinance shall be in full force and effect.

APPROVED AND ADOPTED this 15th day of November, 1994.

APPROVED AS TO LEGAL FORM:

/s/ Clark Alsop
City Attorney

I, Kathy Montoya, a city clerk of the City of Fontana, and ex-officio clerk of the City Council do hereby certify that the foregoing ordinance is the actual ordinance duly and regularly adopted by the City Council and was introduced at a regular meeting of said City Council on the 1st day of November, 1994, was finally passed and adopted not less than five (5) days thereafter on the 15th day of November, 1994, by the following vote, to wit:

AYES: Mayor Boyles, Council Members Coleman, Eshleman, Roberts, and Watson

NOES: None

ABSENT: None

/s/ Kathy Montoya, CMC
Clerk of the
City of Fontana

/s/ Gary E. Boyles
Mayor of the
City of Fontana

ATTEST:

/s/ Kathy Montoya, CMC
City Clerk