

REDEVELOPMENT PLAN
FOR THE
SOUTHWEST INDUSTRIAL PARK

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I. INTRODUCTION

The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project consists of Part I (Text) and Part II (Map). This Redevelopment Plan has been prepared by the Fontana Redevelopment Agency pursuant to the Community Redevelopment Law of the State of California, the California Constitution and all applicable local laws and ordinances.

II. GENERAL DEFINITIONS

The following references will be used in this Redevelopment Plan unless the context otherwise requires:

- A. "Agency" means the Fontana Redevelopment Agency.
- B. "City" means the City of Fontana.
- C. "County" means the County of San Bernardino.
- D. "Map" means the Redevelopment Plan Map for the Southwest Industrial Park.
- E. "Owner" means any individual or entity owning "real property" as defined herein.
- F. "Person" means any individual, corporation, partnership, or any other public or private entity.
- G. "Plan" means the Redevelopment Plan for the Southwest Industrial Park.
- H. "Planning Commission" means the Planning Commission of the City of Fontana.
- I. "Project" means the Southwest Industrial Park Redevelopment Project.
- J. "Project Area" means the area included within the boundaries of the Southwest Industrial Park Redevelopment Project.
- K. "Real Property" means land, including land under water, buildings, structures, fixtures, and improvements on the land; property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

L. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code Sections 33000 et seq.).

M. "Redevelopment Project" means the Southwest Industrial Park Re-Development Project.

N. "State" means the State of California.

III. PROJECT AREA BOUNDARIES

The boundaries of the Southwest Industrial Park Redevelopment Project Area are illustrated on the Map. The legal description of the boundaries of the Project Area is as follows:

"All that certain real property situated in the City of Fontana, County of San Bernardino, State of California, and being more particularly described as follows:

IV. PROPOSED REDEVELOPMENT ACTIONS

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by:

- (1) Acquisition of certain real property;
- (2) Installation, construction, or reconstruction of streets, utilities, landscaping, and other on-site and off-site improvements;
- (3) Disposition of property for uses in accordance with this Plan;
- (4) Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan.

Redevelopment by the Agency pursuant to this Plan may include, but is not limited to, the following:

- (a) Provision for open-space types of use, such as streets and other public grounds and space around public or private buildings, structures and improvements, and improvements of public or private recreation areas and other public grounds.
- (b) The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist:
 - (1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes.
 - (2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.
 - (3) The areas require land assembly for the purpose of the development of a "new community" within the meaning of the Federal New Communities Act of 1968.

Property Acquisition

1. Acquisition of Real Property

The Agency may acquire all real property located in the Project Area by

gift, grant, bequest, purchase, lease, devise, exchange, eminent domain or any other lawful method. Payment for property acquired shall be as provided by law.

It is in the public interest and is necessary in order to eliminate the conditions requiring redevelopment and in order to implement this Plan, for the power of eminent domain to be employed by the Agency to acquire real property in the Project Area.

The Agency shall not acquire real property by exercise of the power of eminent domain without first obtaining, for each such acquisition, the approval of the City Council of the City of Fontana. Commencement of eminent domain proceedings to acquire property within the Project Area shall be within twelve (12) years from the effective date of the ordinance which approves and adopts this Redevelopment Plan.

The Agency is not authorized to acquire real property owned by public bodies which do not consent to such acquisition. The Agency is authorized, however, to acquire public property, if it is transferred to private ownership before the Agency completes land disposition within the entire Project Area, unless the Agency and the private owner enter into a participation agreement.

The Agency shall not acquire real property to be retained by an owner either as a conforming owner or pursuant to a participation agreement if the owner fully performs under the agreement. The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee.

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:

(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 this Plan and the owner fails or refuses to participate in this Project by executing a participation agreement.

The Agency at the request of the City Council may accept a conveyance of real property (located either within or outside a survey area) owned by a public entity and declared surplus by the public entity, or owned by a private entity. The Agency may dispose of such property to private persons or to public or private entities, by sale or long-term lease for development. All or any part of the funds derived from the sale or lease of such property may at the discretion of the City Council be paid to the City, or to the public entity from which any such property was acquired.

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.

B. Conforming Owners and Participation by Owners and Business Tenants

1. Opportunities for Owners and Business Tenants

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to continue to re-enter into business within the redeveloped area if they meet the requirements prescribed in this Plan. For that purpose the Agency has adopted rules for re-entry.

It is the intention of the Agency that many owners of parcels of industrial, commercial and other types of real property within the Project Area be allowed to participate in the redevelopment of the Project Area.

Owners of all or part of the property in the Project Area may participate in its redevelopment in conformity with this Plan.

In the event a participant fails or refuses to rehabilitate or develop his real property pursuant to this Plan and/or the participation agreement, as an alternative thereto, 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.

The Agency may determine that certain real property within the Project Area presently meets the requirements of this Plan and the owners of such properties will be permitted to remain as conforming owners without a participation agreement with the Agency, provided such owners continue to operate and use the real property within the requirements of this Plan.

The Agency may also determine that certain real property within the Project Area is substantially in conformance with the requirements of this Plan and the owners of such properties shall be allowed to remain as conforming owners of such property provided said owners shall adequately screen from public view all outdoor storage of materials or equipment and shall adequately landscape such property.

The Agency shall not acquire, through the use of eminent domain, conforming property owned by conforming owners.

In the event any of the conforming owners desire to: (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming; or (2) acquire additional real property within the Project Area, then such conforming owners shall be required to enter into a participation agreement with the Agency in the same manner as required for owners.

Any real property owned by conforming owners outside of the designated conforming parcels and within the Project Area shall be considered and treated in the same manner as real property owned by other owners, and may be subject to a participation agreement with the Agency.

2. Rules for Participation Opportunities, Priorities and Preferences

Owners of property and business tenants may participate in the re-development of property in the Project Area in accordance with the Rules Governing Participation by Owners and Business Tenants and the Rules Governing Preference for Re-Entry in Business to be adopted by the Agency. In general, these rules shall provide: (1) that existing business owners and business tenants within the Project Area be given preference for re-entry into business within the redeveloped Project Area; and (2) that certain non-conforming buildings in the Project Area be retained; provided, however, the owners enter into agreements with the Agency, whereby such owners agree to rehabilitate their properties to conform with the standards of the Project at their own expense.

In both instances owners will be required to submit proof to the Agency of their qualifications and financial ability carry out their agreement with the Agency.

3. Participation Agreements

Each participant not a conforming owner 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.

C. Cooperation with Public Bodies

Certain 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 may make and execute contracts and other instruments with public bodies and other persons necessary or convenient to the exercise of its powers and to carry out the purposes of this Plan, including, without limitation, participation in the establishment of joint powers authorities.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency shall, however, seek the cooperation of all public bodies which own or intend to acquire property in the Project Area.

The Agency may in any year during which it owns property in the Project Area pay directly to the City, County, any district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt an amount of money in lieu of taxes.

A proportionate share of any amount of money paid by the Agency to the City and County pursuant to this section shall be disbursed by the City and County to any school district with territory located within the Project Area in the City and County. "Proportionate share", as used in the preceding sentence, means the ratio of the school district tax rate, which is included in the total tax rate of the City and County.

The Agency may also pay to any taxing agency with territory located within the Project Area other than the City, any amounts of money which in the Agency's determination is appropriate to alleviate any financial burden or detriment caused to any such taxing agency by the Project.

D. Property Management

During such time as property in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. The Agency may rent, lease, maintain, manage, operate, repair and clear real property of the Agency pending its disposition for redevelopment.

The Agency may insure or provide for the insurance of any real or personal property owned by the Agency against risks or hazards.

E. Relocation

Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low or moderate income housing market as part of the Project, the Agency shall, within four years of such destruction or removal, 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 the provisions of Sections 33413 and 33413.5 of the California Health and Safety Code.

It is not contemplated that there will be any relocation as the Project Area consists solely of vacant, undeveloped land which satisfies the requirements of a blighted area. The above provision has been included in order to comply with the Redevelopment Law. In the event that the Project Area is expanded to include area with low and moderate income housing, the applicable provisions of the Redevelopment Law dealing with relocation and rehabilitation will be added to the Plan.

F. Demolition, Clearance, Public Improvements, 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 as is necessary to carry out the purposes of this Plan.

2. Public Improvements

The Agency is authorized to acquire, install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements include, but are not limited to, overpasses or underpasses, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, flood control facilities, natural gas distribution systems, water supply and distribution systems, transportation facilities, recreational facilities, off-street parking, plazas, playgrounds, landscaped areas, and other public buildings, facilities, structures, or improvements.

3. Preparation of Building and Development Sites

The Agency is authorized to prepare to cause to be prepared as building and development sites any real property in the Project Area owned or acquired by it. In connection with such development the Agency may cause, provide or undertake or make provision with other agencies for the installation, or construction of streets, utilities, parks, playgrounds and other public improvements necessary for carrying out in the Project Area this Plan.

The Agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings.

G. Rehabilitation and Moving of Structures by the Agency

1. Rehabilitation

The Agency is authorized to rehabilitate or to cause to be rehabilitated

any building or structure in the Project Area acquired by the Agency. The Agency may also advise, encourage, and assist, including financial assistance pursuant to the Community Redevelopment Law or any other applicable law or laws, as the same may be amended from time to time, in the rehabilitation of property in the Project Area not acquired 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 building or other structure to a location within or outside the Project Area.

H. Property Disposition and Development

1. Real Property Disposition and Development

a. General

For the purposes 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, except real property conveyed by the Agency to the City, shall be sold or leased for development for the uses permitted in the Plan, subject to restrictions contained in the Redevelopment Law. With respect to land sold or leased for private use, the Agency may retain such controls and establish such restrictions or covenants running with the land for such periods of time and under such conditions as the City Council deems necessary to effectuate the purposes of the Redevelopment Law. Real property may be conveyed by the Agency to the City or County 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 property for speculative purposes and to insure that development is carried out pursuant to this Plan.

All purchasers or 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 purpose of this Plan.

b. Purchase and Development by Participants

Pursuant to the provisions of this Plan and the rules adopted by the Agency, the Agency shall offer real property in the Project Area for purchase and development by owner and business-tenant participants prior to the time that real property is made available for purchase and development by persons who are not owners or business-tenants in the Project Area.

c. Purchase and Development Documents

To provide adequate safeguards to insure that the provisions of 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 applicable 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, sex, marital status, color, creed, 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, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by law.

d. Development

To the extent now or hereafter permitted by law, the Agency is authorized to pay for all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or outside the Project Area for itself or for any public body or entity.

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 is proceeding in accordance with development documents and time schedules.

The Agency shall require that development plans be submitted to it 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.

To the greatest extent feasible, contracts for work to be performed in connection with the Project shall be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the Project Area. To the greatest extent feasible, opportunities for training and employment arising from any contract for work to be performed in connection with the Project shall be given to the lower-income residents of the Project Area.

2. Personal Property Disposition

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

V. USES PERMITTED IN THE PROJECT AREA

A. Map

The Map illustrates the location of the Project Area, the immediately adjacent streets, the principal public rights-of-way and public easements, the proposed land used to be permitted and the street layout of the Project Area.

B. Industrial

Industrial uses shall include, without limitation, industrial and industrial park developments which will include, without limitation, manufacturing, fabrication, production and assembly, wholesale and resale distribution uses, technical service businesses, research and development and other related compatible uses.

The City zoning ordinance, as it now exists or is hereafter amended, shall apply to development hereunder. In such development, the limitation on the type, size, height, number and proposed use of buildings shall be in accordance with such zoning and the building and safety laws and regulations applicable from time to time in the City, and the provisions of this Plan.

C. Public Uses - Rights-Of-Way and Easements

As illustrated on the Map, the principal existing public streets in the Project Area are Etiwanda Avenue, and Marlay Avenue.

Such streets may be widened, altered, or closed, and additional public streets, alleys and easements may be created in the Project Area as needed for circulation and access to developed and to redeveloped properties and as otherwise needed for proper development of the Project. Overpasses, underpasses and bridges will be constructed as necessary.

The public rights-of-way shall 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.

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 except in conformance with the provisions of this Plan.

1. New Construction

All new construction shall comply with all applicable State and local laws, codes and ordinances in effect from time to time.

Parking facilities for the joint use of two or more parcels of a size sufficient to meet the combined requirements of such 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 of the Agency. Parking spaces shall be paved and drained so that storm and surface waters draining from parcels will not cross public sidewalks. Parking spaces visible from streets shall be landscaped as necessary to prevent unsightly or barren appearance.

Off-street loading spaces shall be located in a manner to avoid interference with public use of sidewalks and streets. Off-street loading spaces shall be paved and drained so that storm and surface waters draining from parcels will not cross public sidewalks. Loading spaces visible from streets shall be landscaped to prevent an unsightly or barren appearance. Whenever feasible, loading spaces shall be located to avoid fronting on public streets.

Rights-of-way, public or private, for streets, pedestrian paths, malls, vehicular access to parking and loading areas, service roads, and for easements for utilities may be established by the Agency or by others upon approval of the Agency.

The Agency may establish setback requirements for all new development within the Project Area which may exceed the requirements of City zoning (or County, if applicable).

The Agency may require that adequate landscaping and screening be provided to create a buffer between industrial, commercial and other use areas. All outdoor storage of materials or equipment shall be enclosed or screened by walls, landscaping or other enclosure to the extent and in the manner required by the Agency.

2. Existing Non-Conforming 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. As soon as feasible such uses shall be brought into accordance with this Plan and be generally compatible with the developments and uses in the Project Area. As a condition to the issuance of a building permit the Agency may require the owner of such a property 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.

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 meet the following requirements: Be as safe and sound in all physical respects as would be required for a new building of equivalent size, location, use and occupancy, and be attractive in appearance and not detrimental to the surrounding areas.

4. Open Spaces and Landscaping

The approximate amount of open space to be provided in the Project Area includes, but is not limited to, the total of all areas which will be in the public rights-of-way, parks, and recreational areas, the space around buildings and all other outdoor areas not permitted to be covered by buildings.

Reference should be made to the attached Exhibit.

Landscaping plans shall be submitted to the Agency for review and approval to ensure optimum use of living plant material.

5. Signs

Exterior signs necessary for identification of buildings, premises and uses of particular parcels shall be permitted within the Project Area, provided the design and specifications for such designs shall be approved by the Agency prior to their erection or installation. When reviewing said designs and specifications, the Agency shall determine before approval that said signs will not create hazards because of their characteristics, such as protruding, overhanging, blinking, flashing or animation. All signs shall be compatible with the aesthetic standards of the Project.

6. Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, sex, marital status, 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.

7. Variations

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

- (1) The application of one or more of the provisions of this Plan would result in unnecessary hardship to the property owners; and
- (2) 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; and
- (3) That permitting a variation from the limits, restrictions or controls of this Plan will not be materially detrimental to the public welfare or injurious to property or improvements in the area; and

(4) That permitting a variation will not be contrary to the objectives of this Plan.

No such variation shall be granted which changes a basic land use pursuant to this Plan or which permits other than a minor departure from the provisions of this 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 objectives of the Plan.

E. Standards for Development

The Agency is authorized to establish heights of buildings, land coverage, 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 unless allowed pursuant to the procedures of the following subsection F. 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 proper 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.

It is the intent of this Plan that all development in the Project Area comply with all applicable State and local laws, codes and ordinances in effect from time to time, and, in addition thereto any requirements of the Agency imposed pursuant to this Plan.

F. Building Permits

1. Review of Applications for Issuance of Permits

Upon the adoption of this Plan no permit shall be issued for the construction

Upon the adoption of this Plan no permit shall be issued for the construction of any new building or any addition to an existing building in the Project Area until the application for such permit has been processed in the manner herein provided. Any permit that is issued hereunder must be for construction which conforms to the provisions of this Plan.

Upon receipt of an application for a building permit the Building Department of the City (or the County, if applicable) shall request the Executive Director of the Agency (or such other person or persons as may be designated by the Agency) to review the application to determine if the proposed improvements will conform to this Plan. Within 15 days thereafter said Executive Director shall file with the Building Department a written report setting forth his findings of fact, including, but not limited to, the following:

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

After receipt of said report or after said 15 day period, whichever occurs first, the Building Department may issue the permit with conditions, if any, required by the Executive Director and approved by the Agency; or,

it shall withhold the issuance of the permit, if the Executive Director has found that the proposed improvement does not meet the requirements of the Agency. Within seven (7) days after allowing or withholding issuance of the permit, the Building Department shall notify the applicant and the Agency by certified mail of its decision.

2. APPEAL BY APPLICANT

The applicant or the Agency may appeal to the City Council the decision of the Building Department withholding, conditionally allowing or allowing the issuance of such permit. Within ten (10) days from the mailing of the notice of decision of the Building Department, the appellant shall file his notice of appeal in duplicate with the City Clerk, who shall immediately forward one of such duplicates to the Building Department. The notice of appeal shall set forth the grounds relied upon by appellant. Within ten (10) days following the filing of the appeal, the City Council shall set the matter for hearing and shall give notice of the time and place for said hearing to the applicant and to the Agency.

The City Council may reverse or affirm wholly or partly, or may modify any decision or determination or may impose such conditions as the facts warrant, and its decision or determination shall be final. Any hearing may be continued from time to time.

VI. METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Agency is authorized to finance this Project with financial assistance from the City of Fontana, County of San Bernardino, State of California, the Federal Government, any other public or private source, and also with property tax increments, interest income, Agency notes and bonds, or other evidences of indebtedness, or any other available source.

The Agency may issue bonds and expend the proceeds from their sale in carrying out this Plan. The Agency may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it.

The Agency may issue such types of bonds as it may determine including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with such proceeds together with financial assistance from the State or Federal Government in aid of the project;

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds;

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the Agency pursuant to the provisions of subsection B, below;

- (d) From its revenues generally;
- (e) From any contributions or other financial assistance from the State or Federal Government; and
- (f) By any combination of the above methods.

Any of such bonds may be additionally secured by a pledge of any revenues or by an encumbrance by mortgage, deed of trust, or otherwise of the Project or other property of the Agency or by a pledge of the taxes referred to in subparagraph (c) of the preceding paragraph, or by any combination thereof.

The advances for survey and planning and the operating capital for administration of this Project may come through loans from the City, County, State, Federal Government or any other public or private source. Such loans shall be on an annual basis or until adequate financing is available to repay the loans. The City, County, State, Federal Government, or other public body may also supply additional assistance through loans and grants for various public facilities.

As available, gas tax funds from the State of California and County of San Bernardino may be used toward the cost of the street system. There will also be some revenue accruing to the Project from interest earned on investments of Agency funds.

The Agency is hereby authorized to obtain advances, borrow funds and create indebtedness and other obligations and exercise any and all powers conferred upon an Agency by the Redevelopment Law or any other laws in carrying out this Plan. The principal and interest on such advances, funds, indebtedness and other obligations, when due and payable, may be

paid from tax increments or any other funds available to the Agency.

The Agency may borrow money, by the issuance of bonds or otherwise, or accept financial or other assistance from any private lending institution for any redevelopment project for any of the purposes of the Redevelopment Law, and may execute trust deeds or mortgages on any real or personal property owned or acquired.

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 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 the 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 or agencies which did not include the territory of the Redevelopment Project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County of San Bernardino 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 the 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 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, the Redevelopment Project. Unless and until the total assessed valuation of the taxable property in the Redevelopment Project exceeds the total assessed value of the taxable property in the Redevelopment 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 Redevelopment Project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Redevelopment Project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

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

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

C. Other Loans and Grants

Any other loans, grants, or financial assistance from the United States, the State of California, or any other public or private source may be utilized if available.

D. Limitations

1. The dollars of taxes which may be divided and allocated to the Agency from the Project Area pursuant to Section B of this Section VI is limited to the amount of indebtedness of the Agency, whether funded, refunded, assumed or otherwise, but not to exceed the sum of \$6,500.00.

2. No loan, advance or indebtedness to finance in whole or in part the Project shall be established after a date twenty (20) years from the date of adoption of the Ordinance approving and adopting the 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 the Project Area which can be outstanding at one time shall be \$2,500.00.

VII. ACTIONS BY THE CITY AND COUNTY

The City and County may aid and cooperate with the Agency in carrying out this Plan and may 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. The City may expend money for such purposes. Action by the City and the County may include,

but not be limited to, the following:

A. Initiation 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 actions by the City and by the County may include proceedings for the abandonment and relocation of public utilities in the public rights-of-way as appropriate to carry out this Plan.

B. Initiation and completion of proceedings necessary for changes and improvements in public utilities which are or will be publicly-owned within or affecting the Project Area.

C. Initiation of proceedings for revision of zoning, where necessary within the Project Area, to permit the land uses and development authorized by this Plan.

D. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls, within the limits of this Plan, upon parcels in the Project Area to ensure their proper development and use.

E. Provision for administrative enforcement of this Plan by the City and County after development. The City, the County and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

F. Performance of the above, and of all other functions and services relating to public health, safety and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

G. Provision for the construction of a storm drain system where necessary in order to ameliorate possible flood hazards.

H. The undertaking and completing of any other proceedings necessary to carry out the Project.

The Agency may delegate to the City or County any of its powers or functions with respect to the planning or undertaking of the Project.

VIII. ENFORCEMENT

After development, the administrative enforcement of this Plan or other documents implementing this Plan shall be performed by the Agency, the City or the County.

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, the City or the County. Such remedies may include, but not be 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.

IX. DURATION OF THIS PLAN

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 this Plan by the City Council of the City of Fontana.

X. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in the Community Redevelopment Law as the same now exists or as hereafter amended, or by any other procedure hereafter established by law.

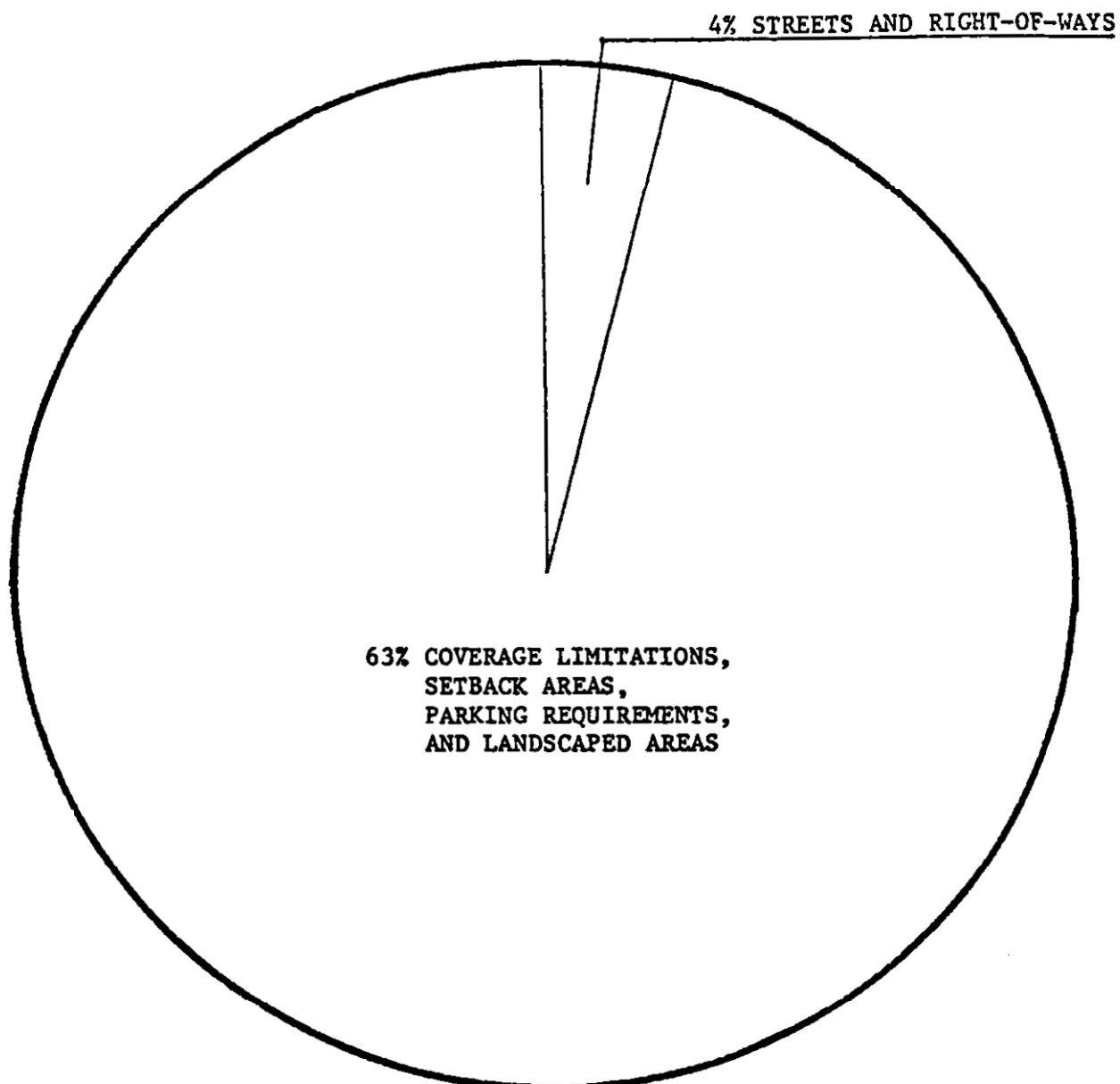
XI. INTERPRETATION OF THIS PLAN

This Plan is to be liberally construed and not construed as a limitation on the powers of the Agency. Notwithstanding any provision in this Plan to the contrary, the Agency may hereby utilize all powers of a redevelopment agency pursuant to the Community Redevelopment Law and all other applicable laws, as the same now exist or may hereafter be amended.

SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PLAN
PROPOSED OPEN SPACE DISTRIBUTION IN THE PROJECT AREA

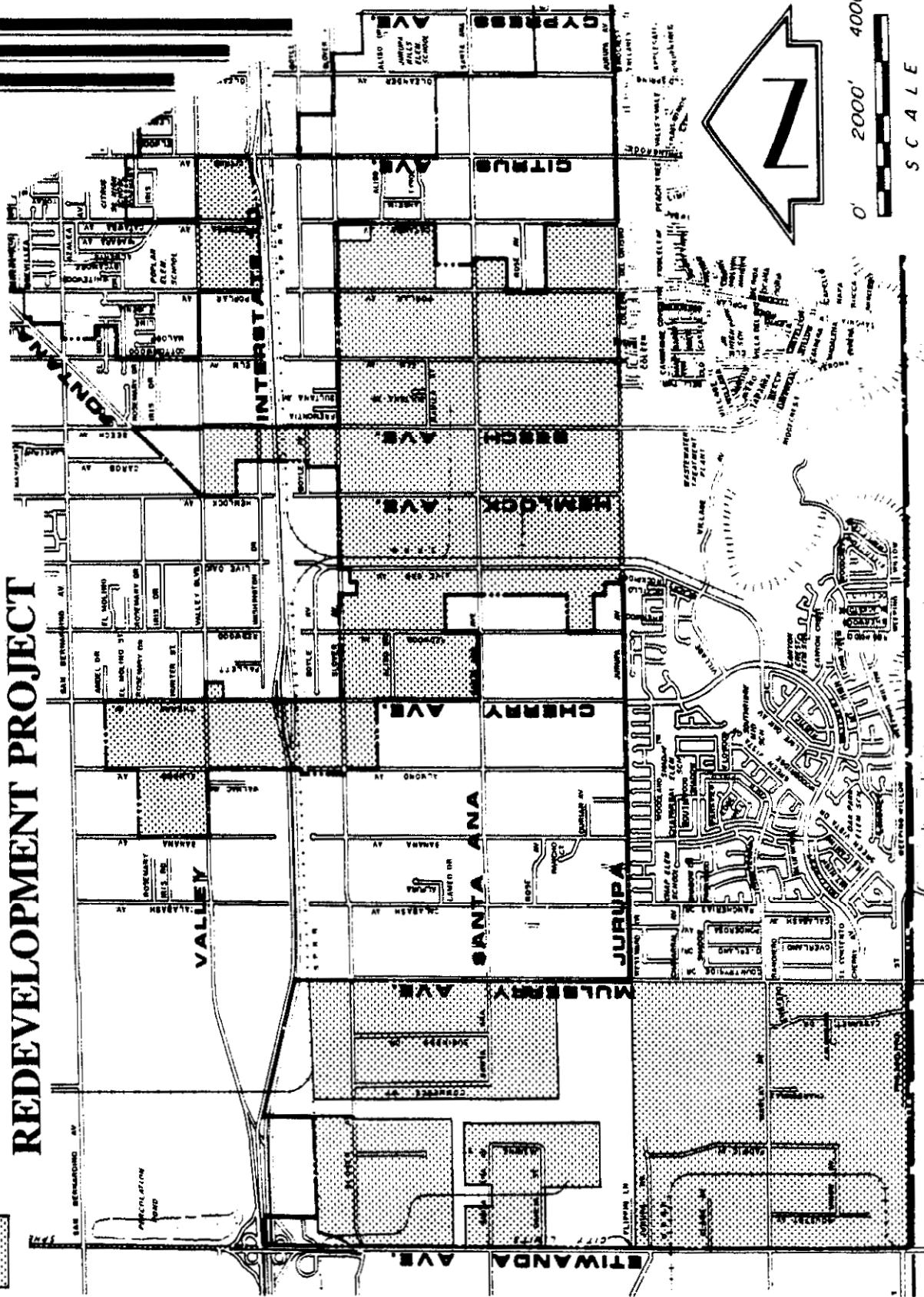


SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PLAN
PROPOSED LAND USE DISTRIBUTION IN THE PROJECT AREA



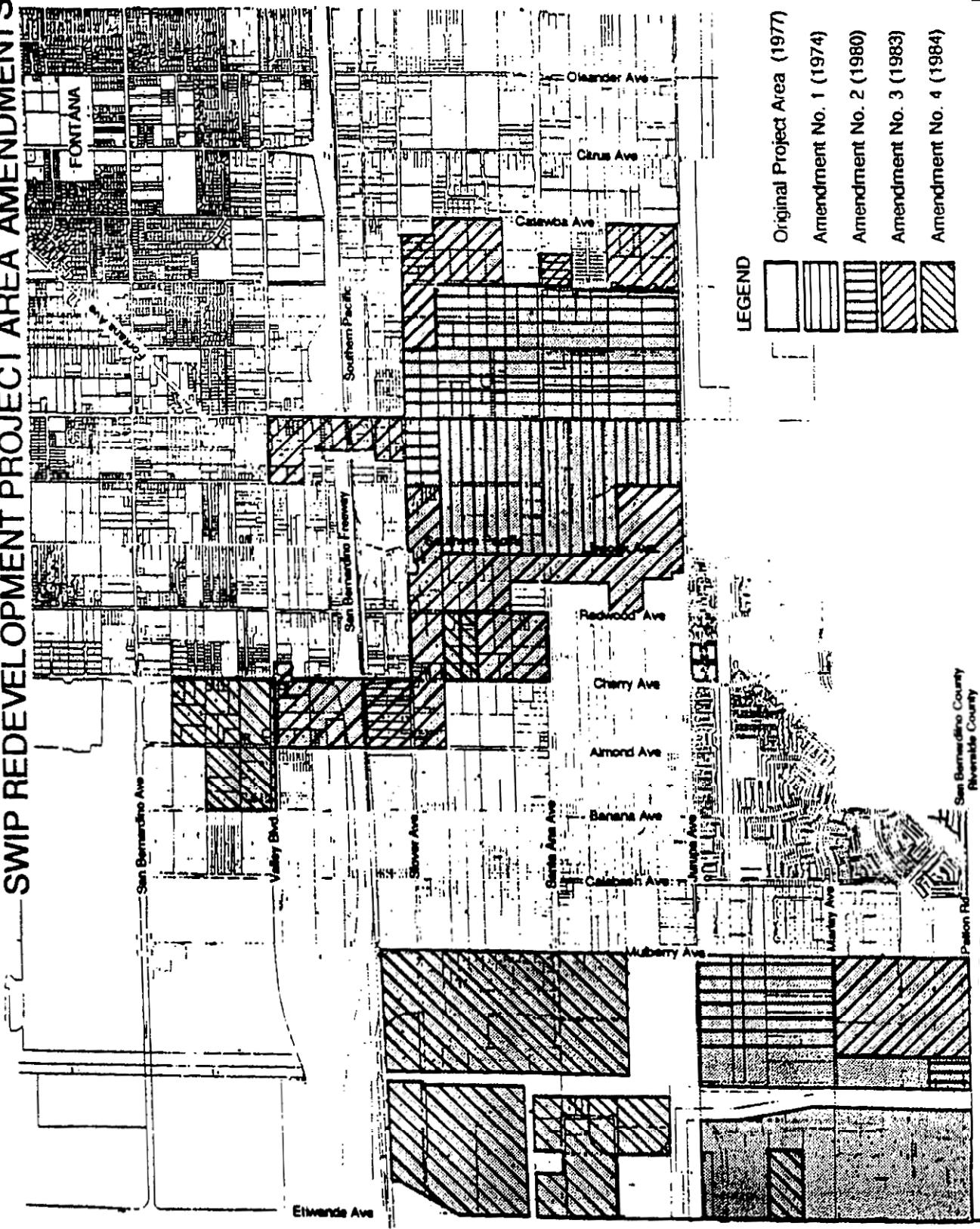
A map of the City of Ontario, California, showing streets and property boundaries. The map is framed by a thick black border. The title "CITY OF ONTARIO CALIFORNIA" is printed vertically along the left side of the map area. The map itself shows a grid of streets with various buildings and landmarks, including a large industrial facility in the center and several residential areas.

SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT



SKY MAR. 1993

SWIP REDEVELOPMENT PROJECT AREA AMENDMENTS



**SOUTHWEST INDUSTRIAL PARK
REDEVELOPMENT PROJECT AREA**
CITY OF FONTANA

Exhibit #2

Source: Fontana General Plan (1989)



NOT TO SCALE

AMENDMENT NO. 1
TO THE REDEVELOPMENT PLAN
FOR THE SOUTHWEST INDUSTRIAL PARK

The Redevelopment Plan for the Southwest Industrial Park (the "Plan") is hereby amended as follows:

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

2. Section F.2. of Article IV of the Plan is amended by designating the first paragraph therein "a." and adding the following paragraph "b.":

"b. 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 Pacific Avenue, Marlay Avenue, Mulberry Avenue, Jurupa Avenue, Beech Avenue, Hemlock Avenue and Santa Ana Avenue, whether within or outside the Project Area, and to acquire and construct other streets 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."

3. The first paragraph of Section C of Article V of the Plan is amended to read as follows:

"As illustrated on the Map, the principal existing public streets in the Project Area are Etiwanda Avenue, Marlay Avenue, Pacific Avenue, Mulberry Avenue, Jurupa Avenue, Beech Avenue, Hemlock Avenue and Santa Ana Avenue."

4. Section D.1. of Article VI of the Plan is amended to read as follows:

"1. The dollars of taxes which may be divided and allocated to the Agency from the Project Area pursuant to Section B of this Section VI is limited to the amount of indebtedness of the Agency, whether funded, refunded, assumed or otherwise, but not to exceed the sum of \$35,000,000."

5. Section D.3. of Article VI of the Plan is amended to read as follows:

"3. The pro rata amount of bonded indebtedness attributed to and secured by tax increments from the Project Area which can be outstanding at one time shall be \$10,000,000."

6. Part II of the Plan (the Map) is amended by adding thereto the map which is attached hereto as Exhibit "B".

the lands of each designated Subarea of the Project Area under the Redevelopment Plan for the effective redevelopment of the Project Area.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE FONTANA REDEVELOPMENT AGENCY AS FOLLOWS:

Section 1. That the following conditions of blight exist within Subarea 1: property which suffers from economic dislocation, deterioration, or disuse because of one or more of the following factors:

(a) the existence of areas which are subject to being submerged by water;

(b) the existence of inadequate public improvements, public facilities and utilities which cannot be remedied by private or governmental action without redevelopment; and

(c) a prevalence of depreciated values, impaired investments and social and economic maladjustment.

It is hereby found and declared that the conditions within Subarea 1 cause a reduction of proper utilization of Subarea 1 to such an extent that it constitutes a serious physical, social and economic liability to the City of Fontana (the "City") and requires redevelopment in the interest of the health, safety and general welfare of the people of the City and the State of California.

It is also hereby found and declared that the blighted conditions within Subarea 1 have caused reduction of proper utilization of Subarea 1 to such an extent that it constitutes a serious physical, social and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

It is also hereby found and declared that although Subarea 1 includes some lands which are not detrimental to the public health, safety or welfare, it is necessary to include such land within Subarea 1 for effective redevelopment of the Project Area and no land not detrimental to the public health, safety or welfare is included for the purpose of obtaining the allocation of tax increment revenue from such land without other substantial justification for its inclusion.

Finally, it is hereby found and declared that it is necessary for Subarea 1 to be included within the Project Area for effective redevelopment of the Project Area.

Section 2. That the following conditions of blight exist within designated Subarea 2: properties which suffer from economic dislocation, deterioration or disuse because of one or more of the following factors:

(a) the existence of areas which are subject to being submerged by water; and

(b) the existence of inadequate public improvements, public facilities and utilities which cannot be remedied by private or governmental action without redevelopment; and

(c) a prevalence of depreciated values, impaired investments and social and economic maladjustment.

It is hereby found and declared that the conditions within Subarea 2 cause a reduction of proper utilization of

Subarea 2 to such an extent that it constitutes a serious physical, social and economic liability to the City of Fontana and requires redevelopment in the interest of the health, safety and general welfare of the people of the City of Fontana and the State of California.

It is also hereby found and declared that the blighted conditions within Subarea 2 have caused reduction of proper utilization of Subarea 2 to such an extent that it constitutes a serious physical, social and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

It is also hereby found and declared that although Subarea 2 includes some lands which are not detrimental to the public health, safety or welfare, it is necessary to include such land within Subarea 2 for effective redevelopment of the Project Area and no land not detrimental to the public health, safety or welfare is included for the purpose of obtaining the allocation of tax increment revenue from such land without other substantial justification for its inclusion.

Finally, it is hereby found and declared that it is necessary for Subarea 2 to be included within the Project Area for effective redevelopment of the Project Area.

Section 3. That the following conditions of blight exist within designated Subarea 3: properties which suffer from economic dislocation, deterioration or disuse because of one or more of the following factors:

- (a) the existence of areas which are subject to being submerged by water;
- (b) the existence of inadequate public improvements, public facilities and utilities which cannot be remedied by private or governmental action without redevelopment; and
- (c) a prevalence of depreciated values, impaired investments, and social and economic maladjustment.

It is hereby found and declared that the conditions within Subarea 3 cause a reduction of proper utilization of Subarea 3 to such an extent that it constitutes a serious physical, social and economic liability to the City of Fontana and requires redevelopment in the interest of the health, safety and general welfare of the people of the City of Fontana and the State of California.

It is also hereby found and declared that the blighted conditions within Subarea 3 have caused reduction of proper utilization of the subarea to such an extent that it constitutes a serious physical, social and economic burden on the City which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone.

It is also hereby found and declared that although Subarea 3 includes some lands which are not detrimental to the public health, safety or welfare, it is necessary to include such land within Subarea 3 for effective redevelopment of the Project Area and no land not detrimental to the public health, safety or welfare is included for the purpose of obtaining the allocation of tax increment revenue from such land without other substantial justification for its inclusion.

Finally, it is hereby found and declared that it is necessary for Subarea 3 to be included within the Project Area for effective redevelopment of the Project Area.

Section 4. The Secretary of the Agency is hereby authorized and directed to transmit a copy of this Resolution to the City Council.

PASSED, APPROVED AND ADOPTED this _____ day of
_____, 1979.

Chairman of the Fontana
Redevelopment Agency

[SEAL]

ATTEST:

Secretary of the Fontana
Redevelopment Agency

EXHIBIT B-2

LEGAL DESCRIPTION

AMENDMENT NO. 1

Addition
~~Amendment 1~~

The south 660 feet of the east 990 feet of the southwest 1/4 of Section 33, Township 1 South Range 6 west San Bernardino Base and Meridian, Excepting therefrom the easterly 385 feet thereof.

Addition
~~Amendment 2~~

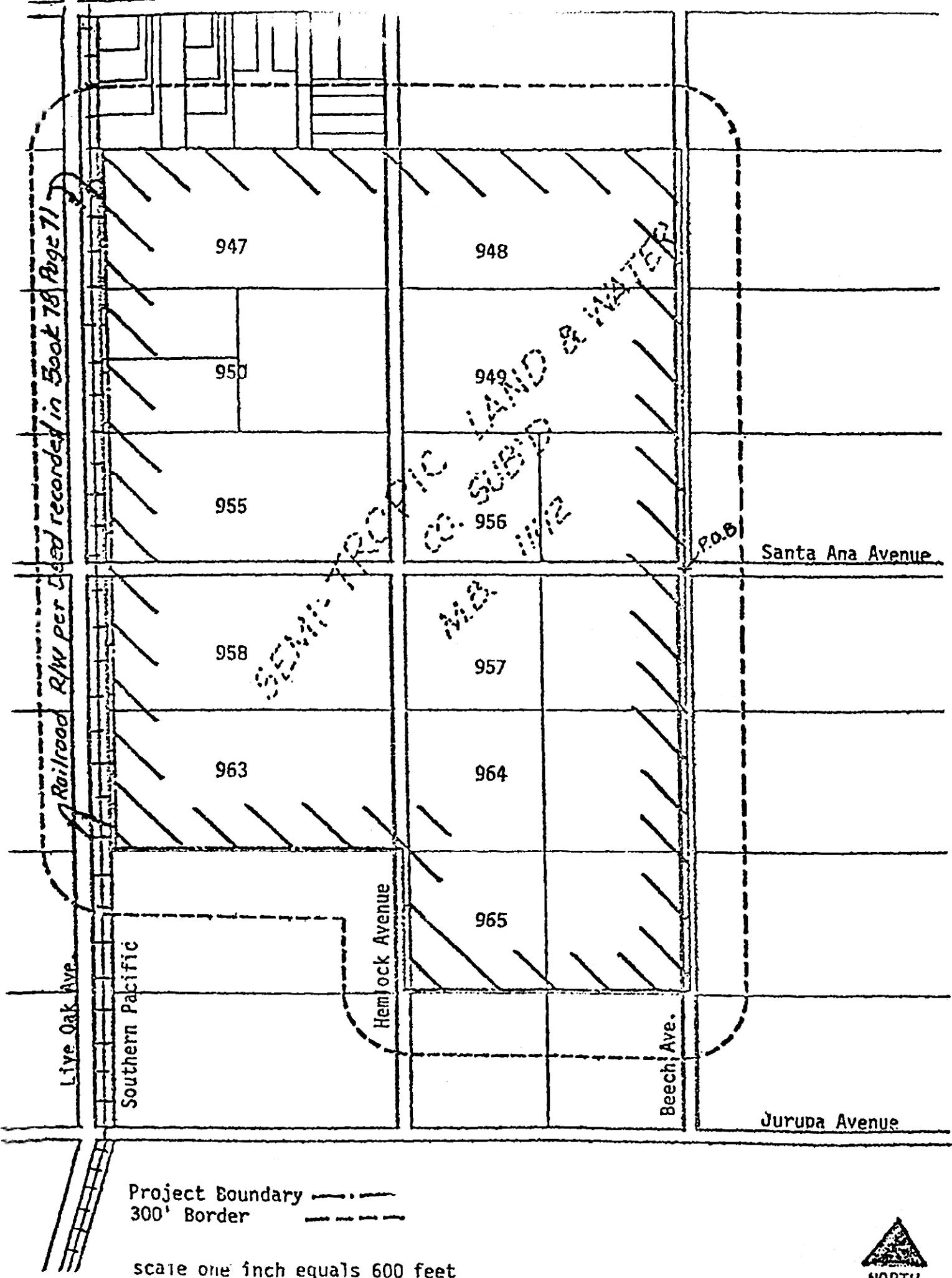
The northeast 1/4 Section 33, Township 1 South, Range 6 west, San Bernardino Base and Meridian.

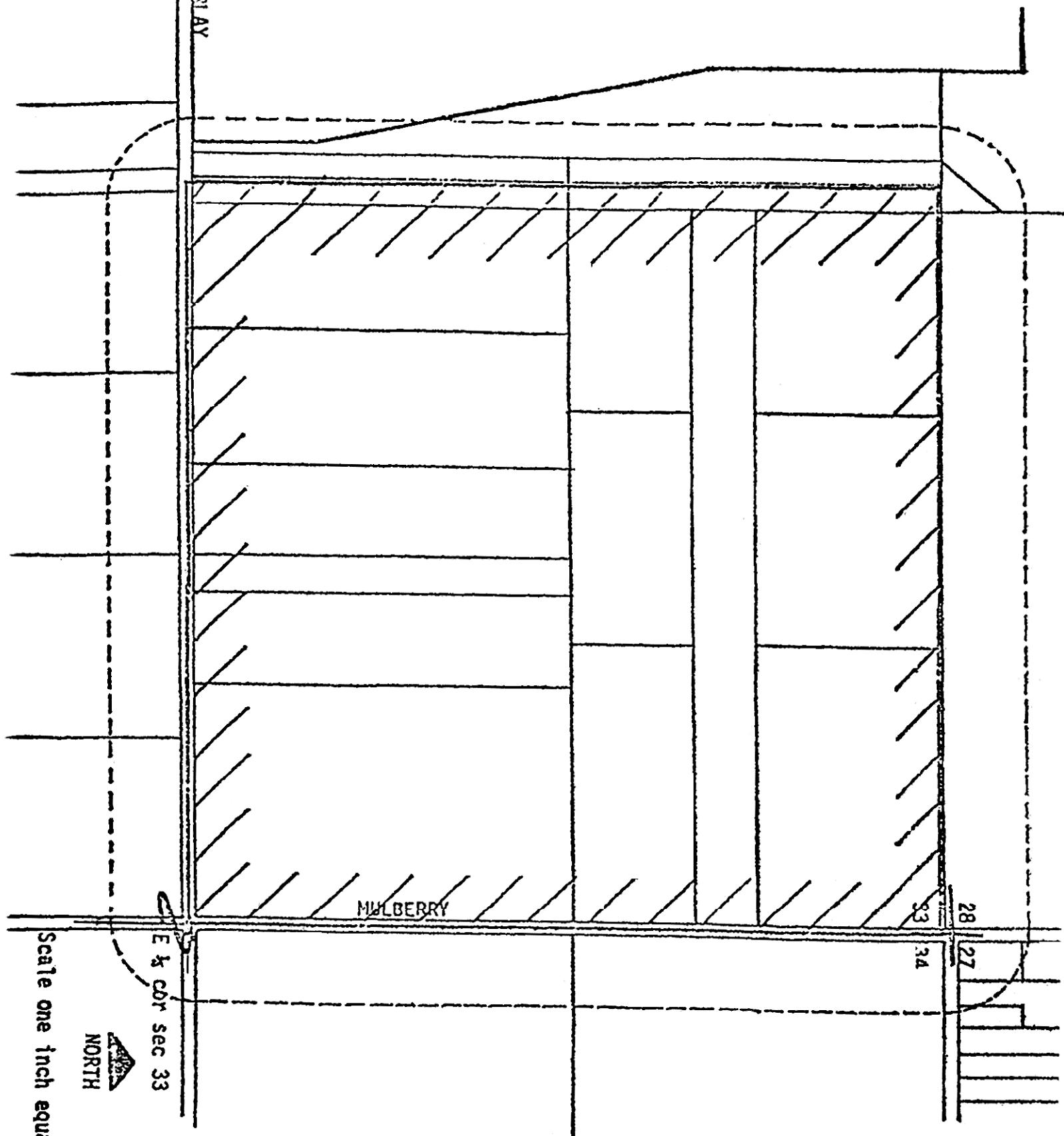
Addition
~~Amendment 3~~

Being a portion of the Semi-Tropic Land and Water Company subdivision as per plat recorded in Book 11 of Maps, Page 12 records of San Bernardino County, California, described as follows:

Beginning at the intersection of the centerline of Santa Ana and the centerline of Beech Avenue; Thence south along the centerline of Beech Avenue, a distance of 1,980 feet to the southeast corner of Lot 965 of said Semi-Tropic Land and Water Company Subdivision; Thence west along the south line of said Lot 965, a distance of 1,320 feet to the centerline of Hemlock Avenue; Thence north along the centerline of said Hemlock Avenue a distance of 660 feet to the southeast corner of Lot 963, said Semi-Tropic Land and Water Company Subdivision; Thence west along the south line of said Lot 963 a distance of 1,387.2 feet more or less to the east line of that certain right-of-way conveyed to the Pacific Improvement Company by deed recorded in Book 78, page 71 official records of said County; Thence northerly along said east line a distance of 3,300 feet more or less to the north line of Lot 947 said Semi-Tropic Land and Water Company Subdivision; Thence east along the north line of said Lot 947, a distance of 1,291.1 feet more or less to the northeast corner of said Lot 947; said point also being the northwest corner of Lot 948, said Semi-Tropic Land and Water Company Subdivision; Thence east along the north line of said Lot 948, a distance of 1,320 feet to the centerline of Beech Avenue; Thence south along the centerline of Beech Avenue a distance of 1,980 feet, to the point of beginning.

Areas and distances are computed to the centerlines of adjoining streets.





- Existing Project Boundary
- Proposed Project Boundary
- 300' Border

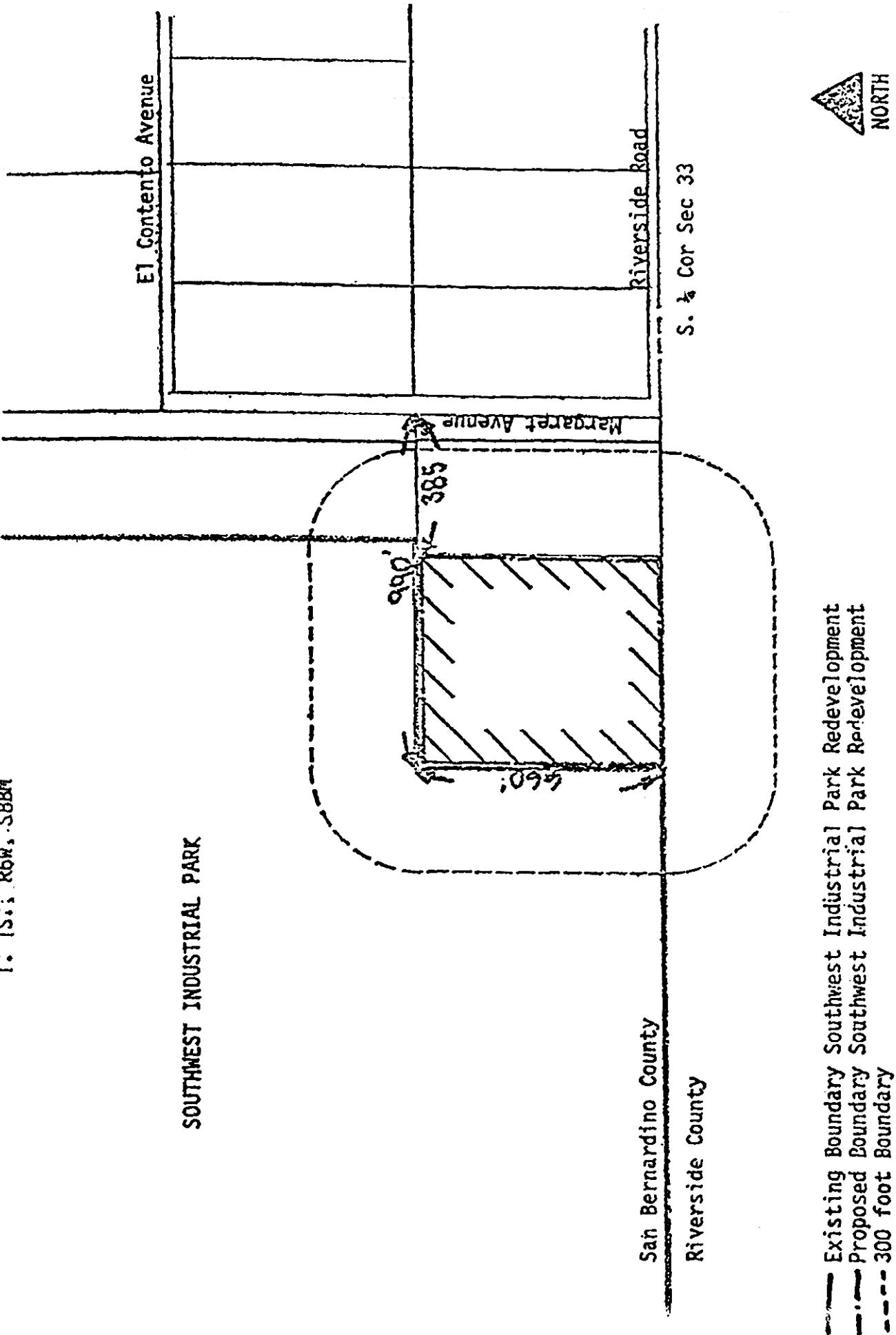
City of Fontana
Amendment addition #2 to the Southwest Industrial Park Redevelopment Plan

Scale one inch equals 500 feet

T: 1S.; R6W., SBBM

Amendment addition #1 to the Southwest Industrial Park Redevelopment Plan

CITY OF FONTANA



SOUTHWEST INDUSTRIAL PARK

Scale one inch equals 400 feet

EXHIBIT "E"

AMENDMENT NO. 2
TO THE REDEVELOPMENT PLAN
FOR THE SOUTHWEST INDUSTRIAL PARK
REDEVELOPMENT PROJECT

The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project, as amended (the "Plan"), is hereby further amended as follows:

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

2. Section F.2. of Article IV of the Plan is amended by adding the following paragraph "c.":

"c. 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 Slover Avenue, Hemlock Avenue, Beech Avenue, Elm Avenue, Poplar Avenue and Santa Ana Avenue, whether within or outside the Project Area, and to acquire and construct other streets 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. The first paragraph of Section C of Article V
of the Plan is amended to read as follows:

"As illustrated on the Map, the
principal existing public streets in the
Project Area are Etiwanda Avenue, Marlay
Avenue, Pacific Avenue, Mulberry Avenue,
Jurupa Avenue, Beech Avenue, Hemlock
Avenue, Santa Ana Avenue, Slover Avenue,
Elm Avenue and Poplar Avenue."

4. Part II of the Plan (the Map) is amended by
adding thereto the map which is attached hereto as Exhibit "B".

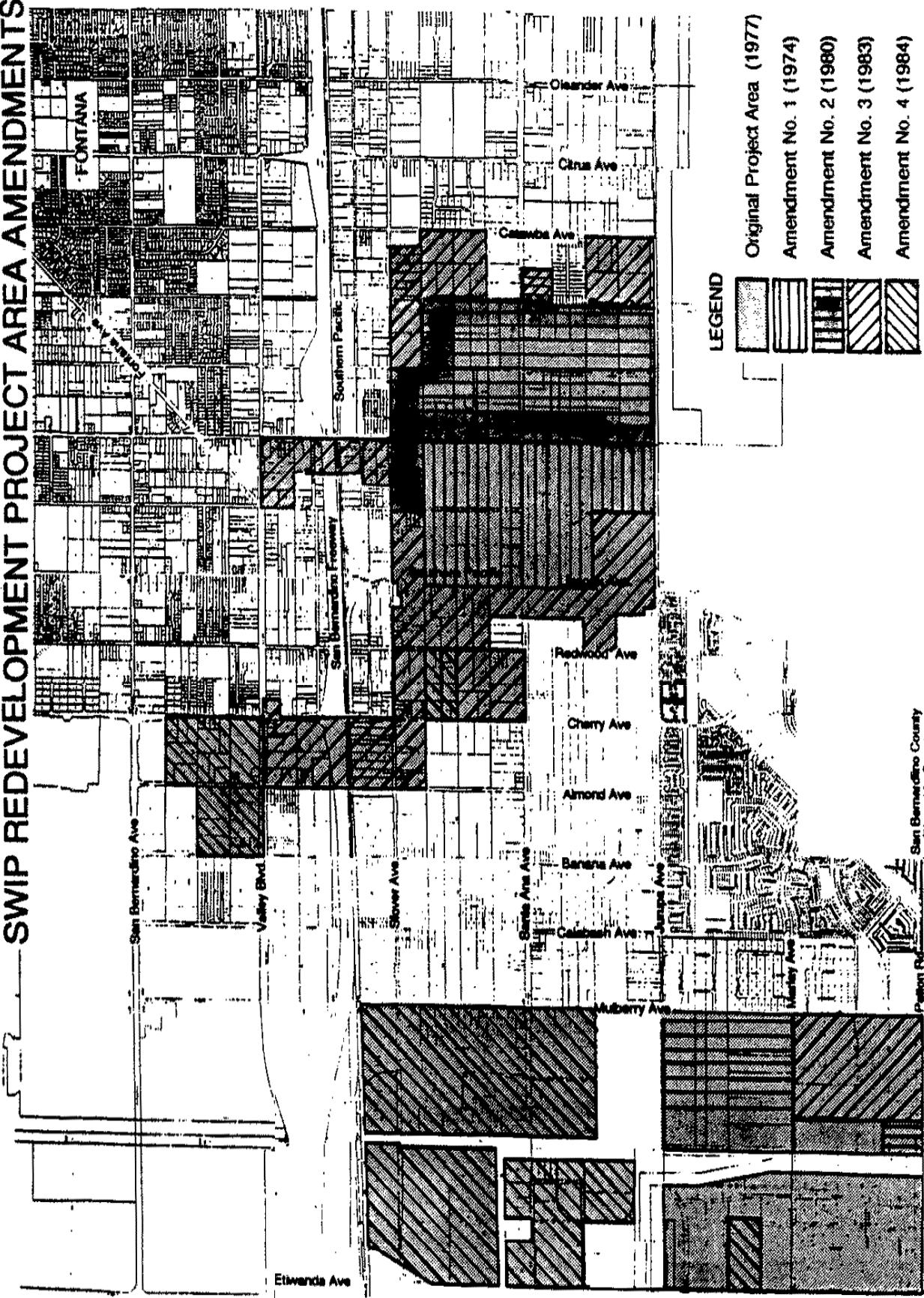
LEGAL DESCRIPTION
AMENDMENT NO. 2

Pursuant to Section 33373 of the State of California Health and Safety Code you are hereby notified that the Redevelopment Agency of the City of Fontana has adopted Ordinance 653 providing for Amendment No. 2 to the City of Fontana Southwest Industrial Park Redevelopment Plan. This letter hereby certifies that the procedure was in conformance with the State statutes regarding redevelopment law.

The description of the land within the project area is as follows:

Being a portion of the Semi-Tropic Land and Water Company Subdivisions as per plat recorded in Book 11 of Maps, Page 12, records of San Bernardino County California, described as follows: Farm Lots 844, 845, 846, 851, 852, 853, 854, 859, 860, 861, 862, 867, 868, 869, 870, 941, and 972, Semi-Tropic Land and Water Company. Beginning at the intersection of the centerline of Slover Avenue and the centerline of Hemlock Avenue, which point is the northwest corner of Farm Lot 941, said subdivision; thence south 660 feet along the centerline of Hemlock Avenue; thence east 1320 feet to the centerline of Beech Avenue; thence south 3960 feet along the centerline in Beech Avenue to the northeast corner of Farm Lot 972, said subdivision; thence west 1320 feet to the centerline of Hemlock Avenue; thence south 772 feet along the centerline of Hemlock Avenue to the centerline of Jurupa Avenue; thence east 3975 feet along the centerline of Jurupa Avenue to the centerline of Poplar Avenue; thence north 1434 feet to the northeast corner of Lot 867 thence west 30 feet to the west line of Poplar Avenue; thence north 660 feet along the west line of Poplar Avenue to the south line of Lot 859; thence east 30 feet to the southeast corner of Lot 859 as being the centerline of Poplar Avenue; thence north 2640 feet along the centerline of Poplar Avenue to the northeast corner of Farm Lot 846, said subdivision; thence west 1320 feet to the centerline of Elm Avenue; thence north 660 feet along the centerline of Elm Avenue to the centerline of Slover Avenue; thence west 2655 feet along the centerline of Slover Avenue to the point of beginning.

SWIP REDEVELOPMENT PROJECT AREA AMENDMENTS



SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA CITY OF FONTANA REDEVELOPMENT AGENCY

Exhibit #2

Source: Fontana General Plan (1989)

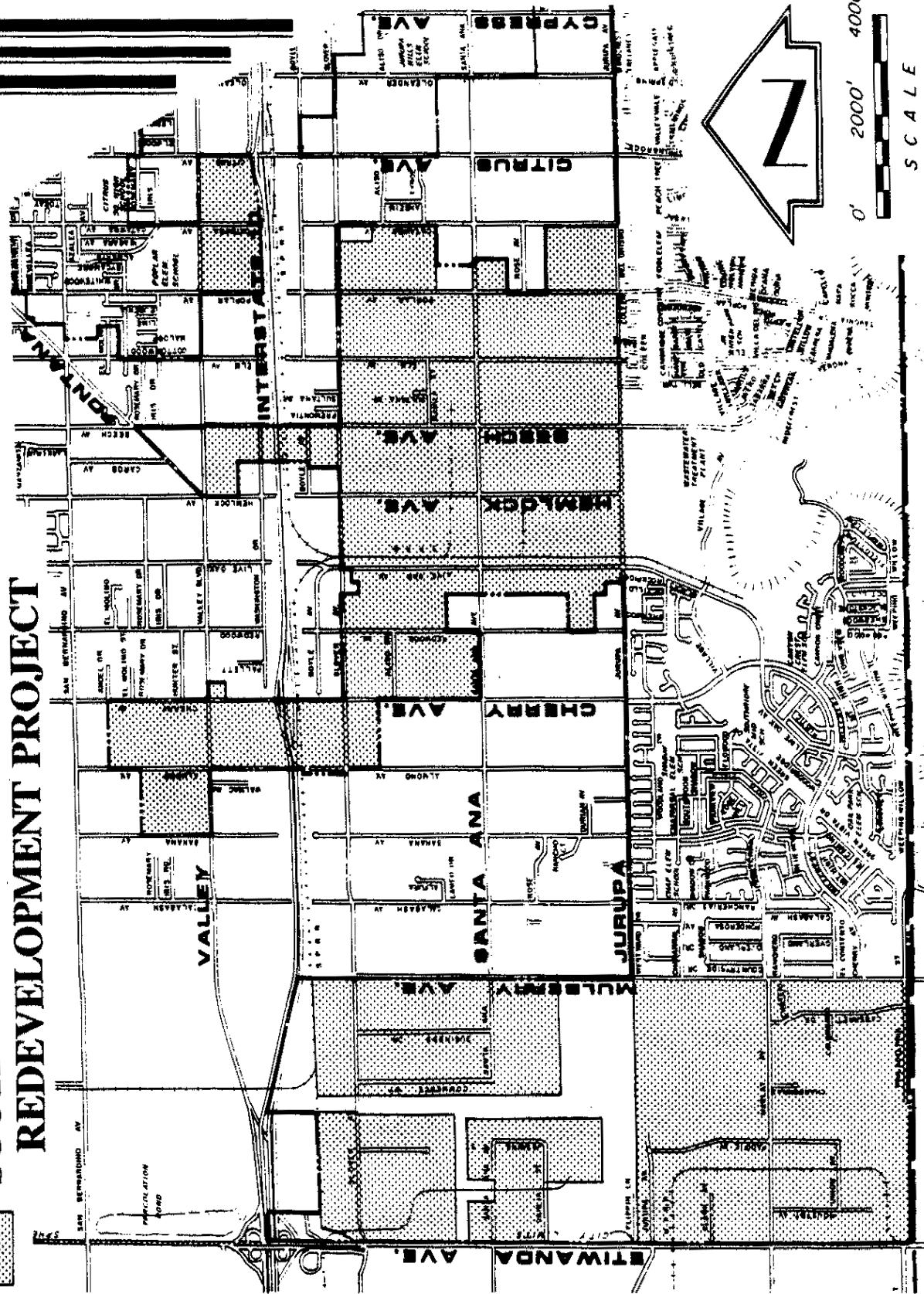
NOT TO SCALE



SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT

A map of the City of Fontana, California, showing streets, landmarks, and property boundaries. The map is oriented with North at the top. Key features include the "CITY OF FONTANA CALIFORNIA" label at the top, several blacked-out rectangular areas (possibly redacted addresses), and a grid of streets. A small inset map in the bottom right corner shows the location of Fontana relative to surrounding cities like San Bernardino and Riverside.

SKY MAR. 1993



AMENDMENT NO. 3
TO THE
REDEVELOPMENT PLAN FOR THE
SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT

The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project as adopted by the City Council of the City of Fontana, California, pursuant to Ordinance No. 567, dated July 19, 1977, as amended by Ordinance No. 628, dated July 17, 1979 and as amended by Ordinance No. 653, dated July 1, 1980 (collectively referred to herein as the "Redevelopment Plan") is hereby amended pursuant to this Amendment No. 3 as follows:

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

"The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project was approved and adopted by City of Fontana (the "City") Ordinance No. 567, dated July 19, 1977. Said Redevelopment Plan was amended by City Ordinance No. 628, dated July 17, 1979 ("Amendment No. 1"). Said Redevelopment Plan as amended, was further amended by City Ordinance No. 653, dated July 1, 1980 ("Amendment No. 2"). Amendment No. 3 to said Redevelopment Plan, as amended, was approved and adopted by City Ordinance No. _____, dated December 20, 1983 ("Amendment No. 3"). The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project consists of the original redevelopment plan, as adopted by Ordinance No. 567, and Amendment No. 1, Amendment No. 2 and Amendment No. 3 (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 Re-development Law of the State of California, the California Constitution and all applicable local laws and ordinances."

2. Section I of Article II of the Redevelopment Plan is amended to provide as follows:

"I. 'Project Area' means the area included within the boundaries of the Southwest Industrial Park Redevelopment Project, including the areas added by Amendment No. 1 to the Redevelopment Plan (Ordinance No. 628, dated July 17, 1979), Amendment No. 2 (Ordinance No. 653, dated July 1, 1980) and Amendment No. 3 (Ordinance No. , dated December 20, 1983)."

3. Article III of the Redevelopment Plan, entitled "Project Area Boundaries", is amended as follows:

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

"The redevelopment project area boundaries of the Southwest Industrial Park Redevelopment Project including Amendment No. 1, Amendment No. 2 and Amendment No. 3 thereto, 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 III thereof, is amended by incorporating and adding thereto the legal description of the redevelopment project area to be added by this Amendment No. 3:

"and

(insert legal description of Amendment No. 3)"

4. The third paragraph of Section A.1 of Article IV of the Redevelopment Plan is amended to provide as follows:

"The Agency shall not acquire real property by exercise of the power of eminent domain without first obtaining, for each such acquisition, the approval of the City Council of the City of Fontana. Commencement of eminent domain proceedings to acquire property within the Project Area shall begin within twelve (12) years from the effective date of the ordinance which approves and adopts this Redevelopment Plan. Provided however, that commencement of eminent domain proceedings to acquire property located within the redevelopment project area added by Amendment No. 3 hereto, may begin within twelve (12) years from the effective date of the ordinance which approves and adopts said Amendment No. 3."

5. Section E of Article IV of the Redevelopment Plan is repealed and readopted to provide as follows:

"E. 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 loca-

tions 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 housing 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."

6. Section F.2 of Article IV of the Redevelopment Plan is amended by adding a new subparagraph (d) which provides as follows:

"(d) the Agency is 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) a fire station within or outside of the Project Area to be located in accordance with the City's General Plan and the approval of the Central Valley Fire Protection District, together with the construction, installation or acquisition of appurtenant work, land, facilities and equipment pertaining thereto;
- 2) 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 or separated grade crossings, bridges, street lighting, public utilities, sewer facilities, landscaping, sidewalks and all curbs, gutters and drainage facilities and appurtenant work thereto in the following areas: Riverside Road from Etiwanda Avenue to Mulberry Avenue; Jurupa Avenue from Mulberry Avenue to Etiwanda Avenue, including the construction of a bridge across the San Sevaine Flood Control Channel.
- 3) public improvements including all appurtenances and appurtenant work pertaining

or related thereto and all necessary or required works and attendant facilities and structures and rights-of-way therefore, with respect to construction, extension, reconstruction and improvements to the drainage facilities located in the following areas: Elm Avenue from Slover Avenue to Jurupa Avenue and connection south, outside of the Project Area to the DeClez Channel; Beech Avenue from Santa Ana Avenue to Hemlock Avenue and connection south, outside of the Project Area to the DeClez Channel.

4) construct, install, expand, extend and reconstruct public nonreclaimable industrial wastewater sewer interceptors, mains, branch mains and lines including vaults, pumping facilities, all appurtenant and attendant improvements, facilities, structures and rights-of-way therefor, within an area generally bounded by the following public streets or highways: Interstate 10, Catawaba Avenue, Jurupa Avenue, Cherry Avenue and all portions of the Project Area located to the north of said Interstate 10.

5) 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: Marlay Avenue and Etiwanda Avenue; Marlay Avenue and Mulberry Avenue; Slover Avenue and Cherry Avenue; Slover Avenue and Citrus Avenue.

6) construct, install, reconstruct or upgrade railroad grade crossing protection equipment, roadway flange guards, and railroad roadbed surfaces and tracks and all appurtenant facilities in the following areas: Santa Ana Avenue immediately to the east of Live Oak Avenue."

7. Section H.1.c of Article IV of the Redevelopment Plan is amended by adding a new fourth paragraph to said section which provides 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 Section 33436 of the Health and Safety Code of the State of California."

8. The first paragraph of Section C of Article V of the Redevelopment Plan is amended to provide as follows:

"As illustrated on the Map, the principal existing public streets in the Project Area are Etiwanda Avenue, Marlay Avenue, Riverside Road, Pacific Avenue, Mulberry Avenue, Jurupa Avenue, Beech Avenue, Hemlock Avenue, Santa Ana Avenue, Almond Avenue, Cherry Avenue, Redwood Avenue, Live Oak Avenue, Elm Avenue, Poplar Avenue, Catawba Avenue, Slover Avenue and Valley Boulevard."

9. The introductory paragraph of Section D.4 of Article V 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."

10. Section D of Article V of the Redevelopment Plan is amended by adding new subsections 8, 9 and 10 which provide as follows:

"8. 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.

9. Approximate Number of Dwelling Units

The approximate number of residential dwelling units located within the Project Area as of the date of adoption of Amendment No. 3 does not exceed ninety (90) units. Substantially all of said residential dwelling units are nonconforming uses pursuant to the applicable zoning and development standards of the City as of the date of adoption of Amendment No. 3 hereof and are subject to the provision of Section D.2 of this Article V.

10. Limitation on Type, Size and Height of Buildings

Except as may be set forth in other provisions of this Redevelopment Plan, the type, size and height of buildings shall conform to applicable federal, state and local regulations."

11. Section D of Article VI of the Redevelopment Plan is amended to provide as follows:

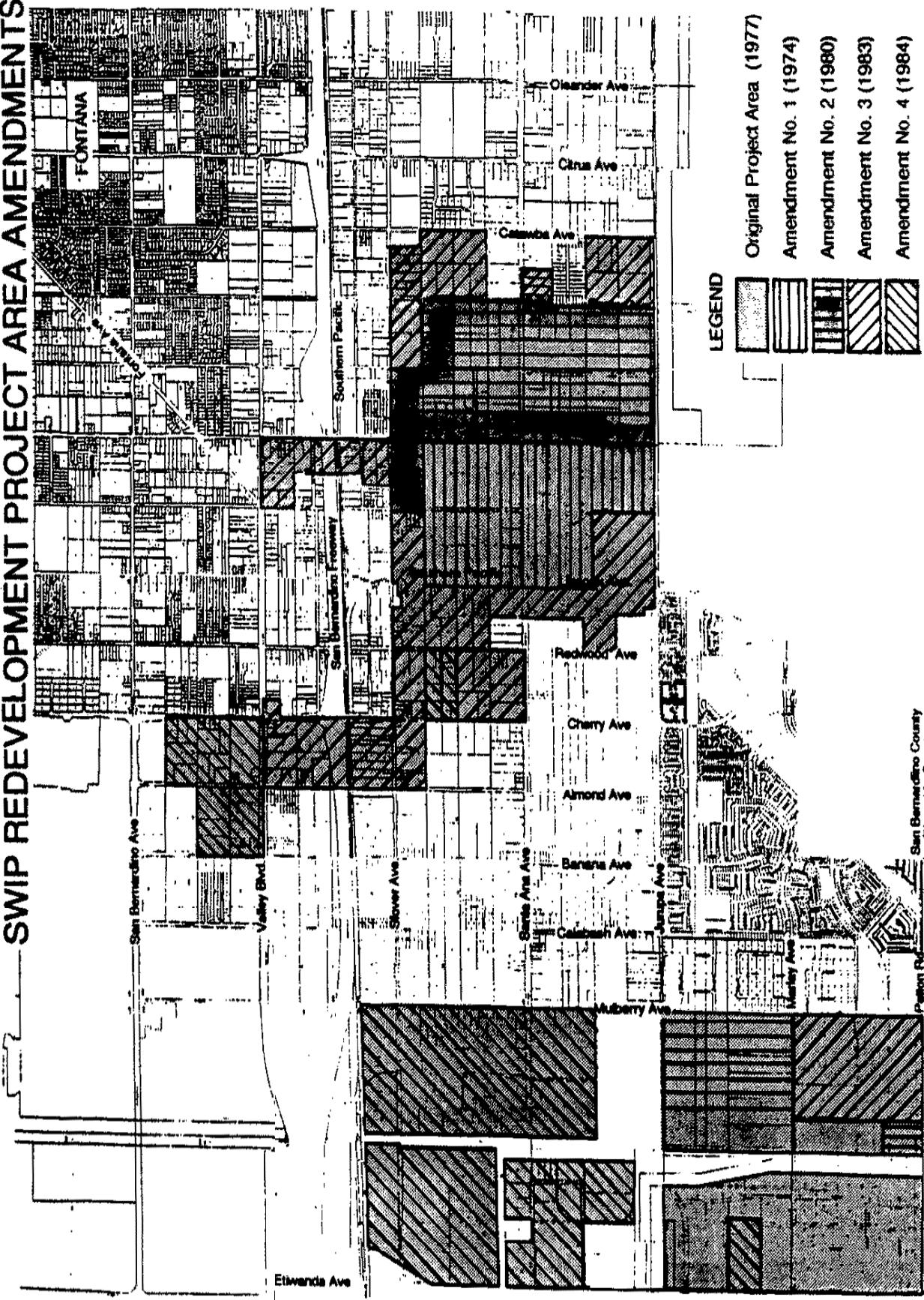
"1. The dollars of taxes which may be divided and allocated to the Agency from the Project Area pursuant to Section B of this Article VI is limited to the amount of indebtedness of the Agency, whether funded, refunded, assumed or otherwise, but not to exceed the sum of two hundred and eighty million dollars (\$280,000,000).

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 divided and allocated to the Agency from the Project Area pursuant to Section B of this Article VI shall be established after a date twenty (20) years from the date of adoption of the ordinance approving and adopting Amendment No. 3 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 the Project Area which may be outstanding at one time shall be seventy million dollars (\$70,000,000)."

SWIP REDEVELOPMENT PROJECT AREA AMENDMENTS



SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA CITY OF FONTANA REDEVELOPMENT AGENCY

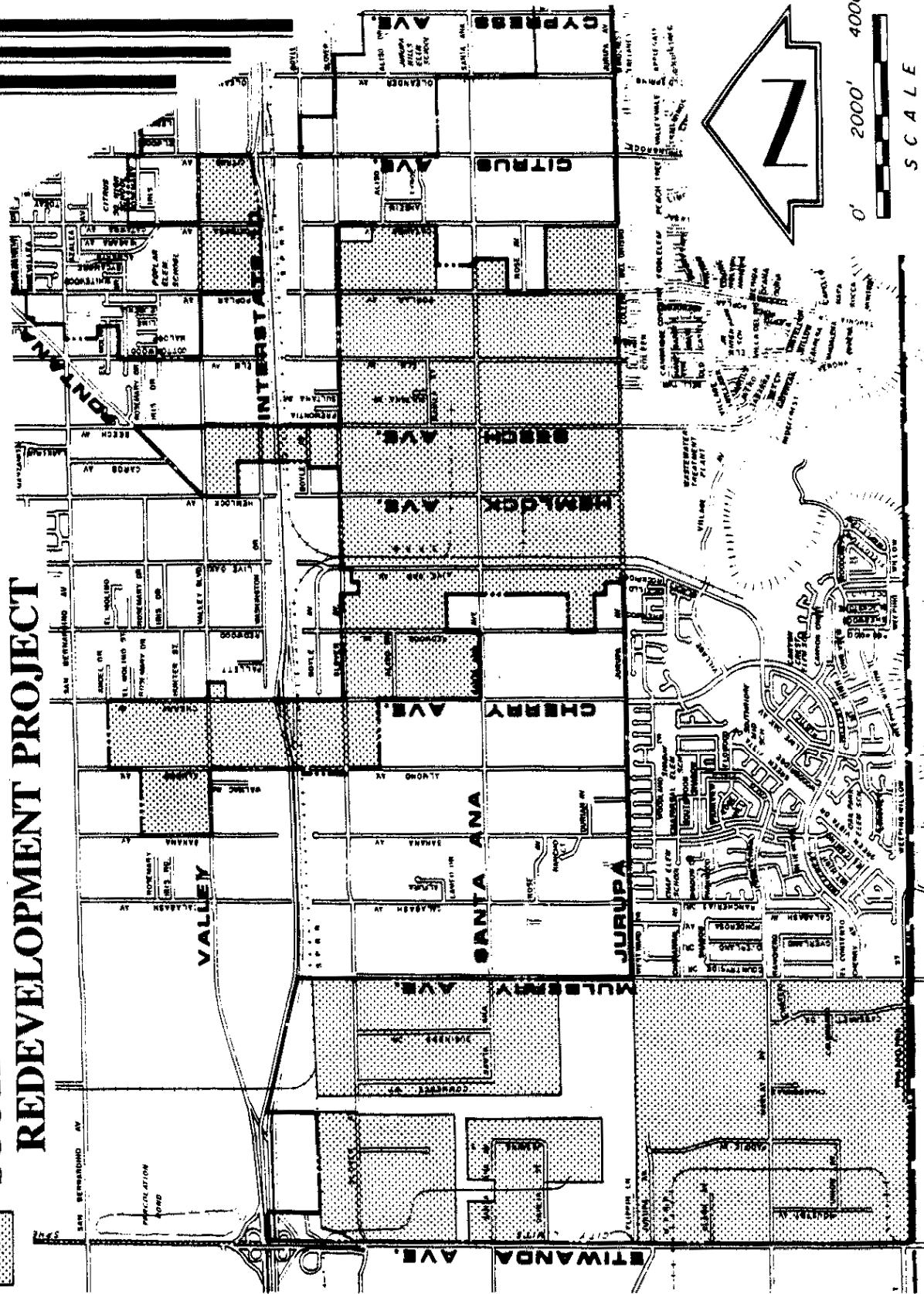
Exhibit #2

Source: Fontana General Plan (1989)

NOT TO SCALE
NORTH

SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT

SKY MAR. 1993



AMENDMENT NO. 4
TO THE
REDEVELOPMENT PLAN FOR THE
SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT

The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project as adopted by the City Council of the City of Fontana, California, pursuant to Ordinance No. 567, dated July 19, 1977, as amended by Ordinance No. 628, dated July 17, 1979, as amended by Ordinance No. 653, dated July 1, 1980, and as amended by Ordinance No. 769, dated December 20, 1983 (collectively referred to herein as the "Redevelopment Plan") is hereby amended pursuant to this Amendment No. 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 Southwest Industrial Park Redevelopment Project was approved and adopted by City of Fontana (the "City") Ordinance No. 567, dated July 19, 1977. Said Redevelopment Plan was amended by City Ordinance No. 628, dated July 17, 1979 ("Amendment No. 1"). Said Redevelopment Plan as amended, was further amended by City Ordinance No. 653, dated July 1, 1980 ("Amendment No. 2"), City Ordinance No. 769, dated December 20, 1983 ("Amendment No. 3"), Amendment No 4 to said Redevelopment Plan, as amended, was approved and adopted by City Ordinance No. , dated December , 1984 ("Amendment No. 4"). The Redevelopment Plan for the Southwest Industrial Park Redevelopment Project consists of the original redevelopment plan, as adopted by Ordinance No. 567, and Amendment No. 1, Amendment No. 2, Amendment No. 3 and Amendment No. 4 (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. Section I of Article II of the Redevelopment Plan is amended to provide as follows:

"I. 'Project Area' means the area included within the boundaries of the Southwest Industrial Park Redevelopment Project, including the areas added by Amendment No. 1 (Ordinance No. 628, dated July 17, 1979), Amendment No. 2 (Ordinance No. 653, dated July 1, 1980), Amendment No. 3 (Ordinance No. 769, dated December 20, 1983) and Amendment No. 4 (Ordinance No. ___, dated December ___, 1984).

3. Article III of the Redevelopment Plan, entitled "Project Area Boundaries", is amended as follows:

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

"The redevelopment project area boundaries of the Southwest Industrial Park Redevelopment Project including Amendment No. 1, Amendment No. 2, Amendment No. 3 and Amendment No. 4 thereto, 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 III thereof, is amended by

incorporating and adding thereto the legal description of the redevelopment project area to be added by this Amendment No. 4:

"and

(insert legal description of Amendment No. 4)"

4. The third paragraph of Section A.1 of Article IV of the Redevelopment Plan is amended to provide as follows:

"The Agency shall not acquire real property by exercise of the power of eminent domain without first obtaining, for each such acquisition, the approval of the City Council of the City of Fontana. Commencement of eminent domain proceedings to acquire property within the Project Area shall begin within twelve (12) years from the effective date of the ordinance which approves and adopts this Redevelopment Plan. Provided however, that commencement of eminent domain proceedings to acquire property located within the redevelopment project area added by Amendment No. 3 and Amendment No. 4 hereto, may begin within twelve (12) years from the effective date of the respective ordinances which approve and adopt said Amendment No. 3 and Amendment No. 4."

5. Section F.2 of Article IV of the Redevelopment Plan is amended by adding a new subparagraph (e) which provides as follows:

"(e) the Agency is 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 redevelopment project area

more fully described in Amendment No. 4 hereto, 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 either inside or outside of the redevelopment project area more fully described in Amendment No. 4, and all necessary or required work and attendant facilities and structures with respect to construction, extension, reconstruction, realignment and improvements including paving, railroad grade or separated grade crossings, bridges, street lighting, public utilities, sewer facilities, landscaping, sidewalks and all curbs, gutters and drainage facilities and appurtenant work thereto in the following areas: Valley Boulevard from Redwood Avenue to Banana Avenue; Slover Avenue from Etiwanda Avenue to Mulberry Avenue and from Poplar Avenue to Catawaba Avenue; Cherry Avenue from Slover Avenue to Santa Ana Avenue; Etiwanda Avenue from the Riverside County/San Bernardino County Line to the Etiwanda Avenue Overcrossing of the Interstate 10 Freeway; Mulberry Avenue from the Riverside County/San Bernardino County Line to the Interstate 10 Freeway; Santa Ana Avenue from Etiwanda Avenue to Jasmine Avenue; Jasmine Avenue from Santa Ana Avenue to Dahlia Avenue; Dahlia Avenue from Jasmine Avenue to Etiwanda Avenue; Jurupa Avenue from Etiwanda Avenue to Mulberry Avenue.
- 2) public improvements including all appurtenances and appurtenant work pertaining or related thereto and all necessary or required works and attendant

facilities and structures and rights-of-way therefore, with respect to construction, extension, reconstruction and improvements to the flood control drainage facilities located in the redevelopment project area more fully described in Amendment No. 4 or located outside of said redevelopment project area which benefit the Project Area, including without limitation, the construction of said improvements in the following areas: Slover Avenue from Etiwanda Avenue to Mulberry Avenue; Etiwanda Avenue from Slover Avenue to the Riverside County/San Bernardino County Line; Mulberry Avenue from the Interstate 10 Freeway to the Riverside County/San Bernardino County Line.

3) construct, install, expand, extend and reconstruct public nonreclaimable industrial wastewater sewer interceptors, mains, branch mains and lines including vaults, pumping facilities, all appurtenant and attendant improvements, facilities, structures and rights-of-way therefor, within an area generally bounded by the following public streets or highways: Interstate 10, Mulberry Avenue, Jurupa Avenue extension to Etiwanda Avenue and Etiwanda Avenue and all portions of the redevelopment project area more fully described in Amendment No. 4 located to the north of said Interstate 10.

4) 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: Slover Avenue and Etiwanda Avenue; Slover Avenue and Mulberry Avenue; Mulberry and Santa Ana Avenue."

6. The first paragraph of Section C of Article V of the Redevelopment Plan is amended to provide as follows:

"As illustrated on the Map, the principal existing public streets in the Project Area are Etiwanda Avenue, Marlay Avenue, Riverside Road, Pacific Avenue, Mulberry Avenue, Jurupa Avenue, Beech Avenue, Hemlock Avenue, Santa Ana Avenue, Almond Avenue, Cherry Avenue, Redwood Avenue, Live Oak Avenue, Elm Avenue, Poplar Avenue, Catawba Avenue, Slover Avenue, Valley Boulevard and Mulberry Avenue."

7. Section D of Article VI of the Redevelopment Plan is amended to provide as follows:

"1. The dollars of taxes which may be divided and allocated to the Agency from the Project Area pursuant to Section B of this Article VI is limited to the amount of indebtedness of the Agency, whether funded, refunded, assumed or otherwise, but not to exceed the sum of one hundred twelve million dollars (\$112,000,000).

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 divided and allocated to the Agency from the Project Area pursuant to Section B of this Article VI shall be established after a date twenty (20) years from the date of adoption of the ordinance

approving and adopting Amendment No. 4 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 the Project Area which may be outstanding at one time shall be forty-eight million dollars (\$48,000,000)."

8. Article IX of the Redevelopment Plan is amended to provide as follows:

IX. DURATION OF THIS REDEVELOPMENT PLAN

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 Amendment No. 4 of this Redevelopment Plan by the City Council of the City of Fontana."

84-303037

RECORDED IN
OFFICIAL RECORDS

1984 DEC 19 PM 2:57

SAN BERNARDINO
CO., CALIF.

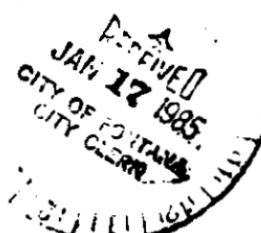
RECORDING REQUESTED BY THE
CITY OF FONTANA, CALIFORNIA

WHEN RECORDED, MAIL TO:

City of Fontana
City Hall
8353 Sierra Avenue
Fontana, California 92335



Attention: City Clerk



**DESCRIPTION OF THE LAND LOCATED WITHIN THE REDEVELOPMENT
PROJECT AREA AS DESCRIBED IN AMENDMENT NO. 4 TO THE
REDEVELOPMENT PLAN FOR THE SOUTHWEST INDUSTRIAL PARK
REDEVELOPMENT PROJECT**

and

**STATEMENT THAT REDEVELOPMENT
PROCEEDINGS HAVE BEEN INSTITUTED**

Proceedings for the redevelopment of property included within the redevelopment project area as described in Amendment No. 4 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project have been instituted under the California Community Redevelopment Law pursuant to a Redevelopment Plan approved and adopted on December 4, 1984, by the City Council of the City of Fontana, by Ordinance No. 790.

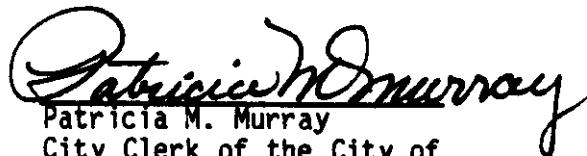
The description of the land within the redevelopment project area boundaries of Amendment No. 4 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project is attached as Exhibit "A" hereto.

Certain portions of the redevelopment project area as described in Amendment No. 4 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project, as of the date hereof, are located within the unincorporated territory of the County of San Bernardino. The Board of Supervisors of the County of San Bernardino has taken appropriate action

in accordance with Health and Safety Code Section 33213 to authorize the redevelopment of said unincorporated territory as provided in Amendment No. 4 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment project.

DATED: 12/18/84

City of Fontana


Patricia M. Murray
City Clerk of the City of
Fontana, California

100-1000-100

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
ss.)

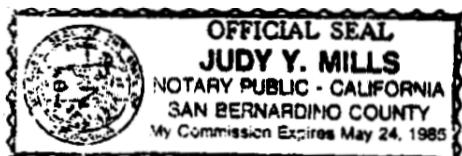
On this 18th day of December, 1984, before me, a Notary Public duly commissioned, qualified and acting within and for the County of and State aforesaid appeared in persons the within-named Patricia M. Murray, City Clerk of the City of Fontana, California, to me personally known, who stated that she was duly authorized in her capacity to execute the foregoing instrument for and in the name and on behalf of said City, and further stated and acknowledged that she had so signed, executed and delivered the foregoing instrument for the uses and purposes therein mentioned and set forth.

seal this 18th day of December, 1984.

Judy G. Mills
Notary Public

(SEAL)

My Commission expires: May 24, 1985



RECORDING REQUESTED BY THE CITY OF FONTANA, CA
WHEN RECORDED, MAIL TO:

City of Fontana
8353 Sierra Ave.
Fontana, CA 92335
Attn: City Clerk

ATTACHMENT "A"
SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 1

Those portions of Lots 1012, 1013, 1014, 1019, & 1020 of the Semi-Tropic Land and Water Company Subdivision, in the County of San Bernardino, State of California, as per map in Book 11, Page 12 of Maps, in the Office of the County Recorder of said County.

More particularly described as follows:

Beginning at the intersection of the centerlines of Colton Avenue (now known as Valley Boulevard) and Cherry Avenue as shown on said map; thence West along the centerline of said Colton Avenue a distance of 2640 feet to the intersection of the centerlines of Colton Avenue and Banana Avenue as shown on said map; thence North along the centerline of said Banana Avenue a distance of 1325.28 feet; thence East a distance of 1320 feet to the centerline of Almond Avenue as shown on said map; thence north along the centerline of said Almond Avenue a distance of 660 feet; thence East a distance of 1320 feet to the centerline of said Cherry Avenue; thence South along the centerline of said Cherry Avenue a distance of 1985.28 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 2

That portion of Lot 54 of Tract 2223, in the County of San Bernardino, State of California, as per map in Book 32, Pages 1 & 2 of Maps, in the Office of the County Recorder of Said County.

More particularly described as follows:

Beginning at the intersection of the centerlines of Valley Boulevard and Cherry Avenue as shown on said map; thence N89° 46"E along the centerline of said Valley Boulevard a distance of 373.95 feet; thence S0° 10'W a distance of 360.00 feet; thence S39° 46'W a distance of 373.85 feet to the centerline of said Cherry Avenue; thence N0° 09'E along the centerline of said Cherry Avenue a distance of 360.00 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 3

That portion of Lot 842 of the Semi-Tropic Land and Water Company subdivision, in the County of San Bernardino, State of California, as per map in Book 11, Page 12 of Maps, in the Office of the County Recorder of said County.

More particularly described as follows:

Beginning at the intersection of the centerlines of Slover Avenue and Poplar Avenue as shown on said map; thence East along the centerline of said Slover Avenue a distance of 990 feet; thence South a distance of 660 feet; thence West a distance of 990 feet to the centerline of said Poplar Avenue; thence North along the centerline of said Avenue a distance of 660 feet. to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 4

That portion of Lot 945 of the Semi-Tropic Land and Water Company Subdivision, in the County of San Bernardino, State of California, as per map in Book 11, Page 12 of Maps, in the Office of the County Recorder of said County.

More particularly described as follows:

Commencing at the intersection of the centerlines of Slover Avenue and Cherry Avenue as shown on said map, thence South along the centerline of said Cherry Avenue a distance of 660 feet to the true point of beginning, thence East a distance of 1022.67 feet; thence South a distance of 660 feet; thence West a distance of 1022.67 feet to the centerline of said Avenue; thence North along the centerline of said Avenue a distance of 660 feet to the true point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 5

That portion of the Northwest quarter of Section 33 Township 1 South Range 6 West, SBM in the County of San Bernardino, State of California.

More particulary described as follows:

Commencing at the Northwest corner of said section 33; thence $50^{\circ} 08' 21''W$ along the West line of said section a distance of 1328.12 feet to the true point of beginning; thence $N89^{\circ} 48' 00''E$, a distance of 1380.00 feet; thence $50^{\circ} 08' 21''W$, a distance of 660.01 feet; thence $S89^{\circ} 48' 00''W$, a distance of 1380.00 feet to west line of said section; thence $N0^{\circ} 08' 21''E$, a distance of 660.01 feet to the true point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 6

THAT PORTION OF THE NORTHWEST QUARTER OF
SECTION 33, **TOWNSHIP 1 SOUTH, RANGE 6**
WEST, SBM IN THE COUNTY OF SAN
BERNARDINO, STATE OF CALIFORNIA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID
SECTION 33; THENCE N89⁰ 34' 51"E A
DISTANCE OF 1333.66 FEET ALONG THE NORTH
LINE OF SAID SECTION; THENCE S0⁰ 08' 21"W
A DISTANCE OF 200.01 FEET; THENCE S 89⁰
34' 51"W A DISTANCE OF 1333.66 FEET TO
THE WEST LINE OF SAID NORTHWEST QUARTER,
SAID WEST LINE ALSO BEING THE CENTERLINE
OF ETIWANDA AVENUE AS SHOWN ON PM 5593 AS
RECORDED IN BOOK 56 PAGES 74 TO 76 OF
PARCEL MAPS IN SAID COUNTY; THENCE N 0⁰
08' 21"E ALONG SAID WEST LINE A DISTANCE
OF 200.01 FEET TO THE POINT OF BEGINNING.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 7

That portion of the West half of Section 28 Township 1 South Range 6 West, SBM in the County of San Bernardino, State of California.

More particularly described as follows:

Commencing at the Southwest corner of said section 28; thence N89° 35' 27"E 32.30 feet to the centerline of Etiwanda Avenue as shown on Tract No. 8554 as recorded in Book 123 Pages 13 to 17 of Maps, in said county; thence N0° 13' 25"E along the centerline of said Avenue a distance of 1620.87 feet to the true point of beginning; thence continuing along the centerline of said Avenue N0° 13' 25"E a distance of 1576.14 feet; thence N89° 27' 25"E, a distance of 846.00 feet; thence S0° 13' 25"W, a distance of 543.05 feet; to the centerline of Santa Ana Avenue as shown on said map; thence along said centerline N89° 27' 25"E, a distance of 414.25 feet; thence N0° 13' 25"E, a distance of 543.05 feet; thence N89° 27' 25"E, a distance of 1145.08 feet; thence S0° 33' 06"W, a distance of 2596.89 feet; thence S89° 35' 31"W, a distance of 1130.18 feet; thence N0° 13' 25"E, a distance of 1017.84 feet to the centerline of Dahlia Street as shown on said map; thence along the centerline of said Street S89° 27' 25"W, a distance of 1260.25 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 8

That portion of the West half of Section 28 and Section 21 Township 1 South, Range 6 West, SBM in the County of San Bernardino, State of California.

More particularly described as follows:

Commencing at the Southwest corner of said section 28: thence N89° 35' 27"E, 32.30 feet to the centerline of Etiwanda Avenue as shown on Record of Survey as recorded in Book 10 Pages 4 and 5 of Maps, in said County; Thence N0° 13' 25"E along the centerline of said Avenue a distance of 3350.25 feet to the true point of beginning, thence continuing along said centerline of said Avenue N0° 13' 25"E, a distance of 1393.13 feet; thence N30° 29' 10"E, a distance of 658.00 feet to the centerline of Slover Avenue as shown on said map; thence along the centerline of said Avenue N89° 18' 55"E, a distance of 84.56 feet; thence N0° 27' 30"E, a distance of 144.54 feet; thence N30° 29' 10"E, a distance of 458.15 feet; thence N0° 25' 19"E, a distance of 170.29 feet to the south line of the right of way of Southern Pacific Railroad as shown on said map; thence N88° 22' 00"E a distance of 2001.16 feet; thence S0° 40' 20"W a distance of 710.14 feet to the centerline of said Slover Avenue; thence along the centerline of said Avenue S89° 18' 55"W a distance of 100.03 feet; thence S0° 32' 55"W a distance of 1960.95 feet; thence S89° 25' 05"W a distance of 2541.84 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

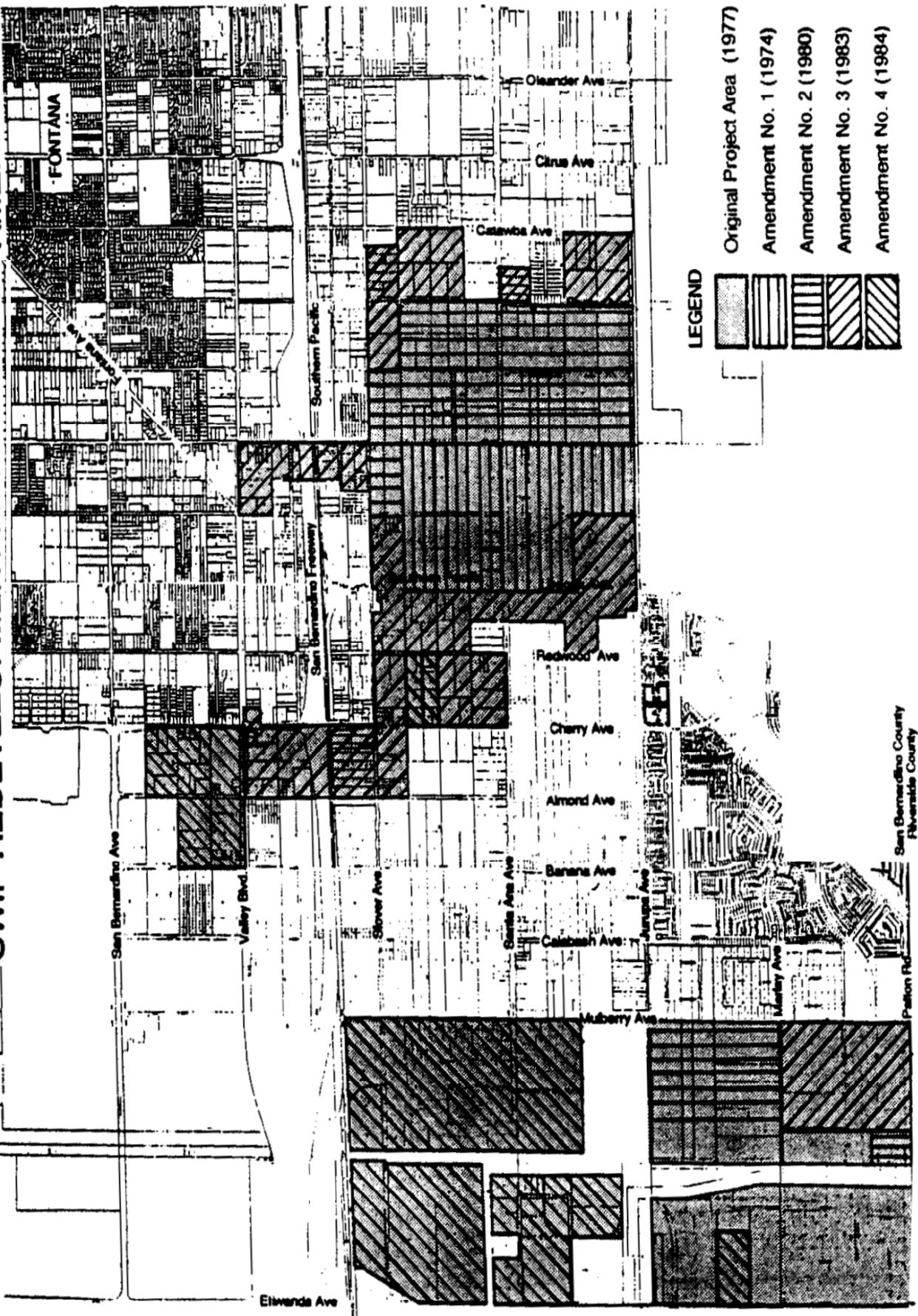
AREA 9

That portion of the East Half of Section 28 and Section 21 Township 1 South, Range 6 West, SBM in the County of San Bernardino, State of California.

More particularly described as follows:

Commencing at the Southeast corner of said section 28; thence N00° 36' 10"E along the East line of said section a distance of 1332.96 feet to the true point of beginning; thence S89° 31' 15"W a distance of 2439.02 feet; thence N00° 40' 20"E a distance of 4702.91 feet to the southline of the right of way of Southern Pacific Railroad as shown on Record of Survey as recorded in Book 10 Pages 4 and 5 of Maps, in said County; thence N88° 22' 00"E a distance of 2443.08 feet to the East line of said section 21; thence S00° 35' 00"W along said east line a distance of 753.89 feet to the Northeast corner of said section 28; thence S00° 36' 10"W along the east line of said section a distance of 3998.31 feet to the point of beginning.

SWIP REDEVELOPMENT PROJECT AREA AMENDMENTS



**SOUTHWEST INDUSTRIAL PARK
REDEVELOPMENT PROJECT AREA
AGENCY
CITY OF FONTANA REDEVELOPMENT**

Exhibit #2

Source: Fontana General Plan (1989)

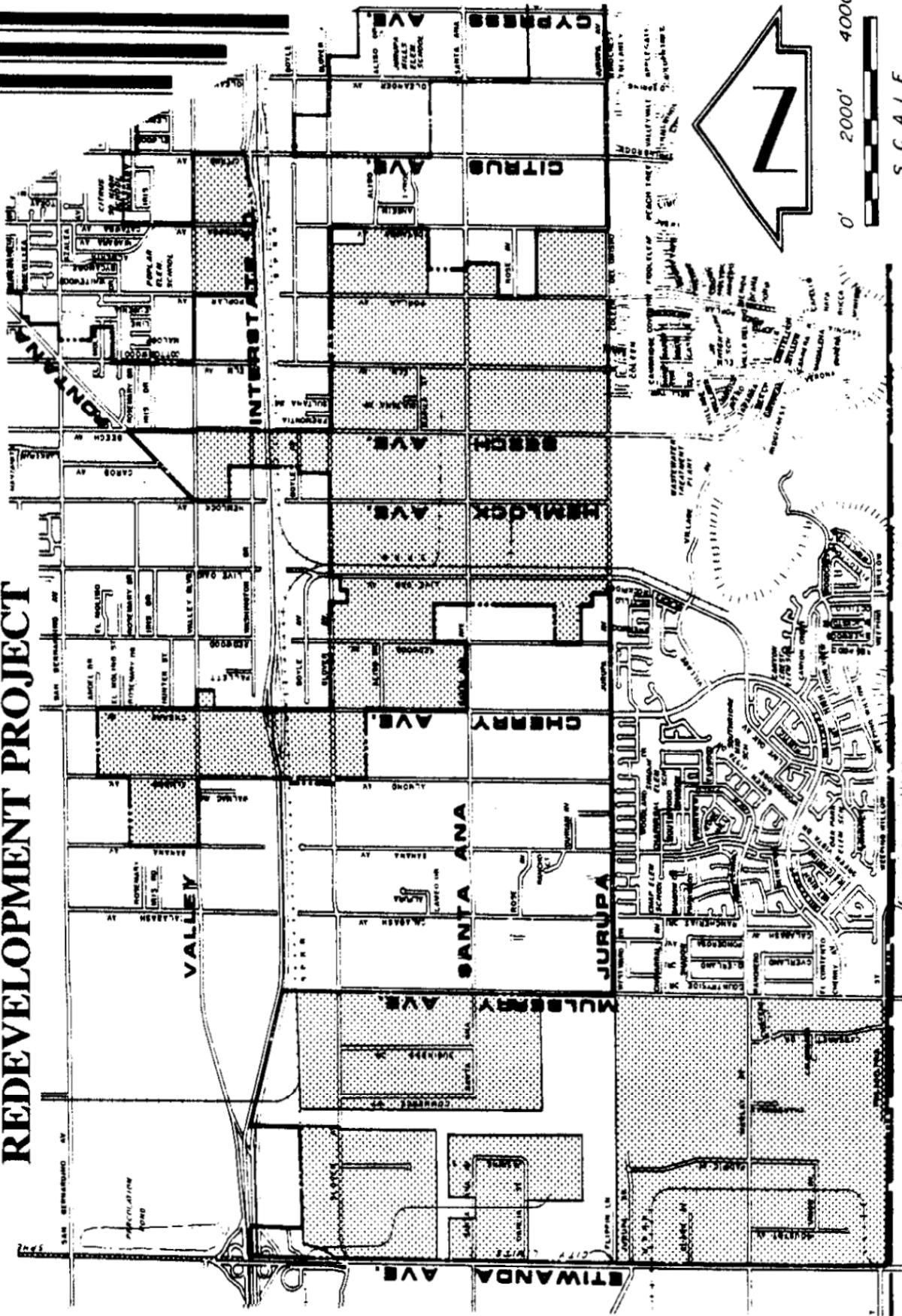


NORTH
NOT TO SCALE

CITY OF CALIFORNIA ONTARIO



SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT



SCALE

SKY MARCH 1993

AMEND #5

**AMENDED REDEVELOPMENT PLAN
FOR THE SOUTHWEST INDUSTRIAL PARK PROJECT AREA
OF THE
THE FONTANA REDEVELOPMENT AGENCY**

March, 1992

**Prepared For:
Fontana Redevelopment Agency
8353 Sierra Avenue
Fontana, California 92335
714/350-6738**

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REDEVELOPMENT PLAN
FOR THE AMENDED SOUTHWEST INDUSTRIAL PARK PROJECT AREA
OF THE
FONTANA REDEVELOPMENT AGENCY

SECTION I. (100) INTRODUCTION

This is the Amended Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area located in the City of Fontana, County of San Bernardino, State of California. The Redevelopment Plan consists of the text (Sections 100 through 1100), the Redevelopment Plan Maps (Exhibits A-1 and A-2), the legal descriptions of the Project Area boundaries (Exhibits B-1 through B-6) and a listing of the proposed public agency redevelopment projects (Exhibits C-1 and C-2).

This Redevelopment Plan, when adopted, takes precedence over, by amendment, the Redevelopment Plan adopted by City Ordinances Numbers 567, 628, 653, 769 and 790 which created the "Original Project Area" (as presented in Exhibits A-1 and B-1) and added "Amendment Nos. 1, 2, 3 and 4 Areas" (as presented in Exhibits A-1 and B-2 through B-5). This Redevelopment Plan also adds the "Amendment No. 5 Area" (as presented in Exhibits A-2 and B-6). The "Original Project Area", the "Amendment Nos. 1, 2, 3 and 4" and the "Amendment Area No. 5" areas are jointly known as the "Amended Southwest Industrial Park Project Area", hereinafter "Project Area".

This Redevelopment Plan has been prepared by the Fontana Redevelopment Agency (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000, *et seq.*), the California Constitution and all applicable laws and ordinances.

This Redevelopment Plan provides the Agency with powers, duties and obligations to implement and further the program generally formulated in this Redevelopment Plan. Due to the long-term nature of this Redevelopment Plan, this Redevelopment Plan does not present a precise plan or establish specific projects. Instead, this Redevelopment Plan presents a process and a basic framework within which specific plans, projects, and solutions will be proposed and established to redevelop, rehabilitate and revitalize the Project Area.

This Redevelopment Plan is based upon the Preliminary Plan formulated and adopted by the Fontana Planning Commission on June 17, 1991 and by the Fontana Redevelopment Agency on July 16, 1991.

SECTION II. (200) GENERAL DEFINITIONS

The following definitions will be used generally in the context of this Redevelopment Plan unless otherwise specified herein:

- A. "Agency"** means the Fontana Redevelopment Agency.
- B. "Agency Board"** means the governing body of the Fontana Redevelopment Agency.
- C. "City"** means the City of Fontana, California.
- D. "City Council"** means the legislative body of the City of Fontana, California.
- E. "Annual Work Program"** means that portion of the Agency's annual budget that sets forth programs and goals to be accomplished by the Agency during the fiscal year.
- F. "County"** means the County of San Bernardino, California.
- G. "Disposition and Development Agreement"** means a contractual agreement between a developer and the Agency that sets forth terms and conditions for the disposition of property and its redevelopment.
- H. "General Plan"** means the City of Fontana's General Plan, a comprehensive and long-term General Plan for the physical development of the City as provided for in Section 65300 of the California Government Code.
- I. "Maps"** means the Redevelopment Plan Maps, attached hereto as Exhibit A-1 and A-2.
- J. "Method of Relocation"** means the methods or plans adopted by the Agency pursuant to Sections 33352(d) and 33411 of the Redevelopment Law for the relocation of families, persons and businesses to be temporarily or permanently displaced by actions of the Agency.
- K. "Owner Participation Agreement"** means a contractual agreement between the Agency and a property owner or tenant which sets forth terms and conditions for redevelopment.
- L. "Person"** means an individual(s), or any public or private entities.
- M. "Project Area"** means the territory this Redevelopment Plan applies to as shown on Exhibits A-1 and A-2.
- N. "Redevelopment Law"** means the Community Redevelopment Law of the State of California (California Health and Safety Code, Sections 33000 *et seq.*) as it now exists or is hereafter amended.

- O. "Redevelopment Plan" means this Amended Redevelopment Plan for the Southwest Industrial Park Project Area which includes the Original Area, Amendment Areas No. 1, No. 2, No. 3 and No. 4 adopted by Ordinance numbers 567, 628, 653, 769 and 790 and that area proposed to be added by Amendment No. 5 by adopted Ordinance No. _____.
- P. "Redevelopment Project" means any undertaking of the Agency implementing this Redevelopment Plan.
- Q. "State" means the State of California.

SECTION III. (300) PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated on the map attached hereto and incorporated herein as Exhibits A-1 and A-2. The legal description of the boundaries of the Project Area is as described in Exhibit B-1 through B-6 attached hereto and incorporated herein.

SECTION IV. (400) REDEVELOPMENT PLAN GOALS

Implementation of this Redevelopment Plan is intended to achieve one or more the following goals:

- o Elimination and prevention of the reoccurrence of conditions of blight and deterioration within the Project Area and the conservation, rehabilitation, and redevelopment of the Project Area in accordance with this Redevelopment Plan and future Annual Work Programs.
- o Provision of adequate roadways and traffic and circulation improvements to correct street deficiencies, alignment problems and substandard alleys, to eliminate road hazards and to provide adequate street and freeway access throughout the Project Area including improvements outside the Project Area.
- o Provision for the development enhancement and renovation of businesses within the Project Area to promote their economic viability.
- o Encouragement of cooperation and participation of residents, business persons, public agencies and community organizations in the revitalization of their properties and the Project Area.
- o Stimulation of investment of the private sector in the full development of the Project Area.

- o Provision of needed improvements to the community's educational, cultural, residential (outside the Project Area) and other community facilities to better serve the Project Area including such facilities outside the Project Area.
- o Expansion of the resource of developable land by making underutilized land available for development.
- o Provision for the implementation of the General Plan and Specific Plan goals for the Project Area.
- o Provision of needed public improvements which will alleviate certain environmental deficiencies including inadequate water and sewer systems, substandard vehicular and pedestrian circulation systems, and other similar public improvements.
- o Promotion of public improvement facilities which are sensitive to the unique environmental qualities of the Project Area.
- o Improvement of local drainage conditions that constrain the development of various parcels in the Project Area.
- o Improvement or preservation of low and moderate income housing as is required to satisfy the needs and desires of the various age and income groups of the community, maximizing the opportunity for individual choice, and meeting the requirements of State law.
- o Development of safeguards against noise and pollution to enhance the industrial/commercial community.
- o Upgrading of existing commercial and industrial uses in the Project Area.
- o The assembly and disposition of land into parcels suitable for modern integrated development with improved pedestrian and vehicular circulation in the Project Area.
- o The replanning, redesign and development of undeveloped areas which are stagnant or improperly utilized.
- o The provision of programs to strengthen the economic base of the Project Area and the community by the installation of needed site improvements and public facilities to stimulate new commercial/light industrial expansion, employment and economic growth.
- o Encourage expansion of City, County and other governmental services and uses.
- o Encourage public oriented cultural uses, libraries and recreational facilities.

- o Enhance and upgrade the physical, social and economic conditions within the area thereby improving the quality of life for Fontana residents.
- o Encourage improvement of landscaping, planting of trees and preservation of historic trees within the Project Area.

SECTION V. (500) REDEVELOPMENT ACTIONS

A. (501) General

The Agency proposes to eliminate and prevent the reoccurrence of conditions of blight, and to strengthen the economic base of the Project Area and the community through:

1. **Acquisition of real property by purchase, gift, devise or any other lawful means, or, where it is deemed necessary, by exercising the power of eminent domain as permitted by Section 503 of this Redevelopment Plan after conduct of appropriate public hearings.**
2. **Development or redevelopment of land by private enterprise or public agencies for purposes and uses consistent with the objectives of this Redevelopment Plan.**
3. **Acquisition, installation, development, construction, reconstruction, redesign, replanning or reuse of streets, utilities, curbs, gutters, sidewalks, traffic control devices, flood control facilities and other public improvements, public facilities, utilities or other structures.**
4. **Combining parcels and properties, and site preparation and construction of necessary off-site improvements.**
5. **Rehabilitation, alteration, remodeling, improvement, modernization, or reconstruction of buildings, structures and improvements.**
6. **Providing the opportunity for participation by owners and tenants presently located in the Project Area and the extension of preferences to occupants desiring to remain or relocate within the redeveloped Project Area.**
7. **Providing relocation assistance to displaced residential and nonresidential occupants.**
8. **Managing of any property owned or acquired by the Agency.**

9. Assisting in providing financing for the construction of commercial and industrial buildings to increase the commercial and industrial base of the Project Area and the City of Fontana, and the number of temporary and permanent jobs in the Project Area.
10. Providing for open space.
11. Disposition of property, including the lease or sale of land at the value determined by the Agency for reuse in accordance with this Redevelopment Plan.
12. Providing for the retention of controls, and the establishment of restrictions or covenants running with the land, so that property will continue to be used in accordance with this Redevelopment Plan.
13. Vacation or abandonment of certain streets, alleys, and other thoroughfares, and the dedication of other areas for public purposes consistent with the objectives of this Redevelopment Plan.
14. Provision of replacement housing outside the Project Area to the extent any is required.
15. Applying for, receiving and utilizing grants and loans and any other assistance from federal or state governments or any other source.
16. Taking any action the Agency determines as necessary and consistent with state, federal and local laws to make structural repairs to buildings and structures, including historical buildings, to meet building code standards related to seismic safety.
17. Taking any action the Agency determines as necessary and consistent with state, federal and local laws to remedy or remove a release of hazardous substances on, under or from property within the Project Area or to remove hazardous waste from property.
18. Rehabilitation, preservation, development or construction of affordable housing outside the Project Area in compliance with State law.
19. Take any action the Agency determines as necessary to the master plan and provide comprehensive planning of the Project Area's public infrastructure.

To accomplish these actions and to implement this Redevelopment Plan, the Agency is authorized to use all the powers provided in this Redevelopment Plan and all the powers now or hereafter permitted by the Redevelopment Law and any other State law.

B. (502) Property Acquisition

1. (503) Acquisition of Real Property

The Agency may acquire without the consent of the owner, real property, any interest in property, and any improvements on it by any means authorized by law, including by gift, grant, exchange, purchase, cooperative negotiations, lease or any other means authorized by law including eminent domain.

If required by law, 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, other than for an interim period, unless: (1) such building requires structural alteration, improvement, modernization, or rehabilitation; or (2) the site or lot on which the building is situated requires modification in size, shape, or use; or (3) it is necessary to impose upon such property any of the standards, restrictions and controls of this Redevelopment Plan and the owner fails or refuses to participate in the Redevelopment Plan by executing an Owner Participation Agreement.

The Agency shall not acquire real property by the exercise of the power of eminent domain for the property located within the Original Area and areas added by Amendment Nos. 1, 2, 3 and 4.

Commencement of eminent domain proceedings to acquire property within the area added by Amendment No. 5 shall begin within twelve (12) years from the effective date of the Ordinance which adopts this Redevelopment Plan.

The Agency shall not acquire, through the use of eminent domain, conforming property owned by conforming owners.

2. (504) Acquisition of Personal Property

Where necessary in the execution of this Redevelopment Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means.

C. (505) Participation by Owners and Tenants

1. (506) Owner and Tenant Participation Rules

The Agency shall promulgate rules for owner and tenant participation which may be amended from time to time. The Agency shall extend reasonable preference to persons who are owners or tenants in the Project Area to continue in or re-enter in business in the Project Area if they otherwise meet the requirements prescribed by this Redevelopment Plan

and the Agency's rules governing owner participation and re-entry; such rules allow for "Owner Participation Agreements" with the Agency.

It is the intention of the Agency that owners of parcels of industrial, commercial and other types of real property within the Project Area be allowed to participate in the redevelopment of the Project Area. Owners of all or part of a property located within the Project Area may participate in its redevelopment in conformity with this Redevelopment Plan.

In the event a participant fails or refuses to rehabilitate or develop his real property pursuant to this Redevelopment Plan and/or the participation agreement, as an alternative thereto, 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 Redevelopment Plan.

Opportunities to participate may include the rehabilitation of property or structures; the retention of improvements; the development of all or a portion of the participant's property; the acquisition of adjacent properties from the Agency; purchasing or leasing properties in the Project Area; participation with developers in the redevelopment of all or a portion of a participant's properties; or other suitable means consistent with objectives and proposals of this Redevelopment Plan and of the rules governing owner participation and re-entry.

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.

The Agency desires participation in redevelopment by owners and business tenants. However, 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; and the ability of the Agency and/or owners to finance acquisition and development in accordance with this Redevelopment Plan.

2. (507) Preferences for Persons Engaged in Business in the Project Area

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to re-enter in business within the Project Area if they otherwise meet the requirements prescribed by this Redevelopment Plan and the Agency's rules governing re-entry.

3. (508) Owner Participation Agreements

Under an Owner Participation Agreement, the participant shall agree to rehabilitate, develop, or use the property in conformance with this Redevelopment Plan and be subject to the provisions hereof. In the Owner Participation Agreement, 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 Redevelopment Plan applicable to their properties.

In the event a participant breaches the terms of an Owner Participation Agreement, the Agency may declare the Agreement terminated and may acquire the real property or any interest therein.

D. (509) Certificates of Conformance

The Agency is authorized to make determinations of those properties which conform to this Redevelopment Plan. If such a determination is made by the Agency, the Agency may issue a Certificate of Conformance to qualifying properties. The issuance of a Certificate of Conformance may impose conditions as necessary or appropriate to carry out this Redevelopment Plan including, without limitation, the requirement to enter into an Owner Participation Agreement.

The Agency shall not acquire, through the use of eminent domain, conforming property owned by conforming owners.

In the event any of the conforming owners desire to: (1) construct any additional improvement or substantially alter or modify existing structures on any of the real property described above as conforming; or (2) acquire additional real property within the Project Area, then such conforming owners shall be required to enter into a participation agreement with the Agency in the same manner as required for owners.

Any real property owned by conforming owners outside of the designated conforming parcels and within the Project Area shall be considered and treated in the same manner as real property owned by other owners, and may be subject to a participation agreement with the Agency.

E. (510) Cooperation with Public Bodies

Certain public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning and implementation activities authorized by this Redevelopment Plan. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate Redevelopment Plan implementation activities with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, under current Redevelopment Law, is not authorized to acquire real property owned by public bodies without consent of such public bodies. The Agency, however, shall seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. Any public body which owns or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into an Owner Participation Agreement with the Agency. All plans for development of property in the Project Area by a public body shall be subject to Agency approval.

The Agency may impose on all public bodies the planning and design controls contained in and authorized by this Redevelopment Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Redevelopment Plan. The Agency is authorized to financially (and otherwise) assist the public bodies in the cost of public land, buildings, facilities, structures or other improvements (within or outside the Project Area) where such land, buildings, facilities, structures, or other improvements are of benefit to the Redevelopment Project.

F. (511) Property Management

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 properties may be rented or leased by the Agency pending their disposition.

G. (512) Payments to Taxing Agencies to Alleviate Financial Burden or Detriment

The Agency may, in its discretion, pay an amount of money in lieu of taxes in any year during which it owns property in the Project Area. In the event the Agency exercises such discretion, such payment shall be made directly to the County or special district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt.

The Agency may pay to any taxing agency with territory located within the Project Area, other than the City, any amounts of money which the Agency has found are necessary and appropriate to alleviate financial burden or detriment caused by the Redevelopment Project. The payments to a taxing agency in any single year shall not exceed the amount of property tax revenues which would have been received by that taxing agency if all the property tax revenues from the Project Area had been allocated to all the affected taxing agencies without regard to the division of taxes required by Section 33670 of the Redevelopment Law, except that a greater payment may be established by agreement between the Agency and one or more taxing agencies, except a school district, if the other taxing agencies agree to defer payments for one or more years in order to accomplish the purposes of the Redevelopment Project at an earlier time than would otherwise be the case. The amount of any greater payments shall not exceed the amount of payment deferred. The payments shall be approved by a resolution, adopted by the Agency, which shall contain findings, supported by substantial

evidence, that the Redevelopment Project will cause or has caused a financial burden or detriment to the taxing agency and that the payments are necessary to alleviate the financial burden or detriment.

H. (513) Relocation of Persons Displaced by a Redevelopment Project

1. (514) Relocation Program

In accordance with the provisions of the California Relocation Assistance Act (Government Code Section 7260, *et seq.*), the guidelines adopted and promulgated by the California Department of Housing and Community Development (the "Relocation Guidelines") and the Method of Relocation adopted by the Agency, the Agency shall provide relocation benefits and assistance to all persons (including families, business concerns and others) displaced by Agency acquisition of property in the Project Area. Such relocation assistance shall be provided in the manner required by the Method of Relocation. In order to carry out a Redevelopment Project with a minimum of hardship, the Agency will assist displaced households in finding decent, safe and sanitary housing within their financial means and otherwise reasonably suitable to their needs. The Agency shall make a reasonable effort to relocate displaced commercial and industrial establishments within the Project Area. The Agency is also authorized to provide relocation for displaced persons outside the Project Area.

2. (515) Relocation Benefits and Assistance

The Agency shall provide all relocation benefits required by law and in conformance with the Method of Relocation, Relocation Guidelines, Relocation Assistance Act, and the Redevelopment Law.

I. (516) Demolition, Clearance, Public Improvements, Site Preparation and Removal of Hazardous Waste

1. (517) Demolition and Clearance

The Agency is authorized, for property acquired by the Agency or pursuant to an agreement with the owner thereof, to demolish, clear or move buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Redevelopment Plan.

2. (518) Public Improvements

To the extent permitted by law, the Agency is authorized to install and construct or to cause to be installed and constructed the public improvements and public utilities (within or outside the Project Area) necessary to carry out the purposes of this Redevelopment Plan. Such public improvements include, but are not limited to, over or underpasses,

bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, cable TV systems, water distribution systems, parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, schools, civic, cultural, and recreational facilities and pedestrian improvements. A list of possible Agency public improvement projects is set forth in Exhibits C-1 and C-2.

The Agency, with the prior consent of the City Council, may pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or outside the Project Area upon the Agency Board and the City Council making appropriate findings under the Redevelopment Law.

When the value of such land or the cost of the installation and construction of such building, facility, structure or other improvement, or both, has been, or will be, paid or provided for initially by the City or other public corporation, the Agency may enter into a contract with the City or other public corporation under which it agrees to reimburse the City or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure or other improvements, or both, by periodic payments over a period of years. Any obligation of the Agency under such contract shall constitute an indebtedness of the Agency for the purposes of carrying out this Redevelopment Plan.

3. (519) Preparation of Building and Development Sites

The Agency may develop and prepare as a building site any real property owned or acquired by it. In connection with such development it may cause, provide, undertake or make provisions with other agencies for the installation, or construction of parking facilities, streets, utilities, parks, playgrounds and other public improvements necessary for carrying out this Redevelopment Plan.

The Agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings.

4. (520) Removal of Hazardous Waste

The Agency may, by following all applicable procedures then provided by law, within the Project Area, take any actions which the Agency determines are necessary and which are consistent with other state and federal laws to remedy or remove a release of hazardous substances on, under or from property within the Project Area or to remove hazardous waste from property.

J. (521) Rehabilitation, Moving of Structures by the Agency and Seismic Repairs

1. (522) Rehabilitation and Conservation

The Agency is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any property, building or structure in the Project Area owned by the Agency. The Agency is also authorized to advise, encourage, and assist (through a loan program or otherwise) in the rehabilitation and conservation of property, buildings or structures in the Project Area not owned by the Agency. The Agency is also authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

It shall be the purpose of this Redevelopment Plan to allow for the retention of as many existing businesses as practicable and to add to the economic life of these businesses by a program of voluntary participation in their conservation and rehabilitation. The Agency is authorized to conduct a program of assistance and enforcement to encourage owners of property within the Project Area to upgrade and maintain their property consistent with this Redevelopment Plan and such standards as may be developed for the Project Area.

The extent of rehabilitation in the Project Area shall be subject to the following limitations:

- a. The rehabilitation must be compatible with land uses as provided for in this Redevelopment Plan.
- b. Rehabilitation and conservation activities must be carried out in an expeditious manner and in conformance with the requirements of this Redevelopment Plan and such property rehabilitation standards as may be adopted by the Agency.
- c. The expansion of public improvements, facilities and utilities.
- d. The assembly and development of properties in accordance with this Redevelopment Plan.

The Agency may adopt property rehabilitation standards for the rehabilitation of properties in the Project Area.

The Agency shall not assist in the rehabilitation or conservation of properties or improvements which, in its opinion, are not economically and/or structurally viable.

2. (523) Moving of Structures

As necessary in carrying out this Redevelopment Plan, the Agency is authorized to move, or to cause to be moved, any structure or building which can be rehabilitated to a location within or outside the Project Area.

3. (524) Seismic Repairs

For any project undertaken by the Agency within the Project Area for building rehabilitation or alteration in construction, the Agency may, by following all applicable procedures then provided by law, take those actions which the Agency determines are necessary and which are consistent with local, state, and federal law, to provide for seismic retrofits.

K. (525) Property Disposition and Development

1. (526) Real Property Disposition and Development

a. (527) General

For the purposes of this Redevelopment 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 lease or sale without public bidding. Except as otherwise permitted by law, before any interest in real property of the Agency acquired in whole or in part, directly or indirectly, with tax increment moneys is sold or leased for development pursuant to this Redevelopment Plan, such sale or lease shall be first approved by the City Council after public hearing.

Except as otherwise permitted by law, no real or personal property owned by the Agency, or any interest therein, shall be sold or leased to a private person or private entity for an amount less than its fair market value, unless the City Council determines that such lesser consideration is necessary to effectuate the purposes of this Redevelopment Plan.

Except as otherwise permitted by law, the real property acquired by the Agency in the Project Area, except property conveyed to it by the City, shall be sold or leased to public or private persons or entities for redevelopment and use of the property in conformance with this Redevelopment Plan. Real property may be conveyed by the Agency to the City, and where beneficial to the Project Area, to any other public body without charge or for an amount less than fair market value.

All purchasers or lessees of property shall be obligated to use the property for the purposes designated in this Redevelopment Plan, to begin and complete redevelopment of such 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 Redevelopment Plan.

During the period of redevelopment in the Project Area, the Agency shall ensure that all provisions of this Redevelopment Plan, and other documents formulated pursuant to this Redevelopment Plan, are being observed, and that development of the Project Area is proceeding in accordance with applicable development documents and time schedules.

All development, whether public or private, must conform to this Redevelopment Plan and all applicable federal, state, and local laws, including without limitation the City's planning and zoning ordinances, building, environmental and other land use development standards; and must receive the approval of all other appropriate public agencies.

b. (528) Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Redevelopment 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 Owner Participation Agreements, shall be made subject to the provisions of this Redevelopment Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the planning and zoning ordinances of the City, 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.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, powers of termination, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Redevelopment Plan.

The Agency shall reserve such powers and controls in Disposition and Development Agreements or similar agreements as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that redevelopment is carried out pursuant to this Redevelopment 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, creed, religion, national origin, ancestry, sex, or marital status 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 Disposition and Development Agreements shall be expressly subject by appropriate documents to the restriction that all deeds, leases, 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.

2. **(529) Personal Property Disposition**

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

L. **(530) Provision for Low and Moderate Income Housing**

1. **(531) Definition of Terms**

The terms "affordable housing cost", "replacement dwelling unit", "persons and families of low or moderate income" and "very low income households" as used herein shall have the meanings as defined by the Redevelopment Law and other State and local laws and regulations pertaining thereto.

2. **(532) Authority Generally**

The Agency may, inside or outside the Project Area, acquire land, donate land, improve sites, or construct or rehabilitate structures, or take any other such actions as may be permitted by Redevelopment Law, in order to provide housing for persons and families of low or moderate income; provided, however, that all such actions with respect to residential improvements or development shall take place outside the Project Area.

3. **(533) Replacement Housing**

Except as otherwise permitted by law, whenever dwelling units housing persons and families of low or moderate income, as defined by the Redevelopment Law, are destroyed or removed from the low and moderate income housing market as part of a redevelopment project, the Agency shall, within four years of such destruction or removal, 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 which have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs within the territorial jurisdiction of the

Agency, but outside the Project Area. Except as otherwise permitted by law, seventy-five percent (75%) of the replacement dwelling units shall replace dwelling units available at affordable housing costs in the same income level of very low income households, lower income households, and persons and families of low and moderate income as the persons displaced from those units destroyed or removed. The Agency may replace destroyed or removed dwelling units housing persons and families of low or moderate income with a fewer number of replacement dwelling units if the replacement dwelling units have a greater or equal number of bedrooms and are affordable to the same income level of households as the destroyed or removed units.

4. (534) New or Rehabilitated Dwelling Units

- a. No new or rehabilitated dwelling units may be developed within the Project Area. Any additions or expansion of existing residential structures is also prohibited.
- b. Except as otherwise permitted by law, at least thirty percent (30%) of all new or rehabilitated dwelling units developed outside of the Project Area by the Agency shall be available at affordable housing cost to persons and families of low or moderate income and of such thirty percent (30%), not less than fifty percent (50%) thereof shall be available to and occupied by very low income households.

Except as otherwise permitted by law, the Agency shall require, by contract or other appropriate means, that whenever any low and moderate income housing units are developed with funds from the Project Area, such units shall be made available on a priority basis for rent or purchase, whichever the case may be, to persons and families of low or moderate income displaced by the Redevelopment Project; provided, however, that failure to give such priority shall not affect the validity of title to the real property upon which such housing units have been developed.

5. (535) Duration of Dwelling Unit Availability

The Agency shall require the aggregate number of dwelling units rehabilitated, developed or constructed pursuant to Sections 533 and 534 of this Redevelopment Plan to remain available at affordable housing cost to persons and families of low income, moderate income and very low income households for not less than the period required by law.

6. (536) Relocation Housing

The Agency may, to the extent necessary, direct or cause the development, rehabilitation or construction of housing units within the City, outside the Project Area for purposes of relocation.

7. (537) Increased and Improved Supply

Except as otherwise permitted by law, not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to subdivision (b) of Section 33670 of the California Health and Safety Code and Section 702(2) and (3) of this Redevelopment Plan shall be used by the Agency for the purposes of increasing, improving and preserving the City's supply of low and moderate income housing outside the Project Area available at affordable housing cost as defined by Section 50052.5 of the California Health and Safety Code, to persons and families of low or moderate income, as defined in Section 50093 of the California Health and Safety Code, and very low income households, as defined in Section 50105 of the California Health and Safety Code, unless one or more applicable findings are made pursuant to the California Health and Safety Code.

In implementing Section 537 of this Redevelopment Plan, the Agency may exercise any or all of its powers including, but not limited to, the following:

1. Acquire real property or building sites.
2. Improve real property or building sites with on-site or off-site improvements, but only if the improvements directly and specifically improve, increase, or preserve the City's supply of low or moderate income housing.
3. Donate real property to private or public persons or entities.
4. Finance insurance premiums.
5. Construct buildings or structures.
6. Acquire buildings or structures.
7. Rehabilitate buildings or structures.
8. Provide subsidies to, or for the benefit of, very low income households, as defined by Section 50105 of the California Health and Safety Code, lower income households, as defined by Section 50079.5 of the California Health and Safety Code, or persons and families of low or moderate income, as defined by Section 50093 of the California Health and Safety Code, to the extent those households cannot obtain housing at affordable

costs on the open market. Housing units available on the open market are those units developed without direct government subsidies.

9. Develop plans, pay principal and interest on bonds, loans, advances, or other indebtedness or pay financing or carrying charges.
10. Maintain the City's supply of mobilehomes to the extent permitted by the General Plan.
11. Preserve the availability to lower income households of affordable housing units in housing developments which are assisted or subsidized by public entities and which are threatened with imminent conversion to market rates.

The Agency may use these funds to meet, in whole or in part, the replacement housing provisions in Section 533 above. These funds may be used inside or outside the Project Area; provided, however, that funds may be used outside the Project Area only if findings of benefit to the Project Area are made pursuant to the Redevelopment Law.

The funds for this purpose shall be held in a separate Low and Moderate Income Housing Fund until used. Any interest earned by such Low and Moderate Income Housing Fund shall accrue to the Fund.

8. (538) Duration of Affordability

Except as otherwise permitted by law, all new or substantially rehabilitated housing units developed or otherwise assisted with moneys from the Low and Moderate Income Housing Fund pursuant to an agreement approved by the Agency shall be required to remain available at affordable housing cost to persons and families of low or moderate income and very low income households for the longest feasible time, but for not less than the following periods of time:

- a. Fifteen years for rental units. However, the Agency may replace rental units with equally affordable and comparable rental units in another location within the City if (A) the replacement units are available for occupancy prior to the displacement of any persons and families of low or moderate income residing in the units to be replaced and (B) the comparable replacement units are not developed with moneys from the Low and Moderate Income Housing Fund.

b. Ten years for owner-occupied units. However, the Agency may permit sales of owner-occupied units prior to the expiration of the 10-year period for a price in excess of that otherwise permitted under this subdivision pursuant to an adopted program which protects the Agency's investment of moneys from the Low and Moderate Income Housing Fund.

SECTION VI. (600) USES PERMITTED IN THE PROJECT AREA

A. (601) Maps and Uses Permitted

The Maps attached hereto as Exhibits A-1 and A-2 and incorporated herein illustrate the location of the Project Area boundaries, the immediately adjacent streets, and existing public rights-of-way and public easements. The land uses permitted by this Redevelopment Plan shall be those permitted by the City of Fontana's General Plan and zoning ordinances as they now exist or may hereafter be amended.

B. (602) Land Uses (as provided in the City's General Plan at the time of the adoption of this Redevelopment Plan)

Commercial/Office Professional

Including general, community, regional commercial and office professional uses. It encompasses stores, offices, personal and professional services, and general retail activities.

Industrial

Encompasses service industrial, industrial business parks, includes warehousing, distribution, wholesaling, service commercial, assembly, and research and office facilities.

Resource Area

Including quarries, flood control channels, groundwater percolation basins and agriculture.

Public and Quasi-Public

Including government facilities, public utility, open space, public schools, recreation and rights-of-way.

C. (603) Public Uses

1. (604) Public Street Layout, Rights-of-Way and Easements

The public street system for the Project Area is illustrated on the Project Area Maps identified as Exhibit A-1 and A-2. The street system in the Project Area shall be developed in accordance with the Circulation Element of the City's General Plan as it is or may be amended.

Certain streets and rights-of-way may be widened, altered, abandoned, vacated, or closed by the City as necessary for proper development of the Project Area. Additional easements may be created by the Agency and City in the Project Area as needed for proper development and circulation.

The public rights-of-way shall be used for vehicular, bicycle and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained or created.

2. (605) Other Public and Open Space Uses

Both within and, where appropriate, outside of the Project Area, the Agency is authorized to permit, establish, or enlarge public, institutional, or non-profit uses, including, but not limited to, airports, schools, community center, auditorium and civic center facilities, criminal justice facilities, park and recreational facilities, parking facilities, transit facilities, libraries, hospitals, educational, fraternal, philanthropic and charitable institutions or other similar associations or organizations. All such uses shall be deemed to conform to the provisions of this Redevelopment Plan provided that such uses conform with all other applicable laws and ordinances and that such uses are approved by the City. The Agency may impose such other reasonable restrictions as are necessary to protect development and uses in the Project Area.

D. (606) Conforming Properties

The Agency may, at its sole and absolute discretion, determine that certain real properties within the Project Area meet the requirements of this Redevelopment Plan, and the owners of such properties may be permitted to remain as owners of conforming properties without an Owner Participation Agreement with the Agency, provided such owners continue to operate, use, and maintain the real properties within the requirements of this Redevelopment Plan. A Certificate of Conformance to this effect may be issued by the Agency and recorded. An owner of a conforming property may be required by the Agency to enter into an Owner Participation Agreement with the Agency in the event that such owner desires to (1) construct any additional improvements or substantially alter or

modify existing structures on any of the real property described above as conforming; or (2) acquire additional property within the Project Area.

E. (607) Nonconforming Uses

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

Subject to any and all required approval of the City, the Agency may, but is not required to, authorize additions, alterations, repairs or other improvements in the Project Area for uses which do not conform to the provisions of this Redevelopment Plan where such improvements are within a portion of the Project Area where, and in the determination of the Agency, such improvements would be compatible with surrounding Project Area uses and development, except that expansion of existing residential uses is expressly prohibited.

F. (608) Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses not in conformity with the uses permitted in this Redevelopment Plan. Such interim use, however, shall conform to all applicable City codes.

G. (609) General Controls and Limitations

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, redeveloped, rehabilitated, or otherwise changed after the date of the adoption of this Redevelopment Plan except in conformance with the provisions of this Redevelopment Plan and all applicable City codes and ordinances. The land use controls of this Redevelopment Plan shall apply for a period of forty (40) years. The type, size, height, number and use of buildings within the Project Area will be controlled by the City's applicable planning and zoning ordinances as they now exist or may hereafter be amended from time to time. Notwithstanding any provision in this Redevelopment Plan to the contrary, the Agency may establish development standards or specific land uses which are more restrictive than, but are otherwise allowed pursuant to the City's General Plan, Zoning Ordinances and other codes and ordinances.

1. (610) New Construction

All construction in the Project Area shall comply with all applicable State and local laws in effect from time to time. In addition to applicable City codes, ordinances, or other requirements governing development in the Project Area, specific performance and development standards may be

adopted by the Agency to control and direct redevelopment activities in the Project Area.

2. (611) 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 a manner that it will meet the following requirements: be safe and sound in all physical respects, be attractive in appearance and not detrimental to the surrounding uses.

3. (612) Number of Dwelling Units

The total number of dwelling units in the Project Area shall be regulated by the City's General Plan at the time of adoption this Redevelopment Plan. No residential land use is permitted under the General Plan. The Project Area currently includes approximately 90 dwelling units.

4. (613) Open Space and Landscaping

The approximate amount of open space to be provided in the Project Area is the total of all areas so designated in the Land Use Element of the City's General Plan and those areas in the public rights-of-way or provided through site coverage limitations on new development as established by the City and this Redevelopment Plan. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material in conformance with the standards of the City.

5. (614) Limitations on Type, Size and Height of Buildings

The limits on building intensity, type, size and height, shall be those established in the City's General Plan and the zoning ordinances, as they now exist or are hereafter amended.

6. (615) Signs

All signs shall conform to the City's requirements. Design of all proposed new signs shall be submitted prior to installation to the appropriate governing bodies of the City and/or the Agency for review and approval pursuant to the procedures permitted by this Redevelopment Plan. New signs must contribute to a reduction in sign blight.

7. (616) Utilities

The Agency shall require that all utilities be placed underground whenever physically possible and economically feasible.

8. (617) Incompatible Uses

No use or structure which is by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area, except as permitted by the City.

9. (618) Nondiscrimination and Non-segregation

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

10. (619) Subdivision of Parcels

No parcels in the Project Area, including any parcel retained by a participant, shall be consolidated, subdivided or re-subdivided without the approval of the City, and, if necessary for purposes of this Redevelopment Plan, the Agency.

11. (620) Minor Variations

The Agency is authorized to permit minor variations from the limits, restrictions and controls established by this Redevelopment Plan. In order to permit any such variation, the Agency must determine that:

- a. The application of certain provisions of this Redevelopment Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of this Redevelopment 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 injurious to property or improvements in the area; and
- d. Permitting a variation will not be contrary to the objectives of this Redevelopment Plan.

No such variation shall be granted which permits other than a minor departure from the provisions of this Redevelopment Plan as determined by the agency solely in its discretion. 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 this Redevelopment Plan.

H. (621) Design for Development (Standards for Development)

Within the limits, restrictions, and controls established in this Redevelopment Plan, and subject to the provisions of Sections 601 and 609, herein, 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 this Redevelopment Plan and any such controls approved by the Agency. In the case of property which is the subject of a Disposition and Development Agreement or an Owner Participation Agreement with the Agency, such property shall be developed in accordance with the provisions of such Agreement. One of the objectives of this Redevelopment 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 Redevelopment Plan except as permitted by Section 620 of this Redevelopment Plan.

I. (622) Building Permits

Any building permit that is issued for the rehabilitation or construction of any new building or any addition, construction, moving, conversion or alteration to an existing building in the Project Area from the date of adoption of this Redevelopment Plan must be in conformance with the provisions of this Redevelopment Plan, any Design for Development adopted by the Agency, any restrictions or controls established by resolution of the Agency, and any applicable participation or other agreements.

The Agency is authorized to establish permit procedures and approvals required for purposes of this Redevelopment Plan. A building permit shall be issued only after the applicant for same has been granted all approvals required by the City and the Agency at the time of application.

SECTION VII. (700) METHODS FOR FINANCING THE PROJECT

A. (701) General Description of the Proposed Financing Methods

Upon adoption of this Redevelopment Plan by the City Council, the Agency is authorized to finance implementation of this Redevelopment Plan with assistance from local sources, the State of California and/or the Federal Government,

property tax increment, interest income, Agency bonds, donations, loans from private financial institutions or any other legally available source.

The Agency is also authorized to obtain advances, borrow funds, issue bonds or other obligations, and create indebtedness in carrying out this Redevelopment Plan. The principal and interest on such indebtedness may be paid from tax increment revenue or any other funds available to the Agency. Advances and loans for survey and planning and for the operating capital for administration of this Redevelopment Plan may be provided by the City until adequate tax increment revenue or other funds are available to repay the advances and loans. The City or other public agency, as it is able, may also supply additional assistance through issuance of bonds, loans and grants and in-kind assistance. Any assistance shall be subject to terms established by an agreement between the Agency, City and/or other public agency providing such assistance.

As available, gas tax funds from the State of California and sales tax funds from the County of San Bernardino may be used for the street system.

The Agency may issue bonds or other obligations and expend their proceeds to carry out this Redevelopment Plan. The Agency is authorized to issue bonds or other obligations as appropriate and feasible in an amount sufficient to finance all or any part of Redevelopment Plan implementation activities. The Agency shall pay the principal and interest on bonds or other obligations of the Agency as they become due and payable.

B. (702) Tax Increment Revenue

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 or other public corporation (hereinafter called "Taxing Agency" or "Taxing Agencies") after the effective date of the ordinance approving this Redevelopment Plan, other than the Central Valley Fire Protection District which shall receive taxes without allocation to the Agency as hereinafter provided, 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 Project Area 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 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 or Agencies which did not include the territory in the Project Area on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County last equalized on the effective date of said ordinance shall be used in determining the

assessed valuation of the taxable property in the Project Area on said effective date).

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 loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance in whole or in part, the Redevelopment Project. Unless and until the total assessed valuation of the taxable property in the Project Area exceeds the total assessed value of the taxable property in the Project Area 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 Area shall be paid to the respective Taxing Agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project Area shall be paid to the respective Taxing Agencies as taxes on all other property are paid.
3. That portion of tax increment revenue allocated to the Agency in excess of the amount identified in paragraph (1.) above which are attributable to a tax rate levied by a Taxing Agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of and interest on any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that Taxing Agency.

Notwithstanding any term or provision in this Redevelopment Plan to the contrary, commencing with the effective date of Amendment No. 5 to this Redevelopment Plan, the Central Valley Fire Protection District shall receive all taxes which would be produced by the rate upon which the tax is levied each year for the Central Valley Fire Protection District without allocation of all or any portion of such Central Valley Fire Protection District taxes to the Agency pursuant to Section 33670 (b) of the Redevelopment Law or paragraph (2.) above.

The Agency is authorized to make pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. The portion of taxes allocated and paid to the Agency pursuant to subparagraph (2.) above is irrevocably pledged to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the redevelopment program for the Project Area.

The number of dollars of taxes which may be divided and allocated to the Agency pursuant to Section 33670 of the Redevelopment Law shall not exceed \$496 million, except by amendment of this Redevelopment Plan.

No loan, advance or indebtedness to be repaid from such allocation of taxes established or incurred by the Agency to finance in whole or in part the Redevelopment Plan shall be established or incurred after thirty (30) years following the date of adoption of the ordinance approving and adopting this Redevelopment Plan. 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 Redevelopment Plan.

C. (703) Agency Bonds

The Agency is authorized to issue bonds and other obligations from time to time, if it deems it appropriate to do so, in order to finance all or any part of Redevelopment Plan implementation activities.

Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds or other obligations by reason of their issuance.

The bonds and other obligations of the Agency are not a debt of the City, nor the State, nor are any of its political subdivisions liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; and such bonds and other obligations shall so state on their face. The bonds and other obligations do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

The amount of bonded indebtedness, to be repaid in whole or in part from the allocation of taxes pursuant to Section 33670 of the Redevelopment Law, which can be outstanding at one time shall not exceed \$85 million, without an amendment of this Redevelopment Plan. Such limitation is exclusive of (1) any payments to the taxing agencies to alleviate financial burden or detriment made by the Agency pursuant to Section 512 of this Redevelopment Plan and (2) any funds deposited by the Agency in a Low and Moderate Income Housing Fund.

D. (704) Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the Federal Government, the State of California, or any other public or private source will be utilized, if available, as appropriate in carrying out this Redevelopment Plan. In addition, the Agency may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

E. (705) Rehabilitation Loans, Grants, and Rebates

The Agency and the City may commit funds from any source to rehabilitation programs for the purposes of loans, grants, or rebate payments for self-financed rehabilitation work. The rules and regulations for such programs shall be those which may already exist or which may be developed in the future. The Agency and the City shall seek to acquire grant funds and direct loan allocations from

State and Federal sources, as they may be available from time to time, for the carrying out of such programs.

SECTION VIII. (800) ACTIONS BY THE CITY

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

1. 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 requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Redevelopment Plan, provided that nothing in this Redevelopment Plan shall be considered to require the cost of such abandonment, removal, and relocation to be borne by others than those legally required to bear such costs.
2. Institution and completion of proceedings necessary for changes and improvements to publicly-owned parcels and utilities in the Project Area.
3. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
4. Imposition, whenever necessary, of appropriate design controls within the limits of this Redevelopment Plan in the Project Area to ensure proper development and use of land.
5. Provisions for administration/enforcement of this Redevelopment Plan by the City after development.
6. The undertaking and completion of any other proceedings necessary to carry out the Redevelopment Project.
7. The expenditure of any City funds in connection with redevelopment of the Project Area pursuant to this Redevelopment Plan.

SECTION IX. (900) ADMINISTRATION AND ENFORCEMENT

Upon adoption, the administration and enforcement of this Redevelopment Plan or other documents implementing this Redevelopment Plan shall be performed by the City or the Agency, as appropriate.

The provisions of this Redevelopment Plan or other documents entered into pursuant to this Redevelopment Plan may also be enforced by court litigation by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, or injunctions. 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.

SECTION X. (1000) DURATION OF THIS PLAN

Except for the non-discrimination and non-segregation 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 thirty-eight (38) years from the effective date of adoption of this Redevelopment Plan by the City Council; provided, however, that the Agency may issue bonds and incur obligations pursuant to this Redevelopment Plan which extend beyond the termination date, and in such event, this Redevelopment Plan shall continue in effect for the purpose of repaying such bonds or other obligations, as determined by the City Council.

SECTION XI. (1100) PROCEDURE FOR AMENDMENT

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

EXHIBIT A-1

PROJECT AREA MAP

SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA

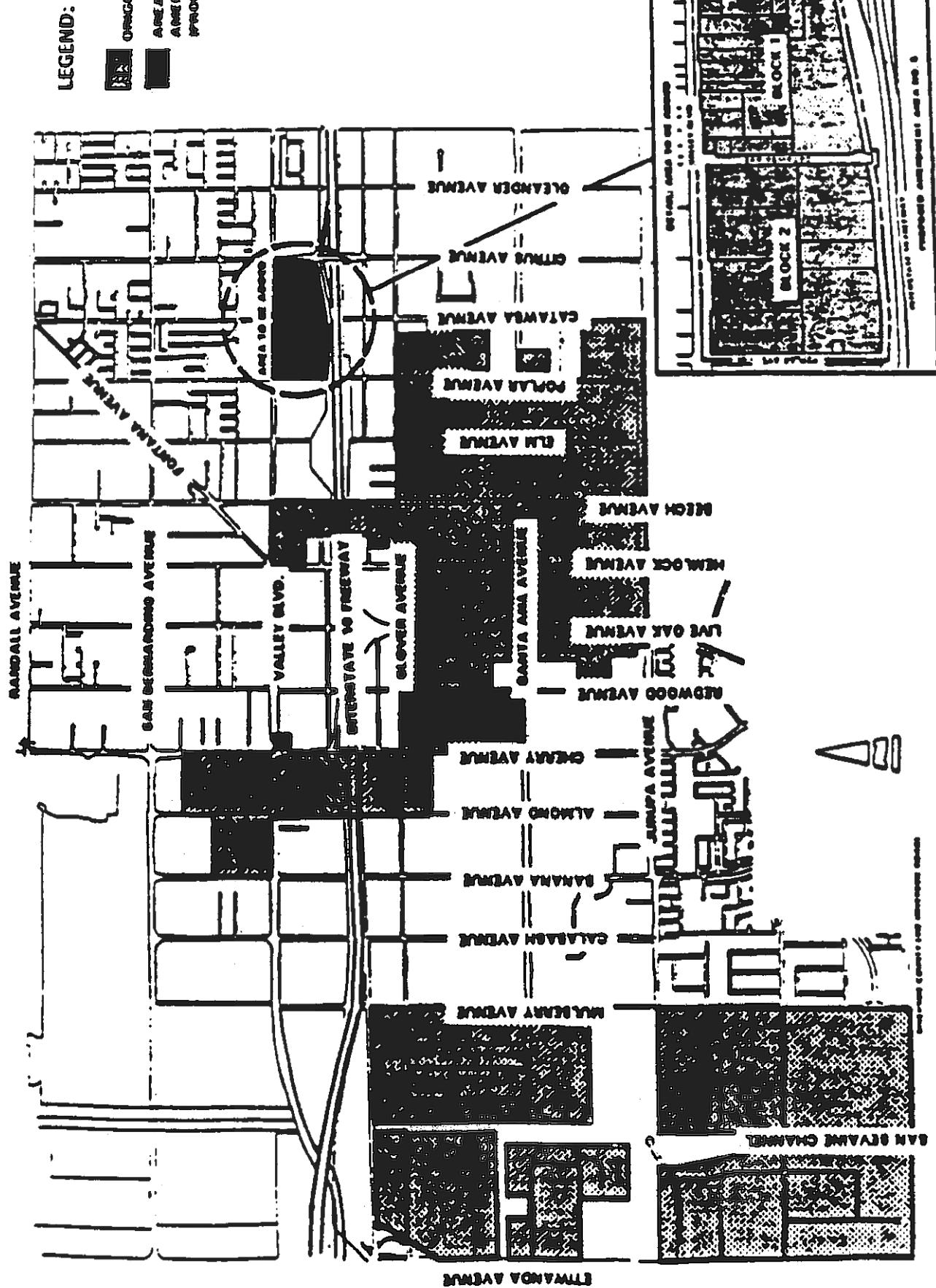


EXHIBIT A-2

PROJECT AREA MAP

EXHIBIT A-2

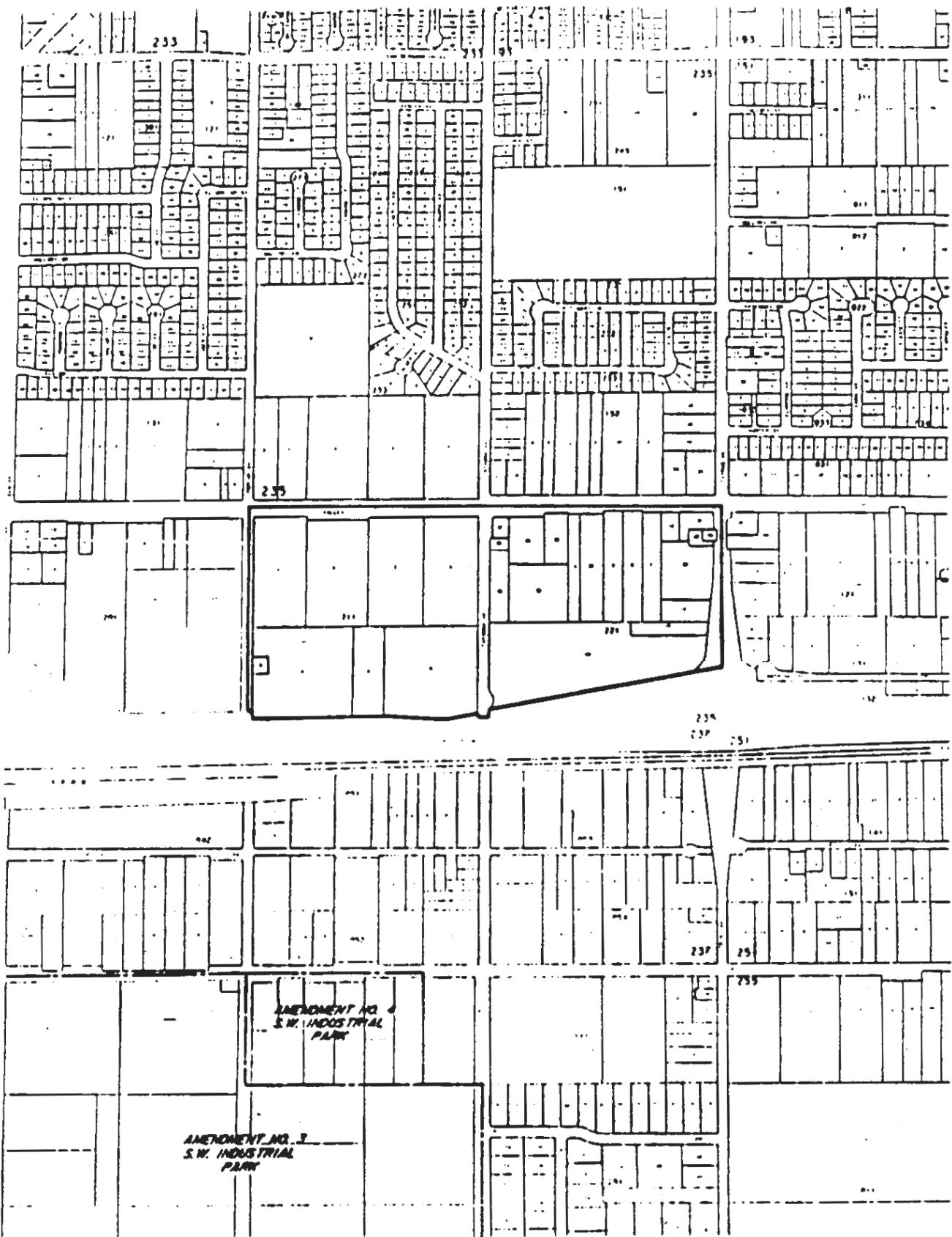


EXHIBIT B-1

LEGAL DESCRIPTION

EXHIBIT B-1

LEGAL DESCRIPTION ORIGINAL AREA

The Project Area shall include and be limited to all land held by Upland Industries Corporation and Adam Associates within boundaries herein described:

Being the West 1/2 of Section 33, Township 1 South, Range 6 West, San Bernardino Baseline and Meridian in the City of Fontana, County of San Bernardino, State of California;

EXCEPTING THEREFROM the North 660 feet of the West 1,380 feet of the South 1,320 feet of the Northwest 1/4 of said Section 33 within instrument recorded in Book 6415, pages 880 and 881 records of said County;

EXCEPTING THEREFROM the North 200 feet, lying Easterly of Etiwanda Avenue and Westerly of the following described line commencing at a point on the North line of said Section 33, S 89° 34' 08" W., a distance of 1,305.47 feet from the Northeast corner of the Northwest 1/4 of said Section 33; thence S 0° 13' 53" W., parallel with the centerline of Etiwanda Avenue, a distance of 200.01 feet within instrument recorded in Book 7089, page 822, records of said County;

EXCEPTING THEREFROM that portion of said Section 33 lying Easterly of a line parallel with and 230 feet Westerly measured at right angles from line described as beginning at a point of intersection of the West line of the Southwest 1/4 of Section 28, Township 1 South, Range 6 West, with a line parallel with and 100 feet Southerly measured at right angles from the Southerly line of Parcel #3 Parcel Map 227, said point being N 00° 11' 35" E, a distance of 506.06 feet from the Southwest corner of Section 28; thence N 89° 17' 14" E. along said parallel line, a distance of 2,213.94 feet; thence S 00° 42' 46" E., a distance of 1,197.01 feet; thence S 09° 18' 34" E., a distance of 1,533.14 feet; thence S 00° 52' 41" E., a distance of 1,246.03 feet; thence S 00° 11' 18" E to the termination of the South line of said Section 33 per instrument recorded in Book 8320, page 713, records of said County;

EXCEPTING THEREFROM the South 660 feet of the East 990 feet of the Southwest 1/4 of said Section 33 within instrument recorded in Book 8320, page 713, records of said County;

EXCEPTING THEREFROM that portion lying West of the centerline of Etiwanda Avenue within the West 1/2 of said Section 33.

EXHIBIT B-2

LEGAL DESCRIPTION

EXHIBIT B-2

LEGAL DESCRIPTION AMENDMENT NO. 1

Amendment 1

The south 660 feet of the east 990 feet of the southwest 1/4 of Section 33, Township 1 South Range 6 west San Bernardino Base and Meridian, Excepting therefrom the easterly 385 feet thereof.

Amendment 2

The northeast 1/4 Section 33, Township 1 South, Range 6 west, San Bernardino Base and Meridian.

Amendment 3

Being a portion of the Semi-Tropic Land and Water Company subdivision as per plat recorded in Book 11 of Maps, Page 12 records of San Bernardino County, California, described as follows:

Beginning at the intersection of the centerline of Santa Ana and the centerline of Beech Avenue; Thence south along the centerline of Beech Avenue, a distance of 1,980 feet to the southeast corner of Lot 965 of said Semi-Tropic Land and Water Company Subdivision; Thence west along the south line of said Lot 965, a distance of 1,320 feet to the centerline of Hemlock Avenue; Thence north along the centerline of said Hemlock Avenue a distance of 660 feet to the southeast corner of Lot 983, said Semi-Tropic Land and Water Company Subdivision; Thence west along the south line of said Lot 983 a distance of 1,387.2 feet more or less to the east line of that certain right-of-way conveyed to the Pacific Improvement Company by deed recorded in Book 78, page 71 of San Bernardino County; Thence northerly along said (unreadable)

more or less to the north line of Lot 947 said Semi-Tropic Land and Water Company Subdivision; Thence east along the north line of said Lot 947, a distance of 1,291.1 feet more or less to the northeast corner of said Lot 947; said point also being the northwest corner of Lot 948, said Semi-Tropic Land and Water Company Subdivision; Thence east along the north line of said Lot 948, a distance of 1,320 feet to the centerline of Beech Avenue; Thence south along the centerline of Beech Avenue a distance of 1,980 feet, to the point of beginning.

Areas and distances are computed to the centerlines of adjoining streets.

EXHIBIT B-3

LEGAL DESCRIPTION

EXHIBIT B-3

LEGAL DESCRIPTION AMENDMENT NO. 2

Pursuant to Section 33373 of the State of California Health and Safety Code you are hereby notified that the Redevelopment Agency of the City of Fontana has adopted Ordinance 653 providing for Amendment No. 2 to the City of Fontana Southwest Industrial Park Redevelopment Plan. This letter hereby certifies that the procedure was in conformance with the State statutes regarding redevelopment law.

The description of the land within the project area is as follows:

Being a portion of the Semi-Tropic Land and Water Company Subdivisions as per plat recorded in Book 11 of Maps, Page 12, records of San Bernardino County California, described as follows: Farm Lots 844, 845, 846, 851, 852, 853, 854, 859, 860, 861, 862, 867, 868, 869, 870, 941, and 972, Semi-Tropic Land and Water Company. Beginning at the intersection of the centerline of Slover Avenue and the centerline of Hemlock Avenue, which point is the northwest corner of Farm Lot 941, said subdivision; thence south 660 feet along the centerline of Hemlock Avenue; thence east 1320 feet to the centerline of Beech Avenue; thence south 3960 feet along the centerline in Beech Avenue to the northeast corner of Farm Lot 972, said subdivision; thence west 1320 feet to the centerline of Hemlock Avenue; thence south 772 feet along the centerline of Hemlock Avenue to the centerline of Jurupa Avenue; thence east 3975 feet along the centerline of Jurupa Avenue to the centerline of Poplar Avenue; thence north 1434 feet to the northeast corner of Lot 867 thence west 30 feet to the west line of Poplar Avenue; thence north 660 feet along the west line of Poplar Avenue to the south line of Lot 859; thence east 30 feet to the southeast corner of Lot 859 as being the centerline of Poplar Avenue; thence north 2640 feet along the centerline of Poplar Avenue to the northeast corner of Farm Lot 846, said subdivision; thence west 1320 feet to the centerline of Elm Avenue; thence north 660 feet along the centerline of Elm Avenue to the centerline of Slover Avenue; thence west 2655 feet along the centerline of Slover Avenue to the point of beginning.

EXHIBIT B-4

LEGAL DESCRIPTION

EXHIBIT B-4

LEGAL DESCRIPTION AMENDMENT NO. 3

LOCATION 1

Beginning at the intersection of Poplar Avenue and Jurupa Avenue, also being the Southwest corner of Lot 871, Semi-Tropic Land and Water Company Subdivision as recorded in Book 11 of Maps, page 12 records of San Bernardino County thence Easterly along the centerline of said Jurupa Avenue, a distance of 1,320 feet to the centerline of said Catawba Avenue, also being the Southeast corner of said Lot 871; thence Northerly along said centerline of Catawba Avenue, a distance of 1,432.2 feet to the Northeast corner of Lot 866; thence Westerly along the north line of said Lot 866, a distance of 1,350 feet to a line parallel with and 30 feet West of the centerline of Poplar Avenue; thence Northerly along said line a distance of 660 feet to a point on the South line of Lot 859, also being parallel with and 30 feet West of the centerline of Poplar Avenue; thence Easterly along said South line of Lot 859 a distance of 30 feet to the centerline of Poplar Avenue, also being the Southwest corner of Lot 858; thence continuing Easterly along the South line of said Lot 858, a distance of 660 feet to the East line of the West 1/2 of said Lot 858; thence Northerly along said East line of the West 1/2 of Lot 858, a distance of 660 feet to the centerline of Santa Ana Avenue; thence Westerly along said centerline of Santa Ana Avenue, a distance of 660 feet to the centerline of Poplar Avenue; thence Northerly along said centerline of Poplar Avenue, a distance of 660 feet to the Southwest corner of Lot 850; thence Easterly along said South line of Lot 850, a distance of 1,320 feet, to the centerline of Catawba Avenue; thence Northerly along said centerline of Catawba Avenue, a distance of 1,320 feet, to the Southeast corner of Lot 842, thence Westerly along the South line of Lot 842, a distance of 1,320 feet, to the centerline of Poplar Avenue; thence Northerly along said centerline of Poplar Avenue, a distance of 660 feet, to the centerline of Slover Avenue; thence Westerly along said Centerline of Slover Avenue, a distance of 2,654.98 feet to the centerline of Beech Avenue; thence Northerly along said centerline of Beech Avenue, a distance of 2,646.3 feet more or less to the centerline of Valley Boulevard (formerly Colton Avenue); thence Westerly along said centerline of Valley Boulevard, a distance of 1,320 feet to the centerline of Hemlock Avenue; thence Southerly along said centerline of Hemlock Avenue, a distance of 660 feet to the South

line of Lot 5, Valley Boulevard Subdivision No. 1, Tract No. 2223 as recorded in Book 32 of Maps, page 1 in records of San Bernardino County; thence Easterly along the South line of said Lot 5, a distance of 660.09 feet to the East line of said Lot 5, also being the East line of Lot 9; thence Southerly along said East line of Lot 9, a distance of 420.3 feet to the centerline of Washington Drive; thence continuing Southerly along the East line of Lot 12, said Tract No. 2223, a distance of 565.02 feet more or less to the Northeast corner of Lot 6, Slover Avenue, Subdivision No. 2, Tract No. 2721 as recorded in Book 38 of Maps, page 16, records of San Bernardino County; thence continuing Southerly of the East line of said Lot 6, a distance of 439.43 feet, to the centerline of Boyle Avenue; thence Westerly along said centerline of Boyle Avenue, a distance of 69.68 feet to the Northerly prolongation of the East line of Lot 14, said Tract No. 2721; thence Southerly along said East line of Lot 14 and also Lot 25 of said Tract No. 2721, a distance of 554 feet to the centerline of Slover Avenue; thence Westerly along said centerline of Slover Avenue, a distance of 1922.7 feet more or less to the centerline of Live Oak Avenue (west); thence Southerly along said centerline of Live Oak Avenue, a distance of 195 feet to a line parallel with the centerline of Slover Avenue; thence Westerly along said line being parallel with and 195 feet south of the centerline of Slover Avenue, a distance of 218.1 feet more or less to the West line of the East 1/2 of the East 1/2 of Lot 943 of said Semi-Tropic Land and Water Company Subdivision; thence Southerly along said West line, a distance of 5 feet to a line parallel with and 200 feet South of the centerline of Slover Avenue; thence Westerly along said line being 200 feet South of the centerline of Slover Avenue, a distance of 215 feet; thence Northerly, a distance of 200 feet to the centerline of Slover Avenue; thence Westerly along said centerline of Slover Avenue, a distance of 2138.6 feet more or less to the centerline of Cherry Avenue; thence Northerly along said centerline of Cherry Avenue a distance of 2,645.62 feet more or less to the centerline of Valley Boulevard (formerly Colton Avenue); thence Westerly along said centerline of Valley Boulevard, a distance of 1,320 feet, to the centerline of Almond Avenue; thence Southerly along said centerline of Almond Avenue, a distance of 3,306.94 feet more or less to the Southwest corner of Lot 1037, Semi-Tropic Land and Water Company Subdivision as recorded in Book 11 of Maps, page 12 records of San Bernardino County; thence Easterly along the South line of said Lot 1037, a distance of 1,320 feet to the centerline of Cherry Avenue, also being the Northwest corner of Lot 945; thence continuing Easterly along the North line of said Lot 945 a distance of 1,022.67 feet more or less to the East line of the West 1/2 of the East 1/2 of said Lot 945; thence Southerly along said East line of the West 1/2 of the East 1/2 of said Lot 945, a

distance of 660 feet, to the South line of said Lot 945; thence Westerly along said South line, a distance of 1,022.67 feet more or less to the centerline of Cherry Avenue; thence Southerly along said centerline of Cherry Avenue, a distance of 1,320 feet, to the centerline of Santa Ana Avenue; thence Easterly along said centerline of Santa Ana Avenue, a distance of 1,363.56 feet to the centerline of Redwood Avenue; thence Northerly along said centerline of Redwood Avenue, a distance of 660 feet to the Northwest corner of Lot 954; thence Easterly along the North line of said Lot 954, a distance of 660 feet to the East line of the West 1/2 of said Lot 954; thence Southerly along said East line of the West 1/2 of Lot 954, also being the East line of the West 1/2 of Lot 959 and Lot 962, a distance of 1,980 feet to the South line of said Lot 962, also being the North line of Lot 967; thence Westerly along said North line of Lot 967, a distance of 660 feet more or less to the centerline of Redwood Avenue; thence Southerly along said centerline of Redwood Avenue, a distance of 660 feet to the South line of said Lot 967, also being the North line of Lot 970; thence Easterly along said North line of Lot 970, a distance of 755.2 feet more or less, to the West line of the East 10 acres; thence Southerly along said West line of the East 10 acres of said Lot 970, a distance of 570.5 feet more or less to a line parallel and 200 feet North of the South line of said Lot 970, also being the centerline of Jurupa Avenue; thence Easterly along said line being parallel and 200 feet North of Jurupa Avenue, a distance of 122 feet to a line parallel with the West line of the East 10 acres of said Lot 970; thence Southerly along said line being parallel with the West line of the East 10 acres of said Lot 970, a distance of 200 feet, to the South line of said Lot 970, also being the centerline of Jurupa Avenue; thence Easterly along said centerline of Jurupa Avenue, a distance of 5,737.8 feet more or less, to the point of beginning.

Excepting therefrom those Redevelopment Project areas adopted by City of Fontana Ordinances 628 and 653.

LOCATION 2

Beginning at the Northwest corner of the Southeast 1/4 of Section 33, Township 1 South, Range 6 West, San Bernardino Base and Meridian, also being the centerline of Marlay Avenue; thence Easterly along said centerline of Marlay Avenue, a distance of 2,639 feet, more or less, to the East line of said Section 33, also being the centerline of Mulberry Avenue, per Tract No. 2152 recorded in Book 31 of Maps, pages 79 and 80 records of San Bernardino County; thence Southerly along said centerline of Mulberry Avenue, a distance of 2667.5 feet, to the Southeast

corner of said Section 33, also being the centerline of Riverside Road per said Tract No. 2152; thence Westerly along said centerline of Riverside Road, a distance of 2,640.2 feet, to the Southwest corner of the Southeast 1/4 of said Section 33, also being the centerline of Margaret Avenue per said Tract No. 2152; thence Northerly along said centerline of Margaret Avenue, also being the West line of the Southeast 1/4 of said Section 33, a distance of 2,658.4 feet more or less to the point of beginning.

EXHIBIT B-5

LEGAL DESCRIPTION

EXHIBIT B-5

LEGAL DESCRIPTION

AMENDMENT NO. 4
SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 1

Those portions of Lots 1012, 1013, 1014, 1019, & 1020 of the Semi-Tropic Land and Water Company Subdivision, in the County of San Bernardino, State of California, as per map in Book 11, Page 12 of Maps, in the Office of the County Recorder of said County.

More particularly described as follows:

Beginning at the intersection of the centerlines of Colton Avenue (now known as Valley Boulevard) and Cherry Avenue as shown on said map; thence West along the centerline of said Colton Avenue a distance of 2640 feet to the intersection of the centerlines of Colton Avenue and Banana Avenue as shown on said map; thence North along the centerline of said Banana Avenue a distance of 1325.28 feet; thence East a distance of 1320 feet to the centerline of Almond Avenue as shown on said map; thence north along the centerline of said Almond Avenue a distance of 660 feet; thence East a distance of 1320 feet to the centerline of said Cherry Avenue; thence South along the centerline of said Cherry Avenue a distance of 1985.28 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 2

That portion of Lot 54 of Tract 2223, in the County of San Bernardino, State of California, as per map in Book 32, Pages 1 & 2 of Maps, in the Office of the County Recorder of Said County.

More particularly described as follows:

Beginning at the intersection of the centerlines of Valley Boulevard and Cherry Avenue as shown on said map; thence N89° 46'E along the centerline of said Valley Boulevard a distance of 373.95 feet; thence S0° 10'W a distance of 360.00 feet; thence S39° 48'W a distance of 373.85 feet to the centerline of said Cherry Avenue; thence N0° 09'E along the centerline of said Cherry Avenue a distance of 360.00 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 3

That portion of Lot 842 of the Semi-Tropic Land and Water Company subdivision, in the County of San Bernardino, State of California, as per map in Book 11, Page 11 of Maps, in the Office of the County Recorder of said County.

More particularly described as follows:

Beginning at the intersection of the centerlines of Slover Avenue and Poplar Avenue as shown on said map; thence East along the centerline of said Slover Avenue a distance of 990 feet; thence South a distance of 660 feet; thence West a distance of 990 feet to the centerline of said Poplar Avenue; thence North along the centerline of said Avenue a distance of 660 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 4

That portion of Lot 945 of the Semi-Tropic Land and Water Company Subdivision, in the County of San Bernardino, State of California, as per map in Book 11, Page 12 of Maps, in the Office of the County Recorder of said County.

More particularly described as follows:

Commencing at the intersection of the centerlines of Slover Avenue and Cherry Avenue as shown on said map, thence South along the centerline of said Cherry Avenue a distance of 660 feet to the true point of beginning, thence East a distance of 1022.67 feet; thence South a distance of 660 feet; thence West a distance of 1022.67 feet to the centerline of said Avenue; thence North along the centerline of said Avenue a distance of 660 feet to the true point of beginning.

SUUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 5

That portion of the Northwest quarter of Section 33 Township 1 South Range 6 West, SBM in the County of San Bernardino, State of California.

More particulary described as follows:

Commencing at the Northwest corner of said section 33; thence $50^{\circ} 08' 21''$ N along the West line of said section a distance of 1328.12 feet to the true point of beginning; thence $N89^{\circ} 48' 00''E$, a distance of 1380.00 feet; thence $50^{\circ} 08' 21''W$, a distance of 660.01 feet; thence $S89^{\circ} 48' 00''W$, a distance of 1380.00 feet to west line of said section; thence $N0^{\circ} 08' 21''E$, a distance of 660.01 feet to the true point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 6

That portion of the northwest quarter of Section 33 Township 1 South, Range 6 West, SBM in the County San Bernardino, State of California.

More particularly described as follows:

Beginning at the northwest corner of said Section 33; thence N 89° 34' 51" E a distance of 1333.66 feet along the North line of said Section; thence S 0° 08' 21" W a distance of 200.01 feet; thence S 89° 34' 51" W a distance of 1333.66 feet to the West line of said Northwest quarter, said West line also being the centerline of Etiwanda Avenue as shown on PM 5593 as recorded in Book 56 Pages 74 to 76 of Parcel Maps in said County; thence N 0° 08' 21" E along said West line a distance of 200.01 feet to the point of beginning.

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 7

That portion of the West half of Section 28 Township 1 South Range 6 West, SBM in the County of San Bernardino, State of California.

More particularly described as follows:

Commencing at the Southwest corner of said section 28; thence N89° 35' 27"E 32.30 feet to the centerline of Etiwanda Avenue as shown on Tract No. 8554 as recorded in Book 123 Pages 13 to 17 of Maps, in said county; thence N0° 13' 25"E along the centerline of said Avenue a distance of 1620.87 feet to the true point of beginning; thence continuing along the centerline of said Avenue N0° 13' 25"E a distance of 1576.14 feet; thence N89° 27' 25"E, a distance of 846.00 feet; thence S0° 13' 25"W, a distance of 543.05 feet; to the centerline of Santa Ana Avenue as shown on said map; thence along said centerline N89° 27' 25"E, a distance of 414.25 feet; thence N0° 13' 25"E, a distance of 543.05 feet; thence N89° 27' 25"E, a distance of 1145.08 feet; thence S0° 33' 06"W, a distance of 2596.89 feet; thence S89° 35' 31"W, a distance of 1130.18 feet; thence N0° 13' 25"E, a distance of 1017.84 feet to the centerline of Dahlia Street as shown on said map; thence along the centerline of said Street S89° 27' 25"W, a distance of 1260.25 feet to the point of beginning.

EXHIBIT B-6

LEGAL DESCRIPTION

SOUTHWEST INDUSTRIAL PARK AMENDMENT #4

AREA 8

That portion of the West half of Section 28 and Section 21 Township 1 South, Range 6 West, SBM in the County of San Bernardino, State of California.

More particularly described as follows:

Commencing at the Southwest corner of said section 28: thence N89° 35' 27"E, 32.30 feet to the centerline of Etiwanda Avenue as shown on Record of Survey as recorded in Book 10 Pages 4 and 5 of Maps, in said County; Thence N00° 13' 25"E along the centerline of said Avenue a distance of 3350.25 feet to the true point of beginning, thence continuing along said centerline of said Avenue N00° 13' 25"E, a distance of 1393.13 feet; thence N30° 29' 10"E, a distance of 658.00 feet to the centerline of Slover Avenue as shown on said map; thence along the centerline of said Avenue N89° 18' 55"E, a distance of 84.56 feet; thence N00° 27' 30"E, a distance of 144.54 feet; thence N30° 29' 10"E, a distance of 458.15 feet; thence N00° 25' 19"E, a distance of 170.29 feet to the south line of the right of way of South Pacific Railroad as shown on said map; thence N88° 22' 00"E a distance of 2001.16 feet; thence S00° 40' 20"W a distance of 710.14 feet to the centerline of said Slover Avenue; thence along the centerline of said Avenue S89° 18' 55"W a distance of 100.03 feet; thence S00° 32' 55"W a distance of 1960.95 feet; thence S89° 25' 05"W a distance of 2541.84 feet to the point of beginning.

EXHIBIT B-6

LEGAL DESCRIPTION
AMENDMENT NO. 5
CITY OF FONTANA
AMENDMENT #5 TO THE SOUTHWEST INDUSTRIAL PARK
REDEVELOPMENT PROJECT AREA



THAT CERTAIN AREA WITHIN THE CITY OF FONTANA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF POPLAR AVENUE AND VALLEY BOULEVARD, SAID POINT ALSO BEING THE NORTHWESTERLY CORNER OF FARM LOT 826 OF THE RESUBDIVISION OF THE TOWNSITE OF SANSEVAINE, AS RECORDED IN BOOK 18, PAGE 78, OF MAPS, RECORDS OF SAID COUNTY; THENCE N89°44'00"E, 2638.91 FEET ALONG THE CENTERLINE OF SAID VALLEY BOULEVARD TO THE CENTERLINE INTERSECTION OF CITRUS AVENUE ALSO BEING THE NORTHEASTERLY CORNER OF FARM LOT 825 OF THE SEMI-TROPIC LAND AND WATER COMPANY SUBDIVISION RECORDED IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAID COUNTY; THENCE S00°08'48"E, 867.60 FEET ALONG THE CENTERLINE OF SAID CITRUS AVENUE; THENCE S89°51'15"W, 99.91 FEET PERPENDICULAR TO SAID CENTERLINE TO A POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 150.00 FEET, A RADIAL BEARING THROUGH SAID POINT BEARS N83°09'09"W, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID CITRUS AVENUE; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 46°38'07" AN ARC DISTANCE OF 121.65 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 10 AS SHOWN ON STATE HIGHWAY RIGHT-OF-WAY MAP NO. 912531; THENCE S83°18'58"W, 10.73 FEET; THENCE S80°47'40"W, 1197.41 FEET CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CATAWBA AVENUE, BEING 60.00 FEET IN WIDTH MEASURED AT RIGHT ANGLES, AS SHOWN ON STATE HIGHWAY RIGHT-OF-WAY MAP NO. 912526; THENCE S00°09'50"E, 13.35 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY OF INTERSTATE HIGHWAY 10; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT ON THE CENTERLINE OF SAID POPLAR AVENUE THROUGH THE FOLLOWING VARIOUS COURSES:

1. S80°51'13"W, 172.96 FEET;
2. S89°36'42"W, 143.45 FEET;
3. N86°50'24"W, 213.47 FEET;
4. S89°52'25"W, 688.97 FEET;
5. N86°59'16"W, 72.58 FEET;

THENCE N00°07'15"W, 1183.70 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

CONTAINING: 67.72 ACRES.

SEE REDEVELOPMENT PROJECT AREA ILLUSTRATED ON A MAP ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

EXHIBIT C-1

PROPOSED REDEVELOPMENT PROJECTS

EXHIBIT C-1

PUBLIC IMPROVEMENT PROJECTS LIST
(from existing Redevelopment Plan)

ORIGINAL PROJECT AREA

Original Plan

Amendment No. 1

Pacific Avenue
Marlay Avenue
Mulberry Avenue
Jurupa Avenue
Beech Avenue
Hemlock Avenue
Santa Ana Avenue

construct curbs, gutters, sidewalks
provide paving
provide street lights
sewers
storm drains
traffic signals
electrical distribution systems
water supply and distribution systems
telephone systems

To acquire and construct other streets within area added by amendment together with appurtenances.

Amendment No. 2

Amendment No. 3

- 1) Construction, installation, and/or acquisition of a fire station within or outside of the Project Area with appurtenant work, land, facilities and equipment pertaining thereto.
- 2) Appurtenances and appurtenant work pertaining or related to all necessary or required work and attendant facilities and structures with respect to:

construction
extension
reconstruction
realignment and improvements including railroad grade or separated grade
crossings
bridges
street lighting
public utilities

sewer facilities

landscaping

sidewalks

curb, gutters, and drainage facilities for the following areas:

Riverside Road from Etiwanda Avenue to Mulberry Avenue

Jurupa Avenue from Mulberry Avenue to Etiwanda Avenue

Construction of bridge across San Sevaine Flood Control Channel

3) Appurtenances and appurtenant work pertaining or related to all necessary or required work and attendant facilities and structures and rights-of-way with respect to:

construction

extension

reconstruction

improvements to drainage facilities for:

Elm Avenue from Slover Avenue to Jurupa Avenue and connection south, outside of Project Area to DeClez Channel

Beech Avenue from Santa Ana Avenue to Hemlock Avenue and connection south, outside of the Project Area to the DeClez Channel

4) Appurtenant improvements, facilities, structures and rights-of-way with respect to:

construction

installation

expansion

extension

reconstruction of public nonreclaimable industrial wastewater sewer interceptors, mains, branch mains and lines

Interstate 10

Catawaba Avenue

Jurupa Avenue

Cherry Avenue

and all portions of the Project Area located to the north of said Interstate 10

5) Construct, install and upgrade public street traffic signalization equipment, electroliers, controls, signage and appurtenant equipment for:

Marlay Avenue and Etiwanda Avenue

Marlay Avenue and Mulberry Avenue

Slover Avenue and Cherry Avenue

Slover Avenue and Citrus Avenue

6) Construct, install, reconstruct or upgrade railroad grade crossing protection equipment, roadway flange guards, and railroad roadbed surfaces and tracks for:

Santa Ana Avenue east of Live Oak Avenue

Amendment No. 4

- 1) construction
extension
reconstruction
realignment
paving
railroad grade or separated grade crossings
bridges
street lighting
public utilities
sewer facilities
landscaping
sidewalks
curbs, gutters, drainage facilities

Valley Boulevard from Redwood Avenue to Banana Avenue

Slover Avenue from Etiwanda Avenue to Mulberry Avenue and from Poplar Avenue to Catawaba Avenue

Cherry Avenue from Slover Avenue to Santa Ana Avenue

Etiwanda Avenue from the Riverside County/San Bernardino County Line to the Etiwanda Avenue Overcrossing of Interstate 10

Mulberry Avenue from the Riverside County/San Bernardino County Line to the Interstate 10 Freeway

Santa Ana Avenue from Etiwanda Avenue to Jasmine Avenue

Jasmine Avenue from Santa Ana Avenue to Dahlia Avenue

Dahlia Avenue from Jasmine Avenue to Etiwanda Avenue

Jurupa Avenue from Etiwanda Avenue to Mulberry Avenue

- 2) construction
extension
reconstruction
flood control drainage facilities

Slover Avenue from Etiwanda Avenue to Mulberry Avenue

Etiwanda Avenue from Slover Avenue to the Riverside County/San Bernardino County Line

Mulberry Avenue from the Interstate 10 Freeway to the Riverside County/San Bernardino County Line

- 3) construction
installation
expansion
extension
reconstruction
wastewater sewer interceptors
mains
branch mains
lines

**Interstate 10
Mulberry Avenue
Jurupa Avenue extension to Etiwanda Avenue
Etiwanda Avenue**

4) construction
installation
upgrade
traffic signalization
equipment
electroliers
controls
signage
redesign
reconstruction
roadway surfaces
medians
landscaping

**Slover Avenue and Etiwanda Avenue
Slover Avenue and Mulberry Avenue
Mulberry Avenue and Santa Ana Avenue**

EXHIBIT C-2

PROPOSED REDEVELOPMENT PROJECTS

EXHIBIT C-2

AMENDED SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PLAN

PUBLIC IMPROVEMENTS AND PROJECTS LIST

1. Wherever necessary, fund part or all of costs associated with upgrading existing and providing new sewer lines to accept additional capacity to facilitate redevelopment and development of properties located within the Project Area.
2. Wherever necessary, fund part or all of costs associated with upgrading existing storm drain system to accept flows from existing developments.
3. Fund part or all of costs associated with construction of master planned storm drain facilities.
4. Wherever necessary, fund part or all of costs associated with the design and construction of additional storm drain facilities (in addition to master planned facilities) to accommodate development of vacant parcels.
5. Fund part or all of costs associated with the design and construction of street widenings where needed in accordance with master plan circulation requirement. Provide full street improvements (width) adjacent to undeveloped parcels to facilitate adequate traffic circulation.
6. Fund part or all of costs associated with the design and construction of traffic signals as needed to facilitate traffic movement of existing and future uses.
7. Wherever necessary, fund part or all of costs associated with the extension of utilities such as Edison, Gas, Telephone, Cable T.V. to those areas not currently served.
8. Fund part or all of costs associated with the design, processing and construction of new railroad crossings to improve safety and provide for better traffic flow and smoother crossings.
9. Fund part or all of costs associated with the design and construction of storm drain extensions to handle increased runoff from projects within the Project Area and projects located upstream that impact the area system.
10. Fund part or all of costs associated with the design, processing, and construction of improvements to Freeway (1-10) ramps and interchanges which serve the Project Area to allow easier unencumbered access to properties located within the Project Area and those other areas served by the interchanges.

11. Where necessary to accomplish redevelopment of the Project Area, fund part or all of costs associated with the design and construction of water line facilities to provide increased flows for domestic, industrial and fire flow purposes.
12. Fund part or all of costs associated with extending street lighting services to areas where it currently does not exist.
13. Where necessary to effectuate redevelopment of the Project Area, fund all or a part of the costs associated with the design and construction of street improvements throughout the Project Area to include landscape and striped medians, bus turn-outs and intersectional geometrics.
14. Fund part or all of costs associated with property rehabilitation, acquisition, relocation, and demolition for redevelopment and public improvement projects.
15. Provide financial assistance including land writedown to redevelopment projects.
16. Provide funding for rehabilitation of existing low and moderate income housing outside of the Project Area.
17. Provide funding for administrative support and planning for project implementation.

**RULES GOVERNING PARTICIPATION AND RE-ENTRY PREFERENCES
FOR
PROPERTY OWNERS, OPERATORS OF BUSINESSES, AND TENANTS
IN
SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA
OF THE
FONTANA REDEVELOPMENT AGENCY**

November, 1991

Prepared for:

**Fontana Redevelopment Agency
8353 Sierra Avenue
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Prepared by:

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I. PURPOSE AND INTENT

California Community Redevelopment Law (Health and Safety Code Section 33000 et. seq.) requires the Fontana Redevelopment Agency ("the Agency") to establish and make known to property owners, businesses, and tenants within the Southwest Industrial Park Redevelopment Project Area the Agency's rules and guidelines for implementing owner participation opportunities within the Existing Project Area and the area to be added by Amendment No. 5. These rules and guidelines are based upon the following objectives:

1. The Agency's commitment to afford maximum participation to existing property owners who will be affected by the Agency's activities within Project Area including the Added Area, and
2. The Agency's similar commitment to extend reasonable preferences as set forth in these rules to existing property owners and persons who are engaged in business within Project Area including the Added Area in the redevelopment, rental or ownership of new industrial and commercial uses the within Project Area including the Added Area.

These rules set forth the process for owner participation in the Project Area.

II. DEFINITIONS

- A. "Agency" means the Fontana Redevelopment Agency.
- B. "Added Area" means the 67 acres proposed to be added to the Existing Project Area by Amendment No. 5 to the Southwest Industrial Park Redevelopment Plan.
- C. "Project Area" means the Existing Project Area plus the 67 acres added by Amendment No. 5 to the Southwest Industrial Park Redevelopment Plan.

D. "Owner Participation Agreement" means an agreement entered into between the Agency and an owner of real property, persons engaged in business, or a tenant doing business within the Project Area in accordance with the provisions of the Redevelopment Plan and the Rules as described herein which contains the specific responsibilities and obligations of each party regarding a specific implementation of property improvements and land use.

E. "Redevelopment Plan" means the Amended Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area approved and adopted by City Council Ordinance No. ____.

F. "Rules" mean these Agency rules governing participation and reentry preferences for property owners, operators of business and tenants in the Project Area.

G. "Law" means the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*).

III. GENERAL

These Rules have been adopted by the Agency specifically to implement the provisions of the Redevelopment Plan and the Law regarding participation and the exercise of re-entry preferences for property owners, tenants, and businesses located in the Project Area. Persons and businesses desiring to exercise their owner participation rights and preferences shall abide by these Rules.

The Agency would prefer that all property owners, tenants, and businesses in the Project Area become actively involved in its improvement and redevelopment. Therefore, the Agency shall extend preference to such property owners, tenants and businesses to continue in or, if the Agency acquires the land of an owner or the land on which a person engaged in business is located, to re-enter the Project Area if any

such owner or such person otherwise meets the requirements prescribed in the Redevelopment Plan and in these Rules.

Owners of real property in Project Area shall, when feasible, be given the opportunity to participate in redevelopment by retaining all or a portion of their properties, by purchasing adjacent or other properties in the Project Area or by selling their properties to the Agency and purchasing other properties in the Project Area.

The Agency desires and urges participation in the growth and redevelopment of each of the parcels encompassed within the Project Area by as many property owners, tenants and operators of businesses as possible. The land uses and development envisioned by the Redevelopment Plan will provide for many opportunities. Consequently qualified persons, whenever feasible, as determined by the Agency, will be encouraged to take advantage of such participation and preference opportunities as described herein, subject to and limited by factors such as the following:

1. The appropriateness of some land uses, (i.e., compatibility with existing and planned uses in the area).
2. The realignment, widening, opening and/or elimination of public rights-of-way per the City of Fontana General Plan, as it now exists or is hereafter amended.
3. The removal, relocation, and/or installation of public utilities and public facilities.
4. The ability of participants to finance and/or complete proposed acquisitions and developments.
5. The change in orientation and character of Project Area.

6. The necessity to assemble areas for public and/or private development.
7. Other factors which may be deemed appropriate by the Agency depending on circumstances.

The Redevelopment Plan authorizes the Agency to establish reasonable priorities and preferences among participants; accordingly, the following order of priorities is established:

1. Existing property owners and tenants desiring to participate in their same location in compliance with the Redevelopment Plan and these Rules and desiring to build new industrial, commercial, or residential developments.
2. Owner-occupants relocating within the Project Area in accordance with and as a result of Redevelopment Plan implementation which may cause the temporary displacement of a property owner.
3. Existing tenants relocating within the Project Area in accordance with and as a result of Redevelopment Plan implementation.

The Agency may in its discretion decline any offer of owner participation, resolve conflicting proposals between owners interested in redeveloping the property, or resolve conflicting proposals between owners and others interested in redeveloping the property based upon the following considerations:

1. Conformity of proposals with the intent and objectives of the Redevelopment Plan;
2. Whether the proposal will be in the public interest;

3. Amount of sales tax revenue, tax increment revenue, and other economic benefit accruing to the City and the Agency from the proposal;
4. Employment retention and generation and other economic benefit which can be expected to result to the community if the proposal is accepted;
5. Size and configuration of the parcel proposed for owner participation;
6. Ability of persons desiring to redevelop the property to implement the proposed project, taking into consideration the developer's financial capability, prior experience with similar development, ability to obtain financing, and ability to abide by Agency design standards and development controls;
7. Time schedule for completion of the proposed project;
8. Estimated cost of public and Agency services required if the proposal is accepted.

IV. PARTICIPATION BY OWNERS OF REAL PROPERTY

A. Participation in the Same Location

In appropriate circumstances, as determined by the Agency, where such action would foster the goals and objectives of the Redevelopment Plan, an owner may participate in substantially the same location either by retaining all or portions of his property and purchasing adjacent property if needed and available for development; rehabilitating or demolishing all or part of his existing buildings or structures; initiating new development; and selling property or improvements to the Agency.

B. Participation in a Different Location

When necessary to accomplish the objectives of the Redevelopment Plan as determined by the Agency, the Agency may buy land and improvements at fair market value from existing owners and offer real property for purchase to prospective owner-participants within the Project Area.

V. **PARTICIPATION BY TENANTS**

Pursuant to these Rules, non-property owners who are tenants engaged in business in the Project Area will be given opportunities to remain or to obtain reasonable preferences to reenter in business within the Project Area if they otherwise meet the requirements prescribed by the Redevelopment Plan and these Rules.

VI. **TYPES OF PARTICIPATION**

A. Conforming Owners

If the Agency determines that the use of specific real property within the Project Area meets the requirements of the Redevelopment Plan, and the owners of such properties desire to continue such use or uses, the owner and the Agency may execute a Conforming Owners Certificate. The Conforming Owners Certificate shall provide, among other things, that the owners shall continue to operate and use the real property in accordance with the requirements of the Redevelopment Plan.

B. Owner Participation Agreements

The Agency is authorized to enter into an Owner Participation Agreement regarding properties not purchased or not to be purchased by the Agency and not included in an Agency determination of conformance. Each agreement

will contain provisions necessary to ensure that the participation proposal will be carried out and that the subject property will be developed or used in accordance with the conditions, restrictions, rules, and regulations of the Redevelopment Plan and the agreement. Each agreement will require the participant to join in the recitation of such documents as the Agency may require in order to ensure such development and use.

C. Statement of Interest

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, that the Agency is considering the acquisition of such property. The Agency shall include a form entitled "Statement of Interest In Participating" (see Appendix) 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 whether to stay in place, to move to another location, to obtain preferences to re-enter the Project Area, etc.

VII. ENFORCEMENT

In the event a property is not developed or used in conformance with the Redevelopment Plan and with an Agency determination of conformance (Conforming Owners Certificate) or an Owner Participation Agreement, then the Agency is authorized to (1) acquire the property, (2) acquire any interest in the

property sufficient to obtain conformance, or (3) take any other appropriate action to obtain such conformance.

VIII. PROCEDURES FOR AMENDING PARTICIPATION RULES

- A. The Agency may amend these rules at any meeting held after their adoption provided the persons who have filed Statements and the participants who have entered into participation agreements are notified in writing at least fourteen (14) days before the meeting at which the proposed amendment will be considered. The text of the proposed change shall be furnished along with the notice of the meeting. Individuals will be notified either in person or by certified mail. Such notice will be mailed or delivered to the address shown on the Statement or as indicated in the participation agreement.

STATEMENT OF INTEREST FOR PARTICIPATION
IN THE
SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA

I hereby express my interest in participating in the redevelopment project and submit the following information:

1. Name of Property Owner/Tenant: _____

Phone: _____

2. Home Address: _____

3. Address of Property owned or rented in the Project Area: _____

4. Name of business in the Project Area: _____

Phone: _____

5. I own (); am a tenant (); and wish to rehabilitate (); build (); sell () my present property. If tenant, indicate: month-to-month (); or lease (); expiration date of lease: _____

6. My present type of business is: _____

7. Nature of proposed participation: _____

I understand that submission of this Statement of Interest does not in any way obligate me to participate in the redevelopment project.

Signed: _____

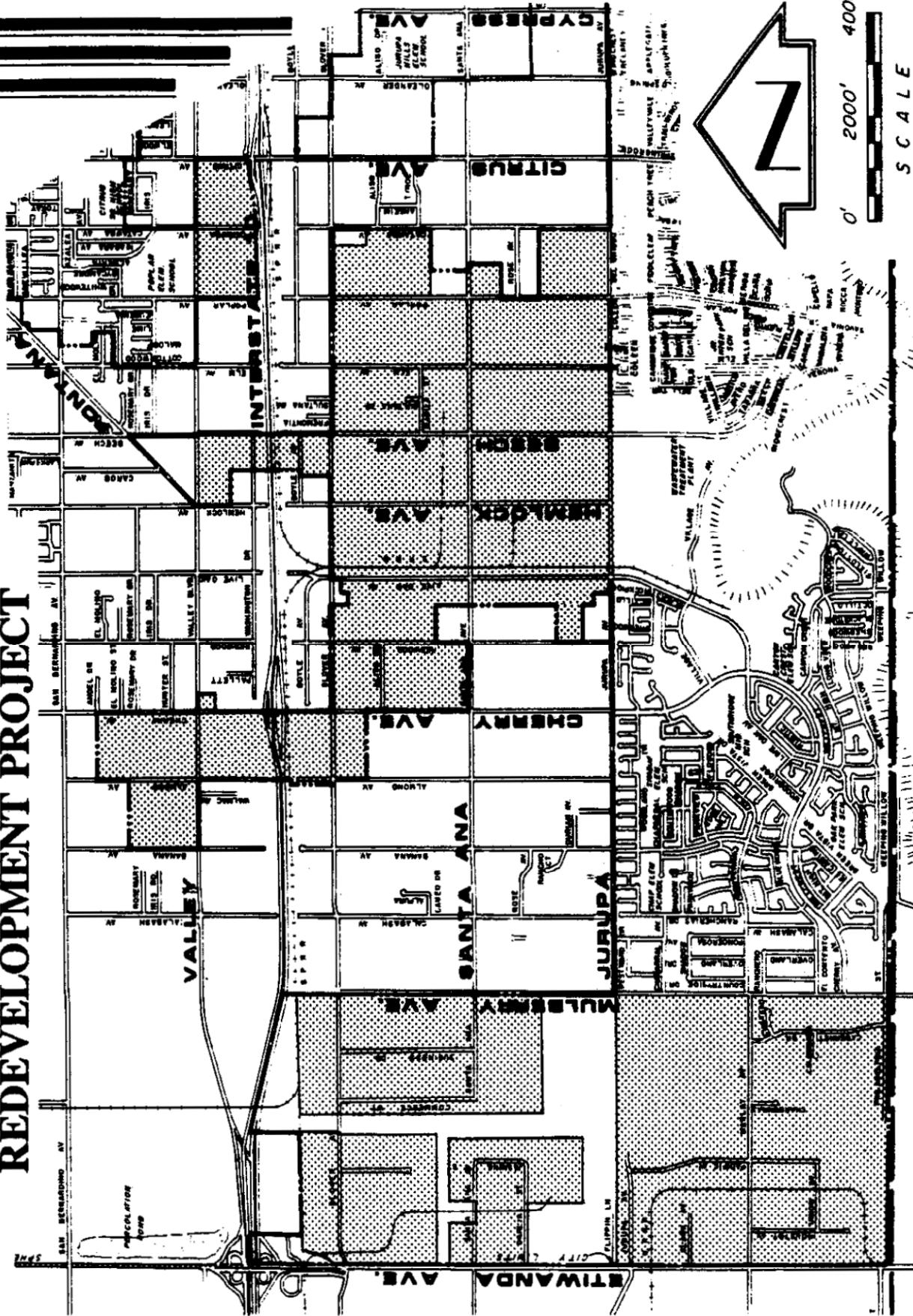
Return to:
Fontana Redevelopment Agency
8353 Sierra Avenue
Fontana, California 92335

Title: _____

Date: _____

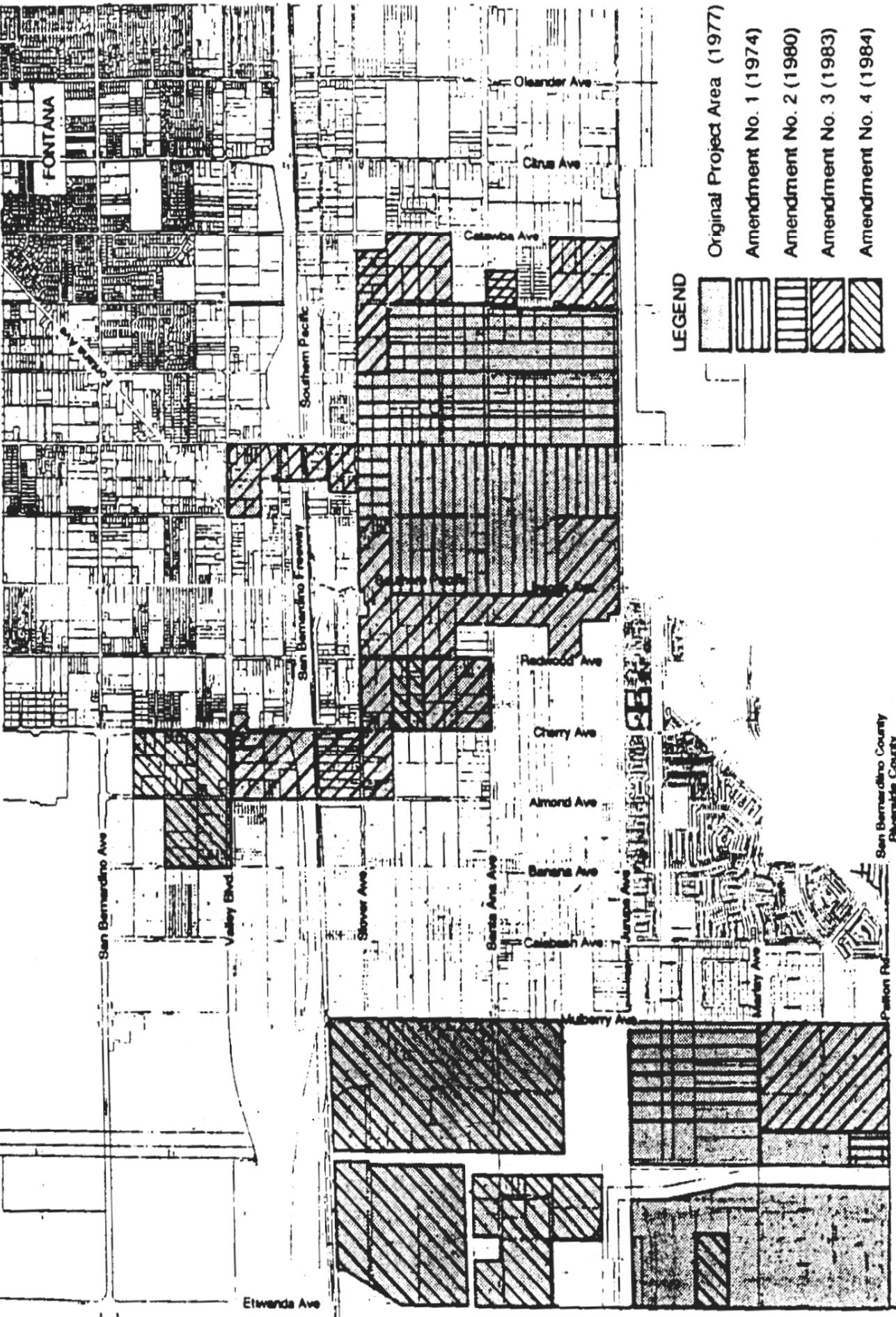
SOUTHWEST INDUSTRIAL PARK REDEVELOPMENT PROJECT

SOUTHWEST INDUSTRIAL PARK



SKY MAR. 1993

SWIP REDEVELOPMENT PROJECT AREA AMENDMENTS



**SOUTHWEST INDUSTRIAL PARK
REDEVELOPMENT PROJECT AREA
AGENCY
CITY OF FONTANA**

Exhibit #2

Source: Fontana General Plan (1989)



NOT TO SCALE

ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY OF FONTANA, CALIFORNIA
APPROVING AND ADOPTING AMENDMENTS TO THE REDEVELOPMENT
PLAN FOR THE SOUTHWEST INDUSTRIAL PARK 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 Southwest Industrial Park Project which became effective on August 18, 1977, and adopted Amendment I thereto which became effective on August 16, 1979, and Amendment II thereto which became effective on July 31, 1980, and Amendment III thereto which became effective on January 20, 1984, and Amendment IV thereto which became effective on January 3, 1985, and Amendment V thereto which became effective on August 6, 1992; 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 Southwest Industrial Park 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 X of the Redevelopment Plan for the Southwest Industrial Park Project is hereby amended to read as follows:

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"SECTION X. (1000) DURATION OF PLAN AND TIME LIMITATIONS

A. (1001) Duration of the Redevelopment Plan

Except for the non-discrimination and non-segregation 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 as follows, unless amendments are made to provide different time limits permitted under the Redevelopment Law:

1. Original Project Area - August 18, 2017.
2. Amendment I - August 16, 2019.
3. Amendment II - July 31, 2020.
4. Amendment III - January 20, 2024.
5. Amendment IV - January 3, 2025.
6. Amendment V - August 6, 2032.

B. (1002) Time Limitations on Establishing Indebtedness

Except as otherwise provided herein, the Agency's authority to establish loans, advances and indebtedness pursuant to this Plan to finance in whole or in part the Southwest Industrial Park Project as adopted and amended by Amendments I, II, III 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 anything to the contrary herein, as to the territory added by Amendment IV, the Agency's authority to establish loans, advances and indebtedness pursuant to Amendment IV to finance in whole or in part territory added by Amendment IV shall cease on January 1, 2005. Notwithstanding anything to the contrary herein, as to the territory added by Amendment V, the Agency's authority to establish loans, advances and indebtedness pursuant to Amendment V to finance in whole or in part territory added by Amendment V shall cease on August 6, 2012, 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 the limitation set forth hereinabove, 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.

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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. (1003) Receiving Tax Increment and Paying Debt

1. (1004) Original Project Area

As for the Original Project Area included in the Redevelopment Plan, the Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond August 18, 2027, unless a different time is required by the Health and Safety Code. The limitation set forth in this subsection 1 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 1 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(1)

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.

2. (1005) Amendment I

As for the property added pursuant to Amendment I of the Redevelopment Plan, the Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond August 16, 2029, unless a different time is required by the Redevelopment Law. The limitations set forth in this subsection C(2) 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 C(2) 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.

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3. (1006) Amendment II

As for the property added pursuant to Amendment II of the Redevelopment Plan, the 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 C(3) 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(3) 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.

4. (1007) Amendment III

As for the property added pursuant to Amendment III of the Redevelopment Plan, the Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond January

20, 2034, unless a different time is required by the Redevelopment Law. The limitations set forth in this subsection C(4) 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 C(4) 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."

5. (1008) Amendment IV

As for the property added pursuant to Amendment IV of the Redevelopment Plan, the Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond January 3, 2035, unless a different time is required by the Redevelopment Law. The limitations set forth in this subsection C(5) 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 C(5) 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."

6. (1009) Amendment V

As for the property added pursuant to Amendment V of the Redevelopment Plan, the Agency shall not repay any indebtedness or receive any property taxes pursuant to Section 33670 of the Redevelopment Law beyond August 6, 2042, unless a different time is required by the Redevelopment Law. The limitations set forth in this subsection C(6) 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

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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 C(6) 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: 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 3: 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 _____ day of _____, 1994.

APPROVED AS TO LEGAL FORM:

Stephen P. Deutsch
City Attorney

ORDINANCE NO. 1140

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 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 on the 15th day of November, 1994 by the following vote, to wit:

AYES: Mayor Boyles, Council Members Coleman, Eshleman, Roberts, Watson
NOES: None
ABSENT: None

Kathy Montoya
City Clerk of the
City of Fontana

David R. Eshleman
Mayor of the
City of Fontana

ATTEST:

Kathy Montoya
City Clerk