

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, RANCHO CUCAMONGA, CALIFORNIA APPROVING COVENANTS AND RESTRICTIONS ON REAL PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 54233 FOR THAT REAL PROPERTY LOCATED AT 7089 ETIWANDA AVENUE

WHEREAS, the City of Rancho Cucamonga ("City") is the owner in fee simple of that certain real property described in Exhibit "A," attached hereto and made a part of hereof ("Property"); and

WHEREAS, the Property consists of the Etiwanda Depot and surrounding property located at 7089 Etiwanda Avenue, which the City is no longer expected to use or need as of January 1, 2021; and

WHEREAS, City staff has evaluated the Property for its potential to be used for City work or operations after the City discontinues use of the Property; and

WHEREAS, City staff has determined that the Property is not suitable for the City's use after the City discontinues use of the Property; and

WHEREAS, the City Council has previously adopted Resolution 2020-130, declaring that the Property is surplus land and not necessary for the City's use; and

WHEREAS, in December of 2020 the City sent written notices of availability of the Property to certain designated entities, but negotiations did not result in the sale of the Property;

NOW, THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The City Council hereby approves the Covenants and Restrictions for Real Property, attached as Exhibit B.

Section 3. The officers and staff of the City are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Property in compliance with the Act.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

Exhibit A

Legal Description

Parcel 1 of Parcel Map No19247, in the City of Rancho Cucamonga, County of San Bernardino, State of California, as per map filed in Book 238 of Parcel Maps, Pages 76 through 79, inclusive, in the office of the county recorder of said county.

Except all minerals and mineral rights, interests and royalties, including without limitation, all oil, gas and other hydrocarbon substances, as well as metallic or other solid minerals of whatever kind or character, whether now known or hereafter discovered, in and under the land below a depth of 500 feet under the surface without regard to the manner in which the same may be produced or extracted from the land, but without any right to enter upon or through the surface down to 500 feet below the surface to extract, drill, explore or otherwise exploit such minerals or mineral rights and without any right to remove or impair lateral or subjacent support, as reserved in deed recorded April 19, 1991 as instrument No. 91-130996, Official Records.

Exhibit B

COVENANTS AND RESTRICTIONS FOR REAL PROPERTY (per Government Code Section 54233)

These COVENANTS AND RESTRICTIONS FOR REAL PROPERTY is executed as of June 2, 2021, by the City of Rancho Cucamonga ("Owner").

RECITALS

WHEREAS, Owner is the owner of certain real property located in the City of Rancho Cucamonga, County of San Bernardino, California as is described in the legal description in the attached and incorporated Exhibit A ("the Property");

WHEREAS, Assembly Bill 1486 amended the Surplus Land Act (Government Code Section 54220 et. seq.) and created new obligations before a local agency may dispose of surplus land;

WHEREAS, the Surplus Land Act designates the California State Department of Housing and Community Development ("HCD") with oversight with respect to a local agency's compliance with the Surplus Land Act; and

WHEREAS, HCD requires that certain affordability covenants and restrictions be recorded against surplus land as set forth in Government Code Section 54233 prior to its disposition.

NOW, THEREFORE, in consideration of the foregoing, the Owner declares as follows:

A. If ten (10) or more residential units are developed on the property described on Exhibit "A" attached hereto then not less than 15 percent of the total number of residential units developed on the property shall be sold or rented at an affordable housing cost, as defined in Section 50052.5 of the California Health and Safety Code, or affordable rent, as defined in Section 50053 of the California Health and Safety Code, to lower-income households, as defined in Section 50079.5 of the California Health and Safety Code. Rental units shall remain affordable to and occupied by lower-income households for a period of 55 years for rental housing and 45 years for ownership housing. The initial occupants of all ownership units shall be lower-income households, and the units shall be subject to an equity sharing agreement consistent with the provisions of paragraph (2) of subdivision (c) of 65915 of the California Government Code.

B. These requirements shall be covenants and restrictions running with the land and shall be enforceable against any owner who violates a covenant or restriction and each successor-in-interest who continues the violation by any of the entities described in subdivisions (a) to (f), inclusive, of Section 54222.5 of the California Government Code.

C. The Restrictions and Covenants set forth herein are intended not to merge into the Owner's fee simple title to the Property, but become effective when the Property is conveyed by the current Owner (i.e. City of Rancho Cucamonga).

IN WITNESS WHEREOF, the undersigned has caused this Covenants and Restrictions for Real Property to be signed by its duly authorized representatives, as of the day and year first above written.

OWNER: CITY OF RANCHO CUCAMONGA

John Gillison, City Manager

ATTEST:
