

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, RANCHO CUCAMONGA, CALIFORNIA APPROVING COVENANTS AND RESTRICTIONS ON REAL PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 54233 FOR THAT REAL PROPERTY LOCATED AT 9561 SAN BERNARDINO ROAD

WHEREAS, the Rancho Cucamonga Fire Protection District ("District") 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 is vacant property located at 9561 San Bernardino Road, which the District is no longer expected to use or need as of January 1, 2021; and

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

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

WHEREAS, the Fire Board has previously adopted Resolution FD2020-026, declaring that the Property is surplus land and not necessary for the District's use; and

WHEREAS, in December of 2020 the District 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 FIRE DISTRICT BOARD OF DIRECTORS HEREBY RESOLVES AS FOLLOWS:

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

Section 2. The Fire District Board of Directors hereby approves the Covenants and Restrictions for Real Property, attached as Exhibit B.

Section 3. The officers and staff of the District 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 Clerk of the Board shall certify to the adoption of this Resolution.

Exhibit A

Legal Description

THE WEST 76 FEET OF THAT PORTION OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 7 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 4 OF MAPS, PAGE 9, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SECTION 3, 10 CHAINS WEST OF THE SOUTHEAST CORNER THEREOF;

THENCE WEST 5 CHAINS;

THENCE AT RIGHT ANGLES NORTH 10 CHAINS, MORE OR LESS, TO THE SOUTH LINE OF A ROAD LEADING FROM CUCAMONGA SCHOOL HOUSE TO SAN BERNARDINO;

THENCE EAST ALONG SAID ROAD TO A POINT DUE NORTH OF THE POINT OF COMMENCEMENT; THENCE SOUTH TO THE POINT OF COMMENCEMENT.

EXCEPTING THEREFROM:

(A) BEGINNING AT A POINT ON THE NORTH LINE OF THE STATE HIGHWAY, WHICH POINT IS NORTH 0° 08' WEST 30 FEET FROM A POINT WHICH IS SOUTH 89° 54' WEST 660 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 3;

THENCE NORTH 0° 08' WEST 341 FEET;

THENCE SOUTH 89° 54' WEST 330 FEET;

THENCE SOUTH 0° 08' EAST 341 FEET;

THENCE NORTH 89° 54' EAST 330 FEET TO THE POINT OF BEGINNING.

(B) COMMENCING AT THE NORTHEAST CORNER OF THE TRACT OF LAND AS DESCRIBED IN THE DEED TO ALVIN C. BURKHOLDER, ET UX, RECORDED AUGUST 20, 1947, AS RECORDER'S DAILY INSTRUMENT NO. 35, IN THE OFFICE OF THE COUNTY RECORDER;

THENCE WEST ALONG THE SOUTH LINE OF A ROAD LEADING FROM CUCAMONGA SCHOOL HOUSE TO SAN BERNARDINO, 126 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED;

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THENCE WEST ALONG SAID ROAD, 128 FEET;

THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID BURKHOLDER TRACT, 136 FEET;

THENCE AT RIGHT ANGLES EAST 128 FEET, MORE OR LESS, TO A POINT DUE SOUTH OF THE TRUE POINT OF BEGINNING;

THENCE NORTH TO THE POINT OF BEGINNING.

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 Rancho Cucamonga Fire Protection District ("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. Rancho Cucamonga Fire Protection District).

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: RANCHO CUCAMONGA FIRE
PROTECTION DISTRICT

John Gillison, City Manager

ATTEST:
