

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 9547 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 9547 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 FD2020-025, 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

THAT PORTION OF THE SOUTHEAST ONE QUARTER OF SECTION 3, TOWNSHIP 1 SOUTH, RANGE 7 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF RANCHO CUCAMONGA, COUNTY OF SAN BERNARDINO, ACCORDING TO GOVERNMENT SURVEY, AS THE LINES OF SAID GOVERNMENT SURVEY MAY BE EXTENDED ACROSS THE CUCAMONGA RANCHO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 3, 990 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION, SAID POINT BEING THE SOUTHEAST CORNER OF THAT PARCEL OF LAND CONVEYED TO HENRY G. KLUSMAN BY DEED RECORDED JUNE 25, 1930, IN BOOK 635, PAGE(S) 117, OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA;

THENCE NORTH 322 FEET, MORE OR LESS, ALONG THE EAST LINE OF THE PROPERTY CONVEYED TO POINT THEREON THAT IS SOUTH 324 FEET 4 INCHES FROM THE NORTHEAST CORNER THEREOF, FOR THE TRUE POINT OF BEGINNING.

THENCE NORTH 110.64 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF PROPERTY SO CONVEYED TO KLUSMAN THAT IS SOUTH THEREON 328 FEET, 5 INCHES FROM THE NORTHWEST CORNER THEREOF;

THENCE NORTH 328 FEET 5 INCHES ALONG SAID WEST LINE TO SAID NORTHWEST CORNER BEING A POINT ON THE SOUTH LINE OF SAN BERNARDINO ROAD;

THENCE EAST 110 FEET, MORE OR LESS, ALONG THE SOUTH LINE OF SAID SAN BERNARDINO ROAD, BEING THE NORTH LINE OF PROPERTY SO CONVEYED TO KLUSMAN, THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 324 FEET 4 INCHES ALONG THE EAST LINE OF SAID PROPERTY TO THE TRUE 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:
