

**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 9612 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 9612 San Bernardino Road, which the District is no longer expected to use or need as of July 31, 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 FD2020-024, 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 Land referred to herein below is situated in the unincorporated area of the County of San Bernardino, State of California, and is described as follows:

PARCEL "A" AS SHOWN ON CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT NO. 235, AS EVIDENCED BY DOCUMENT RECORDED SEPTEMBER 10, 1986 AS INSTRUMENT NO. 86-261471 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 THE LINES OF THE GOVERNMENT SURVEY MAY BE EXTENDED ACROSS THE CUCAMONGA RANCHO, PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF OLD SAN BERNARDINO ROAD, SO-CALLED, (BEING THE ROAD DESCRIBED AS LEADING EASTERLY FROM THE SCHOOL HOUSE IN CUCAMONGA) 488 FEET WEST FROM THE WEST LINE OF ARCHIBALD AVENUE;

THENCE NORTH PARALLEL WITH THE WEST LINE OF ARCHIBALD AVENUE 150 FEET;

THENCE WEST PARALLEL WITH THE NORTH LINE OF OLD SAN BERNARDINO ROAD, 126.72 FEET, MORE OR LESS, TO THE WEST LINE OF THE LAND CONVEYED TO JOHN D. MAC PHERSON AND WIFE, BY DEED DATED APRIL 5, 1945 AND RECORDED APRIL 21, 1945, IN BOOK 1763, PAGE 282 OFFICIAL RECORDS;

THENCE SOUTH 0° 10' WEST, 150 FEET TO THE SOUTHWEST CORNER OF SAID MAC PHERSON LAND;

THENCE EAST ALONG THE NORTH LINE OF OLD SAN BERNARDINO ROAD TO THE POINT OF BEGINNING.

EXCEPTING THE WEST 30 FEET THEREOF FOR ROAD PURPOSES.

For conveyancing purposes only: APN 0208-131-83

## **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

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John Gillison, City Manager

ATTEST:

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