

CITY OF

303 EAST B STREET, CIVIC CENTER ONTARIO



ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000
FAX (909) 395-2070

PAUL S. LEON
MAYOR

RUBEN VALENCIA
MAYOR PRO TEM

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JIM W. BOWMAN
DEBRA DORST-PORADA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

**RE: WILLIAMSON ACT CONTRACT NONRENEWAL/CANCELLATION APPLICATION
PACKET**

Dear Applicant:

In an effort to improve customer service and insure development projects are processed as quickly as possible, the Planning Department finds it necessary to remind its clients that complete application submittals are crucial to the plan review process. In the past, accepting incomplete applications has led to errors and time delays at the end of the review process. I do not want this to happen to you.

Consequently, the Planning Department staff will only accept complete applications at time of submittal. All items listed on the enclosed *Williamson Act Contract Nonrenewal/Cancellation Application Form* and the *Minimum Filing Requirements* must be provided before the Planning Department counter staff can accept your application for filing. Please review these minimum requirements prior to submitting your application, as counter staff do not have the authority to waive these requirements.

Please remember that failure to provide all of the required plans and information will result in significant time delays in the processing of your application. If you have any questions regarding the necessity of any particular item on the *Williamson Act Contract Nonrenewal/Cancellation Application Form* or the *Minimum Filing Requirements*, please feel free to contact the Planning Department counter supervisor to discuss your questions.

The Planning Department looks forward to a continued efficient and professional relationship with you in the future. If you have any questions, comments, or concerns regarding this matter, please feel free to contact the Planning Department at (909) 395-2036.

Respectfully,


Cathy Wahlstrom
Planning Director

ATTENTION!

The City of Ontario strives to provide you with efficient and effective service in a businesslike manner. We are committed to the principle that every interaction you have with the City must be based on honesty and integrity.

City employees are prohibited by law from soliciting or accepting money, services, or gifts of any kind in connection with the discharge of their duties.

If you are approached or are aware of any violation of this policy, please immediately contact any of the following:

Scott Ochoa, City Manager (909) 395-2396 or sochoa@ontarioca.gov
Derek Williams, Police Chief..... (909) 395-2710 or dwilliams@ontarioca.gov
Ethics Line.....(800) 500-0333



City of Ontario
 Planning Department
 303 East B Street
 Ontario, California 91764
 Phone: 909.395.2036
 Fax: 909.395.2420

**Williamson Act Contract
 Nonrenewal/Cancellation Application Form**

GENERAL INFORMATION (PRINT OR TYPE)

**Property Owner: _____

Address: _____

Phone: _____ Email: _____

**Applicant: _____

Address: _____

Phone: _____ Email: _____

Applicant's Representative: _____

Address: _____

Phone: _____ Email: _____

(For Staff Use Only)

File No.: _____

Related Files: _____

Date: _____

Rec'd by: _____

Fees Paid: _____

Cash Check (# _____)

Credit Card

Receipt No.: _____

** *Note: If the property owner or applicant is a trust, partnership, corporation, or LLC, on a separate sheet, provide a listing of all persons that make up the trust, partnership, corporation, or LLC*

TYPE OF REVIEW REQUESTED (PLEASE CHECK ALL APPLICABLE BOXES)

- Contract Nonrenewal
(application covers the total area under Land Conservation Contract)
- Partial Contract Nonrenewal
(application covers a portion of the total area under Land Conservation Contract)
- Contract Cancellation

PROJECT LOCATION

General Location or Address of Project: _____

Assessor's Parcel No(s). *(attach additional sheets if necessary)*: _____

POLICY PLAN (GENERAL PLAN), ZONING & LAND USE INFORMATION

Existing Policy Plan (General Plan) Land Use Designation(s): _____

Existing Zoning Designation(s): _____

Existing Land Use(s): _____

PROJECT DESCRIPTION

Fully describe the proposed project (*attach additional sheets if necessary—please be detailed and specific*): _____

LEGAL DESCRIPTION

Provide the exact legal description for the property(ies) for which this application has been submitted (*attach additional sheets if necessary*):

PETITION FOR CANCELLATION – STATEMENT OF FACTS AND REASONS

Please provide a statement of facts demonstrating how the petition for Cancellation meets the specified cancellation criteria of the Williamson Act (This statement must include sufficient factual information to allow the Planning Department, City Attorney, and City Council to determine whether the necessary findings can be supported. This statement should be as detailed as possible, and include reference to supporting evidence and law where appropriate. Please be advised that a petition consisting of conclusory statements, unfounded opinions, or unsupported assumptions will be inadequate for the City Council to make the appropriate findings, and may result in nonissuance of a Certificate of Tentative Cancellation). The City may issue a Certificate of Tentative Cancellation of the Land Conservation Contract if the petitioner presents sufficient evidence allowing the City to make one of the following findings:

- (1) The cancellation is consistent with the purposes of the Williamson Act.

In order to support a determination that the cancellation is consistent with the purposes of the Act, supportable evidence must be provided for all of the following findings (*attach additional sheets if necessary*):

- (a) That a Notice of Nonrenewal has been served: _____

(b) A cancellation is not likely to result in the removal of adjacent lands from agricultural uses:

(c) That cancellation is for an alternative use which is consistent with the applicable provisions of the Ontario General Plan:

(d) That cancellation will not result in discontinuous patterns of urban development:

(e) That there is no proximate non-contracted land which is both available and suitable for the alternative proposed use or that development of the subject property would provide more contiguous patterns of urban development than development of the proximate non-contracted land.

OR

(2) The cancellation is in the public interest.

In order to support a determination that the cancellation is in the public interest, supportable evidence must be provided for all of the following findings (*attach additional sheets if necessary*):

(a) That other public concerns substantially outweigh the objectives of the Williamson Act:

(b) That there is no proximate non-contracted land which is both available and suitable for the alternative use currently proposed for the subject property or that development of the subject property would promote more contiguous patterns of urban development than development of proximate non-contracted land:

APPLICANT AFFIDAVIT

I, the undersigned, do hereby certify and state that I am the applicant in the foregoing application, that I have read the foregoing application, and that I know the content thereof, and do further state that the same is true and correct to the best of my knowledge and belief.

Furthermore, I hereby agree to defend, indemnify, and hold harmless the City of Ontario or its agents, officers, and employees, from any claim, action or proceeding against the City of Ontario or its agents, officers or employees, to attack, set aside, void, or annul any approval by the City of Ontario, whether by its City Council, Planning Commission, or other authorized board or officer, as it pertains to this application. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

Date: _____ Signature: _____

Name (print or type): _____

NOTARY ACKNOWLEDGMENT

Note: The notary public completing this certificate is verifying only the identity of the individual signing the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document.

STATE OF CALIFORNIA)
COUNTY OF _____)
CITY OF _____)

On _____ before me, _____,
Date Name of Notary Public

Notary Public, personally appeared _____,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

PROPERTY OWNER AFFIDAVIT

I, the undersigned, do hereby certify and state that I am the owner of the property in the foregoing application, that I have read the foregoing application, and that I know the content thereof, and do further state that the same is true and correct to the best of my knowledge and belief.

Date: _____ Signature: _____

Name (print or type): _____

NOTARY ACKNOWLEDGMENT

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STATE OF CALIFORNIA)
COUNTY OF _____)
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who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)



City of Ontario
 Planning Department
 303 East B Street
 Ontario, California 91764
 Phone: 909.395.2036
 Fax: 909.395.2420

Environmental Information Form

GENERAL REQUIREMENTS

Property Owner: _____
 Address: _____
 Telephone No.: _____ Fax No.: _____
 Email: _____

Applicant: _____
 Address: _____
 Telephone No.: _____ Fax No.: _____
 Email: _____

Applicant's Representative: _____
 Address: _____
 Telephone No.: _____ Fax No.: _____
 Email: _____

For staff use only

Related Files: _____

Date: _____

Rec'd by: _____

PROJECT DESCRIPTION *(attach additional sheets if necessary)*

PROJECT LOCATION

General Location/Address of Project: _____
 Assessor's Parcel No(s). (attach additional sheets if necessary): _____

PROJECT INFORMATION

Current General Plan Designation: _____
 Present Zoning: _____
 Present use of site: _____

Does this proposal involve a zone change: Yes No
 If yes, what is the proposed zoning: _____

Does this proposal involve a variance, conditional use permit or zone change: Yes No
 If yes, indicate type and nature of request (attach additional sheets if necessary): _____

Environmental Information Form

Will the project require certification, authorization or issuance of a permit by any public agency other than the City of Ontario?

Yes No

If yes, please indicate what agencies: _____

Site size: _____ sq. ft. _____ acres

Number of stories of construction: _____

Type of construction: _____

Amount of off-street parking provided: _____

Proposed scheduling: _____

Associated projects: _____

Anticipated incremental development: _____

For residential developments:

Number of units: _____

Unit sizes: _____

Anticipated sales prices or rents: _____

Household size anticipated: _____

For commercial developments:

Market/service area: Neighborhood City Regional

Square footage: _____

For industrial developments:

Use: Warehouse/Distribution Manufacturing Multi-tenant Other: _____

Square footage: _____

Estimated employees per shift: _____

For institutional developments:

Use/function: _____

Estimated employees per shift: _____

Estimated number of occupants: _____

Anticipated community benefits of project: _____

SCHOOL INFORMATION

School District(s) serving site: _____

High School serving Site: _____

Junior High/Middle School serving site: _____

Elementary School serving site: _____

PROJECT IMPACTS (attach additional sheets to respond to any "yes" answers)

<u>Questions</u>	<u>Yes</u>	<u>No</u>
(1) Will the project result in a substantial alteration of any hill or to ground contours?	<input type="checkbox"/>	<input type="checkbox"/>
(2) Will the project result in a change in scenic views or vistas from existing residential areas or public lands?	<input type="checkbox"/>	<input type="checkbox"/>
(3) Will the project result in a change in pattern, scale or character of the general area of the project?	<input type="checkbox"/>	<input type="checkbox"/>
(4) Will the project result in significant amounts of solid waste or litter?	<input type="checkbox"/>	<input type="checkbox"/>
(5) Will the project result in a change in dust, ash, smoke, fumes or odors in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>
(6) Will the project result in a change in stream or ground water quality or quantity, or alteration of existing drainage patterns?	<input type="checkbox"/>	<input type="checkbox"/>
(7) Will the project result in a significant change in existing noise or vibration levels in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>
(8) Will the project result in a site on filled land or on a slope of 10% percent or more?	<input type="checkbox"/>	<input type="checkbox"/>
(9) Will the project result in the use of potentially hazardous materials, such as toxic substances, flammables or explosives?	<input type="checkbox"/>	<input type="checkbox"/>
(10) Will the project result in a substantial change in demand for municipal services (police, fire, water, sewage, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
(11) Will the project substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
(12) Does the project have any relationship to a larger project or series of projects?	<input type="checkbox"/>	<input type="checkbox"/>

ENVIRONMENTAL SETTING

Describe the project site as it exists before the project, including information on topography and soil stability, plants and animals, and any cultural, historical or scenic aspects. Additionally, describe any existing structures on the site, and the use of the structures. Also, attach photographs of the site.

Environmental Information Form

Describe the surrounding properties, including information on plants and animals, and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, industrial, etc.), intensity of land use (single-family residential, apartments, shopping center, office building, manufacturing, etc.), and the scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the area surrounding the site.

ENVIRONMENTAL INFORMATION CERTIFICATION

I, the undersigned, hereby certify that the statements and information provided in this Environmental Information Form, and in any attached exhibits, present the data and information required for this evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: _____ Signature: _____

Name (print or type): _____



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Williamson Act Contract Nonrenewal/Cancellation Application Minimum Filing Requirements

MINIMUM FILING REQUIREMENTS

General Requirements. The minimum requirements for filing a request for Land Conservation Contract Nonrenewal/Cancellation are listed below. An application that does not include the following plans and information will not be accepted for processing:

- Provide a completed *Williamson Act Contract Nonrenewal/Cancellation Application Form* and filing fees.
- Provide a completed *Environmental Information Form*.
- Copy of the current Land Conservation Contract that pertains to the subject property(ies).
- Provide an 8-1/2" x 11" map showing the subject property(ies) and reflecting portion of property subject to the Notice of Nonrenewal
- Provide photographs of the subject property(ies).
- Provide public hearing information prepared in accordance with the *Public Notice Requirements* of this checklist.
- One (1) CD or flash drive containing all submitted plans and exhibits, and required site photographs, in PDF, JPEG or TIFF format (see *Graphic Submittal Requirements*).
- Any other plans or information that the Planning Director deems necessary to facilitate processing of the application.

Nonrenewal / Partial Nonrenewal. The minimum additional requirements for filing a Nonrenewal or Partial Nonrenewal of a Land Conservation Contract are listed below:

- Provide a completed Notice of Nonrenewal of a Land Conservation Contract, or a completed Notice of Partial Nonrenewal of a Land Conservation Contract, as applicable.

Cancellation. The minimum additional requirements for filing a Cancellation of a Land Conservation Contract are listed below:

- Provide two (2) 11" x 17" copies of an illustrative land use plan, which generally depicts the Proposed Specified Alternative Land Use(s) described in the *Williamson Act Contract Nonrenewal/Cancellation Application Form*.
- Concurrently file a Notice of Nonrenewal of the Land Conservation Contract, or verify that a Notice of Nonrenewal of the Land Conservation Contract has been previously filed.

GRAPHIC SUBMITTAL REQUIREMENTS

The minimum requirements for filing graphic files is as follows:

- All graphic files shall be provided in both PDF format, and JPEG or TIFF formats. No CAD files will be accepted in lieu of the required file format.** If you have any questions regarding the graphic submittal requirements, please contact the Planning Department at (909) 395-2036.
- To reduce the size of files, please reduce the physical size of drawings. Example: Reduce 36" x 48" sheet size to 11" x 17".
- Resolution should be large enough to allow text to be clearly read.
- Make sure you use **RGB**, not **CMYK** color mode before exporting to **JPEG** or **TIFF**.



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Land Conservation Contract Notice of Nonrenewal

This Notice of Nonrenewal of a Land Conservation Contract is executed on _____, 20____, regarding the Land Conservation Contract No(s). _____. This contract was recorded with the San Bernardino County Recorder on _____, 19____, in Book _____, Page _____ of the public records (or as Instrument No. _____).

WHEREAS, _____, hereinafter referred to as "Owner," are the known current owners of the _____ acres of real property described in Exhibit "A" (see attached map and legal description), attached hereto and made a part hereof, which is in the City of Ontario, and which is all of the property subject to the provisions of the above referenced contract; and

WHEREAS, the Owner either made and entered into this contract on _____, 19____, or accepted same as an heir, successor, or assign, of the previous Owner; and

WHEREAS, the subject property was annexed to the City of Ontario on November 30, 1999; and

WHEREAS, the Owner has filed this notice with the City of Ontario for Nonrenewal of a Land Conservation Contract on _____, 20____, and by so doing, the Owner understands and accepts the resulting change in property tax assessments under the provisions of the California Revenue and Taxation Code Section 426, and such other sections as are applicable; and

NOW, THEREFORE, the Nonrenewal of Land Conservation Contract No(s). _____ is deemed effective as of the 1st day of January, 20____, and the termination date will be the 1st day of January, 20____, as to that property described in Exhibit "A," attached.

I, the undersigned owner or officer of the property(ies) for which this application is made, being duly sworn, depose and say that the statements furnished above, and in the attached Exhibit, is true and correct to the best of my knowledge and belief.

Date: _____ Signature: _____
 Name (print or type): _____

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
 COUNTY OF _____)
 CITY OF _____)

On _____ before me, _____,
Date *Name of Notary Public*

Notary Public, personally appeared _____,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

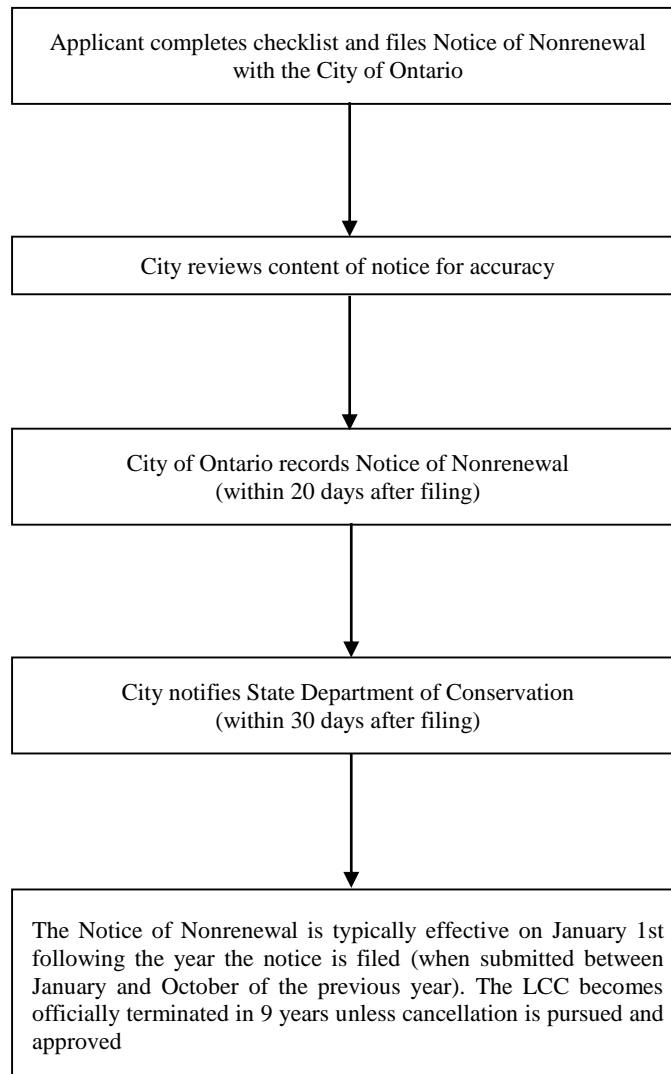
Signature _____

(Seal)



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Land Conservation Contract Nonrenewal Process





City of Ontario
 Planning Department
 303 East B Street
 Ontario, California 91764
 Phone: 909.395.2036
 Fax: 909.395.2420

Land Conservation Contract Notice of Partial Nonrenewal

This Notice of Partial Nonrenewal of a Land Conservation Contract is executed on _____, 20____, regarding the Land Conservation Contract No(s). _____. This contract was recorded with the San Bernardino County Recorder on _____, 19____, in Book _____, Page _____ of the public records (or as Instrument No. _____).

WHEREAS, _____, hereinafter referred to as "Owner," are the known current owners of the _____ acres of real property described in Exhibit "A" (see attached map and legal description), attached hereto and made a part hereof, which is in the City of Ontario, and which is all of the property subject to the provisions of the above referenced contract; and

WHEREAS, the Owner either made and entered into this contract on _____, 19____, or accepted same as an heir, successor, or assign, of the previous Owner; and

WHEREAS, the subject property was annexed to the City of Ontario on November 30, 1999; and

WHEREAS, the Owner has filed this notice with the City of Ontario for Partial Nonrenewal of a Land Conservation Contract on _____, 20____, and by so doing, the Owner understands and accepts the resulting change in property tax assessments under the provisions of the California Revenue and Taxation Code Section 426, and such other sections as are applicable; and

NOW, THEREFORE, the Partial Nonrenewal of Land Conservation Contract No(s)._____ is deemed effective as of the 1st day of January, 20____, and the termination date will be the 1st day of January, 20____, as to that property described in Exhibit "A," attached.

I, the undersigned owner or officer of the property(ies) for which this application is made, being duly sworn, depose and say that the statements furnished above, and in the attached Exhibit, is true and correct to the best of my knowledge and belief.

Date: _____ Signature: _____
 Name (print or type): _____

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
 COUNTY OF _____)
 CITY OF _____)

On _____ before me, _____,
Date *Name of Notary Public*

Notary Public, personally appeared _____,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

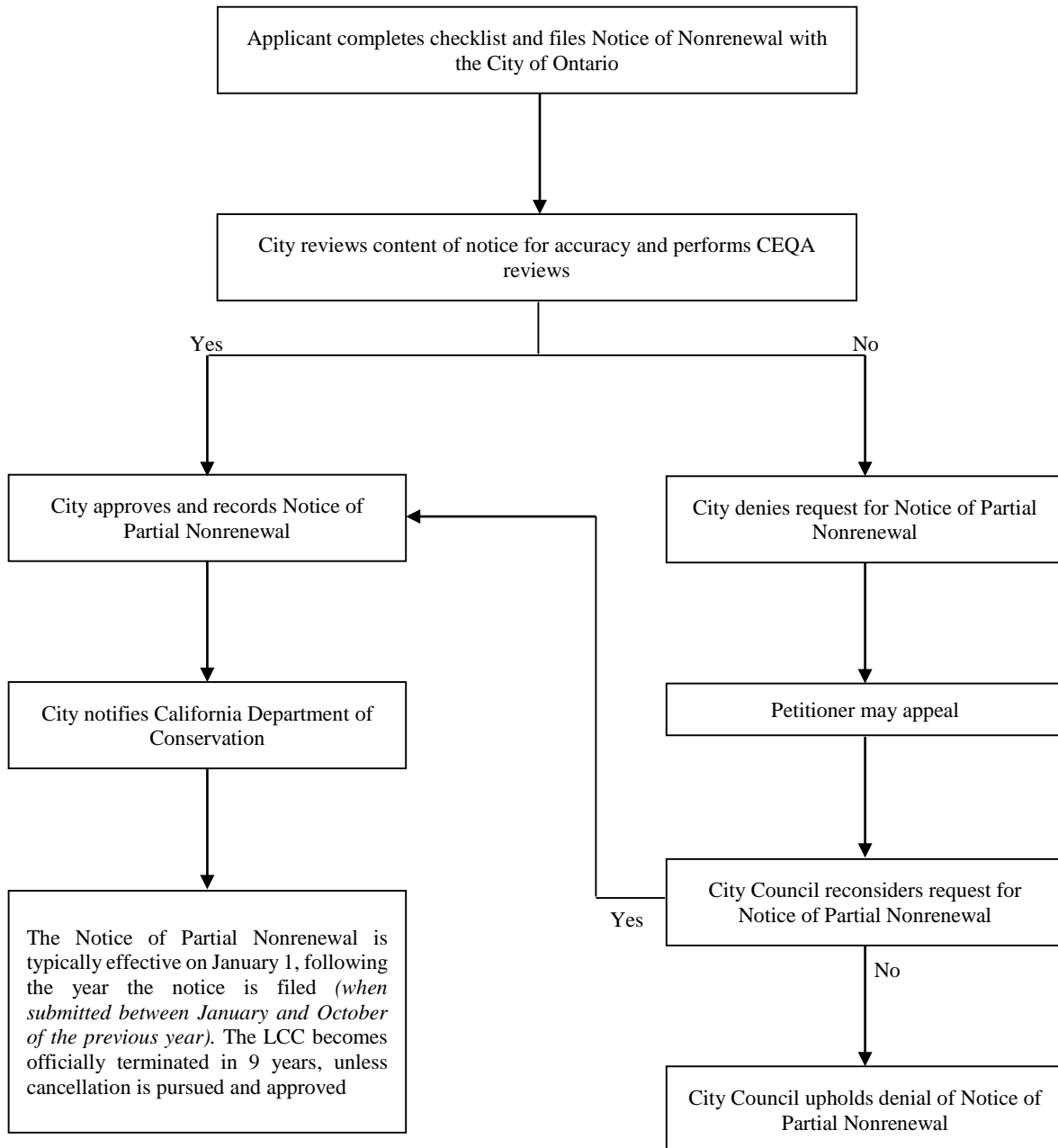
Signature _____

(Seal)



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Land Conservation Contract Partial Nonrenewal Process





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Land Conservation Contract Cancellation Process

(1) The landowner initiates the process by filing a petition for Cancellation and a Proposal for Specified Alternative Use. The Williamson Act states that Tentative Cancellation shall be contingent on the landowner obtaining all permits necessary to commence the project/Specified Alternative Use. Therefore, the Specified Alternative Use must be consistent with the associated specific plan or the applicant must have City Council approval to develop the subject land without a specific plan.

(2) The City reviews the petition for Cancellation and Proposal for Specified Alternative Use and notifies petitioner as to completeness of the petition and proposal. Please note that the application is considered a “project” pursuant to the California Environmental Quality Act (CEQA). All Land Conservation Contracts were considered in The Ontario Plan Environmental Impact Report, certified by the City Council on January 27, 2010, and all potential environmental impacts associated with the eventual expiration of nonrenewals were fully addressed and analyzed. However, the potential environmental impacts associated with cancellations were not reviewed and thus subsequent environmental review is required.

(3) The City requests the County Assessor to determine the current fair market value of the land as though it were free of the contractual restriction. The City sends a copy of the valuation to the Department of Conservation and the applicant. Please note that the property valuation is valid for one year from the date of valuation.

(4) Within 45 days of receiving the assessor's determination of fair market value, the Department of Conservation or the property owner may request a formal review from the county assessor.

(5) The City sends a copy of the cancellation proposal and environmental document to the Department of Conservation no less than 30 days prior to a scheduled Planning Commission hearing. Please note that a Planning Commission hearing is not required by the Williamson Act. However, if the cancellation is processed along with other applications (e.g. Specific Plan), the Planning Commission will review the cancellation in conjunction with the other application(s) and will provide a recommendation to the City Council.

(6) The City notices the Planning Commission public hearing on the petition for Cancellation.

(7) Within 10 working days prior to the Planning Commission public hearing, the City sends notice of the hearing and a copy of the owner's petition to the Director of the Department of Conservation.

(8) The City holds the Planning Commission public hearing to consider evidence and public testimony. The Planning Commission makes the findings necessary to approve or deny the cancellation. If they determine that the findings can be made to approve the cancellation, the Planning Commission determines the cancellation fee based on the County Assessor's appraisal. The Planning Commission acts as a recommending body to the City Council.

(9) The City notices the City Council public hearing on the petition for Cancellation.

(10) The environmental document shall be certified/approved by the City Council. If the environmental document is approved, the City Council then reviews the cancellation to determine whether the necessary findings can be made to approve the cancellation. If the City Council determines that the findings can be made for cancellation, the City Council approves the Tentative Cancellation.

(11) The City issues and records a “Certificate of Tentative Cancellation” with the County Recorder's Office.

(12) Within 30 days following approval of the Tentative Cancellation, the City publishes its decision in at least one newspaper of general circulation within the City, and delivers a copy of the published notice to the Director of the Department of Conservation.

(13) The owner satisfies any conditions and contingencies of canceling the contract (including payment of any applicable Cancellation Fee).

(14) The owner gives written notification to the City of satisfaction or failure to satisfy conditions and contingencies for cancellation. All conditions are to be satisfied within one year from the date of the recording of the Tentative Cancellation. If the landowner is unable to satisfy all conditions and contingencies, the landowner shall notify the City of the particular conditions or contingencies he/she is unable to satisfy. Within 30 days following receipt of the notice, and upon a determination that the landowner is unable to satisfy the conditions and contingencies listed, the City Council shall execute a Certificate of Withdrawal of Tentative Approval of a Cancellation of Contract, and cause the same to be recorded with the County Recorder's Office. The landowner shall not be entitled to the refund of any cancellation fee paid.

(15) Provided all conditions and contingencies have been satisfied, the petition for cancellation is presented to the City Council for Final Cancellation.

(16) Within 30 days the owner sends a notice of satisfaction of all conditions and contingencies to the City, the City issues and records a "Certificate of Cancellation of Contract" with the County Recorder's Office.