

23-1206

Recording Requested by Fresno County Board of  
Supervisors

When recorded return to  
Fresno County  
Department of Public Works and Planning  
Stop # 214  
RLCC No. 1047  
Attention Policy Planning Unit,  
Alexander Pretzer

**No Recording Fee Pursuant to Government Code Section 27383**

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RESOLUTION APPROVING PARTIAL CANCELLATION OF  
AGRICULTURAL LAND CONSERVATION CONTRACT NO. 1326  
(RLCC No. 1047)

*This page added to provide adequate space for the above information only.*  
(Government Code 27361.6)

AFTER RECORDING,  
RETURN TO STOP #214  
PUBLIC WORKS AND PLANNING  
Attn: Alexander Pretzer

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO  
STATE OF CALIFORNIA

IN THE MATTER OF  
AGRICULTURAL LAND  
CONSERVATION CONTRACT

RESOLUTION APPROVING PARTIAL  
CANCELLATION OF AGRICULTURAL  
LAND CONSERVATION CONTRACT NO.  
1326 (RLCC No. 1047)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 1326 was entered into between Lily S. Feaver and Sons, Inc., a Corporation and the County of Fresno, recorded January 29, 1970, as Instrument Number 6600 in the Official Records of Fresno County, California, and succeeded to by Gerald E. Feaver, Trustee of the Gerald E. Feaver Family Revocable Trust, dated November 17, 2009, more commonly referred to as ALCC No. 1326; and

WHEREAS, the current land owner, Gerald E. Feaver, Trustee, has submitted a petition to the Board of Supervisors to remove a 2.50-acre portion of a 121.29-acre parcel subject to the Williamson Act Contract to allow creation of a 2.50-acre separate parcel for residential use; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on September 13, 2023, considered the petition and at the conclusion of the public meeting recommended approval of the cancellation petition to the Board of Supervisors based on its ability to make all the five required findings listed under Section 51282(b) of the Government Code; and

WHEREAS, the Board of Supervisors considered the cancellation petition at a public hearing held on December 12, 2023, and at the conclusion of the public hearing approved

1 the cancellation petition based on its ability to make all the five required Findings listed under  
2 Section 51282(b) of the Government Code as follows:

3           1.       That the cancellation is for land on which a Notice of Nonrenewal has  
4 been recorded pursuant to Section 51245 of the Government Code; and

5           2.       That the cancellation is not likely to result in the removal of adjacent  
6 lands from agricultural use; and

7           3.       That the cancellation is for an alternative use that is consistent with the  
8 policies of the County General Plan; and

9           4.       That the cancellation will not result in discontinuous patterns of urban  
10 development; and

11           5.       That there is no proximate non-contracted land that is both available  
12 and suitable for the use to which it is proposed that the contracted land be put, or that  
13 development of the contracted land would provide more contiguous patterns of urban  
14 development than development of proximate non-contracted land; and

15           WHEREAS, in accordance with Section 51283(a) of the Government Code, the  
16 County Assessor has determined and certified to this Board the cancellation valuation for  
17 determination of the Cancellation Fee; and

18           WHEREAS, this Board has certified the Cancellation Fee to be in the amount of  
19 \$18,750.00; and

20           NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby finds  
21 that all of the five Findings listed under Section 51282(b) of the Government Code can be  
22 made for this partial cancellation of said Contract as to a 2.50-acre portion of the 121.29-acre  
23 parcel known as APN 340-020-76 subject to ALCC No. 1326; and

24           BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is  
25 hereby approved for a 2.50-acre portion of ALCC No. 1326 as described on the attached  
26 legal description (Exhibit "A"), subject to the following conditions:

27           1.       The landowners shall obtain the necessary land use approvals to create the  
28 2.50-acre parcel.

1           2.       The applicants shall pay the Cancellation Fee in the amount of \$18,750.00, as  
2 determined by the County Assessor and certified by the Board of Supervisors for issuance of  
3 a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a  
4 Certificate of Cancellation issued and recorded prior to recording the required documents to  
5 create the 2.50-acre and 118.79-acre parcels. If the Cancellation Fee is not paid within one  
6 year of issuance of the Tentative Certificate of Cancellation, the Cancellation Fee must be re-  
7 computed by the Assessor's Office and re-certified by the Board of Supervisors.

8           BE IT FURTHER RESOLVED, that the Chair of the Board of Supervisors is  
9 authorized to execute a Certificate of Tentative Cancellation, and upon satisfaction of  
10 Conditions of Approval stated in the Certificate of Tentative Cancellation, to execute a  
11 Certificate of Partial Cancellation for the 2.50-acre portion of ALCC No. 1326.


12           THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board  
13 of Supervisors of the County of Fresno this 12th day of December, 2023, to-wit:

14 AYES:           Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

15 NOES:           None

16 ABSENT:       None

17 ABSTAINED: None

18   
19 Sal Quintero, Chairman of the Board of  
Supervisors of the County of Fresno

20  
21 ATTEST:  
Bernice E. Seidel  
22 Clerk of the Board of Supervisors  
County of Fresno, State of California

23  
24 BY Alexandra Vieira  
25 Deputy

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT****CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

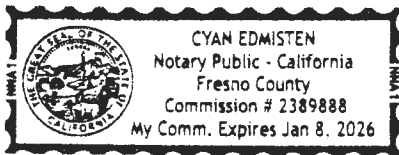
State of California )

County of Fresno )On 12/12/2023 before me, Cyan Edmisten, Notary Public,  
Date Here Insert Name and Title of the Officerpersonally appeared Salvador Quintero  
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 signature(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 Cyan Edmisten  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

☐ Corporate Officer — Title(s): \_\_\_\_\_☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

# Exhibit "A"

## WILLIAMSON ACT CANCELLATION OF A PORTION OF ALCC 1326 (APN 340-020-76) FRESNO COUNTY LEGAL DESCRIPTION

### Proposed Parcel:

A portion of that certain Record of Survey recorded July 22, 1983 in Book 32 of Record of Surveys at Page 59, lying within the Southwest quarter of Section 3, Township 15 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, more particularly described as follows:

**COMMENCING** at the Southwest corner of said Section 3;

Thence North 89°41'00" East, along the South line of said Southwest quarter, a distance of 1310.92 feet to the point of intersection thereof with a line parallel with and 4.00 feet West of the East line of the Southwest quarter of said Southwest quarter, and being the **POINT OF BEGINNING**;

Thence North 00°05'33" East, along said parallel line, a distance of 383.75 feet;

Thence South 89°43'43" West, a distance of 202.00 feet;

Thence North 00°05'33" East, a distance of 210.00 feet;

Thence North 89°43'43" East, a distance of 210.00 feet to the point of intersection thereof with a line parallel with and 4.00 feet East of the East line of the Southwest quarter of said Southwest quarter;

Thence South 00°05'33" West, along last said parallel line, a distance of 105.00 feet;

Thence South 39°27'23" East, a distance of 246.56 feet to the point of intersection thereof with a line parallel with and 161.00 feet East of the East line of the Southwest quarter of said Southwest quarter;

Thence South 00°05'33" West, along last said parallel line, a distance of 297.50 feet to the South line of the Southwest quarter of said Southwest quarter;

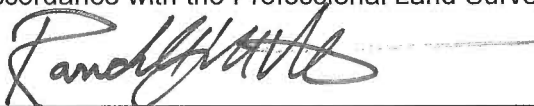
Thence South 89°41'00" West, along said South line, a distance of 165.00 feet to the **POINT OF BEGINNING**;

**TOGETHER WITH** underlying fee interest, if any, adjacent to the above described property in and to the adjoining public right of way.

Containing 2.50 acres.

END DESCRIPTION

This legal description was prepared by me, or under my direction, in accordance with the Professional Land Surveyor's Act.



Date: February 8, 2023

Randell Scott West, PLS 8663  
Blair, Church & Flynn

