

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

**RESOLUTION OF INTENTION TO CHANGE THE BOUNDARIES OF COUNTY SERVICE  
AREA NO. 35, ZONE "AJ," TO INCLUDE TENTATIVE PARCEL MAP 8114 AND APNS 580-  
010-11S, 580-110-12S, 580-010-14S, 580-010-15, 580-010-18S, 580-010-22, 580-010-24, AND  
580-010-25S**

WHEREAS, Fresno County Ordinance Code section 17.72.358 provides that prior to the recordation of the final map of a subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a County Service Area or other method acceptable to the Director of Public Works and Planning (Director); and

WHEREAS, the Board of Supervisors (Board) established County Service Area No. 35 to provide road maintenance services for developments in the unincorporated area of Fresno County;

WHEREAS, the County of Fresno (County) provides road maintenance services in County Service Area No. 35 through zones established under Article 8 of the County Service Area Law (Government Code sections 25217 through 25217.4), including Zone AJ of County Service Area No. 35 (CSA 35-AJ); and

WHEREAS, to comply with a condition of approval for Tentative Parcel Map 8114, which condition is required by Ordinance Code section 17.72.358, a developer/landowner has requested a boundary change to include the two parcels described by Tentative Parcel Map 8114; and

WHEREAS, the purpose of CSA 35-AJ is to provide maintenance to a public road known as East Reno Avenue, which maintenance is funded by assessments levied within on properties that receive a special benefit from that maintenance; and

WHEREAS, under Government Code section 25217.4, subdivision (c), benefit assessments to pay for road maintenance services in CSA 35-AJ must be levied, assessed, and charged only within the boundaries of CSA 35-AJ; and

WHEREAS, under Proposition 218, a benefit assessment must be levied on all properties that receive a special benefit from the services to be funded by the benefit

1 assessment; and

2 WHEREAS, parcels in addition to those within the current boundaries of CSA 35-AJ,  
3 identified by Assessor's Parcel Numbers (APN) 580-010-11S, 580-010-12S, 580-010-14S, 580-  
4 010-15, 580-010-18S, 580-010-22, 580-010-24, and 580-010-25S, located west of Auberry  
5 Road, also receive a special benefit from the maintenance of East Reno Avenue and must be  
6 included in the properties subject to benefit assessment for those services; and

7 WHEREAS, for the reasons stated above, a boundary change for CSA 35-AJ is  
8 proposed under Article 8 of the County Service Area Law (Government Code section 25217 et  
9 seq.); and

10 WHEREAS, after the proposed boundary change, CSA 35-AJ would include the existing  
11 territory of CSA 35-AJ as well as the territory covered by Tentative Parcel Map 8114 and the  
12 parcels identified by APNs 580-010-11S, 580-010-12S, 580-010-14S, 580-010-15, 580-010-  
13 18S, 580-010-22, 580-010-24, and 580-010-25S; and

14 WHEREAS, a map of the CSA 35-AJ with boundaries changed as proposed is attached  
15 as Exhibit A to this resolution; and

16 WHEREAS, this proceeding will be identified as CSA 35-AJ Boundary Change No. 2;  
17 and

18 WHEREAS, as of July 21, 2016, the entire territory of CSA 35-AJ with boundaries  
19 changed as proposed is "inhabited" under Government Code section 25210.2, subdivision (e),  
20 because there are 31 registered voters residing in that territory; and

21 WHEREAS, under Government Code section 25217.1, subdivision (d), before  
22 the Board may approve the proposed boundary change for CSA 35-AJ, a new benefit  
23 assessment to pay for road maintenance services in CSA 35-AJ with boundaries changed as  
24 proposed must be approved by owners of specially benefitted properties as required by  
25 Proposition 218 (California Constitution, Article XIII D, section 4); and

26 WHEREAS, in connection with the requirement of Government Code section 25217.1,  
27 subdivision (d), the Board is also, by separate resolution today, declaring its intention to levy a  
28 benefit assessment for road maintenance services on the properties included in CSA 35-AJ with

1 boundaries changed as proposed by this resolution.

2 NOW, THEREFORE, BE IT RESOLVED:

3 **Section 1.** Each of the recitals above is true and correct.

4 **Section 2.** It is in the public interest to change the boundaries of CSA 35-AJ, and for  
5 that reason the Board hereby declares its intention to change the boundaries of CSA 35-AJ as  
6 provided in Article 8 of the County Service Area Law, to include the territory shown and  
7 described in Exhibit A to this resolution.

8 **Section 3.** The Board shall conduct a public hearing on **December 6, 2016, at 9:00**  
9 **a.m., or as soon after as practicable, but in any case before any public protest hearing on**  
10 **the benefit assessment for road maintenance costs to be set for the same day by**  
11 **separate resolution, in the meeting chambers of the Board, Hall of Records, 2281 Tulare**  
12 **Street, Third Floor, Fresno, California 93721**, concerning the proposed boundary change for  
13 CSA 35-AJ, and that the public hearing may be continued from time to time by the Board  
14 without further notice. At the public hearing, the Board will hear and consider any protests to the  
15 proposed boundary change.

16 **Section 4.** The Board will follow the majority protest procedure under Government  
17 Code section 25217.1, subdivision (b)(1), for inhabited territory. If at the conclusion of the public  
18 hearing, the Board determines that more than 50 percent of the total number of registered  
19 voters residing within in CSA 35-AJ with boundaries changed as proposed have filed written  
20 objections to the proposed boundary change, then the Board shall determine that a majority  
21 protest exists and terminate the proceedings.

22 **Section 5.** All written objections to the proposed boundary change, to be counted  
23 toward a majority protest as defined in section 4 above, must include: (1) information sufficient  
24 to identify the property owned by the objector, such as the address of the objector's property  
25 within CSA 35-AJ with boundaries changed as proposed, the APN for the property, or both; (2)  
26 a written statement of objection to the proposed boundary change; and (3) the name and  
27 signature of the objector.

28 **Section 6.** All written objections to the proposed boundary change, to be counted

1 toward a majority protest as defined in section 4 above, must be delivered by one of the  
2 following methods: (1) by U.S. Mail so that it is received by the Clerk to the Board (Clerk) no  
3 later than the date and time set for the public hearing; or (2) otherwise delivered to the Clerk no  
4 later than the date and time set for the public hearing; or (3) delivered to the Clerk at the public  
5 hearing before the close of public testimony. If written objections are mailed or otherwise  
6 delivered before the public hearing, the proper address is Clerk to the Board of Supervisors,  
7 County of Fresno Hall of Records, 2281 Tulare Street, Room 301, Fresno, California 93721.  
8 Written objections from property owners may be withdrawn or changed at any time prior to close  
9 of public testimony at the public hearing.

10       **Section 7.** The Director or his designee is directed to prepare a notice of the public  
11 hearing (Notice), which shall include all of the following: (1) a statement that the proposal to  
12 change the boundaries of CSA 35-AJ is made under Article 8 of the County Service Area Law;  
13 (2) a description of the territory to be included in CSA 35-AJ with boundaries changed as  
14 proposed; (3) a statement of the reasons for changing the boundaries of CSA 35-AJ; (4) a  
15 statement of the authorized services, different levels of service, different authorized facilities, or  
16 additional revenues that CSA 35-AJ with boundaries changed as proposed will provide (namely,  
17 road maintenance services); and (5) a statement of the method by which those authorized  
18 services, levels of service, or authorized facilities will be financed (namely, benefit  
19 assessments); (6) the date, time, and place for the public hearing on the proposed boundary  
20 change as established by section 3 of this resolution; and (7) a statement that all interested  
21 parties will be allowed to give testimony for or against the proposed boundary change; (8) a  
22 form for written objections; (9) instructions for submitting written objections; (10) a statement  
23 that the proceeding will be terminated if there is a majority protest to the proposed boundary  
24 change or if the owners of specially benefitted properties within CSA 35-AJ with boundaries  
25 changed as proposed do not approve a benefit assessment to pay for road maintenance  
26 services; and (11) the name and contact information of a County staff person who is available to  
27 answer questions about the proposed boundary change.

28       **Section 8.** The Clerk to the Board is authorized and directed to: (a) publish the

1 Notice once in a newspaper of general circulation as provided in Government Code section  
2 6061; (b) no later than Wednesday, November 16, 2016, mail the Notice to all owners of  
3 property within CSA 35-AJ with boundaries changed as proposed; (c) no later than Wednesday,  
4 November 16, 2016, mail the Notice to each city and special district that contains, or whose  
5 sphere of influence contains, CSA 35-AJ with boundaries changed as proposed; and (d) post  
6 the Notice in at least three public places within the territory of CSA 35-AJ with boundaries  
7 changed as proposed.

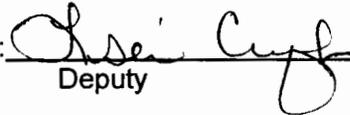
8 **Section 9.** This proceeding to change the boundaries of CSA 35-AJ will be  
9 terminated if there is a majority protest to the proposed boundary change as described in  
10 section 3 above, or if the owners of specially benefitted properties within CSA 35-AJ with  
11 boundaries changed as proposed do not approve a benefit assessment to pay for road  
12 maintenance services as required by Proposition 218.

13 PASSED AND ADOPTED this 18th day of October, 2016, by the following  
14 vote of the Board of Supervisors of the County of Fresno, to wit:

15 AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian  
16 NOES: None  
17 ABSENT: None

18   
19 ERNEST BUDDY MENDES, Chairman  
20 Board of Supervisors

21  
22 ATTEST:  
23 BERNICE E. SEIDEL, Clerk  
24 Board of Supervisors

25 By:   
26 Deputy

# SUBDIVIDED LAND IN POR. SEC. 6, T. 12 S., R. 21 E., M.D.B. & M.

REFER TO DETAIL A / -  
FOR POINT OF COMMENCEMENT (POC)  
TO POINT OF BEGINNING (POB)

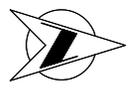
NOTE:  
SEE SHEET 3 FOR LEGEND, LINE  
DATA INDEX, AND PARCEL  
IDENTIFICATION KEY



**A**  
DETAIL  
SCALE: 1" = 50'

W 1/4 COR.  
SEC. 6-12/21

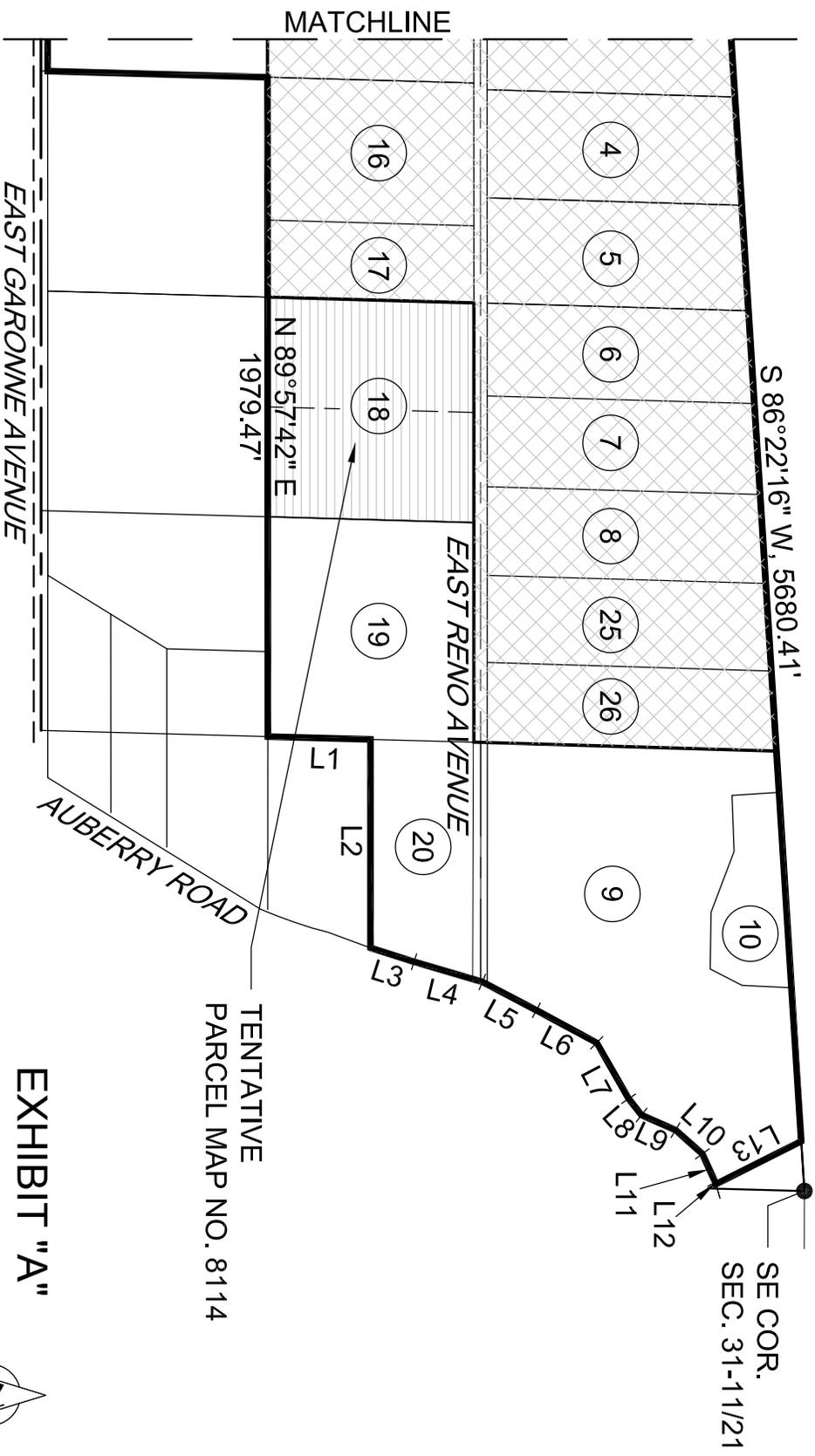
DISCLAIMER:  
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."



NAME:	DATE:	SCALE	<p>( IN FEET )</p>		DEPARTMENT OF PUBLIC WORKS AND PLANNING
DRAWN: J.D.	07/18/16	0 500 1000			COUNTY SERVICE AREA 35
CHECKED: G.M.	08/01/16				ZONE AJ BOUNDARY CHANGE NO. 2
					CSA 35 ZONE AJ BOUNDARY CHANGE NO. 2 - BOUNDARY MAP
					PROJECT NO: XP8114
					SHEET NO. 1 OF 3

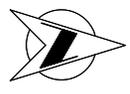
# SUBDIVIDED LAND IN POR. SEC. 6, T. 12 S., R. 21 E., M.D.B. & M.

NOTE:  
SEE SHEET 3 FOR LEGEND, LINE  
DATA INDEX, AND PARCEL  
IDENTIFICATION KEY



## EXHIBIT "A"

DISCLAIMER:  
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."



NAME:	DATE:	SCALE	<p>( IN FEET )</p>		DEPARTMENT OF PUBLIC WORKS AND PLANNING <b>COUNTY SERVICE AREA 35</b> <b>ZONE AJ BOUNDARY CHANGE NO. 2</b> CSA 35 ZONE AJ BOUNDARY CHANGE NO. 2 - BOUNDARY MAP PROJECT NO: XP8114 SHEET NO. 2 OF 3
DRAWN: J.D.	07/18/16	0 500 1000			
CHECKED: G.M.	08/01/16				

## PARCEL IDENTIFICATION KEY

PARCEL NO.	A.P.N.	PARCEL NO.	A.P.N.
1	580-010-02S	14	580-010-17S
2	580-010-03S	15	580-010-18S
3	580-010-04S	16	580-010-19S
4	580-010-05S	17	580-010-20S
5	580-010-06S	18	580-010-22
6	580-010-07S	19	580-010-24
7	580-010-08S	20	580-010-25S
8	580-010-09S	21	580-010-40S
9	580-010-11S	22	580-010-41S
10	580-010-12S	23	580-010-42S
11	580-010-14S	24	580-010-43S
12	580-010-15	25	580-010-44S
13	580-010-16S	26	580-010-45S

## LEGEND

- xxx-xx-xx ASSESSOR'S PARCEL NUMBER (A.P.N.)
- PROPOSED PARCEL LINE
- \_\_\_\_\_ PARCEL LINE
- \_\_\_\_\_ TENTATIVE PARCEL MAP NO. 8114
- EXISTING CSA 35 ZONE AJ BOUNDARY
- CSA 35 ZONE AJ BOUNDARY CHANGE NO. 2 BOUNDARY

## LINE DATA INDEX

SYMBOL	BEARING	DISTANCE
L1	N 01°33'15" E	308.00'
L2	S 89°59'48" E	625.76'
L3	N 17°39'38" E	137.20'
L4	N 16°26'41" E	213.52'
L5	N 27°46'01" E	183.29'
L6	N 28°19'37" E	205.22'
L7	N 60°14'10" E	193.31'
L8	N 51°55'44" E	62.43'
L9	N 23°43'37" E	111.78'
L10	N 41°49'44" E	107.34'
L11	N 65°28'12" E	94.66'
L12	N 73°36'27" E	5.30'
L13	N 26°46'17" W	286.49'

## EXHIBIT "A"

NAME:	DATE:	SCALE	
DRAWN: J.D.	07/18/16	NONE	
CHECKED: G.M.	08/01/16		
DEPARTMENT OF PUBLIC WORKS AND PLANNING <b>COUNTY SERVICE AREA 35</b> <b>ZONE AJ BOUNDARY CHANGE NO. 2</b>			
PROJECT NO: XP8114			SHEET NO. 3 OF 3

## EXHIBIT A

### Boundary Description for County Service Area 35 Zone AJ Annexation No. 2

The Subdivided Land in that portion of Sections 6 Township 12 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the Northwest corner of Section 6, Township 12 South, Range 21 East per Parcel Map No. 3601 recorded in Book 27, Page 1 of Parcel Maps, Fresno County Records; thence, bearing North  $86^{\circ} 22' 16''$  East, a distance of 20.00 feet more or less to the Northwest corner of Parcel 1 of Parcel Map 8027 recorded in Book 71, Page 31 of Parcel Maps, Fresno County Records, said point being the TRUE POINT OF BEGINNING; thence,

- 1) South  $02^{\circ} 25' 29''$  East, along the line 20.00 feet East and parallel to the West line of said Section 6, a distance of 1902.77 feet; thence,
- 2) North  $89^{\circ} 59' 02''$  East, a distance of 2376.07 feet; thence,
- 3) North  $01^{\circ} 35' 43''$  East, a distance of 659.32 feet; thence,
- 4) North  $89^{\circ} 57' 42''$  East, a distance of 1979.47 feet; thence,
- 5) North  $01^{\circ} 33' 15''$  East, a distance of 308.00 feet; thence,
- 6) South  $89^{\circ} 59' 48''$  East, a distance of 625.76 feet more or less to the Westerly Right-of-Way line of Auberry Road; thence,
- 7) Along said Westerly Right-of-Way lines North  $17^{\circ} 39' 38''$  East, a distance of 137.20 feet; thence,
- 8) North  $16^{\circ} 26' 41''$  East, a distance of 213.52 feet; thence,
- 9) North  $27^{\circ} 46' 01''$  East, a distance of 183.29 feet; thence,
- 10) North  $28^{\circ} 19' 37''$  East, a distance of 205.22 feet; thence,
- 11) North  $60^{\circ} 14' 10''$  East, a distance of 193.31 feet; thence,
- 12) North  $51^{\circ} 55' 44''$  East, a distance of 62.43 feet; thence,
- 13) North  $23^{\circ} 43' 37''$  East, a distance of 111.78 feet; thence,

- 14) North  $41^{\circ} 49' 44''$  East, a distance of 107.34 feet; thence,
- 15) North  $65^{\circ} 28' 12''$  East, a distance of 94.66 feet; thence,
- 16) North  $73^{\circ} 36' 27''$  East, a distance of 5.30 feet; thence,
- 17) Leaving said Westerly Right-of-Way line of Auberry Road bearing North  $26^{\circ} 46' 17''$  West, a distance of 286.49 feet to a point on the North line of Section 6, said point bearing South  $86^{\circ} 22' 16''$  West, a distance of 150.00 more or less from the Southeast corner of Section 31, Township 11 South, Range 21 East, Mount Diablo Base and Meridian; thence,
- 18) South  $86^{\circ} 22' 16''$  West on said North line of Section 6, a distance of 5680.41 feet more or less to the Northwest corner of Parcel 1 of Parcel Map 8027 recorded in Book 71, Page 31 of Parcel Maps, Fresno County Records, said point being the TRUE POINT OF BEGINNING.