

Recording Requested by Fresno County Board of Supervisors

When recorded return to  
Fresno County  
Department of Public Works and Planning  
Stop # 214  
RLCC No. 1044  
Attention Policy Planning Unit,  
Jordan Walton

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

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RESOLUTION APPROVING PARTIAL CANCELLATION OF  
AGRICULTURAL LAND CONSERVATION CONTRACT NO. 2568  
(RLCC No. 1044)

*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: Jordan Walton

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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.  
2568 (RLCC No. 1044)

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WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 2568 was entered into between Mabel M. Anderson and the County of Fresno, recorded February 4, 1971, as Instrument Number 8263 in the Official Records of Fresno County, California, and succeeded to by Jesus and Maria Leon, dated November 3, 1972, more commonly referred to as ALCC No. 2568; and

WHEREAS, the current land owners, Jesus and Maria Leon, have submitted a petition to the Board of Supervisors to remove a 2.01-acre portion of a 20.00-acre (gross) parcel subject to the Contract to allow creation of a 2.01-acre separate parcels for residential use; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on June 14, 2023, considered the petition and at the conclusion of the public meeting recommended denial of the cancellation petition to the Board of Supervisors based on its inability 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 August 22, 2023, and at the conclusion of the public hearing approved the cancellation petition based on its ability to make all the five required Findings listed under Section 51282(b) of the Government Code as follows:

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

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

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

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

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

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

16                   WHEREAS, this Board has certified the Cancellation Fee to be in the amount of  
17 \$15,625.00; and

18                   NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby finds  
19 that all of the five Findings listed under Section 51282(b) of the Government Code can be  
20 made for this partial cancellation of said Contract as to a 2.01-acre portion of the 20.00-acre  
21 parcel known as APN 385-031-29 subject to ALCC No. 2568; and

22                   BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is  
23 hereby approved for a 2.01-acre portion of ALCC No. 2568 as described on the attached  
24 legal description (Exhibit "A"), subject to the following conditions:

25                   1.       The landowners shall obtain the necessary land use approvals to create the  
26 2.01-acre parcel.

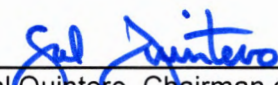
27                   2.       The applicants shall pay the Cancellation Fee in the amount of \$15,625.00, as  
28 determined by the County Assessor and certified by the Board of Supervisors for issuance of

1 a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a  
2 Certificate of Cancellation issued and recorded prior to recording the required documents to  
3 create the 2.01-acre parcel. If the Cancellation Fee is not paid within one year of issuance of  
4 the Tentative Certificate of Cancellation, the Cancellation Fee must be re-computed by the  
5 Assessor's Office and re-certified by the Board of Supervisors.

6 BE IT FURTHER RESOLVED, that the Chair of the Board of Supervisors is  
7 authorized to execute a Certificate of Tentative Cancellation, and upon satisfaction of  
8 Conditions of Approval stated in the Certificate of Tentative Cancellation, to execute a  
9 Certificate of Partial Cancellation for the 2.01-acre portion of ALCC No. 2568.

10 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board  
11 of Supervisors of the County of Fresno this 22nd day of August, 2023, to-wit:

- 12 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero  
13 NOES: None  
14 ABSENT: None  
15 ABSTAINED: None

16   
17 \_\_\_\_\_  
18 Sal Quintero, Chairman of the Board of  
19 Supervisors of the County of Fresno

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

22 BY   
23 \_\_\_\_\_  
24 Deputy

# Exhibit "A"

## LEGAL DESCRIPTION

THE WEST 200.00 FEET OF THE SOUTH 438.00 FEET OF THE NORTH 510.33 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 16 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLATS, APPROVED BY THE SURVEYOR GENERAL ON JULY 15, 1854, FRESNO COUNTY RECORDS.

CONTAINING 2.01 NET ACRES MORE OR LESS.

FOR THE PURPOSE OF THIS LEGAL DESCRIPTION, THE WEST LINE OF SAID PARCEL 1 IS ASSUMED TO BE THE EAST PRESCRIPTIVE RIGHT-OF-WAY LINE OF SOUTH FOWLER AVENUE AS SHOWN ON PARCEL MAP NO. 5127, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 33, PAGE 36 OF PARCEL MAPS, OFFICIAL RECORDS OF FRESNO COUNTY.

APN: 385-031-29 (PORTION)

*Michael Ray Sutherland*



*06/12/2023*

**CALIFORNIA ACKNOWLEDGMENT**

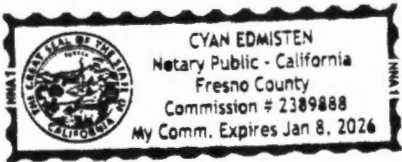
**CIVIL CODE § 1189**

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 08/23/2023 before me, Cyan Edmisten, Notary Public  
Date Here Insert Name and Title of the Officer  
personally 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.

Place Notary Seal and/or Stamp Above

Signature Cyan Edmisten  
Signature of Notary Public

**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: \_\_\_\_\_