

24-0843

Recording Requested by Fresno County Board of
Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Stop # 214
RLCC No. 1049
Attention Policy Planning Unit,
Alexander Pretzer

No Recording Fee Pursuant to Government Code Sections 6103,
27383, 27388.1(a)(2)(D) (AB 110, SB 2)

RESOLUTION APPROVING PARTIAL CANCELLATION OF
AGRICULTURAL LAND CONSERVATION CONTRACT NO. 2068
(RLCC No. 1049)

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

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

IN THE MATTER OF
AGRICULTURAL LAND
CONSERVATION CONTRACT
(WILLIAMSON ACT CONTRACT
NO. 2068)

RESOLUTION APPROVING PARTIAL
CANCELLATION OF AGRICULTURAL
LAND CONSERVATION CONTRACT
(WILLIAMSON ACT CONTRACT NO. 2068)
(RLCC No. 1049)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 2068 was entered into between Giffen, Inc., a corporation and the County of Fresno, recorded February 26, 1970, as Instrument Number 14025, Book 5765, Pages 252 through 253 in the Official Records of Fresno County, California, and succeeded to by Michael Dresick, Trustee of the Ann Dresick Family Trust, more commonly referred to as ALCC No. 2068; and

WHEREAS the current land owner, Michael Dresick, Trustee of the Ann Dresick Family Trust has submitted a petition to the Board of Supervisors to remove a 160-acre parcel subject to the Williamson Act Contract in conjunction with Unclassified Conditional Use Permit (UCUP) No. 3734 to allow creation of a battery energy storage facility; and

WHEREAS, the application for UCUP No. 3734 was heard by the Fresno County Planning Commission (Commission) on October 10, 2024, and was approved, a decision which is final unless appealed; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on May 8, 2024, 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

1 WHEREAS, the Board of Supervisors ("Board") considered the cancellation petition at
2 a public hearing held on November 5, 2024, and at the conclusion of the public hearing
3 approved the cancellation petition based on its ability to make all the five required Findings
4 listed under Section 51282(b) of the Government Code as follows:

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

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

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

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

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

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

20 WHEREAS, this Board has certified the Cancellation Fee to be in the amount of
21 \$1,978,000.00; and

22 NOW, THEREFORE BE IT RESOLVED, that the Board hereby finds that all of the
23 five Findings listed under Section 51282(b) of the Government Code can be made for this
24 partial cancellation of said Contract as to a 160-acre parcel known as APN 085-040-58S
25 subject to ALCC No. 2068; and

26 BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is
27 hereby approved for a 160-acre portion of ALCC No. 2068 as described on the attached legal
28 description (Exhibit "A"), subject to the following conditions:

1 1. The Applicants shall pay the Cancellation Fee in the amount of \$1,978,000.00, as
2 determined by the County Assessor and certified by the Board for issuance of a
3 Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a
4 Certificate of Cancellation issued by the Board and recorded, prior to issuance of
5 any grading or building permit for the battery energy storage facility. If the
6 Cancellation Fee is not paid within one year of issuance of the Certificate of
7 Tentative of Cancellation, the Cancellation Fee is subject to being re-computed by
8 the Assessor's Office and re-certified by the Board.

9 BE IT FURTHER RESOLVED, that the Chair of the Board of Supervisors is
10 authorized to execute a Certificate of Tentative Cancellation, and upon satisfaction of
11 Conditions of Approval stated in the Certificate of Tentative Cancellation, to execute a
12 Certificate of Cancellation for the 160-acre portion of ALCC No. 2068

13 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board
14 of Supervisors of the County of Fresno this 5th day of November, 2024, to-wit:

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

16 NOES: None

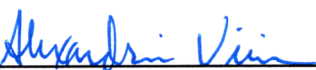
17 ABSENT: None

18 ABSTAINED: None



Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

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

25 BY 
26 Deputy

ACKNOWLEDGMENT

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 11/05/2024 before me, Siphanarene Lonh, Notary Public
(insert name and title of the officer)

personally appeared Nathan Floyd Magsig,
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



(Seal)



Exhibit "A"

APN 085-040-58 LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

THE NORTHEAST QUARTER OF FRACTIONAL SECTION 4, TOWNSHIP 21 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION DEEDED TO PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION BY GRANT DEED RECORDED FEBRUARY 5, 2014, FILE NO. 2014-0015777, OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

THE EASTERLY 376.00 FEET OF THE WESTERLY 659.08 FEET OF THE NORTHERLY 405.00 FEET OF THE NORTHEAST ONE-QUARTER OF SAID FRACTIONAL SECTION 4.

EXCEPTING THEREFROM THE NORTHERLY 55.00 FEET THEREOF.

ALSO EXCEPTING THEREFROM ONE-HALF OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES SITUATED IN AND UNDER SAID LAND, AS RESERVED IN THE DEED FROM GRETCHEN DE LESPINASSE, FORMERLY MARGARETHE SUMPF TO GIFFEN, INC., A CALIFORNIA CORPORATION, DATED OCTOBER 17, 1969, RECORDED DECEMBER 17, 1969 AS DOCUMENT NO. 95332.

ALSO EXCEPTING THEREFROM ALL REMAINING OIL, GAS AND MINERALS AS RESERVED IN THE DEED FROM GIFFEN, INC. TO MORGAN MCCOLLOUGH, DATED MAY 30, 1974, RECORDED AUGUST 5, 1974 IN BOOK 6331 PAGE 186 OF OFFICIAL RECORDS, DOCUMENT NO. 58530.

CONTAINING 160 ACRES, MORE OR LESS.



DANIEL DRUMMOND L.S. 6333

MAY 11, 2023

DATED

