

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

**RESOLUTION OF INTENTION
TO LEVY BENEFIT ASSESSMENT FOR ROAD MAINTENANCE COSTS
ON REAL PROPERTY IN COUNTY SERVICE AREA NO. 35, ZONE "AJ"**

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 8160, which condition is required by Ordinance Code section 17.72.368, a developer-landowner has requested a boundary change for CSA 35-AJ to include the two parcels described by Tentative Parcel Map 8160; 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 assessment; and

1 WHEREAS, territory in addition to Tentative Parcel Map 8160 and in addition to that
2 within the current boundaries of CSA 35-AJ, which additional territory is generally identified by
3 Assessor's Parcel Numbers (APN) 580-010-11S, 580-010-12S, 580-010-14S, 580-010-15, 580-
4 010-18S, 580-010-22, and 580-010-24, and more particularly identified by the map and
5 description attached as Exhibit A to this resolution, located west of Auberry Road, and adjacent
6 to the current boundaries of CSA 35-AJ, also receives a special benefit from the maintenance of
7 East Reno Avenue and must be included in the properties subject to benefit assessment for
8 those services; and

9 WHEREAS, for the reasons stated above, a boundary change for CSA 35-AJ is
10 proposed under Article 8 of the County Service Area Law and to that end the Board is also, by
11 separate resolution today, declaring its intention to change the boundaries of CSA 35-AJ; and

12 WHEREAS, after the proposed boundary change, CSA 35-AJ would include the existing
13 territory of CSA 35-AJ, as well as the territory covered by Tentative Parcel Map 8160 and the
14 territory generally identified by APNs 580-010-11S, 580-010-12S, 580-010-14S, 580-010-15,
15 580-010-18S, 580-010-22, and 580-010-24 and more particularly identified by the map and
16 description attached as Exhibit A to this resolution; and

17 WHEREAS, a map and description of CSA 35-AJ with boundaries changed as proposed
18 is attached as Exhibit A to this resolution; and

19 WHEREAS, by separate resolution of the Board today the proposed boundary change
20 proceeding has been designated as CSA 35-AJ Boundary Change No. 3; and

21 WHEREAS, under Government Code section 25217.1, subdivision (d), before the Board
22 may finally approve CSA 35-AJ Boundary Change No. 3, a new benefit assessment to pay for
23 road maintenance services in CSA 35-AJ with boundaries changed as proposed must be
24 approved by owners of specially benefitted properties as required by Proposition 218 (California
25 Constitution, Article XIII D, section 4); and

26 WHEREAS, under Government Code section 25215.3, the Board may levy benefit
27 assessments in a county service area zone under the Benefit Assessment Act of 1982, Chapter
28 6.4 of Part 1 of Division 2 of Title 5 of the Government Code, beginning with section 54703

(1982 Act), and in compliance with Article XIII D, section 4, of the California Constitution to pay for the cost of road maintenance services.

NOW, THEREFORE, BE IT RESOLVED:

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

Section 2. The Board hereby appoints and designates Hal Lore, PE – Lore Engineering, Inc. as the assessment engineer (Assessment Engineer).

Section 3. The Assessment Engineer is hereby authorized and directed to make and, no later than Wednesday, May 15, 2019, file with the Clerk to the Board a written report regarding a benefit assessment to fund road maintenance services in CSA 35-AJ (collectively, Engineer's Report). The Engineer's Report shall comply with the requirements of Government Code sections 54711 and 54716 of the 1982 Act, and with Article XIII D, section 4, of the California Constitution.

Section 4. A public meeting is hereby set for **June 17, 2019, at 6:00 P.M.** or as soon after as practicable, at the **Woodward Park Regional Library, 944 East Perrin Avenue, Fresno, California 93720**, for the public to give testimony concerning the proposed benefit assessment (collectively, Public Meeting). The Public Meeting may be continued from time to time by the County official conducting the Public Meeting without further notice by the Board, but in any event not later than eight days before the date set for the Public Hearing described in section 5 below.

Section 5. A public hearing of the Board is hereby set for **July 9, 2019, at 9:00 A.M., or as soon after as practicable, but in any case only after completion of the public hearing on CSA 35-AJ Boundary Change No. 3, and only if there is no majority protest in that boundary change hearing, in the meeting chambers of the Board, Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California, 93721**, for hearing all objections and protests to the proposed benefit assessment as set forth in the Engineer's Report (collectively, Public Hearing). The Public Hearing shall be held under Section 53753 of the California Government Code. The Public Hearing may be continued from time to time by the Board without further notice by the Board.

1 **Section 6.** The Board hereby authorizes and directs the Director of Public Works
2 and Planning (Director) or his designees, to prepare the assessment ballots, assessment ballot
3 instructions, materials for the change, withdrawal, or substitution of assessment ballots,
4 including substitute assessment ballots and substitute assessment ballot instructions, any
5 materials for co-owner assessment ballots and co-owner assessment ballots, and any other
6 forms and materials, as the Director or his designees deem necessary or appropriate, with
7 respect to the submission of assessment ballots by record property owners of the property in
8 CSA 35-AJ with boundaries changed as proposed, under Section 53753 of the California
9 Government Code.

10 **Section 7.** The Board hereby authorizes the Director or his designee to prepare a
11 joint notice of the Public Meeting and the Public Hearing (Joint Notices). Each of the Joint
12 Notices shall include the following: (a) the total amount of the proposed assessment chargeable
13 to the entire territory to be assessed, together with the proposed assessment formula or range;
14 (b) the amount chargeable to the record owner's parcel; (c) the duration, method and frequency
15 of the proposed assessment; (d) the reason for the assessment and basis upon which the
16 amount of the assessment was calculated; (e) the date, time, and place of the Public meeting;
17 and (f) the date, time, and place of the Public Hearing; (g) the contact information of an
18 individual, office, or organization that interested persons may contact to receive additional
19 information; (h) the address to which property owners may mail or deliver assessment ballots; (i)
20 an assessment ballot; (j) a summary of the procedures for the completion, return, and tabulation
21 of the assessment ballot; and (k) a statement that a finding of majority protest will cause the
22 assessment to be abandoned, and cause CSA 35-AJ Boundary Change No. 3 to be terminated.
23 Envelopes containing the Joint Notices must be labeled, in no smaller than 16-point bold type,
24 "OFFICIAL BALLOT ENCLOSED." The Director or his designee shall deliver the Joint Notices to
25 the Clerk of the Board no later than Monday, May 20, 2019.

26 **Section 8.** The Board hereby authorizes and directs the Clerk of the Board to sign
27 and mail, upon filing of the Engineer's Report and no later than Tuesday, May 21, 2019 the Joint
28 Notices to the record owners of the property to be assessed in CSA 35-AJ with boundaries

1 changed as proposed. Upon the Clerk of the Board's completion of the mailing of the Joint
2 Notices (each of which shall contain an assessment ballot and assessment ballot instructions as
3 described in section 6 of this resolution), the Clerk of the Board is hereby directed to file with the
4 Board an affidavit setting forth the time and manner of compliance with the requirements of this
5 section 8 for mailing the Joint Notices.

6 **Section 9.** In order for an assessment ballot to be counted, it must be properly
7 executed and must be delivered as follows: (i) by U.S. Mail so that it is received by the Clerk of
8 the Board no later than the date and time set for the Public Hearing; or (ii) otherwise delivered to
9 the Clerk of the Board no later than the date and time set for the Public Hearing; or (iii) delivered
10 at the Public Hearing, before the close of public testimony. If mailing or otherwise delivering
11 before the Public Hearing, the address for receipt shall be **Clerk of the Board of Supervisors,**
12 **2281 Tulare Street, Room 301, Fresno, CA 93721.** Assessment ballots are to remain
13 unopened and in the charge of the Clerk to the Board until they are opened and tabulated by the
14 Board's designated officials, after the conclusion of public testimony at the Public Hearing.
15 Assessment ballots may be withdrawn or changed at any time prior to the conclusion of the
16 Public Hearing.

17 **Section 10.** The Director of Public Works and Planning, and his designees, who may
18 be any employees of the County's Department of Public Works and Planning which he appoints,
19 are hereby designated and authorized to tabulate the assessment ballots (including substitute
20 assessment ballots and co-owner assessment ballots) submitted, and not withdrawn, in support
21 of or opposition to the assessment referred to in this resolution. Each of those persons may, in
22 their discretion appoint assistants, including, but not limited to, any employees of the County
23 Administrative Office, including further any employees of the Office of the Clerk of the Board, to
24 help tabulate the assessment ballots (including substitute assessment ballots and co-owner
25 assessment ballots). The Board hereby finds and determines that each of the persons
26 described in this Section 10 is an impartial person who does not have a vested interest in the
27 outcome of the assessment.

1 **Section 11.** The Board hereby finds and determines that it took all of the foregoing
2 actions and made all of the foregoing findings in full compliance with the law, including, without
3 limitation, the 1982 Act, the Proposition 218 Omnibus Implementation Act, and Article XIII D of
4 the California Constitution and any other law referred to in this resolution.

5 **Section 12.** This Resolution shall take effect immediately upon its adoption.

6 THE FOREGOING, was passed and adopted by the following vote of the Board of
7 Supervisors of the County of Fresno this 14th day of May, 2019, to wit:

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

9 NOES: None

10 ABSENT: None

11 ABSTAINED: None

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

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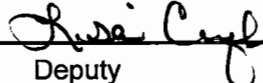
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19 ATTEST:
20 Bernice E. Seidel
21 Clerk of the Board of Supervisors
22 County of Fresno, State of California

23

24 By: 
25 Deputy

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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

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

NW COR.
SEC. 6-12/21

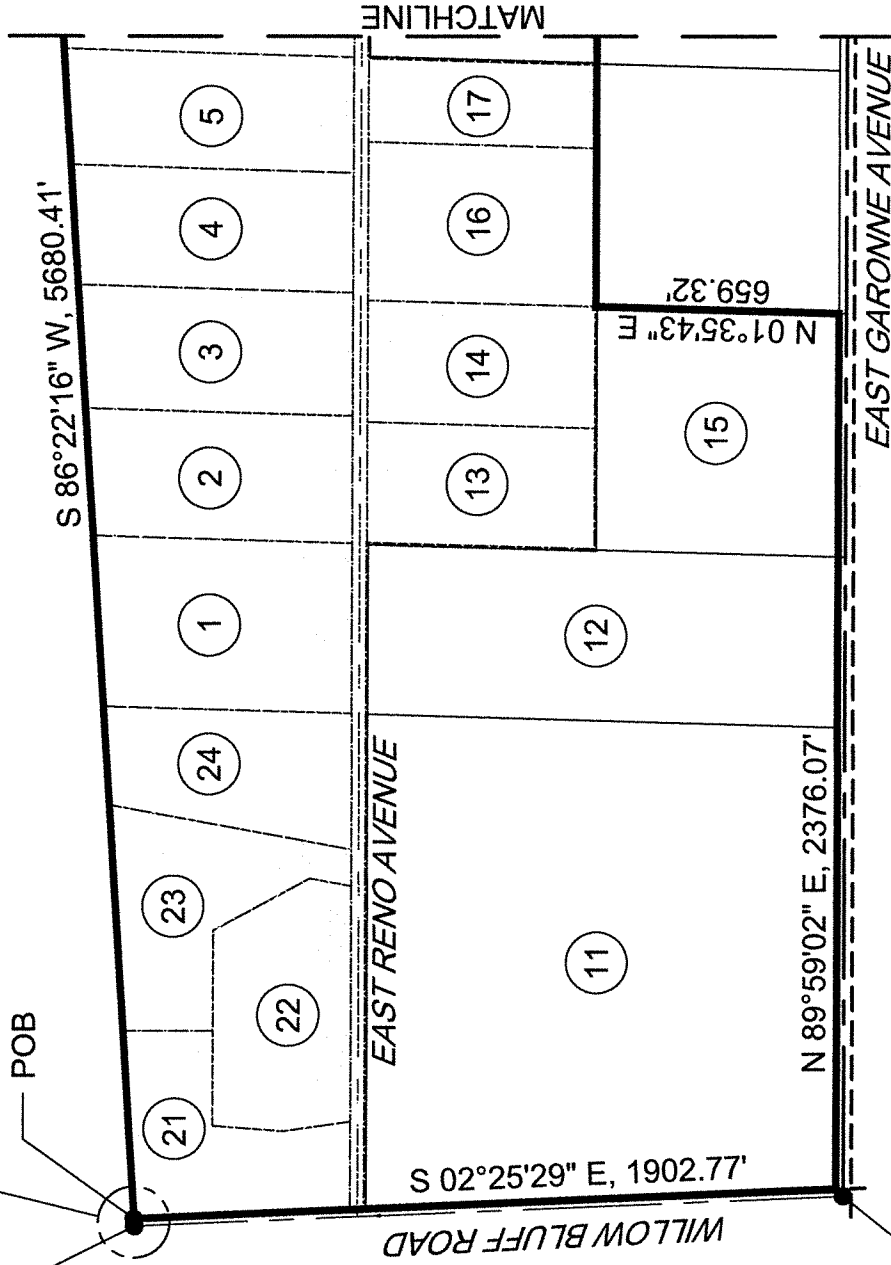
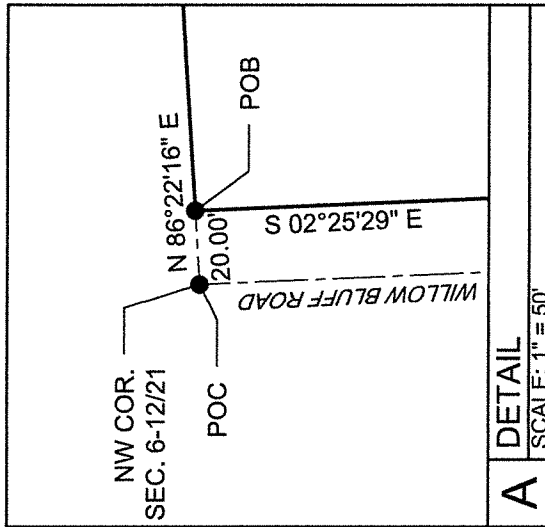


EXHIBIT "A"

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

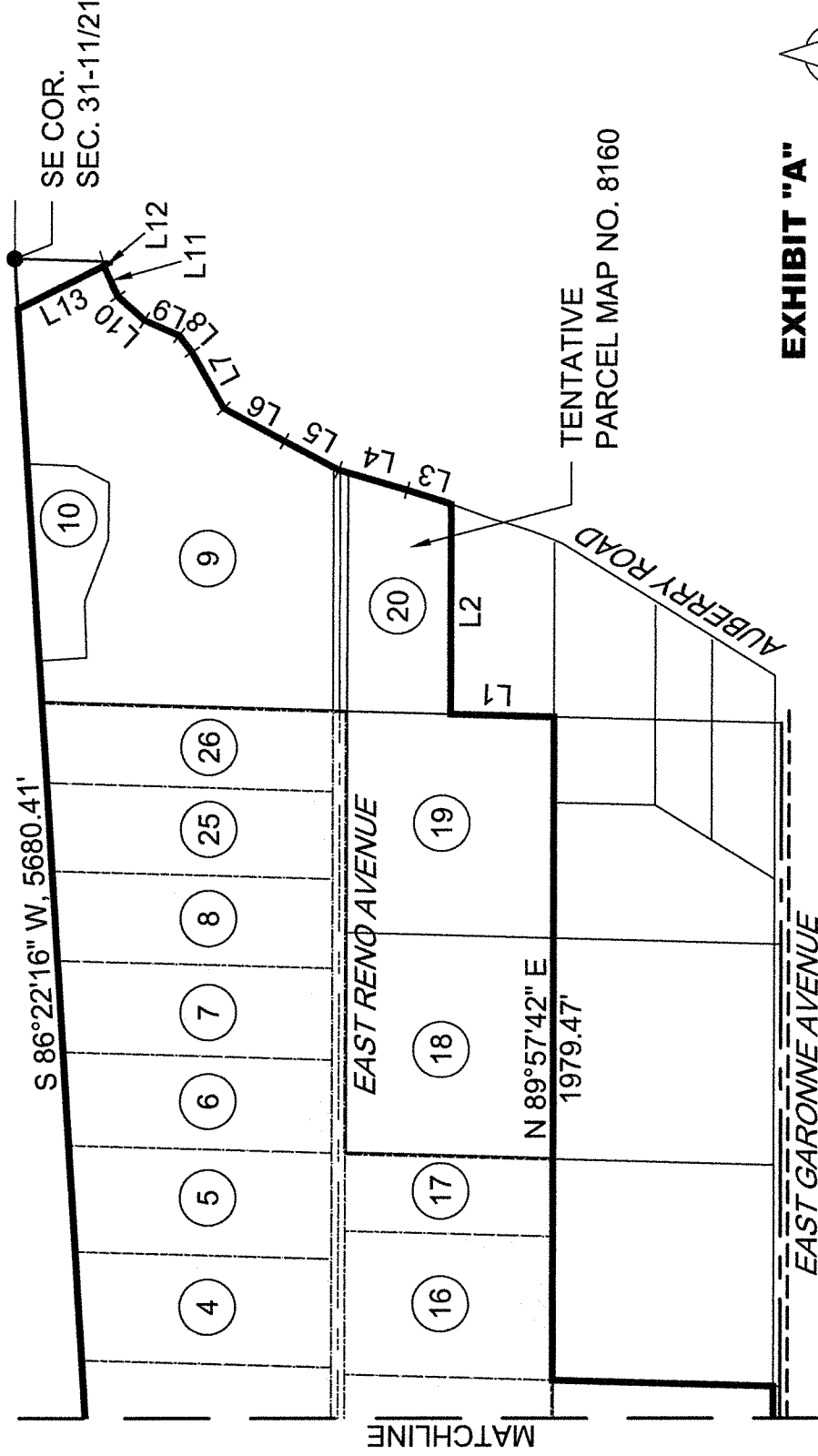
DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP
ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED".



		DEPARTMENT OF PUBLIC WORKS AND PLANNING COUNTY SERVICE AREA 35 ZONE AJ BOUNDARY CHANGE NO. 3 CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 - BOUNDARY MAP PROJECT NO: XP8160 SHEET NO. 1 OF 3	
NAME:	DATE:	SCALE	
DRAWN: J.D.	07/18/16	0 500 1000 (IN FEET)	
CHECKED: M.R.	02/26/19		

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

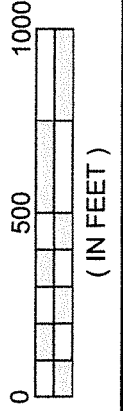
NOTE:
SEE SHEET 3 FOR LEGEND, LINE
DATA INDEX, AND PARCEL
IDENTIFICATION KEY



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SCALE



DEPARTMENT OF PUBLIC WORKS AND PLANNING

COUNTY SERVICE AREA 35

ZONE AJ BOUNDARY CHANGE NO. 3

CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 - BOUNDARY MAP

PROJECT NO: XP8160

SHEET NO. 2 OF 3

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. 8160
▨	EXISTING CSA 35 ZONE AJ BOUNDARY
□	CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 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"

		DEPARTMENT OF PUBLIC WORKS AND PLANNING	
		COUNTY SERVICE AREA 35 ZONE AJ BOUNDARY CHANGE NO. 3 CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 - BOUNDARY MAP	
NAME:	DATE:	SCALE:	NONE
DRAWN: J.D.	02/26/19		
CHECKED: M.R.	02/26/19		
		PROJECT NO: XP8160	
		SHEET NO. 3 OF 3	

EXHIBIT A

Boundary Description for County Service Area 35 Zone AJ Annexation No. 3

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° 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° 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° 59' 02" East, a distance of 2376.07 feet; thence,
- 3) North 01° 35' 43" East, a distance of 659.32 feet; thence,
- 4) North 89° 57' 42" East, a distance of 1979.47 feet; thence,
- 5) North 01° 33' 15" East, a distance of 308.00 feet; thence,
- 6) South 89° 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° 39' 38" East, a distance of 137.20 feet; thence,
- 8) North 16° 26' 41" East, a distance of 213.52 feet; thence,
- 9) North 27° 46' 01" East, a distance of 183.29 feet; thence,
- 10) North 28° 19' 37" East, a distance of 205.22 feet; thence,
- 11) North 60° 14' 10" East, a distance of 193.31 feet; thence,
- 12) North 51° 55' 44" East, a distance of 62.43 feet; thence,
- 13) North 23° 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.