

24-1236

Recording Requested by Fresno County Board of Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Stop # 214
RLCC No. 1052
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. 162
(RLCC No. 1052)

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

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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.
162 (RLCC No. 1052)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 162 was entered into between Glenn Burns and Eva M. Burns and the County of Fresno, recorded February 29, 1968, as Instrument Number 14785 in the Official Records of Fresno County, California, and succeeded to by James Albert Heisdorf, more commonly referred to as ALCC No. 162; and

WHEREAS, James Albert Heisdorf, (the "Applicant"), has submitted a petition to the Board of Supervisors ("Board") to remove a 60-acre portion of a 123-acre parcel subject to ALCC No. 162 to allow creation of three 20-acre parcels for residential use; and

WHEREAS, the Board considered the partial cancellation petition at a public hearing held on January 28, 2025, 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. That the cancellation is for land on which a Notice of Nonrenewal has been recorded pursuant to Section 51245 of the Government Code; and
2. That the cancellation is not likely to result in the removal of adjacent lands from agricultural use; and
3. That the cancellation is for an alternative use that is consistent with the policies of the County General Plan; and

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

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

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

10 WHEREAS, this Board has certified the Cancellation Fee to be in the amount of
11 \$56,250.00; and

12 NOW, THEREFORE BE IT RESOLVED, that the Board hereby finds that all of the
13 five Findings listed under Section 51282(b) of the Government Code can be, and are hereby,
14 made for this partial cancellation of ALCC No. 162 as to a 60-acre portion of the 123-acre
15 parcel known as APN 138-061-16 subject to ALCC No. 162; and

16 BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is
17 hereby approved for a 60-acre portion of ALCC No. 162 as described on the attached legal
18 description (Exhibit "A"), subject to the following condition:

19 The Applicant shall pay the Cancellation Fee in the amount of \$56,250.00, as
20 determined by the County Assessor and certified by the Board for issuance of a Certificate of
21 Cancellation by the Board. The Cancellation Fee shall be paid, and a Certificate of
22 Cancellation issued and recorded prior to approval of the Parcel Map to create the three
23 proposed 20-acre parcels. If the Cancellation Fee is not paid within one year of issuance of
24 the Certificate of Tentative Cancellation, the Cancellation Fee must be re-computed by the
25 Assessor's Office and re-certified by the Board.

26 BE IT FURTHER RESOLVED, that the Chair of the Board is authorized to execute a
27 Certificate of Tentative Cancellation, and upon satisfaction of Conditions of Approval stated in
28

1 the Certificate of Tentative Cancellation, to execute a Certificate of Partial Cancellation for
2 the 60-acre portion of ALCC No. 162

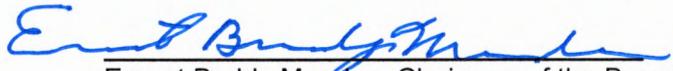
3 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board
4 of Supervisors of the County of Fresno this 28th day of January, 2025, to-wit:

5 AYES: Supervisors Bredefeld, Chavez, Magsig, Mendes, Pacheco

6 NOES: None

7 ABSENT: None

8 ABSTAINED: None

9 

10 Ernest Buddy Mendes, Chairman of the Board of
Supervisors of the County of Fresno

11 ATTEST:

12 Bernice E. Seidel
13 Clerk of the Board of Supervisors
County of Fresno, State of California

14
15 BY 
16 Deputy

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EXHIBIT "A"
LEGAL DESCRIPTION

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

THE EAST ONE-HALF OF THE EAST ONE-HALF, LYING NORTH OF THE CENTERLINE OF MILLERTON ROAD,
OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN.

A.P.N. 138-061-16

EXCEPTING THEREFROM THE NORTH 2,455.4 FEET THEREOF.

CONSISTING OF 60 ACRES mpore or less



A handwritten signature in blue ink, appearing to be "Dale G. Mell", written over the seal.

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)

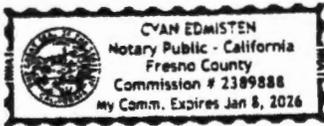
On 01/28/2025 before me, Cyan Edmisten, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Ernest Buddy Mendes
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: _____