

Recording Requested by Fresno County Board of Supervisors

When recorded return to  
Fresno County  
Department of Public Works and Planning  
Development Services and Capital Projects Division  
Stop # 214  
RLCC No. 1020  
Attention Policy Planning Unit,  
Derek Chambers

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

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RESOLUTION APPROVING RESCISSION OF AGRICULTURAL LAND  
CONSERVATION CONTRACT NOS. 365 AND 1835 AND 1945 AND 1946  
AND 4210 AND 4215 AND SIMULTANEOUS ENTRY INTO NEW  
AGRICULTURAL LAND CONSERVATION CONTRACT NOS. 8340 AND  
8341  
(RLCC NO. 1020)

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

1 Recording Requested By &  
 2 When Recorded Return To:  
 3 Stop #214, Development  
 4 Services and Capital Projects Division,  
 5 Policy Planning Unit, Attention:  
 6 Derek Chambers

7 BEFORE THE BOARD OF SUPERVISORS  
 8 OF THE COUNTY OF FRESNO  
 9 STATE OF CALIFORNIA

10  
 11 IN THE MATTER OF  
 12 AGRICULTURAL LAND  
 13 CONSERVATION CONTRACT

RESOLUTION AUTHORIZING  
 RESCISSION OF AGRICULTURAL LAND  
 CONSERVATION CONTRACT (ALCC) NOS.  
 365, 1835, 1945, 1946, 4210 AND 4215 AND  
 ENTRY INTO NEW ALCC NOS. 8340 AND  
 8341

14 WHEREAS, Agricultural Land Conservation Contract (ALCC) Number 365 was entered  
 15 into between the County of Fresno and Giffen, Inc., a California Corporation, and succeeded to  
 16 by Rusty Rose, LLC, a California Limited Liability Company, and Gonye Family Farms, LLC, a  
 17 California Limited Liability Company, hereafter referred to as "Owner", and recorded February  
 18 27, 1969 as Instrument Number 13853, Book 5665, Pages 150 through 177 in the Official  
 19 Records of Fresno County, California; and ALCC Number 1835 was entered into between the  
 20 County of Fresno and Giffen, Inc., a California Corporation, and succeeded to by Gonye Family  
 21 Farms, LLC, a California Limited Liability Company, hereafter referred to as "Owner", and  
 22 recorded February 26, 1970 as Instrument Number 13953, Book 5765, Pages 53 through 54 in  
 23 the Official Records of Fresno County, California; and ALCC Number 1945 was entered into  
 24 between the County of Fresno and Burnell G. Forgey, and succeeded to by Rusty Rose, LLC,  
 25 a California Limited Liability Company, and Gonye Family Farms, LLC, a California Limited  
 26 Liability Company, hereafter referred to as "Owner", and recorded February 26, 1970 as  
 27 Instrument Number 13855, Book 5764, Pages 744 through 748 in the Official Records of  
 28 Fresno County, California; and ALCC Number 1946 was entered into between the County of

1 Fresno and Greta Forgey, and succeeded to by Rusty Rose, LLC, a California Limited Liability  
2 Company, and Gonye Family Farms, LLC, a California Limited Liability Company, hereafter  
3 referred to as "Owner", and recorded February 26, 1970 as Instrument Number 13854, Book  
4 5764, Pages 739 through 743 in the Official Records of Fresno County, California; and ALCC  
5 Number 4210 was entered into between the County of Fresno and Texaco, Inc., a Delaware  
6 Corporation, and succeeded to by Gonye Family Farms, LLC, a California Limited Liability  
7 Company, hereafter referred to as "Owner", and recorded February 26, 1971 as Instrument  
8 Number 15972, Book 5869, Pages 655 through 656 in the Official Records of Fresno County,  
9 California; and ALCC Number 4215 was entered into between the County of Fresno and Ethel  
10 Gottstein and Mollie Gottstein Sable, and succeeded to by Gonye Family Farms, LLC, a  
11 California Limited Liability Company, hereafter referred to as "Owner", and recorded February  
12 25, 1971 as Instrument Number 15008, Book 5867, Pages 926 through 928 in the Official  
13 Records of Fresno County, California; and

14 WHEREAS, Owners proposed Property Line Adjustment (PLA 20-37) to merge a total  
15 of 16 contracted parcels resulting in an adjusted 189.54-acre parcel and an adjusted 302.13-  
16 acre parcel. The rescission of existing Agricultural Land Conservation Contract Numbers 365,  
17 1835, 1945, 1946, 4210 and 4215 and simultaneous execution of new Agricultural Land  
18 Conservation Contract Numbers 8340 and 8341 is required to ensure the new contracts reflect  
19 the acreage of adjusted parcels; and

20 WHEREAS, California Government Code Section 51257 provides a process where  
21 parties may upon their mutual agreement rescind a contract in order to simultaneously enter  
22 into a new contract which would enforceably restrict the same property for an initial term at  
23 least as long as the unexpired term of the contract being so rescinded but no less than 10  
24 years, provided that the Board of Supervisors can make each of the seven (7) findings  
25 specified in said Section 51257; and

26 WHEREAS, this rescission and re-entry would result in rescission of existing  
27 Agricultural Land Conservation Contract Numbers 365, 1835, 1945, 1946, 4210 and 4215 and  
28 simultaneous entry into new Agricultural Land Conservation Contract Numbers 8340 and 8341.

1           NOW, THEREFORE IT IS HEREBY RESOLVED that the Board of Supervisors of the  
2 County of Fresno makes the following findings:

- 3           1. The new contracts would enforceably restrict the adjusted boundaries of the parcels for  
4           an initial term for at least as long as the unexpired term of the rescinded contracts, but  
5           for not less than 10 years.
- 6           2. There is no net decrease in the amount of the acreage restricted. (In cases where two  
7           parcels involved in a lot line adjustment are both subject to contracts rescinded  
8           pursuant to this section, this finding will be satisfied if the aggregate acreage of the land  
9           restricted by the new contracts is at least as great as the aggregate acreage restricted  
10          by the rescinded contracts.)
- 11          3. At least 90 percent of the land under the former contracts remains under the new  
12          contracts.
- 13          4. After the lot line adjustment, the parcels of land subject to contract will be large enough  
14          to sustain their agricultural use.
- 15          5. The lot line adjustment would not compromise the long-term agricultural productivity of  
16          the parcels or other agricultural lands subject to contract.
- 17          6. The lot line adjustment is not likely to result in the removal of adjacent land from  
18          agricultural use.
- 19          7. The lot line adjustment does not result in a greater number of developable parcels than  
20          existed prior to the adjustment, or an adjusted parcel that is inconsistent with the  
21          General Plan.

22           IT IS FURTHER RESOLVED that the Board of Supervisors of the County of Fresno,  
23 hereby approves rescission of Agricultural Land Conservation Contract Numbers 365, 1835,  
24 1945, 1946, 4210 and 4215, and the simultaneous entry into two new Agricultural Land  
25 Conservation Contract Numbers 8340 and 8341, based on its ability to make the seven  
26 findings required under Government Code Section 51257 and listed above, and authorizes the  
27 Chairman to execute said new contracts. The Clerk of the Board of Supervisors shall cause a  
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1 certified copy of this resolution to be recorded together with the executed Contracts in the  
2 Office of the County Recorder for the County of Fresno.

3 THE FOREGOING, was passed and adopted by the following vote of the Board of  
4 Supervisors of the County of Fresno this 16th day of November, 2021, to wit:

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

6 NOES: None


7 ABSENT: None

8 ABSTAINED: None

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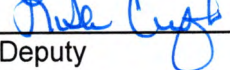
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Steve Brandau, Chairman of the  
Board of Supervisors of the County of Fresno

12

13 **ATTEST:**  
Bernice E. Seidel  
Clerk of the Board of Supervisors  
14 County of Fresno, State of California

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16 By   
Deputy

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# 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 November 17, 2021 before me, Lisa K. Craft, Notary Public  
(insert name and title of the officer)

personally appeared Steve Brandon,  
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 Lisa K. Craft (Seal)

