



1           WHEREAS, the Engineer's Report contains a full and detailed description of the improvements,  
2 the boundaries of the Assessment District, and the proposed assessments upon assessable lots and  
3 parcels of land within the Assessment District; and

4           WHEREAS, the Engineer's Report is on file with the Clerk of the Board; and

5           WHEREAS, before adopting this Resolution, the Board considered all testimony and  
6 documentary evidence, and gave all persons a full and fair opportunity to be heard with respect to any  
7 matter relating to the subject of this Resolution, both in favor and against it, and any matter relevant to  
8 these proceedings, all of which was done in the interest of the public, and the Board is fully informed of  
9 all matters referred to in this resolution.

10           NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DOES  
11 HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

12           **Section 1.**    The above recitals are all true and correct.

13           **Section 2.**    The Board hereby declares its intention to levy and collect an assessment in the  
14 Assessment District, under Chapter 3 of the Landscaping and Lighting Act of 1972, for street lighting  
15 services, open space maintenance, and public right-of-way landscape maintenance for the 2022-23  
16 fiscal year. The assessment is not proposed to increase from the previous year, under the definition of  
17 "increase" provided by Streets and Highways Code section 22630.5, Government Code section  
18 54954.6, subdivision (a)(1)(D), and Government Code section 53750, subdivision (h)(1), because it  
19 does not increase any applicable rate used to calculate the assessment, revise the methodology by  
20 which the assessment is calculated, or result in an assessment being levied on any person or parcel  
21 that exceeds what was approved in the Proposition 218 proceeding in 2017, but applies the inflation  
22 increases approved by the Board in Resolution 17-544, and for those reasons is not subject to the  
23 special notice, protest, hearing, and assessment balloting procedures under Government Code section  
24 53753.

25           **Section 3.**    A public hearing of the Board is hereby set for **June 7, 2022, at 9:30 A.M.**, or as  
26 soon after as practicable, in the Board Room of the Fresno County Board of Supervisors, Room 301,  
27 Hall of Records, 2281 Tulare Street, Fresno, California, 93721, for hearing all objections and protests to  
28 the annual assessment, the amount assessed against each parcel, and related matters as set forth in

1 the Engineer's Report (collectively, Public Hearing). The Public Hearing shall be held under Sections  
2 22629 through 22631 of the California Streets and Highways Code. The Public Hearing may be  
3 continued from time to time by the Board without further notice, except that it may not be continued to a  
4 date after August 10, 2022, without prior consent of the County Auditor-Controller/Treasurer-Tax  
5 Collector.

6 **Section 4** The Board hereby authorizes and directs the Clerk of the Board to cause notice  
7 of the filing of the Engineer's report, and of the time, date, and place of the Public Hearing to be  
8 published under Government Code section 6061, one time, at least 10 days before the Public Hearing,  
9 as required by Streets and Highways Code sections 22552 and 22553. The publication required by this  
10 Section 4 of this resolution shall include all the information in this resolution.

11 **Section 5.** Property owners wishing to preserve the opportunity to file a lawsuit challenging  
12 the assessment, if levied, must file a written protest and state therein the specific grounds of protest.  
13 Any grounds of protest not stated in a written protest filed prior to the close of the public hearing of  
14 protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

15 **Section 6.** The validity of the assessment announced by the Board of Supervisors shall not  
16 be contested in any action or proceeding unless the action or proceeding is commenced within thirty  
17 days after the assessment is announced and adopted (Fresno County Ordinance Code section  
18 4.28.040).

19 **Section 7.** The Board hereby finds and determines that it took all of the foregoing actions  
20 and made all of the foregoing findings in full compliance with the law, including, without limitation,  
21 Landscaping and Lighting Act of 1972, Article XIII D of the California Constitution, and any other law  
22 referred to in this resolution. All proceedings referred to in this resolution have been taken with respect  
23 to the Assessment District for CSA 34D.

24 **Section 8.** This Resolution shall take effect immediately upon its adoption.

25 **Section 9.** The Clerk of the Board shall certify to the adoption of this Resolution and shall  
26 cause a certified copy of this Resolution to be filed in the office of the Clerk.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors  
2 of the County of Fresno this 17th day of May, 2022, to-wit:

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

4 NOES: None

5 ABSENT: None

6 ABSTAINED: None

7  
8 

9 Brian Pacheco, Chairman of the Board  
of Supervisors of the County of Fresno

10 **ATTEST:**  
11 Bernice E. Seidel  
12 Clerk of the Board of Supervisors  
County of Fresno, State of California

13 By   
14 Deputy

## COUNTY SERVICE AREA No. 34 Zone D

### SUBDIVISION MAP OF TRACT NO. 4968 IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

#### OUTLOT DESIGNATIONS

NAME	DESCRIPTION	AREA (AC)
OUTLOT "A"	OPEN SPACE	8.04
OUTLOT "B"	NET LANDS, CREEK AND BASIN	0.18
OUTLOT "C"	CULTURAL PRESERVE	0.18
OUTLOT "D"	CULTURAL PRESERVE	0.14
OUTLOT "E"	LANDSCAPE	0.24
OUTLOT "F"	LANDSCAPE	0.11

#### THIS PROPERTY IS SUBJECT TO THE FOLLOWING CONDITIONS

- RIGHTS, RESERVATIONS AND EXCEPTIONS IN THE PATENT RECORDED SEPTEMBER 16, 1892 IN BOOK Q, PAGE 5 AND NOVEMBER 16, 1892 IN BOOK S, PAGE 317, BOTH OF PATENTS.
- AN EASEMENT FOR POLES AND WIRES FOR A TELEPHONE LINE AND INCIDENTAL PURPOSES, RECORDED JULY 30, 1907 IN BOOK 382 OF DEEDS, PAGE 82, IN FAVOR OF SAN JOAQUIN LIGHT & POWER CORPORATION. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- AN EASEMENT FOR PUBLIC UTILITIES WITH THE RIGHT OF INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED JULY 30, 1907 IN BOOK 382 OF DEEDS, PAGE 82, IN FAVOR OF SAN JOAQUIN LIGHT & POWER CORPORATION. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- AN EASEMENT FOR POLE LINES AND/OR UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 11, 1991 AS INSTRUMENT NO. 87-151908 OF OFFICIAL RECORDS. THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT" RECORDED DECEMBER 11, 1991 AS INSTRUMENT NO. 87-151908 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSULTING AGREEMENT EXECUTED BY AND BETWEEN A. BEN EWELL, JR. AND SIV VENTURES, INC. A CALIFORNIA CORPORATION AND BDC DEVELOPMENT CORPORATION, A CALIFORNIA CORPORATION, RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185586 OF OFFICIAL RECORDS. THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, ASSIGNMENT OF AGREEMENT, EXECUTED BY AND BETWEEN A. BEN EWELL, JR. AND SIV VENTURES, INC., A CALIFORNIA CORPORATION AND BDC DEVELOPMENT CORPORATION, RECORDED JANUARY 18, 1999 AS INSTRUMENT NO. 98-000019 OF OFFICIAL RECORDS. THE INTEREST OF A. BEN EWELL, JR., WAS ASSIGNED TO THE SUBDIVISION COMPANY, INC., A CALIFORNIA CORPORATION.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, CONSULTING AGREEMENT, EXECUTED BY AND BETWEEN A. BEN EWELL, JR. AND SIV VENTURES, INC., RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185589 OF OFFICIAL RECORDS. THE INTEREST OF SIV AND BDC WAS ASSIGNED TO WESTCAL, INC., A CALIFORNIA CORPORATION.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, MEMORANDUM OF AGREEMENT, EXECUTED BY AND BETWEEN SIV VENTURES AND WESTCAL, INC., RECORDED MARCH 22, 2012 AS INSTRUMENT NO. 2012-0040927 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED SETTLEMENT AGREEMENT (INCLUDING COVENANTS RUNNING WITH THE LAND) BETWEEN WESTCAL, INC. AND SIV VENTURES, INC., CHRISTOPHER J. NOVA, CHRISTOPHER J. NOVA, CALIFORNIA CORPORATION AND BEN EWELL, JR., RECORDED AUGUST 1, 2007 AS INSTRUMENT NO. 07-146467 OF OFFICIAL RECORDS.
- AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0060914 OF OFFICIAL RECORDS, IN FAVOR OF THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA. AN EASEMENT AFFECTS PARCEL 2.
- AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0060915 OF OFFICIAL RECORDS, IN FAVOR OF THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA. AN EASEMENT AFFECTS PARCEL 2.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT REGARDING MINOR SUBDIVISION DEVELOPMENT" RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0060928 OF OFFICIAL RECORDS.

#### LEGEND

- BLUE BORDER INDICATES LIMITS OF THIS SUBDIVISION

