

Recording Requested by Fresno County Board of Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Stop # 214
RLCC No. 1033
Attention Policy Planning Unit,
Jordan Walton

No Recording Fee Pursuant to Government Code Section 27383

RESOLUTION APPROVING PARTIAL CANCELLATION OF
AGRICULTURAL LAND CONSERVATION CONTRACT NO. 1090
(RLCC No. 1033)

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

AFTER RECORDING,
RETURN TO STOP #214
PUBLIC WORKS AND PLANNING
Attn: Jordan Walton

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.
1090 (RLCC No. 1033)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 1090 was entered into between Ray Astiasuain and Janet Astiasuain and the County of Fresno, recorded January 29, 1970, as Instrument Number 6748 in the Official Records of Fresno County, California, and succeeded to by Rosemarie and Phil Braun, more commonly referred to as ALCC No. 1090; and

WHEREAS, the current land owners, Rosemarie and Phil Braun, have submitted a petition to the Board of Supervisors to remove a 2.36-acre portion of a 29.94-acre parcel subject to the Contract to allow creation of a 2.36-acre separate parcels for residential use; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on September 13, 2023, 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

WHEREAS, the Board of Supervisors considered the cancellation petition at a public hearing held on November 28, 2023, 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 1. That the cancellation is for land on which a Notice of Nonrenewal has
2 been recorded pursuant to Section 51245 of the Government Code; and

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

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

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

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

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

16 WHEREAS, this Board has certified the Cancellation Fee to be in the amount of
17 \$15,625.00; and

18 NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby finds
19 that all of the five Findings listed under Section 51282(b) of the Government Code can be
20 made for this partial cancellation of said Contract as to a 2.36-acre portion of the 29.94-acre
21 parcel known as APN 185-161-47 subject to ALCC No. 1090; and

22 BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is
23 hereby approved for a 2.36-acre portion of ALCC No. 1090 as described on the attached
24 legal description (Exhibit "A"), subject to the following conditions:

25 1. The landowner shall obtain the necessary land use approvals to create the
26 2.36-acre parcel.

27 2. The landowner shall pay the Cancellation Fee in the amount of \$15,625.00, as
28 determined by the County Assessor and certified by the Board of Supervisors for issuance of

1 a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a
2 Certificate of Cancellation issued and recorded prior to recording the required documents to
3 create the 2.36-acre parcel. If the Cancellation Fee is not paid within one year of issuance of
4 the Tentative Certificate of Cancellation, the Cancellation Fee must be re-computed by the
5 Assessor's Office and re-certified by the Board of Supervisors.

6 BE IT FURTHER RESOLVED, that the Chair of the Board of Supervisors is
7 authorized to execute a Certificate of Tentative Cancellation, and upon satisfaction of
8 Conditions of Approval stated in the Certificate of Tentative Cancellation, to execute a
9 Certificate of Partial Cancellation for the 2.36-acre portion of ALCC No. 1090.

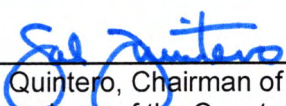
10 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board
11 of Supervisors of the County of Fresno this 28th day of November, 2023, to-wit:

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

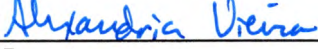
13 NOES: None

14 ABSENT: None

15 ABSTAINED: None

16 
17 Sal Quintero, Chairman of the Board of
Supervisors of the County of Fresno

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

21
22 BY 
23 Deputy

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.

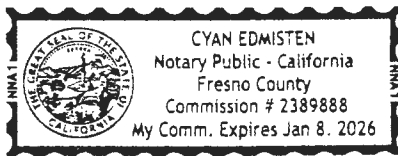
State of California)

County of Fresno)On 11/28/2023 before me, Cyan Edmisten, Notary Public,
Date Here Insert Name and Title of the Officerpersonally appeared Salvador Quintero
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: _____

Exhibit "A"

NON-RENEWAL PARCEL

Portion APN: 185-161-47

That portion of the south half of the southeast quarter of Section 32, Township 14 South, Range 24 East, Mount Diablo Base and Meridian, lying south of the Alta Canal and west of the Traver Creek, described as follows:

Beginning at a point on the south line of said Section 32, from which the southeast corner thereof bears South 89°00' East a distance of 450 feet;

Thence North 0°00' East, a distance of 197.0 feet;

Thence North 79°10' West, a distance of 197.6 feet;

Thence North 0°20' East, a distance of 372 feet to the center of said Alta Canal;

Thence along the center of said Alta Canal, North 85°00' East, a distance of 205 feet to the center of said Traver Creek;

Thence along said center of the Traver Creek the following (4) four courses;

- 1) South 0°00' West, a distance of 200 feet,
- 2) South 20°00' East, a distance of 180 feet,
- 3) South 15°00' West, a distance of 120 feet,
- 4) South 24°00' East a distance of 155 feet to a point on the south line of said Section 32, from which the southeast corner thereof bears South 89°00' East, a distance of 345 feet;

Thence along said south line, North 89°00' West, a distance of 105 feet to **The Point of Beginning**.

Consisting of 2.36 acres more or less

