

Recording Requested by Fresno County Board of Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Stop # 214
RLCC No. 1017
Attention Policy Planning Unit,
Derek Chambers

No Recording Fee Pursuant to Government Code Section 27383

RESOLUTION APPROVING PARTIAL CANCELLATION OF
AGRICULTURAL LAND CONSERVATION CONTRACT NO. 2592
(RLCC No. 1017)

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: Derek Chambers

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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.
2592 (RLCC No. 1017)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 2592 was entered into between Emile P. Maumoynier and Mary Edith Maumoynier and the County of Fresno, recorded February 4, 1971, as Instrument Number 8275, Book 5858, Pages 159 through 161, in the Official Records of Fresno County, California; and

WHEREAS, the current land owners, David Morrison Brinkley, as Trustee of The David Morrison Brinkley Revocable Trust and Kelly Lynn Harman, as Trustee of The 2017 Kelly Lynn Harman Revocable Trust, have submitted a petition to the Board of Supervisors to remove a 1.50-acre portion of a 32.96-acre parcel subject to the Contract to allow creation of a separate 1.50-acre homesite parcel for residential use; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on April 7, 2021, considered the petition and recommended denial of the cancellation petition to the Board of Supervisors based on its inability to make all the findings set forth under Section 51282(b) of the Government Code; and

WHEREAS, the Board of Supervisors considered the cancellation petition at a public hearing held on July 13, 2021, and at the conclusion of the public hearing

1 approved the cancellation petition based on its ability to make all the Consistency
2 Findings listed under Section 51282(b) of the Government Code as follows:

3 1. That the cancellation is for land on which a Notice of Nonrenewal
4 has been served pursuant to Section 51245 of the Government Code; and

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

7 3. That the cancellation is for an alternate use that is consistent
8 with the policies of the County General Plan; and

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

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

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

19 WHEREAS, this Board has certified the Cancellation Fee to be in the amount
20 of \$6,250.00; and

21 WHEREAS, notice was provided to the Department of Conservation ("DOC"),
22 and the Board has considered any comments pertinent to this petition submitted by
23 the DOC, in accordance with Section 51284.1 of the Government Code.

24 NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby
25 finds that the Consistency Findings listed under Section 51282(b) of the Government
26 Code can be made for this partial cancellation of said Contract as to a 1.50-acre
27 portion of ALCC No. 2592; and

28

1 BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be
2 and is hereby approved for a 1.50-acre portion of ALCC No. 2592 as described on
3 the attached legal description (Exhibit "A"), subject to the following conditions:

4 1. The landowners shall obtain the necessary land use approval (PCOC) to
5 create the 1.50-acre homesite parcel.

6 2. The applicants shall pay the Cancellation Fee in the amount of \$6,250,
7 as determined by the County Assessor and certified by the Board of Supervisors for
8 issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be
9 paid and a Certificate of Cancellation issued prior to recording the PCOC to create
10 the 1.50-acre homesite parcel.

11 BE IT FURTHER RESOLVED, that the Chair is authorized to execute a
12 Certificate of Tentative Cancellation, and upon satisfaction of Conditions of Approval
13 stated in the Certificate of Tentative Cancellation, to execute a Certificate of Partial
14 Cancellation of ALCC No. 2592.

15 THE FOREGOING, was PASSED and ADOPTED by the following vote of the
16 Board of Supervisors of the County of Fresno this 13th day of July, 2021, to-wit:

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

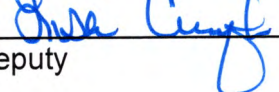
18 NOES: None

19 ABSENT: None

20 ABSTAINED: None

21
22 
Steve Brandau, Chairman of the Board of
Supervisors of the County of Fresno

23
24 ATTEST:
25 Bernice E. Seidel
26 Clerk of the Board of Supervisors
County of Fresno, State of California

27
28 BY 
Deputy

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

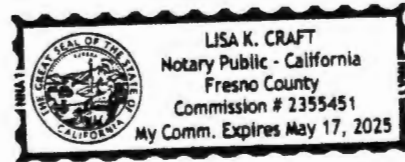
County of Fresno)

On 7/13/2021 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)

EXHIBIT A

Legal Description 15976 Evans Avenue, Fresno County

Real property in the unincorporated area of the County of Fresno, State of California, described as follows:

BEGINNING at a point on the South boundary of Section 17, Township 11 South, Range 13 East, Mount Diablo Base and Meridian, which bears North 89° 53' 30" East, a distance of 660.30 feet from the South Quarter corner of said Section 17; thence North 00° 06' 30" West, perpendicular to said South line, a distance of 366.94 feet; thence North 89° 53' 30" East, parallel with said South line, a distance of 178.07 feet; thence South 00° 06' 30" East, a distance of 366.94 feet to a point on said South line; thence South 89° 53' 30" West, along said South line and the center line of a 60 foot road easement, a distance of 178.07 feet to the POINT OF BEGINNING.

Contains an area of: 1.50 Acres



Peter D. Coors