

AFTER RECORDING,
RETURN TO STOP #214
DEV. SERV. / POLICY PLANNING UNIT
Attn: John Adams

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF)
AGRICULTURAL LAND)
CONSERVATION CONTRACT)
NO. 1440

RESOLUTION APPROVING PARTIAL
CANCELLATION OF AGRICULTURAL
LAND CONSERVATION CONTRACT NO.
1440 (RLCC NO. 967)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 1440 was entered into between George Tavares and Olivia Tavares and the County of Fresno, recorded on February 18, 1970, as Instrument Number 11776, Book 5761, Pages 486 to 488 in the Official Records of Fresno County, California, and

WHEREAS, George Tavares has submitted a petition to the Board of Supervisors to remove an approximately 2.50-acre portion and a 2.00-acre portion of a 17.73-acre parcel subject to the Contract for residential use; and

WHEREAS, the Planning Commission has approved a variance application to allow creation of a 2.50-acre parcel and 2.00-acre parcel in the AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) Zone District; and

WHEREAS, the proposed 2.50-acre parcel and 2.00-acre parcels will be created through recordation of a Parcel Map; and

WHEREAS, the Parcel Map will combine the 13.23-acre remainder of the 17.73-acre parcel and an adjoining 38.20-acre parcel to create a 51.43-acre parcel; and

WHEREAS, the Agricultural Land Conservation Committee, at a public hearing

1 held on December 7, 2016, considered the petition and recommended approval of
2 the cancellation petition to the Board of Supervisors; and

3 WHEREAS, the Board of Supervisors considered the petition at a public
4 hearing held on July 11, 2017, and at the conclusion of the public hearing approved
5 the petition based on its ability to make the five Consistency Findings listed under
6 Section 51282(b) of the Government Code as follows:

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

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

11 3. That the cancellation is for an alternate use that is consistent with the
12 provisions of the County General Plan; and

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

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

19 WHEREAS, in accordance with Section 51283(b) of the Government Code,
20 the County Assessor has determined the cancellation fee for the 2.50-acre portion
21 and 2.00-acre portion to be removed from the Contract to be \$12,500; and

22 WHEREAS, this Board has certified the Cancellation Fee to be in the amount
23 of \$12,500; and

24 WHEREAS, in accordance with Section 51284.1(d) of the Government Code,
25 the Board must consider the comments of the Department of Conservation ("DOC").
26 The DOC did not provide comments for this cancellation petition.

27 NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby
28 finds that all of the Consistency Findings listed under Section 51282(b) of the

Government Code can be made for this cancellation of said Contract as to a 2.50-acre portion and a 2.00-acre portion of a 17.73-acre parcel from ALCC No. 1440; and

BE IT FURTHER RESOLVED, that the cancellation of this Contract be and is hereby approved for a 2.50-acre portion and 2.00-acre portion of a 17.73-acre parcel from ALCC No. 1440 as described in the attached legal descriptions (Exhibits "A" and "B"), subject to the following conditions:

1. The landowner shall obtain the necessary land use approvals, including a Zone Variance and recordation of a Parcel Map; and

2. The remainder 13.23 acres shall be merged with the adjoining 38.20-acre parcel known as APN 327-220-01s through merger and re-subdivision per Government Code Section 66499.20.2 to form a 51.43-acre parcel for the remainder parcel to remain in the Williamson Act program; and

3. The applicant shall pay the Cancellation Fee in the amount of \$12,500 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid and a Certificate of Cancellation issued prior to recordation of a parcel map and issuance of any permit on the subject property.

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1 BE IT FURTHER RESOLVED, that the Chair is authorized to execute a
2 Certificate of Tentative Cancellation, and upon satisfaction of Conditions of Approval
3 stated above to execute a Certificate of Cancellation of ALCC No. 1440.

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

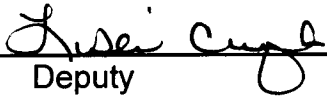
6 NOES: None

7 ABSENT: None

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9 

10 _____
11 Brian Pacheco, Chairman
Board of Supervisors

12 ATTEST:
13 Bernice E. Seidel, Clerk
Board of Supervisors

14
15 By  _____
16 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 July 11, 2017 before me, Lisa K. Craft Notary Public
(insert name and title of the officer)

personally appeared Brian Pacheco,
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)

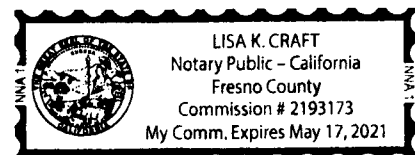


EXHIBIT A

Non-Renewal for Richard Bargamian Parcel

All that portion of Lot 1 of Bank of California Tract, according to the map thereof filed in Volume 2 of Plats at Page 14, Fresno County Records, described as follows:

Beginning at a point on the north line of the northwest quarter of Section 26, Township 14 South, Range 19 East, Mount Diablo Base and Meridian, from which the northeast corner thereof bears South 89°55'51" East a distance of 174.00 feet;
Thence parallel with the east line of said northwest quarter, South 00°27'09" West, a distance of 228.78 feet;
Thence parallel with the north line of said northwest quarter, North 89°55'51" West, a distance of 35.00 feet;
Thence parallel with said east line South 00°27'09" West, a distance of 241.23 feet;
Thence parallel with said north line, North 89°55'51" West, a distance of 215.00 feet;
Thence parallel with said east line, North 00°27'09" East, a distance of 470.01 feet to said north line;
Thence along said north line, South 89°55'51" East, a distance of 250.00 feet to the POINT OF BEGINNING.

Consisting of 2.5 gross acres

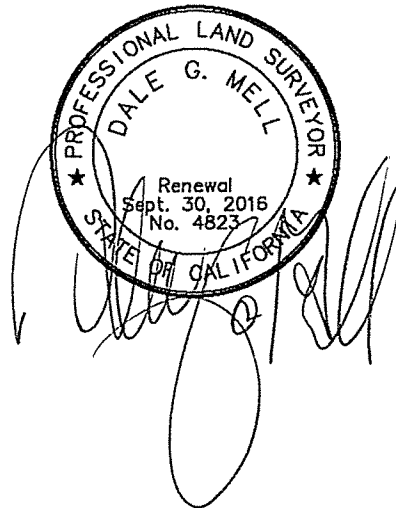


EXHIBIT B

Non-Renewal for George Tavares Estate Parcel

All that portion of Lot 1 of Bank of California Tract, according to the map thereof filed in Volume 2 of Plats at Page 14, Fresno County Records, described as follows:

Beginning at the northeast corner of the northwest quarter of Section 26, Township 14 South, Range 19 East, Mount Diablo Base and Meridian;
Thence along the east line of said northwest quarter, South $00^{\circ}27'09''$ West, a distance of 490.01 feet;
Thence parallel with the north line of said northwest quarter, North $89^{\circ}55'51''$ West, a distance of 209.00 feet;
Thence North $00^{\circ}27'09''$ East, a distance of 261.23 feet;
Thence parallel with said north line, South $89^{\circ}55'51''$ East, a distance of 35.00 feet;
Thence parallel with said east line, North $00^{\circ}27'09''$ East, a distance of 228.78 feet to the north line of said northwest quarter;
Thence along said north line South $89^{\circ}55'51''$ East, a distance of 174.00 feet to the POINT OF BEGINNING.

Consisting of 2.00 gross acres

