

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

**RESOLUTION CHANGING THE BOUNDARIES OF COUNTY SERVICE AREA NO. 35,
ZONE "AJ," TO INCLUDE CERTAIN ADJACENT TERRITORY**

WHEREAS, Fresno County Ordinance Code section 17.72.358 provides that prior to the recordation of the final map of a subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a County Service Area or other method acceptable to the Director of Public Works and Planning (Director); and

WHEREAS, the Board of Supervisors (Board) established County Service Area No. 35 to provide road maintenance services for developments in the unincorporated area of Fresno County; and

WHEREAS, the County of Fresno (County) provides road maintenance services in County Service Area No. 35 through zones established under Article 8 of the County Service Area Law (Government Code sections 25217 through 25217.4), including Zone AJ of County Service Area No. 35 (CSA 35-AJ); and

WHEREAS, to comply with a condition of approval for Tentative Parcel Map 8160, which condition is required by Ordinance Code section 17.72.358, a developer-landowner has requested a boundary change to include the two parcels described by Tentative Parcel Map 8160; and

WHEREAS, the purpose of CSA 35-AJ is to provide maintenance to a public road known as East Reno Avenue, which maintenance is funded by assessments levied on properties that receive a special benefit from that maintenance; and

WHEREAS, under Government Code section 25217.4, subdivision (c), benefit assessments to pay for road maintenance services in CSA 35-AJ must be levied, assessed, and charged only within the boundaries of CSA 35-AJ; and

WHEREAS, under Proposition 218, a benefit assessment must be levied on all properties that receive a special benefit from the services to be funded by the benefit assessment; and

1 WHEREAS, territory in addition to Tentative Parcel Map 8160 and in addition to that
2 within the current boundaries of CSA 35-AJ, which additional territory is generally identified by
3 Assessor's Parcel Numbers (APN) 580-010-11S, 580-010-12S, 580-010-14S, 580-010-15, 580-
4 010-18S, 580-010-22, and 580-010-24, and more particularly identified by the map and
5 description attached as Exhibit A to this resolution, located west of Auberry Road, and adjacent
6 to the current boundaries of CSA 35-AJ, also receives a special benefit from the maintenance of
7 East Reno Avenue and must be included in the properties subject to benefit assessment for
8 those services; and

9 WHEREAS, for the reasons stated above, on May 14, 2019, the Board adopted a
10 "Resolution of Intention to Change the Boundaries of County Service Area No. 35, Zone 'AJ,' to
11 Include Certain Adjacent Territory" (Resolution of Intention, also identified as Board Resolution
12 No. 19-198), to propose a boundary change for CSA 35-AJ under Article 8 of the County
13 Service Area Law (Government Code section 25217 et seq.); and

14 WHEREAS, the Board in the Resolution of Intention identified this proceeding as "CSA
15 35-AJ Boundary Change No. 3"; and

16 WHEREAS, a map of the CSA 35-AJ with boundaries changed as proposed is attached
17 as Exhibit A to this resolution; and

18 WHEREAS, as of April 5, 2019, the entire territory of CSA 35-AJ with boundaries
19 changed as proposed is "inhabited" under Government Code section 25210.2, subdivision (e),
20 because there are 40 registered voters residing in that territory; and

21 WHEREAS, under Government Code section 25217.1, subdivision (d), before the Board
22 may approve the proposed boundary change for CSA 35-AJ, a new benefit assessment to pay
23 for road maintenance services in CSA 35-AJ with boundaries changed as proposed must be
24 approved by owners of specially benefitted properties as required by Proposition 218 (California
25 Constitution, Article XIII D, section 4); and

26 WHEREAS, in connection with the requirement of Government Code section 25217.1,
27 subdivision (d), the Board is also, by separate resolution today, approving and levying a benefit
28 assessment for road maintenance services on the properties included in CSA 35-AJ with

1 boundaries changed as proposed by this resolution; and

2 WHEREAS, the Board in the Resolution of Intention determined that it is in the public
3 interest to change the boundaries of CSA 35-AJ, and for that reason declared its intention to
4 change the boundaries of CSA 35-AJ as provided in Article 8 of the County Service Area Law,
5 to include the territory shown and described in Exhibit A to this resolution; and

6 WHEREAS, the Board in the Resolution of Intention set a public protest hearing for July
7 9, 2019, at 9:00 a.m., or as soon after as practicable, but in any case before any public protest
8 hearing on the benefit assessment for road maintenance costs to be set for the same day by
9 separate resolution, in the meeting chambers of the Board, Hall of Records, 2281 Tulare Street,
10 Third Floor, Fresno, California 93721, concerning CSA 35-AJ Boundary Change No. 3; and

11 WHEREAS, the Clerk of the Board ("Clerk") gave notice of the public protest hearing as
12 follows pursuant to Government Code Section 25217, subdivision (d): (a) published the notice of
13 the protest hearing in a newspaper of general circulation as provided in Government Code
14 Section 6061; (b) no later than Tuesday, May 21, 2019, mailed the notice to all owners of
15 property within CSA 35-AJ with boundaries changed as proposed; (c) no later than Tuesday,
16 May 21, 2019, mailed the notice to each city and special district that contains, or whose sphere
17 of influence contains, CSA 35-AJ with boundaries changed as proposed; and (d) posted the
18 notice in at least three public places within the territory of CSA 35-AJ with boundaries changed
19 as proposed; and

20 WHEREAS, the Board conducted the public protest hearing as noticed; and

21 WHEREAS, the Board has heard and considered any protests to CSA 35-AJ Boundary
22 Change No. 3; and

23 WHEREAS, under Government Code section 25217.1, subdivision (b)(1), a "majority
24 protest" occurs if more than 50 percent of the total number of registered voters residing within
25 CSA 35-AJ with boundaries changed as proposed have filed written objections to the boundary
26 change; and

27 WHEREAS, less than 50 percent of the total number of voters residing within CSA 35-AJ
28 with boundaries changed as proposed have filed written objections to the boundary change; and

1 WHEREAS the owners of specially benefitted properties within CSA 35-AJ with
2 boundaries changed as proposed have approved, and the Board has levied, a benefit
3 assessment to pay for road maintenance services.

4 NOW, THEREFORE, BE IT RESOLVED:

5 **Section 1.** Each of the recitals above is true and correct.

6 **Section 2.** The Board finds that there is not a majority protest for CSA 35-AJ
7 Boundary Change No. 3 and that a benefit assessment to fund road maintenance services in
8 CSA 35-AJ with boundaries changed as proposed has been levied.

9 **Section 3.** The boundaries of CSA 35-AJ are hereby changed as proposed in the
10 Resolution of Intention, as provided in Article 8 of the County Service Area Law, to include the
11 territory described in Exhibit A to this resolution.

12 **Section 4.** This resolution is effective immediately upon its adoption.

13 PASSED AND ADOPTED this 9th day of July, 2019, by the following
14 vote of the Board of Supervisors of the County of Fresno, to wit:

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

16 NOES: None

17 ABSENT: None

18 ABSTAINED: None



20 Nathan Magsig, Chairman of the Board of
21 Supervisors of the County of Fresno

22

23 ATTEST:

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

27 By: Susan Bishop

28 Deputy

PARCEL IDENTIFICATION KEY

PARCEL NO.	A.P.N.	PARCEL NO.	A.P.N.
1	580-010-02S	14	580-010-17S
2	580-010-03S	15	580-010-18S
3	580-010-04S	16	580-010-19S
4	580-010-05S	17	580-010-20S
5	580-010-06S	18	580-010-22
6	580-010-07S	19	580-010-24
7	580-010-08S	20	580-010-25S
8	580-010-09S	21	580-010-40S
9	580-010-11S	22	580-010-41S
10	580-010-12S	23	580-010-42S
11	580-010-14S	24	580-010-43S
12	580-010-15	25	580-010-44S
13	580-010-16S	26	580-010-45S

LEGEND

XXX-XXX-XXX	ASSESSOR'S PARCEL NUMBER (A.P.N.)
-----	PROPOSED PARCEL LINE
-----	PARCEL LINE
-----	TENTATIVE PARCEL MAP NO. 8160
	EXISTING CSA 35 ZONE AJ BOUNDARY
	CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3
	BOUNDARY

LINE DATA INDEX

SYMBOL	BEARING	DISTANCE
L1	N 01°33'15" E	308.00'
L2	S 89°59'48" E	625.76'
L3	N 17°39'38" E	137.20'
L4	N 16°26'41" E	213.52'
L5	N 27°46'01" E	183.29'
L6	N 28°19'37" E	205.22'
L7	N 60°14'10" E	193.31'
L8	N 51°55'44" E	62.43'
L9	N 23°43'37" E	111.78'
L10	N 41°49'44" E	107.34'
L11	N 65°28'12" E	94.66'
L12	N 73°36'27" E	5.30'
L13	N 26°46'17" W	286.49'

EXHIBIT "A"

NAME:	DATE:	SCALE	THE COUNTY OF SANTA CLARA	DEPARTMENT OF PUBLIC WORKS AND PLANNING
DRAWN: J.D.	02/26/19			COUNTY SERVICE AREA 35
CHECKED: M.R.	02/26/19	NONE		ZONE AJ BOUNDARY CHANGE NO. 3



CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3
PROJECT NO: XP8160
SHEET NO. 3 OF 3

EXHIBIT A

Boundary Description for County Service Area 35 Zone AJ Annexation No. 3

The Subdivided Land in that portion of Sections 6 Township 12 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the Northwest corner of Section 6, Township 12 South, Range 21 East per Parcel Map No. 3601 recorded in Book 27, Page 1 of Parcel Maps, Fresno County Records; thence, bearing North 86° 22' 16" East, a distance of 20.00 feet more or less to the Northwest corner of Parcel 1 of Parcel Map 8027 recorded in Book 71, Page 31 of Parcel Maps, Fresno County Records, said point being the TRUE POINT OF BEGINNING; thence,

- 1) South 02° 25' 29" East, along the line 20.00 feet East and parallel to the West line of said Section 6, a distance of 1902.77 feet; thence,
- 2) North 89° 59' 02" East, a distance of 2376.07 feet; thence,
- 3) North 01° 35' 43" East, a distance of 659.32 feet; thence,
- 4) North 89° 57' 42" East, a distance of 1979.47 feet; thence,
- 5) North 01° 33' 15" East, a distance of 308.00 feet; thence,
- 6) South 89° 59' 48" East, a distance of 625.76 feet more or less to the Westerly Right-of-Way line of Auberry Road; thence,
- 7) Along said Westerly Right-of-Way lines North 17° 39' 38" East, a distance of 137.20 feet; thence,
- 8) North 16° 26' 41" East, a distance of 213.52 feet; thence,
- 9) North 27° 46' 01" East, a distance of 183.29 feet; thence,
- 10) North 28° 19' 37" East, a distance of 205.22 feet; thence,
- 11) North 60° 14' 10" East, a distance of 193.31 feet; thence,
- 12) North 51° 55' 44" East, a distance of 62.43 feet; thence,
- 13) North 23° 43' 37" East, a distance of 111.78 feet; thence,

- 14) North $41^{\circ} 49' 44''$ East, a distance of 107.34 feet; thence,
- 15) North $65^{\circ} 28' 12''$ East, a distance of 94.66 feet; thence,
- 16) North $73^{\circ} 36' 27''$ East, a distance of 5.30 feet; thence,
- 17) Leaving said Westerly Right-of-Way line of Auberry Road bearing North $26^{\circ} 46' 17''$ West, a distance of 286.49 feet to a point on the North line of Section 6, said point bearing South $86^{\circ} 22' 16''$ West, a distance of 150.00 more or less from the Southeast corner of Section 31, Township 11 South, Range 21 East, Mount Diablo Base and Meridian; thence,
- 18) South $86^{\circ} 22' 16''$ West on said North line of Section 6, a distance of 5680.41 feet more or less to the Northwest corner of Parcel 1 of Parcel Map 8027 recorded in Book 71, Page 31 of Parcel Maps, Fresno County Records, said point being the TRUE POINT OF BEGINNING.