

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

IN THE MATTER OF
AGRICULTURAL LAND
CONSERVATION CONTRACT
NOS. 2912 AND 8147

RESOLUTION AUTHORIZING
RESCISSION OF AGRICULTURAL LAND
CONSERVATION CONTRACT (ALCC) NOS.
2912 & 8147 AND ENTRY INTO
AGRICULTURAL LAND CONSERVATION
CONTRACT NOS. 8319 & 8320

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 2912 was entered into between the County of Fresno and Harry Mihara and Dorothy Mihara, and succeeded to by Walter M. Lehrman and Holly E. Lehrman as trustees of the Walter and Holly Lehrman Family Trust dated October 4, 2004, hereafter referred to as "Owners", and recorded February 17, 1971, as Instrument No. 11847, Book 5863, Pages 124 and 124, of the Official Records of Fresno County, California; and

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 8147 was entered into between the County of Fresno and Walter M. and Holly E. Lehrman and Gustafson Family Living Trust dated December 7, 1994, and succeeded to by TJ Farms, a California general partnership, hereafter referred to as "Owners", and recorded September 24, 2003, as Instrument No. 2003-0231610, of the Official Records of Fresno County, California; and

WHEREAS, Owners wish to adjust boundaries between two contiguous parcels resulting in an approximately 30-acre adjusted Parcel "A" and an approximately 24-acre adjusted Parcel "B". The legal descriptions of the adjusted parcels are attached hereto as Exhibit "A".

WHEREAS, Section 51257 of the California Government Code provides a process where parties may upon their mutual agreement rescind a contract in order to simultaneously enter into a new contract which would enforceably restrict the same property for an initial term at least as long as the unexpired term of the contract being so rescinded but no less than 10 years; and

1 WHEREAS, the Board of Supervisors considered the petition at a public hearing held
2 on February 28, 2017; and

3 WHEREAS, the Board of Supervisors approved the RLCC No. 971 based on its ability
4 to make the seven findings listed under Section 51257 of the Government Code as follows:

5 1. That the new contract would enforceably restrict the property for an initial term
6 of no less than 10 years; and

7 2. That there is no net decrease in the amount of the acreage restricted; and

8 3. That at least 90 percent of the land under the former contract remains under the
9 new contract; and

10 4. That after the Property Line Adjustment, the parcels of land subject to contract
11 will be large enough to sustain their agricultural use; and

12 5. That the Property Line Adjustment would not compromise the long-term
13 agricultural productivity of the parcel or of other contracted lands; and

14 6. The Property Line Adjustment is not likely to result in the removal of adjacent
15 land from agricultural use; and

16 7. That the property line adjustment does not result in a greater number of
17 developable parcels than existed prior to the adjustment, or an adjusted parcel that is
18 inconsistent with the General Plan; and

19 WHEREAS, the County and the owners mutually agree to rescind existing Agricultural
20 Land Conservation Contract Nos. 2912 and 8147 and simultaneous entry into new Agricultural
21 Land Conservation Contract Nos. 8319 and 8320.

22 NOW, THEREFORE IT IS HEREBY RESOLVED that the Board of Supervisors of the
23 County of Fresno approves rescission of Agricultural Land Conservation Contract Nos. 2912
24 and 8147 and the simultaneous entry into Agricultural Land Conservation Contract Nos. 8319
25 and 8320 and authorizes the Chairman to execute said contracts. The Clerk to the Board of
26 Supervisors shall cause a certified copy of this resolution to be recorded together with the
27 executed Contracts in the Office of the County Recorder for the County of Fresno.
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1 THE FOREGOING was PASSED and ADOPTED by the following vote of the Board of
2 Supervisors of the County of Fresno this 28th day of February 2017, to-wit:

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

4 NOES: None

5 ABSENT: None

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BY Brian Pacheco
Brian Pacheco, Chairman
Board of Supervisors

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10 ATTEST:
Bernice E. Seidel, Clerk
Board of Supervisors

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By: Bernice E. Seidel
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 February 28, 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)