

23-1062

Recording Requested by Fresno County Board of Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Stop # 214
RLCC No. 1028
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. 152
(RLCC No. 1028)

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

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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.
152 (RLCC No. 1028)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 152 was entered into between Robert L. Garabedian, Mike Garabedian, Helen Garabedian, Michael D. Kowitz, and Patricia Lynn Kowitz and succeeded to by Patrick W. Sample and Georgia J. Sample Family Trust and the County of Fresno, recorded October 31, 1980, as Instrument Number 106407 in the Official Records of Fresno County, California, more commonly referred to as ALCC No. 152; and

WHEREAS, the current land owners, Patrick W. Sample and Georgia J. Sample Family Trust have submitted a petition to the Board of Supervisors to remove a 2.41-acre portion of a 42.93-acre (gross) parcel subject to the Contract to allow creation of a 2.41-acre separate parcels for residential use; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on November 9, 2022, 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 7, 2023, and at the conclusion of the public hearing approved the

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

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

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

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

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

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

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

18 WHEREAS, this Board has certified the Cancellation Fee to be in the amount of
19 \$10,000.00; and

20 NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby finds
21 that all of the five Findings listed under Section 51282(b) of the Government Code can be
22 made for this partial cancellation of said Contract as to a 2.41-acre portion of the 42.93-acre
23 parcel known as APN 158-021-61 subject to ALCC No. 152; and

24 BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is
25 hereby approved for a 2.41-acre portion of ALCC No. 152 as described on the attached legal
26 description (Exhibit "A"), subject to the following conditions:

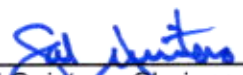
27 1. The landowners shall obtain the necessary land use approvals to create the
28 2.41-acre parcel.

1 2. The applicants shall pay the Cancellation Fee in the amount of \$10,000.00, as
2 determined by the County Assessor and certified by the Board of Supervisors for issuance of
3 a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a
4 Certificate of Cancellation issued and recorded prior to recording the required documents to
5 create the 2.41-acre parcel.

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 2.41-acre portion of ALCC No. 152.

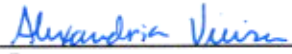
10 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board
11 of Supervisors of the County of Fresno this 7th day of November, 2023, to-wit:

- 12 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
13 NOES: None
14 ABSENT: None
15 ABSTAINED: None

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

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

23 BY 

24 Deputy
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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)

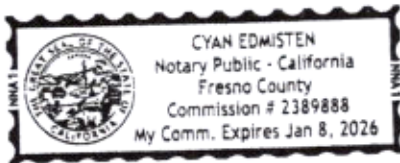
On 11/07/2023 before me, Cyan Edmisten, Notary Public
Date Here Insert Name and Title of the Officer

personally 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"

PARCEL DESCRIPTION

APN: 158-021-61 (Portion)

A portion of the northeast quarter of Section 5, Township 13 South, Range 23 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the centerline of Watts Valley Road with the east line of said northeast quarter of Section 5 from which the southeast corner thereof bears South $00^{\circ} 50' 47''$ West, a distance of 149.87 feet;

Thence along said east line, North $00^{\circ} 50' 47''$ East, a distance of 265.64 feet;

Thence parallel with the south line of said northeast quarter of Section 5, South $89^{\circ} 29' 30''$ West, a distance of 417.48 feet;

Thence parallel with said east line, South $00^{\circ} 50' 47''$ West, a distance of 208.06 feet;

Thence parallel with said south line, North $89^{\circ} 29' 30''$ East, a distance of 208.00 feet;

Thence South $38^{\circ} 44' 03''$ East, a distance of 192.07 feet to the intersection with said centerline of Watts Valley Road, being a non-tangent curve concave to the southeast having a radius of 730.00 feet and to which intersection a radial line bears North $51^{\circ} 51' 07''$ West;

Thence along said centerline, through a central angle of $10^{\circ} 08' 57''$, an arc distance of 129.31 feet to the **Point of Beginning**.

Area: 2.41 acres more or less

