

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

**RESOLUTION OF INTENTION
TO LEVY BENEFIT ASSESSMENT FOR ROAD MAINTENANCE COSTS
ON REAL PROPERTY IN COUNTY SERVICE AREA NO. 35, ZONE "AJ"**

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;

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 8114, which condition is required by Ordinance Code section 17.72.368, a developer/landowner has requested a boundary change for CSA 35-AJ to include the two parcels described by Tentative Parcel Map 8114; 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 within 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, parcels in addition to those within the current boundaries of CSA 35-AJ,
2 identified by Assessor's Parcel Numbers (APN) 580-010-11S, 580-010-12S, 580-010-14S, 580-
3 010-15, 580-010-18S, 580-010-22, 580-010-24, and 580-010-25S, located west of Auberry
4 Road, also receive a special benefit from the maintenance of East Reno Avenue and must be
5 included in the properties subject to benefit assessment for those services; and

6 WHEREAS, for the reasons stated above, a boundary change for CSA 35-AJ is
7 proposed under Article 8 of the County Service Area Law and to that end the Board is also, by
8 separate resolution today, declaring its intention to change the boundaries of CSA 35-AJ; and

9 WHEREAS, after the proposed boundary change, CSA 35-AJ would include the existing
10 territory of CSA 35-AJ, as well as the territory covered by Tentative Parcel Map 8114, and the
11 parcels identified by APNs 580-010-11S, 580-010-12S, 580-010-14S, 580-010-15, 580-010-
12 18S, 580-010-22, 580-010-24, and 580-010-25S; and

13 WHEREAS, a map of CSA 35-AJ Boundary Change No. 2 showing CSA 35-AJ with
14 boundaries changed as proposed is attached as Exhibit A to this resolution; and

15 WHEREAS, the proposed boundary change proceeding has been designated as CSA
16 35-AJ Boundary Change No. 2; and

17 WHEREAS, under Government Code section 25217.1, subdivision (d), before CSA 35-
18 AJ Boundary Change No. 2 may be approved by the Board, a new benefit assessment to pay
19 for road maintenance services in CSA 35-AJ with boundaries changed as proposed must be
20 approved by owners of specially benefitted properties as required by Proposition 218 (California
21 Constitution, Article XIII D, section 4); and

22 WHEREAS, under Government Code section 25215.3, the Board may levy benefit
23 assessments in a county service area zone under the Benefit Assessment Act of 1982, Chapter
24 6.4 of Part 1 of Division 2 of Title 5 of the Government Code, beginning with section 54703
25 (1982 Act), and in compliance with Article XIII D, section 4, of the California Constitution to pay
26 for the cost of road maintenance services.

27 NOW, THEREFORE, BE IT RESOLVED:

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

1 **Section 2.** The Board hereby appoints and designates Hal Lore, PE – Lore
2 Engineering, Inc. as the assessment engineer (Assessment Engineer).

3 **Section 3.** The Assessment Engineer is hereby authorized and directed to make
4 and, no later than Wednesday, October 19, 2016, file with the Clerk to the Board a written report
5 regarding a benefit assessment to fund road maintenance services in CSA 35-AJ (collectively,
6 Engineer's Report). The Engineer's Report shall comply with the requirements of Government
7 Code sections 54711 and 54716 of the 1982 Act, and with Article XIII D, section 4, of the
8 California Constitution.

9 **Section 4.** A public meeting is hereby set for **November 16, 2016, at 6:30 P.M.** or as
10 soon after as practicable, at the **Woodward Park Regional Library, 944 E. Perrin Avenue,**
11 **Fresno, CA 93720**, for the public to give testimony concerning the proposed benefit
12 assessment (collectively, Public Meeting). The Public Meeting may be continued from time to
13 time by the County official conducting the Public Meeting without further notice by the Board, but
14 in any event not later than eight days before the date set for the Public Hearing described in
15 section 5 below.

16 **Section 5.** A public hearing of the Board is hereby set for **December 6, 2016, at**
17 **9:00 A.M.**, or as soon after as practicable, but in any case only after completion of the
18 public hearing on CSA 35-AJ Boundary Change No. 2, and only if there is no majority
19 protest in that boundary change hearing, in the meeting chambers of the Board, Hall of
20 Records, 2281 Tulare Street, Third Floor, Fresno, California, 93721, for hearing all
21 objections and protests to the proposed benefit assessment as set forth in the Engineer's
22 Report (collectively, Public Hearing). The Public Hearing shall be held under Section 53753 of
23 the California Government Code. The Public Hearing may be continued from time to time by
24 the Board without further notice by the Board.

25 **Section 6.** The Board hereby authorizes and directs the Director of Public Works
26 and Planning (Director) or his designees, to prepare the assessment ballots, assessment ballot
27 instructions, materials for the change, withdrawal, or substitution of assessment ballots,
28 including substitute assessment ballots and substitute assessment ballot instructions, any

1 materials for co-owner assessment ballots and co-owner assessment ballots, and any other
2 forms and materials, as the Director or his designees deem necessary or appropriate, with
3 respect to the submission of assessment ballots by record property owners of the property in
4 CSA 35-AJ with boundaries changed as proposed, under Section 53753 of the California
5 Government Code.

6 **Section 7.** The Board hereby authorizes the Director or his designee to prepare a
7 joint notice of the Public Meeting and the Public Hearing (Joint Notices). Each of the Joint
8 Notices shall include the following: (a) the total amount of the proposed assessment chargeable
9 to the entire territory to be assessed, together with the proposed assessment formula or range;
10 (b) the amount chargeable to the record owner's parcel; (c) the duration, method and frequency
11 of the proposed assessment; (d) the reason for the assessment and basis upon which the
12 amount of the assessment was calculated; (e) the date, time, and place of the Public meeting;
13 and (f) the date, time, and place of the Public Hearing; (g) the contact information of an
14 individual, office, or organization that interested persons may contact to receive additional
15 information; (h) the address to which property owners may mail or deliver assessment ballots; (i)
16 an assessment ballot; (j) a summary of the procedures for the completion, return, and tabulation
17 of the assessment ballot; and (k) a statement that a finding of majority protest will cause the
18 assessment to be abandoned, and cause CSA 35-AJ Boundary Change No. 2 to be terminated.
19 Envelopes containing the Joint Notices must be labeled, in no smaller than 16-point bold type,
20 "OFFICIAL BALLOT ENCLOSED." The Director or his designee shall deliver the Joint Notices to
21 the Clerk to the Board no later than Wednesday, October 19, 2016.

22 **Section 8.** The Board hereby authorizes and directs the Clerk to the Board to sign
23 and mail, upon filing of the Engineer's Report and no later than Friday, October 21, the Joint
24 Notices to the record owners of the property to be assessed in CSA 35-AJ with boundaries
25 changed as proposed. Upon the Clerk to the Board's completion of the mailing of the Joint
26 Notices (each of which shall contain an assessment ballot and assessment ballot instructions as
27 described in section 6 of this resolution), the Clerk to the Board is hereby directed to file with the
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Board an affidavit setting forth the time and manner of compliance with the requirements of this section 8 for mailing the Joint Notices.

Section 9. In order for an assessment ballot to be counted, it must be properly executed and must be delivered as follows: (i) by U.S. Mail so that it is received by the Clerk to the Board no later than the date and time set for the Public Hearing; or (ii) otherwise delivered to the Clerk to the Board no later than the date and time set for the Public Hearing; or (iii) delivered at the Public Hearing, before the close of public testimony. If mailing or otherwise delivering before the Public Hearing, the address for receipt shall be **Clerk to the Board of Supervisors, 2281 Tulare Street, Room 301, Fresno, CA 93721**. Assessment ballots are to remain unopened and in the charge of the Clerk to the Board until they are opened and tabulated by the Board's designated officials, after the conclusion of public testimony at the Public Hearing. Assessment ballots may be withdrawn or changed at any time prior to the conclusion of the Public Hearing.

Section 10. The Director of Public Works and Planning, and his designees, who may be any employees of the County's Department of Public Works and Planning which he appoints, are hereby designated and authorized to tabulate the assessment ballots (including substitute assessment ballots and co-owner assessment ballots) submitted, and not withdrawn, in support of or opposition to the assessment referred to in this resolution. Each of those persons may, in their discretion appoint assistants, including, but not limited to, any employees of the County Administrative Office, including further any employees of the Office of the Clerk to the Board, to help tabulate the assessment ballots (including substitute assessment ballots and co-owner assessment ballots). The Board hereby finds and determines that each of the persons described in this Section 10 is an impartial person who does not have a vested interest in the outcome of the assessment.

Section 11. The Board hereby finds and determines that it took all of the foregoing actions and made all of the foregoing findings in full compliance with the law, including, without limitation, the 1982 Act, the Proposition 218 Omnibus Implementation Act, and Article XIID of the California Constitution and any other law referred to in this resolution.

1 **Section 12.** This Resolution shall take effect immediately upon its adoption.

2 PASSED AND ADOPTED this 18th day of October, 2016, by the following
3 vote of the Board of Supervisors of the County of Fresno, to wit:

4 AYES: Borgeas, Mendes, Pacheco, Perea, Poochigian

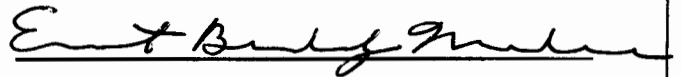
5 NOES: None

6 ABSENT: None

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ERNEST BUDDY MENDES, Chairman

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Board of Supervisors

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14 ATTEST:

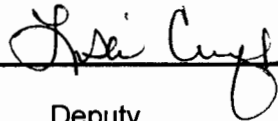
15 BERNICE E. SEIDEL, Clerk

16 Board of Supervisors

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By: 

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Deputy

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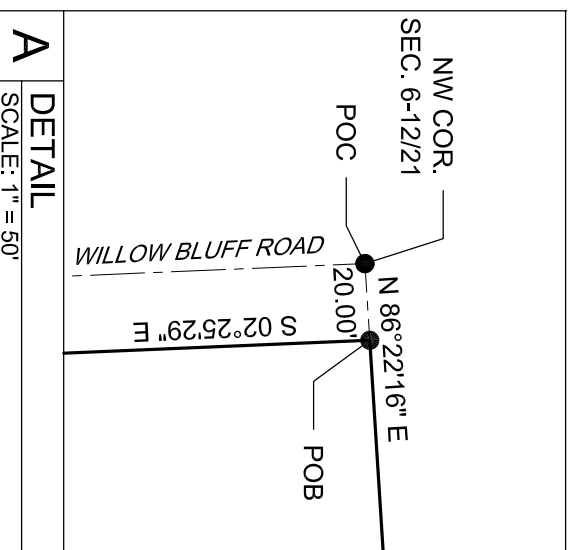
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SUBDIVIDED LAND IN POR. SEC. 6, T. 12 S., R. 21 E., M.D.B. & M.

REFER TO DETAIL A / -
FOR POINT OF COMMENCEMENT (POC)
TO POINT OF BEGINNING (POB)

NOTE:
SEE SHEET 3 FOR LEGEND, LINE
DATA INDEX, AND PARCEL
IDENTIFICATION KEY



W 1/4 COR.
SEC. 6-12/21

EXHIBIT "A"

DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP
ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."



NAME:	DATE:	SCALE		DEPARTMENT OF PUBLIC WORKS AND PLANNING COUNTY SERVICE AREA 35 ZONE AJ BOUNDARY CHANGE NO. 2 CSA 35 ZONE AJ BOUNDARY CHANGE NO. 2 - BOUNDARY MAP PROJECT NO: XP8114 SHEET NO. 1 OF 3
DRAWN: J.D.	07/18/16	0 500 1000 (IN FEET)		
CHECKED: G.M.	08/01/16			

NOTE:
SEE SHEET 3 FOR LEGEND, LINE
DATA INDEX, AND PARCEL
IDENTIFICATION KEY



NAME:		DATE:		SCALE			DEPARTMENT OF PUBLIC WORKS AND PLANNING		
DRAWN: J.D.		07/18/16		0 500 1000			COUNTY SERVICE AREA 35		
CHECKED: G.M.		08/01/16		 (IN FEET)			ZONE A1 BOUNDARY CHANGE NO. 2		
							CSA 35 ZONE A1 BOUNDARY CHANGE NO. 2 - BOUNDARY MAP		
						PROJECT NO: XP8114		SHEET NO. 2 OF 3	

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-xx-xx ASSESSOR'S PARCEL NUMBER (A.P.N.)
- PROPOSED PARCEL LINE
- _____ PARCEL LINE
-  TENTATIVE PARCEL MAP NO. 8114
-  EXISTING CSA 35 ZONE AJ BOUNDARY
-  CSA 35 ZONE AJ BOUNDARY CHANGE NO. 2
- 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

DRAWN: J.D.

07/18/16

CHECKED: G.M.

08/01/16

NONE



DEPARTMENT OF PUBLIC WORKS AND PLANNING

COUNTY SERVICE AREA 35
ZONE AJ BOUNDARY CHANGE NO. 2

CSA 35 ZONE AJ BOUNDARY CHANGE NO. 2 - BOUNDARY MAP

PROJECT NO: XP8114

SHEET NO. 3 OF 3

EXHIBIT A

Boundary Description for County Service Area 35 Zone AJ Annexation No. 2

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.