

23-0657

Recording Requested by Fresno County Board of Supervisors

When recorded return to  
Fresno County  
Department of Public Works and Planning  
Stop # 214  
RLCC No. 1043  
Attention Policy Planning Unit,  
Jordan Walton

**No Recording Fee Pursuant to Government Code Section 27383**

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RESOLUTION APPROVING PARTIAL CANCELLATION OF  
AGRICULTURAL LAND CONSERVATION CONTRACT NO. 378  
(RLCC No. 1043)

*This page added to provide adequate space for the above information only.*  
(Government Code 27361.6)

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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.  
378 (RLCC No. 1043)

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WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 378 was entered into between George H. Bagdasarian and Marian Bagdasarian and the County of Fresno, recorded February 27, 1969, as Instrument Number 13865 in the Official Records of Fresno County, California, and succeeded to by Boparai Farms, a California General Partnership, dated July 9, 2009, more commonly referred to as ALCC No. 378; and

WHEREAS, the current land owners, Boparai Farms, a California General Partnership, has submitted a petition to the Board of Supervisors to remove a 2.51-acre portion of a 29.48-acre (gross) parcel subject to the Contract to allow creation of a 2.51-acre separate parcels for residential use; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on April 12, 2023, 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 Finding Nos. 2 and 3 of 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 July 18, 2023, and at the conclusion of the public hearing approved the cancellation petition based on its ability to make all the five required Findings listed under Section 51282(b) of the Government Code as follows:

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

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

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

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

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

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

16                   WHEREAS, this Board has certified the Cancellation Fee to be in the amount of  
17 \$18,750.00; and

18                   NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby finds  
19 that all of the five Findings listed under Section 51282(b) of the Government Code can be  
20 made for this partial cancellation of said Contract as to a 2.51-acre portion of the 29.48-acre  
21 parcel known as APN 331-061-67s subject to ALCC No. 378; and

22                   BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is  
23 hereby approved for a 2.51-acre portion of ALCC No. 378 as described on the attached legal  
24 description (Exhibit "A"), subject to the following conditions:

25                   1.       The landowners shall obtain the necessary land use approvals to create the  
26 2.51-acre parcel.

27                   2.       The applicants shall pay the Cancellation Fee in the amount of \$18,750.00, as  
28 determined by the County Assessor and certified by the Board of Supervisors for issuance of

1 a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a  
2 Certificate of Cancellation issued and recorded prior to recording the required documents to  
3 create the 2.51-acre and 26.97-acre parcel. If the Cancellation Fee is not paid within one  
4 year of issuance of the Tentative Certificate of Cancellation, the Cancellation Fee must be re-  
5 computed by the Assessor's Office and re-certified by the Board of Supervisors.

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 2.51-acre portion of ALCC No. 378.

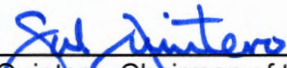
10 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board  
11 of Supervisors of the County of Fresno this 18th day of July, 2023, to-wit:

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

13 NOES: None

14 ABSENT: None

15 ABSTAINED: None

16   
17 \_\_\_\_\_  
18 Sal Quintero, Chairman of the Board of  
19 Supervisors of the County of Fresno

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

22 BY   
23 \_\_\_\_\_  
24 Deputy

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## EXHIBIT A

### County of Fresno, State of California Legal Description of New Parcels

#### Parcel A

Being a portion of Parcel 3 as described in Grant Deed recorded June 8, 2006 as Document No. 2006-0119889, O.R.F.C., and Record of Survey recorded December 8, 2006, in Document No. 20060258365 in Book 51 of Record of Surveys, at Page 67, Fresno County Records, lying in the Southeast quarter of Section 35, Township 14 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plats thereof and being more particularly described as follows:

1. Beginning at Southeast corner of said Southeast quarter of Section 35, thence North 90°00'00" West along the South line of said Southeast quarter, a distance of 463.23 feet;
2. Thence North 00°00'00" East, a distance of 235.75 feet;
3. Thence South 90°00'00" East, a distance of 463.00 feet to a point of intersection with the East line of said Southeast quarter of Section 35;
4. Thence South 00°03'20" East along said East line of the Southeast quarter, a distance 235.75 feet to the Point of Beginning.

Containing 109,180 square feet (2.51 Acres), more or less

Prepared by:



Cris H. Robles, PLS 5503

Date:

7-19-2022



**CALIFORNIA 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

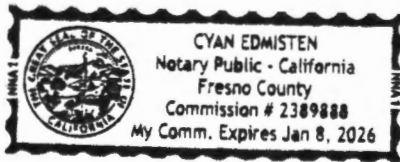
On 07/18/2023 before me, Cyan Edmisten, Notary Public  
Date Here Insert Name and Title of the Officer

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.



Place Notary Seal and/or Stamp Above

Signature Cyan Edmisten  
Signature of Notary Public

**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: \_\_\_\_\_