

Recording Requested by Fresno County Board of
Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Development Services and Capital Projects Division
Stop # 214
RLCC No. 1027
Attention Policy Planning Unit,
Spencer Wejrowski

No Recording Fee Pursuant to Government Code Section 27383

RESOLUTION APPROVING RESCISSION OF AGRICULTURAL LAND
CONSERVATION CONTRACT NOS. 226 AND 3446 AND SIMULTANEOUS
ENTRY INTO NEW AGRICULTURAL LAND CONSERVATION CONTRACT
NOS. 8342, 8343 AND 8344
(RLCC NO. 1027)

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

Recording Requested By &
When Recorded Return To:
Stop #214, Development
Services and Capital Projects Division,
Policy Planning Unit, Attention:
Spencer Wejrowski

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

IN THE MATTER OF
AGRICULTURAL LAND
CONSERVATION CONTRACT

RESOLUTION AUTHORIZING
RESCISSION OF AGRICULTURAL LAND
CONSERVATION CONTRACT (ALCC) NOS.
226 AND 3446 AND ENTRY INTO NEW
AGRICULTURAL LAND CONSERVATION
CONTRACT NOS. 8342, 8343 AND 8344

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 226 was entered into between the County of Fresno and Emory O'Banion and Naomi O'Banion, recorded February 6, 1969 as Instrument Number 8595, Book 5658, Pages 404 through 410 in the Official Records of Fresno County, California, and succeeded to by Circle G II, L.P., a California limited partnership, dated December 7, 2019, hereafter referred to as "Owner; and ALCC No. 3446 was entered into between the County of Fresno and Harold J. O'Banion aka Harold O'Banion; Donna B. O'Banion; Edward B. Frasier; Vivian Frasier; Louis J. Bronstein aka Louis Joseph Bronstein, recorded February 18, 1971 as Instrument Number 12473, Book 5864, Pages 161 through 170 in the Official Records of Fresno County, California, and succeeded to by Circle G II, L.P., a California limited partnership, dated December 7, 2019, hereafter referred to as "Owner"; and

WHEREAS, Owner has proposed adjusting parcel lines between a 175.66-acre parcel, identified as APNs 003-100-37s and 001-220-08s, a 36.73-acre parcel, identified as APN 003-100-04, and a 56.12-acre parcel, identified as APN 003-100-08, resulting in an adjusted 67.18-acre parcel (adjusted Parcel A), a 98.84-acre parcel (adjusted Parcel B), and a 102.48-acre

1 parcel (adjusted Parcel C). The rescission of existing Agricultural Land Conservation Contract
2 Nos. 226 and 3446 and simultaneous entry into new Agricultural Land Conservation Contract
3 Nos. 8342, 8343, and 8344 is required to ensure the new contracts reflect the acreage of the
4 adjusted parcels; and

5 WHEREAS, Section 51257 of the California Government Code provides a process
6 where parties may upon their mutual agreement rescind a contract in order to simultaneously
7 enter into a new contract which would enforceably restrict the same property for an initial term
8 at least as long as the unexpired term of the contract being so rescinded but no less than 10
9 years, provided that the Board of Supervisors can make each of the seven (7) findings
10 specified in said Section 51257; and

11 WHEREAS, this rescission and re-entry would result in rescission of existing
12 Agricultural Land Conservation Contract Nos. 226 and 3446 and simultaneous entry into new
13 Agricultural Land Conservation Contract Nos. 8342, 8343, and 8344.

14 NOW, THEREFORE IT IS HEREBY RESOLVED that the Board of Supervisors of the
15 County of Fresno makes the following findings:

16 1. The new contracts would enforceably restrict the adjusted boundaries of the parcels for
17 an initial term for at least as long as the unexpired term of the rescinded contracts, but for not
18 less than 10 years.

19 2. There is no net decrease in the amount of the acreage restricted. (In cases where two
20 parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this
21 section, this finding will be satisfied if the aggregate acreage of the land restricted by the new
22 contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.)

23 3. At least 90 percent of the land under the former contracts remains under the new
24 contracts.

25 4. After the lot line adjustment, the parcels of land subject to contract will be large enough
26 to sustain their agricultural use.

27 5. The lot line adjustment would not compromise the long-term agricultural productivity of
28 the parcels or other agricultural lands subject to contract.

1 6. The lot line adjustment is not likely to result in the removal of adjacent land from
2 agricultural use.

3 7. The lot line adjustment does not result in a greater number of developable parcels than
4 existed prior to the adjustment, or an adjusted parcel that is inconsistent with the General Plan.


5 IT IS FURTHER RESOLVED that the Board of Supervisors of the County of Fresno
6 hereby approves rescission of Agricultural Land Conservation Contract Nos. 226 and 3446,
7 and the simultaneous entry into Agricultural Land Conservation Contract Nos. 8342, 8343, and
8 8344, based on its ability to make each of the seven findings required by Government Code
9 Section 51257 and listed above, and authorizes the Chairman to execute said new contracts.
10 The Clerk of the Board of Supervisors shall cause a certified copy of this resolution to be
11 recorded together with the executed Contracts in the Office of the County Recorder for the
12 County of Fresno.

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THE FOREGOING, was passed and adopted by the following vote of the Board of
Supervisors of the County of Fresno this 5th day of May, 2022, to wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
NOES: None
ABSENT: None
ABSTAINED: None



Brian Pacheco, Chairman of the
Board of Supervisors of the County of Fresno

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

By 

Deputy

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 FresnoOn 05/05/2022

Date

before me, Jessica A. Muñoz Cardenas notary public,

Here Insert Name and Title of the Officer

personally appeared Brian Pacheco

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

Jessica A. Muñoz Cardenas
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: _____