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WHEREAS, the County provides street lighting services, open space maintenance and public right-of-way landscape maintenance, in County Service Area No. 34, Zone D – Renaissance at Bella Vista (CSA 34D);

WHEREAS, the Board, by Resolution 17-544 on December 5, 2017, formed the Renaissance at Bella Vista Lighting, Open Space, and Landscape Maintenance District, whose boundaries are coextensive with those of CSA 34D, the location and boundaries of which are shown on the map attached to this resolution as Exhibit A; and

WHEREAS, the “improvements” for purposes of Streets and Highways Code section 22525 are generally described as open space maintenance, the maintenance of public right-of-way landscape, which includes landscaping and irrigation systems, and street lighting services within CSA 34D; and

WHEREAS, the Board has received and approved an engineer's report, dated May 17, 2022, and prepared by a registered professional engineer certified by the State of California, supporting an annual assessment in the Assessment District for street lighting services, open space maintenance, and public right-of-way landscape maintenance in CSA 34D in the 2022-23 fiscal year (Engineer's Report); and

1 WHEREAS, the Engineer's Report contains a full and detailed description of the improvements,
2 the boundaries of the Assessment District, and the proposed assessments upon assessable lots and
3 parcels of land within the Assessment District; and

4 WHEREAS, the Engineer's Report is on file with the Clerk of the Board; and

5 WHEREAS, before adopting this Resolution, the Board considered all testimony and
6 documentary evidence, and gave all persons a full and fair opportunity to be heard with respect to any
7 matter relating to the subject of this Resolution, both in favor and against it, and any matter relevant to
8 these proceedings, all of which was done in the interest of the public, and the Board is fully informed of
9 all matters referred to in this resolution.

10 NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DOES
11 HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

12 **Section 1.** The above recitals are all true and correct.

13 **Section 2.** The Board hereby declares its intention to levy and collect an assessment in the
14 Assessment District, under Chapter 3 of the Landscaping and Lighting Act of 1972, for street lighting
15 services, open space maintenance, and public right-of-way landscape maintenance for the 2022-23
16 fiscal year. The assessment is not proposed to increase from the previous year, under the definition of
17 "increase" provided by Streets and Highways Code section 22630.5, Government Code section
18 54954.6, subdivision (a)(1)(D), and Government Code section 53750, subdivision (h)(1), because it
19 does not increase any applicable rate used to calculate the assessment, revise the methodology by
20 which the assessment is calculated, or result in an assessment being levied on any person or parcel
21 that exceeds what was approved in the Proposition 218 proceeding in 2017, but applies the inflation
22 increases approved by the Board in Resolution 17-544, and for those reasons is not subject to the
23 special notice, protest, hearing, and assessment balloting procedures under Government Code section
24 53753.

25 **Section 3.** A public hearing of the Board is hereby set for **June 7, 2022, at 9:30 A.M.**, or as
26 soon after as practicable, in the Board Room of the Fresno County Board of Supervisors, Room 301,
27 Hall of Records, 2281 Tulare Street, Fresno, California, 93721, for hearing all objections and protests to
28 the annual assessment, the amount assessed against each parcel, and related matters as set forth in

1 the Engineer's Report (collectively, Public Hearing). The Public Hearing shall be held under Sections
2 22629 through 22631 of the California Streets and Highways Code. The Public Hearing may be
3 continued from time to time by the Board without further notice, except that it may not be continued to a
4 date after August 10, 2022, without prior consent of the County Auditor-Controller/Treasurer-Tax
5 Collector.

6 **Section 4** The Board hereby authorizes and directs the Clerk of the Board to cause notice
7 of the filing of the Engineer's report, and of the time, date, and place of the Public Hearing to be
8 published under Government Code section 6061, one time, at least 10 days before the Public Hearing,
9 as required by Streets and Highways Code sections 22552 and 22553. The publication required by this
10 Section 4 of this resolution shall include all the information in this resolution.

11 **Section 5.** Property owners wishing to preserve the opportunity to file a lawsuit challenging
12 the assessment, if levied, must file a written protest and state therein the specific grounds of protest.
13 Any grounds of protest not stated in a written protest filed prior to the close of the public hearing of
14 protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

15 **Section 6.** The validity of the assessment announced by the Board of Supervisors shall not
16 be contested in any action or proceeding unless the action or proceeding is commenced within thirty
17 days after the assessment is announced and adopted (Fresno County Ordinance Code section
18 4.28.040).

19 **Section 7.** The Board hereby finds and determines that it took all of the foregoing actions
20 and made all of the foregoing findings in full compliance with the law, including, without limitation,
21 Landscaping and Lighting Act of 1972, Article XIII D of the California Constitution, and any other law
22 referred to in this resolution. All proceedings referred to in this resolution have been taken with respect
23 to the Assessment District for CSA 34D.

24 **Section 8.** This Resolution shall take effect immediately upon its adoption.

25 **Section 9.** The Clerk of the Board shall certify to the adoption of this Resolution and shall
26 cause a certified copy of this Resolution to be filed in the office of the Clerk.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 17th day of May, 2022, to-wit:

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

4 NOES: None

5 ABSENT: None

6 ABSTAINED: None

7
8 

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

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

13 By 
14 Deputy

COUNTY SERVICE AREA No. 34 Zone D

SUBDIVISION MAP OF
TRACT NO. 4968
IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

OUTLOT DESIGNATIONS

NAME	DESCRIPTION	AREA (AC)
OUTLOT "A"	OPEN SPACE	8.04
OUTLOT "B"	WET LANDS, CREEK AND BASIN	8.04
OUTLOT "C"	CULTURAL PRESERVE	0.18
OUTLOT "D"	CULTURAL PRESERVE	0.14
OUTLOT "E"	LANDSCAPE	0.24
OUTLOT "F"	LANDSCAPE	0.11

THIS PROPERTY IS SUBJECT TO THE FOLLOWING CONDITIONS

- RIGHTS, OF WAY, RESERVATIONS AND EXCEPTIONS IN THE PATENT RECORDED SEPTEMBER 16, 1892 IN BOOK Q, PAGE 5 AND NOVEMBER 16, 1892 IN BOOK S, PAGE 317, BOTH OF PATENTS.
- AN EASEMENT FOR POLES AND WIRES FOR A TELEPHONE LINE AND INCIDENTAL PURPOSES, RECORDED JULY 30, 1907 IN BOOK 382 OF DEEDS, PAGE 82, IN FAVOR OF SAN JOAQUIN LIGHT & POWER CORPORATION, THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- AN EASEMENT FOR PUBLIC UTILITIES WITH THE RIGHT OF INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED AUGUST 22, 1945 AS INSTRUMENT NO. 92819 OF OFFICIAL RECORDS, IN FAVOR OF PACIFIC GAS & ELECTRIC COMPANY, THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- AN EASEMENT FOR POLE LINES AND/OR UNDERGROUND CONDUITS AND INCIDENTAL PURPOSES, RECORDED DECEMBER 11, 1991 AS INSTRUMENT NO. 81-151908 OF OFFICIAL RECORDS, IN FAVOR OF PACIFIC GAS & ELECTRIC COMPANY, THE LOCATION OF THE EASEMENT CANNOT BE DETERMINED FROM RECORD INFORMATION.
- THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT" RECORDED DECEMBER 11, 1991 AS INSTRUMENT NO. 81-151908 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CONSULING AGREEMENT, EXECUTED BY AND BETWEEN A. BEN ELLER, JR. AND S.V. VENTURES, INC., A CALIFORNIA CORPORATION, AND BDC DEVELOPMENT CORPORATION, A CALIFORNIA CORPORATION, RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185596 OF OFFICIAL RECORDS.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, ASSIGNMENT OF AGREEMENT, EXECUTED BY AND BETWEEN A. BEN ELLER, JR. AND S.V. VENTURES, INC., A CALIFORNIA CORPORATION AND BDC DEVELOPMENT CORPORATION, RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185596. THE INTEREST OF A. BEN ELLER, JR., WAS ASSIGNED TO THE CALIFORNIA SERVICE AREA, INC., A CALIFORNIA CORPORATION.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, CONSULTING AGREEMENT, EXECUTED BY AND BETWEEN A. BEN ELLER, JR. AND S.V. VENTURES, INC., A CALIFORNIA CORPORATION, RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185596 OF OFFICIAL RECORDS.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, MEMORANDUM OF AGREEMENT, EXECUTED BY AND BETWEEN S.V. BDC AND A. BEN ELLER, JR., RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185599 OF OFFICIAL RECORDS.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, MEMORANDUM OF AGREEMENT, EXECUTED BY AND BETWEEN S.V. VENTURES AND WESTCAL, INC., RECORDED MARCH 22, 2012 AS INSTRUMENT NO. 2012-0040927 OF OFFICIAL RECORDS.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED SETTLEMENT AGREEMENT (INCLUDING COVENANTS RESTRICTING REAL PROPERTY) BETWEEN S.V. VENTURES AND WESTCAL, INC., RECORDED MARCH 22, 2012 AS INSTRUMENT NO. 2012-0040927 OF OFFICIAL RECORDS, IN FAVOR OF S.V. VENTURES AND WESTCAL, INC., RECORDED AUGUST 1, 2007 AS INSTRUMENT NO. 07-146467 OF OFFICIAL RECORDS.
- AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0060914 OF OFFICIAL RECORDS, IN FAVOR OF THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, AN EASEMENT AFFECTS PARCEL 2.
- AN EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES, RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0060915 OF OFFICIAL RECORDS, IN FAVOR OF THE COUNTY OF FRESNO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA, AN EASEMENT AFFECTS PARCEL 2.
- THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT AND AGREEMENT REGARDING MINOR SUBDIVISIONS" RECORDED MAY 12, 2010 AS INSTRUMENT NO. 2010-0060928 OF OFFICIAL RECORDS.

LEGEND

BLUE BORDER INDICATES
LIMITS OF THIS SUBDIVISION

