

22-177

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO INITIATING ANNUAL ASSESSMENT PROCEEDINGS UNDER CHAPTER 3 OF THE LANDSCAPING AND LIGHTING ACT OF 1972 IN THE RENAISSANCE AT BELLA VISTA LIGHTING, OPEN SPACE, AND LANDSCAPE MAINTENANCE DISTRICT FOR STREET LIGHTING SERVICES, OPEN SPACE MAINTENANCE, AND PUBLIC RIGHT-OF-WAY LANDSCAPE MAINTENANCE IN COUNTY SERVICE AREA NO. 34, ZONE D, AND APPOINTING AN ASSESSMENT ENGINEER TO PREPARE AND FILE AN ENGINEER'S REPORT.

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, Government Code section 25215.3 authorizes the Board of Supervisors (Board), on behalf of CSA 34D, to impose a benefit assessment in CSA 34D under the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2, beginning with section 22500) for street lighting services, open space maintenance, and public right-of-way landscape maintenance, subject to the requirements of California Constitution, Article XIII D, section 4; and

WHEREAS, the Board, by Resolution 17-544 on December 5, 2017, formed the Renaissance at Bella Vista Lighting, Open Space, and Landscape Maintenance District (Assessment 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, before adopting this Resolution, the Board considered all testimony and documentary evidence, and gave all persons a full and fair opportunity to be heard with respect to any matter relating to the subject of this Resolution, both in favor and against it, and any matter relevant to these proceedings, all of which was done in the interest of the public, and the Board is fully informed of all matters referred to in this resolution.

NOW, THEREFORE, the Board of Supervisors of the County of Fresno does hereby find, determine, and resolve as follows:

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

Section 2. The Board hereby proposes to proceed under Chapter 3 of the Landscaping and Lighting Act of 1972 to levy and collect in the Assessment District, for CSA 34D, an assessment of the total cost of the street lighting services, open space maintenance and public right-of-way landscape maintenance for the 2022-23 fiscal year.

Section 3. In connection with the proceedings that are the subject of this resolution, the Board hereby appoints and designates Steven E. White, P.E., Director, Department of Public Works and Planning, County of Fresno, registered under the Professional Engineers Act (Division 3, Chapter 7 of the California Business and Professions Code, beginning with section 6700), as the Assessment Engineer (Assessment Engineer).

Section 4. The Assessment Engineer is hereby ordered to prepare and, no later than May 17, 2022, file with the Clerk of the Board a written report (Engineer's Report) with regard to an assessment of the total cost street lighting services, open space maintenance, and public right-of-way landscape maintenance in CSA 34D for the 2022-23 fiscal year. The Engineer's Report shall comply with the requirements of Streets and Highways Code, Division 15, Part 2, Chapter 1, Article 4, beginning with section 22565, and section 4 of Article XIII D of the California Constitution.

Section 5. 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 Landscape and Lighting Act of 1972, Article XIII D of the California Constitution, and any other law referred to in this resolution. All proceedings referred to in this resolution have been taken with respect to CSA 34D.

Section 6. This Resolution shall take effect immediately upon its adoption.

Section 7. The Clerk of the Board shall certify to the adoption of this Resolution and shall 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:

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

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None
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COUNTY OF FRESNO

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

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

18 By: 
19 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 SIV VENTURES, INC., A CALIFORNIA CORPORATION, AND BOC 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 SIV VENTURES, INC., A CALIFORNIA CORPORATION AND BOC DEVELOPMENT CORPORATION, RECORDED NOVEMBER 22, 1996 AS INSTRUMENT NO. 96-185596. THE INTEREST OF A. BEN ELLER, JR., WAS ASSIGNED TO THE CALIFORNIA STATE COMPANY, INC., A CALIFORNIA CORPORATION.
- THE ABOVE AGREEMENT WAS MODIFIED PURSUANT TO DOCUMENT ENTITLED, CONSULTING AGREEMENT, EXECUTED BY AND BETWEEN A. BEN ELLER, JR. AND SIV 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 SIV, BOC 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 SIV 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 SIV VENTURES AND WESTCAL, INC., RECORDED MARCH 22, 2012 AS INSTRUMENT NO. 2012-0040927 OF OFFICIAL RECORDS, IN FAVOR OF SIV VENTURES AND WESTCAL, INC., RECORDED MARCH 22, 2012 AS INSTRUMENT NO. 2012-0040927 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

