17-0610 Resolution No. 17-379 AFTER RECORDING, **RETURN TO STOP #214** DEV. SERV. / POLICY PLANNING UNIT Attn: John Adams 1 2 3 4 5 6 BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO 7 STATE OF CALIFORNIA 8 9 IN THE MATTER OF RESOLUTION APPROVING PARTIAL AGRICULTURAL LAND CANCELLATION OF AGRICULTURAL 10 CONSERVATION CONTRACT LAND CONSERVATION CONTRACT NO. NO. 1440 1440 (RLCC NO. 967) 11 12 WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 1440 was 13 entered into between George Tavares and Olivia Tavares and the County of Fresno, 14 recorded on February 18, 1970, as Instrument Number 11776, Book 5761, Pages 15 486 to 488 in the Official Records of Fresno County, California, and 16 WHEREAS, George Tavares has submitted a petition to the Board of 17 Supervisors to remove an approximately 2.50-acre portion and a 2.00-acre portion of 18 a 17.73-acre parcel subject to the Contract for residential use; and 19 WHEREAS, the Planning Commission has approved a variance application to allow creation of a 2.50-acre parcel and 2.00-acre parcel in the AE-20 (Exclusive 20 21 Agriculture, 20-acre minimum parcel size) Zone District; and 22 WHEREAS, the proposed 2.50-acre parcel and 2.00-acre parcels will be 23 created through recordation of a Parcel Map; and 24 WHEREAS, the Parcel Map will combine the 13.23-acre remainder of the 25 17.73-acre parcel and an adjoining 38.20-acre parcel to create a 51.43-acre parcel; 26 and WHEREAS, the Agricultural Land Conservation Committee, at a public hearing 27 28

held on December 7, 2016, considered the petition and recommended approval of the cancellation petition to the Board of Supervisors; and

WHEREAS, the Board of Supervisors considered the petition at a public hearing held on July 11, 2017, and at the conclusion of the public hearing approved the petition based on its ability to make the five Consistency Findings listed under Section 51282(b) of the Government Code as follows:

- 1. That the cancellation is for land on which a Notice of Nonrenewal has been recorded; pursuant to Section 51245 of the Government Code and
- 2. That the cancellation is not likely to result in the removal of adjacent lands from agricultural use; and
- 3. That the cancellation is for an alternate use that is consistent with the provisions of the County General Plan; and
- 4. That the cancellation will not result in discontiguous patterns of urban development; and
- 5. That there is no proximate, non-contracted land which is both available and suitable for the use to which it is proposed that the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land; and

WHEREAS, in accordance with Section 51283(b) of the Government Code, the County Assessor has determined the cancellation fee for the 2.50-acre portion and 2.00-acre portion to be removed from the Contract to be \$12,500; and

WHEREAS, this Board has certified the Cancellation Fee to be in the amount of \$12,500; and

WHEREAS, in accordance with Section 51284.1(d) of the Government Code, the Board must consider the comments of the Department of Conservation ("DOC"). The DOC did not provide comments for this cancellation petition.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby finds that all of the Consistency Findings listed under Section 51282(b) of the

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Government Code can be made for this cancellation of said Contract as to a 2.50-acre portion and a 2.00-acre portion of a 17.73-acre parcel from ALCC No. 1440; and

BE IT FURTHER RESOLVED, that the cancellation of this Contract be and is hereby approved for a 2.50-acre portion and 2.00-acre portion of a 17.73-acre parcel from ALCC No. 1440 as described in the attached legal descriptions (Exhibits "A" and "B"), subject to the following conditions:

- The landowner shall obtain the necessary land use approvals, including a Zone Variance and recordation of a Parcel Map; and
- 2. The remainder 13.23 acres shall be merged with the adjoining 38.20-acre parcel known as APN 327-220-01s through merger and re-subdivision per Government Code Section 66499.20.2 to form a 51.43-acre parcel for the remainder parcel to remain in the Williamson Act program; and
- 3. The applicant shall pay the Cancellation Fee in the amount of \$12,500 as determined by the County Assessor and certified by the Board of Supervisors for issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid and a Certificate of Cancellation issued prior to recordation of a parcel map and issuance of any permit on the subject property.

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1	BE IT FURTHER RESOLVED, that the Chair is authorized to execute a		
2	Certificate of Tentative Cancellation, and upon satisfaction of Conditions of Approval		
3	stated above to execute a Certificate of Cancellation of ALCC No. 1440.		
4			
5	AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero		
6	NOES: None		
7	ABSENT: None		
8			
9	N. V.		
10	Brian Pacheco, Chairman		
11	Board of Supervisors		
12	ATTEST: Bernice E. Seidel, Clerk		
13	Board of Supervisors		
14			
15	By Sisei Cuns		
16	Deputy		
17	G:\4360Devs&PIn\PLANNING\AG\RLCC - Apps\Active Cancellation\RLCC 967 Tavares Pt CNX\Board\RLCC 967_CNX Resolution.docx		
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ACKNOWLEDGMENT

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.

Signature K- Cuy

validity of that document.		
State of California County of Fresho		
On before me,	(insert name and title of the officer)	
personally appeared, who proved to me on the basis of satisfactory evidence to be the person(e) 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(e) 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.	LISA K. CRAFT Notary Public - California	

(Seal)

Fresno County Commission # 2193173

My Comm. Expires May 17, 2021

EXHIBIT A

Non-Renewal for Richard Bargamian Parcel

All that portion of Lot 1 of Bank of California Tract, according to the map thereof filed in Volume 2 of Plats at Page 14, Fresno County Records, described as follows:

Beginning at a point on the north line of the northwest quarter of Section 26, Township 14 South, Range 19 East, Mount Diablo Base and Meridian, from which the northeast corner thereof bears South 89°55'51" East a distance of 174.00 feet;

Thence parallel with the east line of said northwest quarter, South 00°27'09" West, a distance of 228.78 feet;

Thence parallel with the north line of said northwest quarter, North 89°55'51" West, a distance of 35.00 feet;

Thence parallel with said east line South 00°27'09" West, a distance of 241.23 feet; Thence parallel with said north line, North 89°55'51" West, a distance of 215.00 feet; Thence parallel with said east line, North 00°27'09" East, a distance of 470.01 feet to said north line;

Thence along said north line, South 89°55'51" East, a distance of 250.00 feet to the POINT OF BEGINNING.

Consisting of 2.5 gross acres

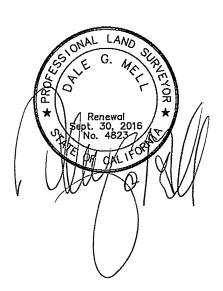


EXHIBIT B

Non-Renewal for George Tavares Estate Parcel

All that portion of Lot 1 of Bank of California Tract, according to the map thereof filed in Volume 2 of Plats at Page 14, Fresno County Records, described as follows:

Beginning at the northeast corner of the northwest quarter of Section 26, Township 14 South, Range 19 East, Mount Diablo Base and Meridian;

Thence along the east line of said northwest quarter, South 00°27'09" West, a distance of 490.01 feet;

Thence parallel with the north line of said northwest quarter, North 89°55'51" West, a distance of 209.00 feet;

Thence North 00°27'09" East, a distance of 261.23 feet;

Thence parallel with said north line, South 89°55'51" East, a distance of 35.00 feet; Thence parallel with said east line, North 00°27'09" East, a distance of 228.78 feet to the north line of said northwest quarter;

Thence along said north line South 89°55'51" East, a distance of 174.00 feet to the POINT OF BEGINNING.

Consisting of 2.00 gross acres

