

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

**RESOLUTION OF INTENTION TO CHANGE THE BOUNDARIES OF COUNTY SERVICE
AREA NO. 35, ZONE "AJ," TO INCLUDE CERTAIN ADJACENT TERRITORY**

WHEREAS, Fresno County Ordinance Code section 17.72.358 provides that prior to the recordation of the final map of a subdivision containing any improved local public or private roads, the subdivider shall have provided for their maintenance by a County Service Area or other method acceptable to the Director of Public Works and Planning (Director); and

WHEREAS, the Board of Supervisors (Board) established County Service Area No. 35 to provide road maintenance services for developments in the unincorporated area of Fresno County;

WHEREAS, the County of Fresno (County) provides road maintenance services in County Service Area No. 35 through zones established under Article 8 of the County Service Area Law (Government Code sections 25217 through 25217.4), including Zone AJ of County Service Area No. 35 (CSA 35-AJ); and

WHEREAS, to comply with a condition of approval for Tentative Parcel Map 8160, which condition is required by Ordinance Code section 17.72.358, a developer-landowner has requested a boundary change to include the two parcels described by Tentative Parcel Map 8160; and

WHEREAS, the purpose of CSA 35-AJ is to provide maintenance to a public road known as East Reno Avenue, which maintenance is funded by assessments levied on properties that receive a special benefit from that maintenance; and

WHEREAS, under Government Code section 25217.4, subdivision (c), benefit assessments to pay for road maintenance services in CSA 35-AJ must be levied, assessed, and charged only within the boundaries of CSA 35-AJ; and

WHEREAS, under Proposition 218, a benefit assessment must be levied on all properties that receive a special benefit from the services to be funded by the benefit assessment; and

1 WHEREAS, territory in addition to Tentative Parcel Map 8160 and in addition to that
2 within the current boundaries of CSA 35-AJ, which additional territory is generally identified by
3 Assessor's Parcel Numbers (APN) 580-010-11S, 580-010-12S, 580-010-14S, 580-010-15, 580-
4 010-18S, 580-010-22, and 580-010-24, and more particularly identified by the map and
5 description attached as Exhibit A to this resolution, located west of Auberry Road, and adjacent
6 to the current boundaries of CSA 35-AJ, also receives a special benefit from the maintenance of
7 East Reno Avenue and must be included in the properties subject to benefit assessment for
8 those services; and

9 WHEREAS, for the reasons stated above, a boundary change for CSA 35-AJ is
10 proposed under Article 8 of the County Service Area Law (Government Code section 25217 et
11 seq.); and

12 WHEREAS, after the proposed boundary change, CSA 35-AJ would include the existing
13 territory of CSA 35-AJ as well as the territory covered by Tentative Parcel Map 8160 and the
14 territory generally identified by APNs 580-010-11S, 580-010-12S, 580-010-14S, 580-010-15,
15 580-010-18S, 580-010-22, and 580-010-24 and more particularly identified by the map and
16 description attached as Exhibit A to this resolution; and

17 WHEREAS, a map and description of CSA 35-AJ with boundaries changed as proposed
18 is attached as Exhibit A to this resolution; and

19 WHEREAS, this proceeding will be identified as "CSA 35-AJ Boundary Change No. 3";
20 and

21 WHEREAS, as of April 5, 2019, the entire territory of CSA 35-AJ with boundaries
22 changed as proposed is "inhabited" under Government Code section 25210.2, subdivision (e),
23 because there are 40 registered voters residing in that territory; and

24 WHEREAS, under Government Code section 25217.1, subdivision (d), before the
25 Board may finally approve the proposed boundary change for CSA 35-AJ, a new benefit
26 assessment to pay for road maintenance services in CSA 35-AJ with boundaries changed as
27 proposed must be approved by owners of specially benefitted properties as required by
28 Proposition 218 (California Constitution, Article XIII D, section 4); and

1 WHEREAS, in connection with the requirement of Government Code section 25217.1,
2 subdivision (d), the Board is also, by separate resolution today, declaring its intention to levy a
3 benefit assessment for road maintenance services on the properties included in CSA 35-AJ with
4 boundaries changed as proposed by this resolution.

5 NOW, THEREFORE, BE IT RESOLVED:

6 **Section 1.** Each of the recitals above is true and correct. This proceeding is hereby
7 identified as "CSA 35-AJ Boundary Change No. 3."

8 **Section 2.** It is in the public interest to change the boundaries of CSA 35-AJ, and for
9 that reason the Board hereby declares its intention to change the boundaries of CSA 35-AJ as
10 provided in Article 8 of the County Service Area Law, to include the territory shown and
11 described in Exhibit A to this resolution.

12 **Section 3.** The Board shall conduct a public hearing on **July 9, 2019, at 9:00 a.m.,**
13 **or as soon after as practicable, but in any case before any public protest hearing on the**
14 **benefit assessment for road maintenance costs to be set for the same day by separate**
15 **resolution, in the meeting chambers of the Board, Hall of Records, 2281 Tulare Street,**
16 **Third Floor, Fresno, California 93721,** concerning the proposed boundary change for CSA 35-
17 AJ, and that the public hearing may be continued from time to time by the Board without further
18 notice. At the public hearing, the Board will hear and consider any protests to the proposed
19 boundary change.

20 **Section 4.** The Board will follow the majority protest procedure under Government
21 Code section 25217.1, subdivision (b)(1), for inhabited territory. If at the conclusion of the public
22 hearing, the Board determines that more than 50 percent of the total number of registered
23 voters residing within in CSA 35-AJ with boundaries changed as proposed have filed written
24 objections to the proposed boundary change, then the Board shall determine that a majority
25 protest exists and terminate the proceedings.

26 **Section 5.** All written objections to the proposed boundary change, to be counted
27 toward a majority protest as defined in section 4 above, must include: (1) information sufficient
28 to identify the property owned by the objector, such as the address of the objector's property

1 within CSA 35-AJ with boundaries changed as proposed, the APN for the property, or both; (2)
2 a written statement of objection to the proposed boundary change; and (3) the name and
3 signature of the objector.

4 **Section 6.** All written objections to the proposed boundary change, to be counted
5 toward a majority protest as defined in section 4 above, must be delivered by one of the
6 following methods: (1) by U.S. Mail so that it is received by the Clerk of the Board (Clerk) no
7 later than the date and time set for the public hearing; or (2) otherwise delivered to the Clerk no
8 later than the date and time set for the public hearing; or (3) delivered to the Clerk at the public
9 hearing before the close of public testimony. If written objections are mailed or otherwise
10 delivered before the public hearing, the proper address is **Clerk of the Board of Supervisors,**
11 **County of Fresno Hall of Records, 2281 Tulare Street, Room 301, Fresno, California**
12 **93721.** Written objections from property owners may be withdrawn or changed at any time prior
13 to close of public testimony at the public hearing.

14 **Section 7.** The Director or his designee is directed to prepare a notice of the public
15 hearing (Notice), which shall include all of the following: (1) a statement that the proposal to
16 change the boundaries of CSA 35-AJ is made under Article 8 of the County Service Area Law;
17 (2) a description of the territory to be included in CSA 35-AJ with boundaries changed as
18 proposed; (3) a statement of the reasons for changing the boundaries of CSA 35-AJ; (4) a
19 statement of the authorized services, different levels of service, different authorized facilities, or
20 additional revenues that CSA 35-AJ with boundaries changed as proposed will provide (namely,
21 road maintenance services); and (5) a statement of the method by which those authorized
22 services, levels of service, or authorized facilities will be financed (namely, benefit
23 assessments); (6) the date, time, and place for the public hearing on the proposed boundary
24 change as established by section 3 of this resolution; and (7) a statement that all interested
25 parties will be allowed to give testimony for or against the proposed boundary change; (8) a
26 form for written objections; (9) instructions for submitting written objections; (10) a statement
27 that the proceeding will be terminated if there is a majority protest to the proposed boundary
28 change or if the owners of specially benefitted properties within CSA 35-AJ with boundaries

1 changed as proposed do not approve a benefit assessment to pay for road maintenance
2 services; and (11) the name and contact information of a County staff person who is available to
3 answer questions about the proposed boundary change.

4 **Section 8.** The Clerk of the Board is authorized and directed to: (a) publish the
5 Notice once in a newspaper of general circulation as provided in Government Code section
6 6061; (b) no later than Tuesday, May 21, 2019, mail the Notice to all owners of property within
7 CSA 35-AJ with boundaries changed as proposed; (c) no later than Tuesday, May 21, 2019,
8 mail the Notice to each city and special district that contains, or whose sphere of influence
9 contains, CSA 35-AJ with boundaries changed as proposed; and (d) post the Notice in at least
10 three public places within the territory of CSA 35-AJ with boundaries changed as proposed.

11 **Section 9.** This proceeding to change the boundaries of CSA 35-AJ will be
12 terminated if there is a majority protest to the proposed boundary change as described in
13 section 3 above, or if the owners of specially benefitted properties within CSA 35-AJ with
14 boundaries changed as proposed do not approve a benefit assessment to pay for road
15 maintenance services as required by Proposition 218.

16 The FOREGOING, was passed and adopted by the following vote of the Board of
17 Supervisors of the County of Fresno this 14th day of May, 2019, to wit:

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

19 NOES: None

20 ABSENT: None

21 ABSTAINED: None



Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

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

27 By: _____

28 Deputy

SUBDIVIDED LAND IN POR. SEC. 6, T. 12 S., R. 21 E., M.D.B. & M.

REFER TO DETAIL A / -
FOR POINT OF COMMENCEMENT (POC)
TO POINT OF BEGINNING (POB)

NW COR.
SEC. 6-12/21

POB

S 86°22'16" W, 5680.41'

MATCHLINE

EAST RENO AVENUE

WILLOW BLUFF ROAD

S 02°25'29" E, 1902.77'

N 89°59'02" E, 2376.07'

EAST GARONNE AVENUE

N 01°35'43" E
659.32'

W 1/4 COR.
SEC. 6-12/21

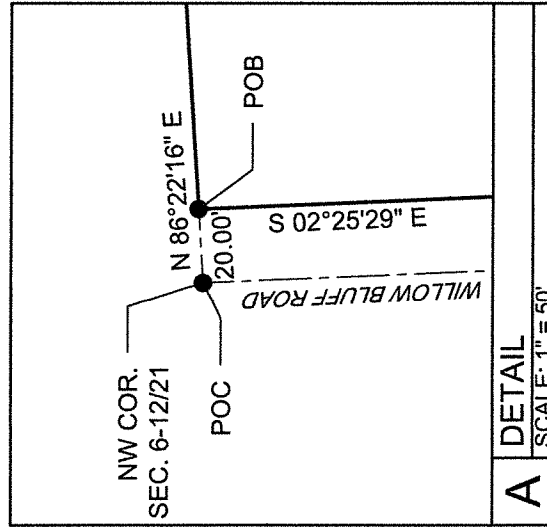
EXHIBIT "A"

DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP
ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED".



NAME:		DATE:	SCALE:	 (IN FEET)
DRAWN: J.D.		07/18/16		
CHECKED: M.R.		02/26/19		
DEPARTMENT OF PUBLIC WORKS AND PLANNING				
COUNTY SERVICE AREA 35				
ZONE AJ BOUNDARY CHANGE NO. 3				
CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 - BOUNDARY MAP				
PROJECT NO: XP8160				
SHEET NO. 1 OF 3				

NOTE:
SEE SHEET 3 FOR LEGEND, LINE
DATA INDEX, AND PARCEL
IDENTIFICATION KEY



SUBDIVIDED LAND IN POR. SEC. 6, T. 12 S., R. 21 E., M.D.B. & M.

NOTE:
SEE SHEET 3 FOR LEGEND, LINE
DATA INDEX, AND PARCEL
IDENTIFICATION KEY

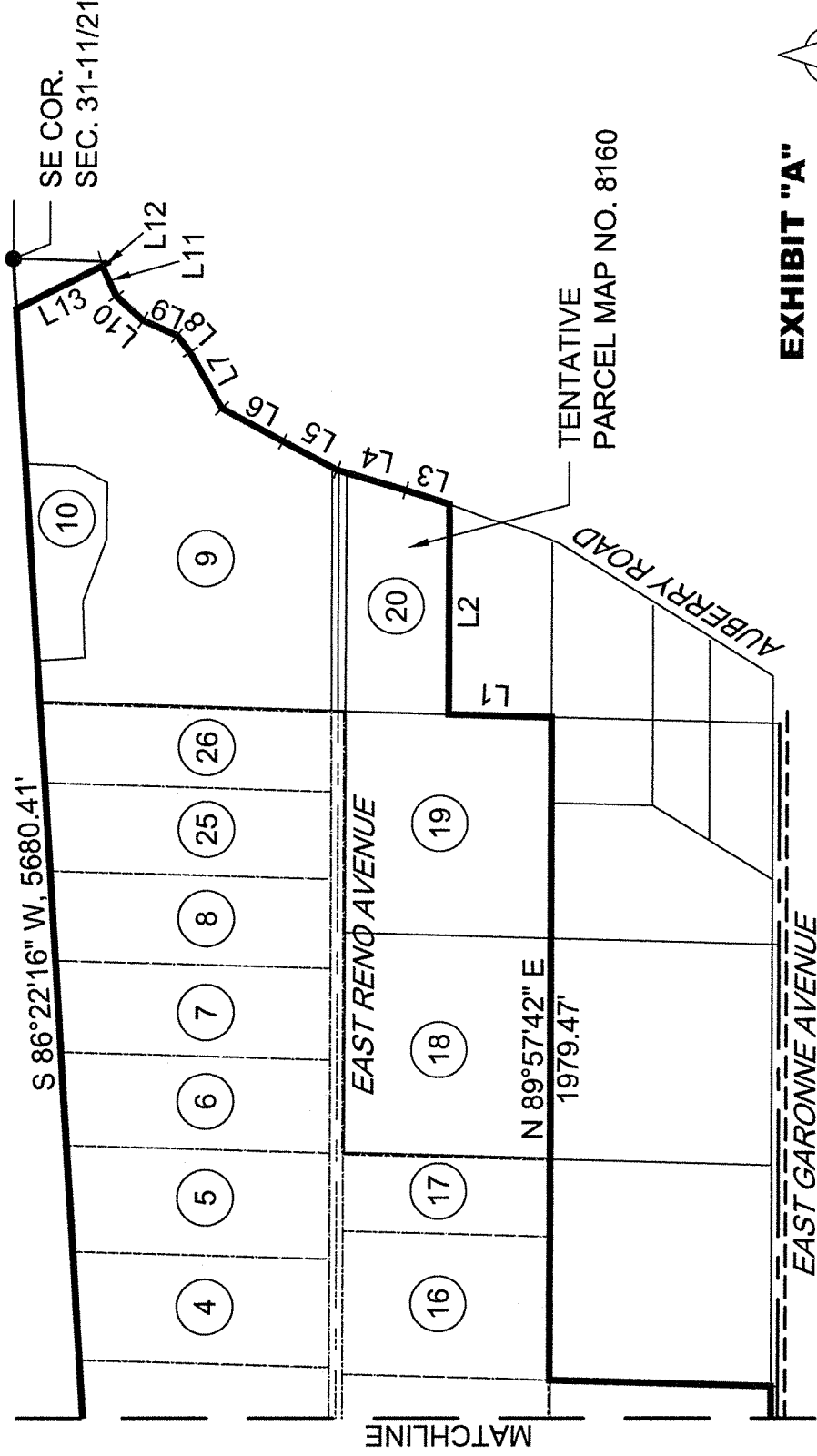


EXHIBIT "A"

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NAME:	DATE:	SCALE	<p>(IN FEET)</p>		DEPARTMENT OF PUBLIC WORKS AND PLANNING COUNTY SERVICE AREA 35 ZONE AJ BOUNDARY CHANGE NO. 3 CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 - BOUNDARY MAP PROJECT NO: XP8160	SHEET NO. 2 OF 3
DRAWN: J.D.	02/26/19					
CHECKED: M.R.	02/26/19					

PARCEL IDENTIFICATION KEY			
PARCEL NO.	A.P.N.	PARCEL NO.	A.P.N.
1	580-010-02S	14	580-010-17S
2	580-010-03S	15	580-010-18S
3	580-010-04S	16	580-010-19S
4	580-010-05S	17	580-010-20S
5	580-010-06S	18	580-010-22
6	580-010-07S	19	580-010-24
7	580-010-08S	20	580-010-25S
8	580-010-09S	21	580-010-40S
9	580-010-11S	22	580-010-41S
10	580-010-12S	23	580-010-42S
11	580-010-14S	24	580-010-43S
12	580-010-15	25	580-010-44S
13	580-010-16S	26	580-010-45S

LEGEND	
xxx-xx-xx	ASSESSOR'S PARCEL NUMBER (A.P.N.)
----	PROPOSED PARCEL LINE
—	PARCEL LINE
	TENTATIVE PARCEL MAP NO. 8160
	EXISTING CSA 35 ZONE AJ BOUNDARY
	CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 BOUNDARY

LINE DATA INDEX		
SYMBOL	BEARING	DISTANCE
L1	N 01°33'15" E	308.00'
L2	S 89°59'48" E	625.76'
L3	N 17°39'38" E	137.20'
L4	N 16°26'41" E	213.52'
L5	N 27°46'01" E	183.29'
L6	N 28°19'37" E	205.22'
L7	N 60°14'10" E	193.31'
L8	N 51°55'44" E	62.43'
L9	N 23°43'37" E	111.78'
L10	N 41°49'44" E	107.34'
L11	N 65°28'12" E	94.66'
L12	N 73°36'27" E	5.30'
L13	N 26°46'17" W	286.49'

EXHIBIT "A"


		DEPARTMENT OF PUBLIC WORKS AND PLANNING	
		COUNTY SERVICE AREA 35 ZONE AJ BOUNDARY CHANGE NO. 3 CSA 35 ZONE AJ BOUNDARY CHANGE NO. 3 - BOUNDARY MAP	
NAME:	DATE:	SCALE:	NONE
DRAWN: J.D.	02/26/19		
CHECKED: M.R.	02/26/19		
		PROJECT NO: XP8160	
		SHEET NO. 3 OF 3	

EXHIBIT A

Boundary Description for County Service Area 35 Zone AJ Annexation No. 3

The Subdivided Land in that portion of Sections 6 Township 12 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

COMMENCING at the Northwest corner of Section 6, Township 12 South, Range 21 East per Parcel Map No. 3601 recorded in Book 27, Page 1 of Parcel Maps, Fresno County Records; thence, bearing North 86° 22' 16" East, a distance of 20.00 feet more or less to the Northwest corner of Parcel 1 of Parcel Map 8027 recorded in Book 71, Page 31 of Parcel Maps, Fresno County Records, said point being the TRUE POINT OF BEGINNING; thence,

- 1) South 02° 25' 29" East, along the line 20.00 feet East and parallel to the West line of said Section 6, a distance of 1902.77 feet; thence,
- 2) North 89° 59' 02" East, a distance of 2376.07 feet; thence,
- 3) North 01° 35' 43" East, a distance of 659.32 feet; thence,
- 4) North 89° 57' 42" East, a distance of 1979.47 feet; thence,
- 5) North 01° 33' 15" East, a distance of 308.00 feet; thence,
- 6) South 89° 59' 48" East, a distance of 625.76 feet more or less to the Westerly Right-of-Way line of Auberry Road; thence,
- 7) Along said Westerly Right-of-Way lines North 17° 39' 38" East, a distance of 137.20 feet; thence,
- 8) North 16° 26' 41" East, a distance of 213.52 feet; thence,
- 9) North 27° 46' 01" East, a distance of 183.29 feet; thence,
- 10) North 28° 19' 37" East, a distance of 205.22 feet; thence,
- 11) North 60° 14' 10" East, a distance of 193.31 feet; thence,
- 12) North 51° 55' 44" East, a distance of 62.43 feet; thence,
- 13) North 23° 43' 37" East, a distance of 111.78 feet; thence,

- 14) North $41^{\circ} 49' 44''$ East, a distance of 107.34 feet; thence,
- 15) North $65^{\circ} 28' 12''$ East, a distance of 94.66 feet; thence,
- 16) North $73^{\circ} 36' 27''$ East, a distance of 5.30 feet; thence,
- 17) Leaving said Westerly Right-of-Way line of Auberry Road bearing North $26^{\circ} 46' 17''$ West, a distance of 286.49 feet to a point on the North line of Section 6, said point bearing South $86^{\circ} 22' 16''$ West, a distance of 150.00 more or less from the Southeast corner of Section 31, Township 11 South, Range 21 East, Mount Diablo Base and Meridian; thence,
- 18) South $86^{\circ} 22' 16''$ West on said North line of Section 6, a distance of 5680.41 feet more or less to the Northwest corner of Parcel 1 of Parcel Map 8027 recorded in Book 71, Page 31 of Parcel Maps, Fresno County Records, said point being the TRUE POINT OF BEGINNING.