

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

**RESOLUTION APPROVING
AND LEVYING BENEFIT ASSESSMENT FOR ROAD MAINTENANCE COSTS
ON REAL PROPERTY IN COUNTY SERVICE AREA NO. 35, ZONE "AJ"**

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; and

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 17.72.368, a developer-landowner has requested a boundary change for CSA 35-AJ 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 within 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, the Board has conducted a hearing on a
10 boundary change for CSA 35-AJ under Article 8 of the County Service Area Law, and there was
11 not a majority protest; and

12 WHEREAS, the boundary change is designated CSA 35-AJ Boundary Change No. 3,
13 and includes the existing territory of CSA 35-AJ, as well as the territory covered by Tentative
14 Parcel Map 8160, and the territory generally identified by APNs 580-010-11S, 580-010-12S,
15 580-010-14S, 580-010-15, 580-010-18S, 580-010-22, and 580-010-24 and more particularly
16 identified by the map and description attached as Exhibit A to this resolution; and

17 WHEREAS, a map and description of CSA 35-AJ Boundary Change No. 3, showing
18 CSA 35-AJ with boundaries changed as proposed, is attached as Exhibit A to this resolution;
19 and

20 WHEREAS, under Government Code section 25217.1, subdivision (d), before CSA 35-
21 AJ Boundary Change No. 3 may be finally approved by the Board, a new benefit assessment to
22 pay for road maintenance services in CSA 35-AJ with boundaries changed as proposed must
23 be approved by owners of specially benefitted properties as required by Proposition 218
24 (California Constitution, Article XIII D, section 4); and

25 WHEREAS, under Government Code section 25215.3, the Board may levy benefit
26 assessments in a county service area zone under the Benefit Assessment Act of 1982, Chapter
27 6.4 of Part 1 of Division 2 of Title 5 of the Government Code, beginning with section 54703
28 (1982 Act), and in compliance with Article XIII D, section 4, of the California Constitution to pay

1 for the cost of road maintenance services; and

2 WHEREAS, on May 14, 2019, the Board adopted a "Resolution of Intention to Levy
3 Benefit Assessment for Road Maintenance Costs on Real Property in County Service Area No.
4 35, Zone 'AJ'" (Resolution of Intention, also identified as Board Resolution No. 19-199), which
5 appointed and designated Hal Lore, PE – Lore Engineering, Inc. as the assessment engineer
6 (Assessment Engineer), and authorized and directed the Assessment Engineer to make and, no
7 later than Wednesday, May 15, 2019, file with the Clerk to the Board a written report regarding a
8 benefit assessment to fund road maintenance services in CSA 35-AJ (Engineer's Report), which
9 shall comply with the requirements of Government Code sections 54711 and 54716 in the 1982
10 Act, and with Article XIII D, section 4, of the California Constitution; and

11 WHEREAS, the Assessment Engineer prepared the Engineer's Report and filed it with
12 the Clerk as directed by the Board, which was at least 45 days prior to the public hearing; and

13 WHEREAS, the Board in the Resolution of Intention set a public meeting for June 17,
14 2019, at 6:00 p.m., or as soon after as practicable, at the Woodward Park Regional Library, 944
15 East Perrin Avenue, Fresno, California 93720, to allow the public to give testimony concerning
16 the proposed benefit assessment (collectively, Public Meeting), which Public Meeting occurred
17 as scheduled; and

18 WHEREAS, the Board in the Resolution of Intention set a public hearing for July 9, 2019,
19 at 9:00 a.m., or as soon after as practicable, but at in any case only after completion of the
20 public hearing on CSA 35-AJ Boundary Change No. 3, and only if there is no majority protest in
21 that boundary change proceeding, in the chambers of the Board, Hall of Records, 2281 Tulare
22 Street, Third Floor, Fresno, California 93721, for hearing all objections and protests to the
23 proposed benefit assessment as set forth in the Engineer's Report (collectively, Public Hearing),
24 which Public Meeting occurred as scheduled after there was no majority protest in CSA 35-AJ
25 Boundary Change No. 3 proceeding; and

26 WHEREAS, pursuant to the provisions of Section 4 of Article XIID of the California
27 Constitution, and Section 53753 of the California Government Code, the notices, ballots, and
28 instructions as provided in Sections 6 and 7 of the Resolution of Intention were mailed to the

owners of all property within CSA 35-AJ with boundaries changed as proposed as required by Section 8 of the Resolution of Intention; and

WHEREAS, certificates of the mailing of the notices, ballots, and instructions have been filed with the Board by the Clerk as required by Section 8 of the Resolution of Intention; and

WHEREAS, at the conclusion of the Public Hearing, all assessment ballots (including substitute assessment ballots, change of ownership assessment ballots, and co-owner assessment ballots) submitted and not withdrawn, in support of or in opposition to the proposed assessment, were tabulated by the Director of Public Works and Planning, and his designees, as provided in Section 10 of the Resolution of Intention, and ballots submitted in opposition to the assessment do not exceed ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of each affected property; and

WHEREAS, 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 Benefit Assessment Act of 1982, the Proposition 218 Omnibus Implementation Act, Article XIII D of California Constitution, and any other law referred to in this resolution.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Each of the recitals above is true and correct.

Section 2. The Board hereby accepts the Engineer's Report as filed by the Assessment Engineer.

Section 3. The Board finds that there is not a majority protest and hereby levies, beginning in Fiscal Year 2019-20, annual assessments for road maintenance of East Reno Avenue upon real property within the territory included in CSA 35-AJ Boundary Change No. 3 as described in Exhibit B to this resolution. The lien date shall be that prescribed by law and the assessment shall be collected annually in the same manner and time as the property tax billing for the assessed properties. The lien and levy imposed under this resolution shall not expire, but shall be in effect until superseded or rescinded by action of the Board, or until County Service Area 35 or Zone AJ is dissolved, in accordance with the pertinent laws.

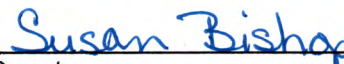
Section 4. This resolution is effective immediately upon its adoption.

1 PASSED AND ADOPTED this 9th day of July, 2019, by the following
2 vote of the Board of Supervisors of the County of Fresno, to wit:
3 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
4 NOES: None
5 ABSENT: None
6 ABSTAINED: None

7
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9 

10 Nathan Magsig, Chairman of the Board of
11 Supervisors of the County of Fresno
12

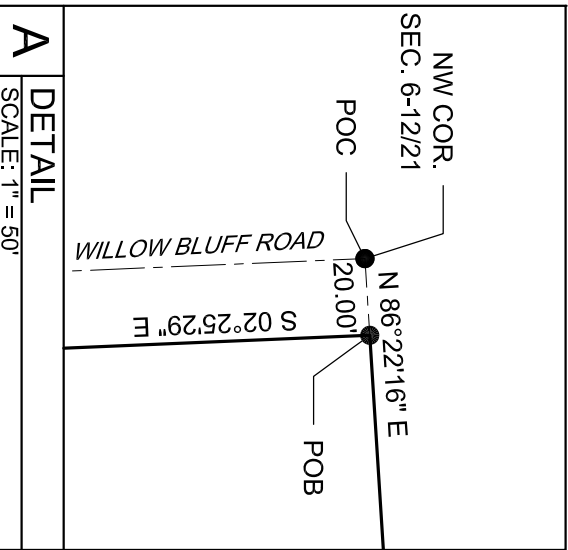
13 ATTEST:
14 Bernice E. Seidel
15 Clerk of the Board of Supervisors
16 County of Fresno, State of California

17 By: 
18 Deputy
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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)


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



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

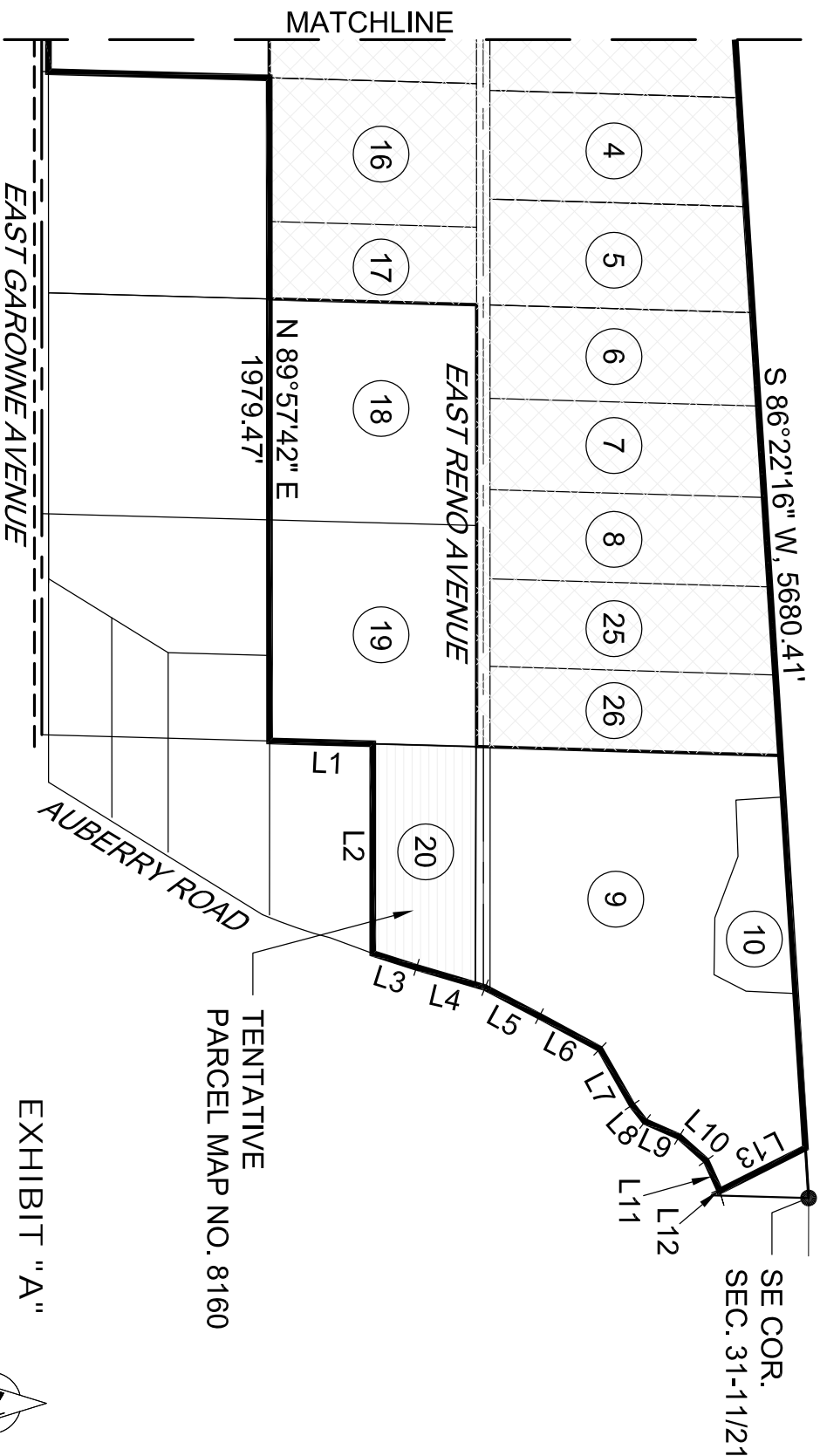
DISCLAIMER:
"FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP
ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."



NAME:	DATE:	SCALE		DEPARTMENT OF PUBLIC WORKS AND PLANNING COUNTY SERVICE AREA 35 ZONE A1 BOUNDARY CHANGE NO. 3 CSA 35 ZONE A1 BOUNDARY CHANGE NO. 3 - BOUNDARY MAP PROJECT NO: XP8160 SHEET NO. 1 OF 3
DRAWN: J.D.	07/18/16	0 500 1000		
CHECKED: M.R.	02/26/19	(IN FEET)		

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
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


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NAME:	DATE:	SCALE		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	0 500 1000		
CHECKED: M.R.	02/26/19	(IN FEET)		

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"

NAME:

DATE:

SCALE

DRAWN: J.D.

02/26/19

CHECKED: M.R.

02/26/19

NONE



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. 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.

EXHIBIT "B"

COUNTY SERVICE AREA NO. 35 ZONE AJ - BENEFIT ASSESSMENT PARCEL LIST

ASST. NO.	APN	PROPERTY OWNER(S)
1	580-010-02S	MURRAY KEVIN PATRICK & ASHLEY M
2	580-010-03S	DULAI HARJOT S & AMNEET VIRK-DULAI
3	580-010-04S	WAYTE MICHAEL R & STEVIE G
4	580-010-05S	AVEDIKIAN RODNEY ALBERT/CHARLOTTE A TRS
5	580-010-06S	LEARY TIMOTHY & DEANNA
6	580-010-07S	ARORA AJIT S & GUNITY S TRUSTEES
7	580-010-08S	PAZ CARLOS & VIVIAN E VELASCO TRS
8	580-010-09S	BONAKDAR ALI & MAY
9	580-010-11S	BIGLIONE FRED J JR TRUSTEE
10	580-010-12S	BIGLIONE SUSAN M TRUSTEE
11	580-010-14S	LAMBORN JOHN P JR & PAMELA K TRUSTEES
12	580-010-15	LAMBORN JOHN P JR & PAMELA K TRUSTEES
13	580-010-16S	KHERADPIR ARDAVAN & COLETTE KRUCK TRS
14	580-010-17S	PEDERSEN RICHARD E & DARLENE A
15	580-010-18S	SNYDER DONALD & MARY P TRUSTEES
16	580-010-19S	KRIKORIAN SAMUEL S & JUDITH A TRS
17	580-010-20S	CAMPAGNA THOMAS F & LINDA JEAN
18	580-010-22	CAMPAGNA THOMAS F & LINDA JEAN
19	580-010-24	VOROBICHEVICI IULIA S
20&21	580-010-25S (+1 parcel per Parcel Map 8160)	RATZLAFF MATTHEW J & JENNIFER L
22	580-010-40S	CHOWDHRY OMAR
23	580-010-41S	BLANKENSHIP ALAN L & MICHELLE L WENNING
24	580-010-42S	DULAI HARJOT S & AMNEET VIRK
25	580-010-43S	PICKETT JOSEPH F & JULIE A TRS
26	580-010-44S	SHIRALIAN BAHRAM & FARANAK A ARYANA
27	580-010-45S	SHIRALIAN SHAWN

EXHIBIT "B"

TABLE 8.A-1 ASSESSMENT SCHEDULE

Budget Year	Maximum Annual Assessment Per Specially Benefited Parcel ¹	Total Assessment per Year (includes 3% inflation increases)
FY18-19	\$308.23	\$8,322.21
1	\$674.52	\$18,212.04
2	\$694.75	\$18,758.25
3	\$715.59	\$19,320.93
4	\$737.06	\$19,900.62
5	\$759.17	\$20,497.59
6	\$781.95	\$21,112.65
7	\$805.41	\$21,746.07
8	\$829.57	\$22,398.39
9	\$854.46	\$23,070.42
10	\$880.09	\$23,762.43
11	\$906.49	\$24,475.23
12	\$933.69	\$25,209.63
13	\$961.70	\$25,965.90
14	\$990.55	\$26,744.85
15	\$1,020.27	\$27,547.29
16	\$1,050.88	\$28,373.76
17 & after	\$1,050.88	\$28,373.76
Total for years 1 through 16		\$395,469.81

¹ These numbers are maximums, based upon an assumption that the total amount of Specially Benefited Parcels will continue to be twenty-seven in total. If and when additional parcel splits occur, the actual annual assessment per Specially Benefited Parcel will likely decrease.