

RESOLUTION NO. 19-322

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO INITIATING FORMATION PROCEEDINGS FOR COUNTY SERVICE AREA NO. 34 ZONE G (GRANVILLE)

WHEREAS, the Board of Supervisors (Board) formed County Service Area No. 34 (CSA 34) in 1986 to provide a wide variety of governmental services for the community of Millerton New Town; and

WHEREAS, the County of Fresno (County) provides services including water, wastewater collection and treatment, street lighting, public right-of-way landscaping, open space maintenance, storm drainage, and road maintenance within CSA 34 through zones established under Article 8 of the County Service Area law (Government Code, sections 25217 through 25217.4); and

WHEREAS, Tentative Tract Map No. 6189 (Tract 6189) lies wholly within the boundaries of CSA 34; and

WHEREAS, as a condition of approval of Tract 6189, the Board requires the formation of a zone in CSA 34 to provide operation and maintenance services for authorized infrastructure in a new subdivision; and

WHEREAS, the developer/landowner of Tract 6189 proposes that the territory shown and described in Exhibit A and A-1 to this resolution be designated County Service Area No. 34, Zone G (CSA 34G), which territory consists of approximately 40 acres and is planned to be developed into approximately 133 single-family residential lots under Tract 6189, for the development of the "Granville" subdivision; and

WHEREAS, the territory is undeveloped and no registered voters are likely to reside within the territory, but Department of Public Works and Planning staff will obtain, and present prior to the protest hearing on the formation of CSA 34G, a certification from the County Clerk/Registrar of Voters regarding the number of registered voters residing within the territory; and

WHEREAS, another developer/landowner has also proposed the formation of Zone F in CSA 34, for development of the subdivision to be called "The Vistas," and that proposal has been presented to this Board concurrently with the proposal to form Zone G; and

WHEREAS, the Local Agency Formation Commission (LAFCo) action is not required for the formation of a zone within a CSA, under Government Code, section 25217.4, and LAFCo has previously

authorized services to be provided by CSA 34 that include municipal services such as water, wastewater collection and treatment, street lighting, public right-of-way landscaping, open space maintenance, storm drainage, and road maintenance; and

WHEREAS, some of the facilities to be provided by the Department to CSA 34G are shared with all zones in CSA 34 (except for Zone B) and include: (1) administering three contracts between the County and three other agencies (Arvin-Edison Water Storage District, Lower Tule River Irrigation District, and the Deer Creek and Tule River Authority) to provide a firm, long-term surface water supply for delivery to all of the parcels in CSA 34, Zone A (also known as Brighton Crest), all of the parcels in CSA 34, Zone C (also known as Bella Vista), all of the parcels in CSA 34, Zone D (also known as Renaissance at Bella Vista), all of the parcels in the proposed Zone F (also known as The Vistas), and all of the parcels in CSA 34G (also known as Granville), and a portion of the parcels in CSA 34 that are not within Zones A, C, D, or the proposed Zones F and G (collectively, Water Contract Administration); and (2) maintaining in ready-to-serve status the water pumping facilities located on a submerged platform in Millerton Lake that pump untreated surface water from Millerton Lake (a) to storage and treatment facilities that currently process raw water to produce potable water for domestic uses for delivery to Brighton Crest, Bella Vista, Renaissance at Bella Vista, and the proposed The Vistas and Granville, and (b) for use on the golf course in Brighton Crest for fairway turf irrigation (collectively, Lake Pump Maintenance); and

WHEREAS, the facilities and services proposed to be provided by the County in CSA 34G include: (1) maintaining water distribution system, fire hydrants, and water storage facilities in ready-to-serve status for all user classes, regardless of whether they have an active water service, available to provide a new water service and meters as currently vacant lots of record are developed; (2) maintaining sewer facilities in a ready-to-serve status for all user classes, regardless of whether they have an active sewer service, and available to support new sewer service connections from currently vacant lots of record (collectively, Water and Sewer Facilities);

WHEREAS, the facilities and services to be provided by the County in CSA 34G also include:

(1) storm drainage, including periodic monitoring during and after storm events and operation of the basin outlet controls as needed to empty the basin between storm events; (2) road maintenance,

including street paving, striping, signage maintenance, repair and reconditioning to maintain all of the in-tract and off-site streets constructed pursuant to the development of Tract 6189, including the funding of special reserve funds created and funded as a condition of approval for Tract 6189, and including inspection of street pavement to identify sections in need of immediate repair, inspection of all street signage installed pursuant to the development of Tract 6189 and replacement as needed of any damaged or degraded street signs and poles, inspection and reconditioning of all street striping, and all related insurance and administrative costs to maintain the ready-to-serve status of CSA 34G streets for the benefit of all CSA 34G lots (collectively, Storm Drainage and Road Maintenance); and

WHEREAS, the facilities and services to be provided by the County in CSA 34G also include landscape maintenance and street lighting services, specifically: (1) paying electrical costs for the PG&E owned and operated street lighting for the purpose of providing street safety lighting throughout the community and for maintaining the visual presentation of those streets; and (2) providing public right-of-way landscape maintenance to maintain the current standard of visual presentation of the community for the benefit of all CSA 34G properties (collectively, Lighting and Landscape Maintenance); and

WHEREAS, under Government Code, section 25217.1, subdivision (d), before the Board may approve the proposed formation of CSA 34G, user fees and benefit assessments to pay for the services described above must be approved by owners of benefitted and specially benefitted properties as required by Proposition 218 (California Constitution, Article XIII D, sections 4 and 6); and

WHEREAS, in connection with the requirement of Government Code, section 25217.1, subdivision (d), the Board is also, by separate resolutions today, declaring its intention to levy benefit assessments to pay for the services listed above on the properties in the proposed CSA 34G.

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

- **Section 1.** Each of the recitals above is true and correct.
- **Section 2.** The proposed new zone is designated "County Service Area No. 34, Zone G" (and referred to below as "CSA 34G").
 - Section 3. Services to be provided in CSA 34G include water, wastewater collection and

treatment, street lighting, public right-of-way landscaping, storm drainage, and road maintenance.

Section 4. Services provided in CSA 34G will be financed through user fees and benefit assessments.

Section 5. It is in the public interest to form CSA 34G, and for that reason the Board hereby declares its intention to form CSA 34G as provided in Article 8 of the County Service Area Law, to include the territory shown and described in Exhibit A and Exhibit A-1 to this resolution.

Section 6. The Board shall conduct a public hearing on October 8, 2019, at 9:00 a.m., or as soon after as practicable, but in any case before any public protest hearings on the user fees and benefit assessments to pay for the services listed above, to be set for the same day by separate resolutions, in the meeting chambers of the Board, Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California 93721, concerning the proposed formation of CSA 34G. The public hearing may be continued from time to time by the Board without further notice. At the public hearing, the Board will hear and consider any protests to the proposed boundary change.

Section 7. The Board will follow the majority protest procedure under Government Code, section 25217.1, subdivision (b). If the County Clerk/Registrar of Voters has given a certification prior to the protest hearing that is sufficient to support a finding that the territory is "uninhabited" as that term is defined in Government Code, section 25210.2, subdivision (e), then the Board will proceed under Government Code, section 25217.1, subdivision (b)(2), and there will be a majority protest if more than 50 percent of the property owners who own more than 50 percent of the assessed value of all taxable property in the proposed CSA 34G have filed written objections to the formation. Otherwise, the Board will proceed under Government Code, section 25217.1, subdivision (b)(1), and there will be a majority protest if more than 50 percent of the total number of voters residing within the proposed zone have filed written objections to the formation.

Section 8. All written objections to the proposed formation of CSA 34G, to be counted toward a majority protest as defined in Section 7 above, must include: (1) information sufficient to identify the property owned by the objector, such as the address of the objector's property within CSA 34G, the APN for the property, or both; (2) a written statement of clear objection to the proposed boundary change; and (3) the name and signature of the objector.

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

Section 10. The Director of the Department of Public Works and Planning (Director), or designee, is directed to prepare a notice of public hearing (Notice), which shall include all of the following: (1) a statement that the proposal to form CSA 34G is made under Article 8 of the County Service Area Law; (2) a description of the territory to be included in CSA 34G; (3) a statement of the reasons for forming CSA 34G; (4) a statement of the authorized services, different levels of service, different authorized facilities, or additional revenues that CSA 34G will provide (namely, the services listed above); (5) a statement of the method by which those authorized services, levels of service, or authorized facilities will be financed (namely, user fees and benefit assessments); (6) the date, time, and place for the public hearing on the proposed formation of CSA 34G as established by Section 6 of this resolution; (7) a statement that all interested parties will be allowed to give testimony for or against the proposed formation of CSA 34G; (8) instructions for submitting written objections; (9) a statement that the proceeding will be terminated if there is a majority protest to the proposed formation of CSA 34G if the owners of benefitted properties within CSA 34G do not approve user fees and benefit assessments to pay for the services listed above; and (10) the name and contact information of a County staff person who is available to answer questions about the proposed formation.

Section 11. The Clerk is authorized and directed to: (a) publish the Notice once in a newspaper of general circulation as provided in Government Code, section 6061; (b) no later than August 23, 2019 mail the Notice to all owners of property within the proposed CSA 34G; (c) no later than August 23, 2019, mail the Notice to each city and special district that contains, or whose sphere of influence contains, the

1	proposed CSA 34
2	the proposed CSA
3	Section 12
4	to the proposed for
5	the proposed CSA
6	above as required
7	THE FORE
8	of the County of F
9	AYES:
10	NOES:
11	ABSENT:
12	ABSTAINE
13	7.551712
14	
15	
16	ATTEST:
17	Bernice E. Seidel Clerk of the Board
18	County of Fresno,
19	
20	By Susan Deputy
21	500
22	
23	Org 91 Subclass 160
24	Fund 08

G, if any; and (d) post the Notice in at least three public places within the territory of 4 34G.

This proceeding to form CSA 34G will be terminated if there is a majority protest rmation as described in Section 7 above, or if the owners of benefitted properties within A 34G do not approve user fees and benefit assessments to pay for the services listed by Proposition 218.

EGOING was passed and adopted by the following vote of the Board of Supervisors resno this 20th day of August, 2019, to-wit:

Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

None

None

ED: None

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

d of Supervisors State of California

174 000 830 5800 Account

25

26

27

28

G:\4360Resources\SPECIAL DISTRICTS\CSA - County Service Area\CSA 34G\FIN\Prop 218\ROI\Local\Local\ROI docx

SUBDIVIDER'S STATEMENT THE UNDERSIGNED BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND; A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE IS LATINGHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT. STATE OF CALIFORNIA CONTINUE OF THAT DOCUMENT. ON PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) AND THAT BY HIS/HER/THER SUNDATURED ON THE MAP IN THE INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THER SUNDATURES (ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THAT THE FORECOING PARAGRAPH IS TRUE AND CORRECT. SIGNATURE SUBDIVIDER'S STATEMENT THE UNDERSIGNED BEING ALL PARTIES HAVING ANY RECORD TITLE INSTRUMENT TO THE PERSON AND THAT BY AND SUBDIVISION, HEREBY CONSENT TO HE REPEPARATION AND RECORDATION OF THIS MAP AND; 1. OFFER FOR DEDICATION FOR PUBLIC USE THE STORM DRAINAGE AND PUBLIC UTILITY EASEMENTS AS SHOWN ON THE MAP. 2. OFFER FOR DEDICATION FOR PUBLIC USE THE STORM DRAINAGE AND PUBLIC UTILITY EASEMENTS AS SHOWN ON THE MAP. 2. OFFER FOR DEDICATION FOR PUBLIC USE THE STORM DRAINAGE AND PUBLIC UTILITY EASEMENTS AS SHOWN ON THE MAP. 4. CALIFORNIA LIMITED LIABILITY COMPANY WHICH ACQUIRED TITLE AS THE INTERCENT THE LAWS OF THE STATE OF CALIFORNIA THAT THE FORECOING PARAGRAPH IS TRUE AND CORRECT. DARIUS ASSEMI, PRESIDENT	NOTARY 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. STATE OF CALIFORNIA } COUNTY OF FRESNO } ON, BEFORE ME,	IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA SURVEYED AND PLATTED IN MAY, 2017 BY GARY G. GIANNETTA CONSISTING OF TWO SHEETS SHEET ONE OF TWO SHEETS LEGAL DESCRIPTION: PARCEL 3 AND PARCEL 4 OF PARCEL MAP NO. 5988, RECORDED IN BOOK 41 OF PARCEL MAPS, AT PAGE 22, FRESNO COUNTY RECORDS.
	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. STATE OF CALIFORNIA } COUNTY OF FRESNO } ON, BEFORE ME,, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) 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(S) 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.	THE UNDERSIGNED BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND; 1. OFFER FOR DEDICATION THE RELINQUISHMENT OF DIRECT VEHICULAR ACCESS AS SHOWN ON THE MAP, AND; 2. OFFER FOR DEDICATION FOR PUBLIC USE THE STORM DRAINAGE AND PUBLIC UTILITY EASEMENTS AS SHOWN ON THE MAP. , A CALIFORNIA LIMITED LIABILITY COMPANY WHICH ACQUIRED TITLE AS

PREPARED BY:

COUNTY OF ____

MY COMMISSION EXPIRES_____

MY COMMISSION NUMBER _____

GARY G. GIANNETTA CIVIL ENGINEERING & LAND SURVEYING

1119 "S" STREET FRESNO, CA 93721

(559) 264-3590

SURVEYOR'S STATEMENT:

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DARIUS ASSEMI ON APRIL 1, 2017. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE COUNTY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

GARY G GIANNETTA	R C F 26996	DATE
		DAIL
EXP. 3,	/31/19	
_/,, . 0,	01710	

COUNTY SURVEYORS STATEMENT:

I HAVE EXAMINED THIS MAP; THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

STEVE E. WHITE, DIRECTOR	
DEPARTMENT OF PUBLIC WORKS AND PLANNING	
BY:	
KEVIN W. NEHRING P.L.S. 8200	DATE
DEPUTY COUNTY SURVEYOR	

BOARD OF SUPERVISOR'S STATEMENT:

I, HEREBY STATE THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO, BY RESOLUTION ADOPTED ______, 2018 APPROVED THE WITHIN MAP, AND ON BEHALF OF THE PUBLIC:

- 1. ACCEPT THE OFFER OF DEDICATION FOR PUBLIC USE AUBERRY ROAD AS SHOWN ON THE MAP, AND;
- 2. ACCEPT THE RELINQUISHMENT OF DIRECT VEHICULAR ACCESS AS SHOWN ON THE MAP, AND;
- 3. ACCEPT THE OFFER OF DEDICATION FOR PUBLIC USE THE STORM DRAINAGE AND PUBLIC UTILITY EASEMENTS AS SHOWN ON THE MAP.

	BERNICE E. SEIDEL	
DATE	CLERK TO THE BOARD OF SUPERVISORS	_
	BY:	
	DEPUTY	-

RECORDER'S CERTIFICATE:		
DOCUMENT NO	FEE: \$	
FILED THISDAY OF	, 2018 ATM. IN VOLUME	
OF PLATS, AT PAGES AND,	AT THE REQUEST OF	
GARY G. GIANNETTA		
FRESNO COUNTY RECORDS		
PAUL DICTOS, COUNTY RECORDER		

BY:
DEPUTY

