

Recording Requested by Fresno County Board of Supervisors

When recorded return to  
Fresno County  
Department of Public Works and Planning  
Development Services Division  
Stop #214  
RLCC No. 990  
Attention Policy Planning Unit,  
Anthony Lee

**No Recording Fee Pursuant to Government Code Section 27383**

---

RESOLUTION APPROVING PARTIAL CANCELLATION  
OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 6142  
(RLCC NO. 990)

*This page added to provide adequate space for the above information only.*  
(Government Code 27361.6)  
(Additional recording fee applies)

AFTER RECORDING,  
RETURN TO STOP #214  
DEV. SERV. / POLICY PLANNING UNIT  
Attn: Anthony Lee

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

IN THE MATTER OF ) AGRICULTURAL LAND ) CONSERVATION CONTRACT )	RESOLUTION APPROVING PARTIAL CANCELLATION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 6142 (RLCC No. 990)
--	---

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 6142 was entered into between Dolores Coito and the County of Fresno, recorded February 25, 1977, as Instrument Number 18926, Book 6746, Pages 936 to 938, in the Official Records of Fresno County, California, and

WHEREAS, the current land owners, Duane Lee Soares and Karen Lee Soares, have submitted a petition to the Board of Supervisors to remove a 2.5-acre portion of a 39.10-acre parcel subject to Agricultural Land Conservation Contract No. 6142 to create a separate parcel as a homesite; and

WHEREAS, the Agricultural Land Conservation Committee, at a public hearing held on March 6, 2019, considered the petition and recommended approval of the cancellation to the Board of Supervisors; and

WHEREAS, the Board of Supervisors considered the petition at a public hearing held on October 22, 2019, 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 Notice of Nonrenewal has been served; 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 discontinuous 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(a) of the Government Code, the County Assessor has determined the cancellation valuation for determination of the Cancellation Fee by the Board of Supervisors; 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") pertinent to this petition, if provided; and

WHEREAS, no comments were provided by the DOC for the Board's consideration.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors hereby finds that the Consistency Findings listed under Section 51282(b) of the Government Code can be made for this partial cancellation of said Contract as to a 2.5-acre portion of a 39.10-acre parcel covered by ALCC No. 6142; and

BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is hereby approved for a 2.5-acre portion of a 39.10-acre parcel covered by ALCC No. 6142 as described on the attached legal description (Exhibit "A"), subject to the following conditions:

1           1.       The landowner shall obtain the necessary land use approvals including a  
2 parcel map to create the 2.5-acre parcel for the proposed homesite.

3           2.       The applicant shall pay the Cancellation Fee in the amount of \$12,500  
4 as determined by the County Assessor and certified by the Board of Supervisors for  
5 issuance of a Certificate of Cancellation by the Board. The Cancellation Fee shall be  
6 paid and a Certificate of Cancellation issued prior to recording the parcel map to  
7 create the 2.5-acre parcel for the proposed homesite parcel; and

8           BE IT FURTHER RESOLVED, that the Chair is authorized to execute a  
9 Certificate of Tentative Partial Cancellation, and upon satisfaction of Conditions of  
10 Approval stated in the Certificate of Tentative Cancellation, to execute a Certificate of  
11 Partial Cancellation of ALCC No. 6142.


12           THE FOREGOING, was passed and adopted by the following vote of the Board  
13 of Supervisors of the County of Fresno this 22nd day of October 2019, to-wit:

14  
15 AYES:           Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

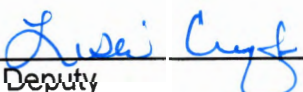
16 NOES:           None

17 ABSENT:       None

18 ABSTAINED:   None

19  
20   
21 \_\_\_\_\_  
22 Nathan Magsig, Chairman of the Board of  
Supervisors of the County of Fresno

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

26  
27 By  \_\_\_\_\_  
28 Deputy

## 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

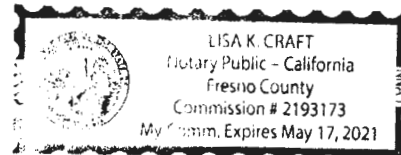
On October 22, 2019 before me, Lisa K. Craft, Notary Public  
(insert name and title of the officer)

personally appeared Nathan F. Magsig,  
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.

WITNESS my hand and official seal.

Signature Lisa K. Craft (Seal)



### Exhibit "A"

The South 330.00 feet of the North 360.00 feet of the East 330.00 feet of Lot 3, of the map of Bank of California Tract, according to the map thereof recorded in Volume 2 of Plats at Page 14, Fresno County Records, lying in the Southwest quarter of Section 25, Township 14 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California.

For the purposes of this description, the East line of said Lot 3, is a line taken to be the East line of the Southwest quarter of said Section 25.

Containing an area of 2.5 acres, more or less.



*Handwritten signature*  
6/27/18