

24-0460

Recording Requested by Fresno County Board of Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Stop # 214
RLCC No. 1030
Attention Policy Planning Unit,
Alexander Pretzer

No Recording Fee Pursuant to Government Code Sections 6103, 27383, 27388.1(a)(2)(D) (AB 110, SB 2)

RESOLUTION APPROVING PARTIAL CANCELLATION OF
AGRICULTURAL LAND CONSERVATION CONTRACT NO. 5834
(RLCC No. 1030)

This page added to provide adequate space for the above information only.
(Government Code 27361.6)

AFTER RECORDING,
RETURN TO STOP #214
PUBLIC WORKS AND PLANNING
Attn: Alexander Pretzer
Exempt from Recording Fees:
Government Code sections
6103, 27383, 27388.1(a)(2)(D)
(AB 110, SB 2)

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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.
5834 (RLCC No. 1030)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 5834 was entered into between Marvin H. Gerdts and Janice B. Gerdts and the County of Fresno, recorded February 04, 1974, as Instrument Number 9111 in the Official Records of Fresno County, California, and succeeded to by Kerry Gerdts, as Trustee of The Gerdts Family Trust dated January 8, 1991, more commonly referred to as ALCC No. 5834; and

WHEREAS, the current land owner, Kerry Gerdts, as Trustee of The Gerdts Family Trust dated January 8, 1991 have submitted a petition to the Board of Supervisors (“Board”) to remove a 2.00-acre portion of a 32.22-acre parcel subject to the ALCC No. 5834 to allow creation of a 2.00-acre separate parcel for residential use; and

WHEREAS, the Agricultural Land Conservation Committee, at a public meeting held on November 09, 2022, considered the partial cancellation petition and at the conclusion of the public meeting recommended denial of the cancellation petition to the Board of Supervisors based on its inability to make all the five required findings listed under Section 51282(b) of the Government Code; and

WHEREAS, the Board of Supervisors considered the partial cancellation petition at a public hearing held on July 09, 2024, and at the conclusion of the public hearing approved the cancellation petition based on its ability to make all the five required Findings listed under Section 51282(b) of the Government Code as follows:

1 1. That the cancellation is for land on which a Notice of Nonrenewal has
2 been recorded pursuant to Section 51245 of the Government Code; and

3 2. That the cancellation is not likely to result in the removal of adjacent
4 lands from agricultural use; and

5 3. That the cancellation is for an alternative use that is consistent with the
6 policies of the County General Plan; and

7 4. That the cancellation will not result in discontinuous patterns of urban
8 development; and

9 5. That there is no proximate non-contracted land that is both available
10 and suitable for the use to which it is proposed that the contracted land be put, or that
11 development of the contracted land would provide more contiguous patterns of urban
12 development than development of proximate non-contracted land; and

13 WHEREAS, in accordance with Section 51283(a) of the Government Code, the
14 County Assessor has determined and certified to this Board the cancellation valuation for
15 determination of the Cancellation Fee; and

16 WHEREAS, this Board has certified the Cancellation Fee to be in the amount of
17 \$31,250.00; and

18 NOW, THEREFORE BE IT RESOLVED, that the Board hereby finds that all of the
19 five Findings listed under Section 51282(b) of the Government Code can be, and are hereby,
20 made for this partial cancellation of ALCC No. 5834 as to a 2.00-acre portion of the 32.22-
21 acre parcel known as APNs 333-021-91 and 333-021-92 subject to ALCC No. 5834; and

22 BE IT FURTHER RESOLVED, that the partial cancellation of this Contract is hereby
23 approved for a 2.00-acre portion of ALCC No. 5834 as described on the attached legal
24 description (Exhibit "A"), subject to the following conditions:

25 1. The Applicants shall obtain the necessary land use approvals to create the
26 2.00-acre parcel.

27 2. The Applicants shall pay the Cancellation Fee in the amount of \$31,250.00, as
28 determined by the County Assessor and certified by the Board of Supervisors for issuance of

1 a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a
2 Certificate of Cancellation issued and recorded prior to recording the required documents to
3 create the 2.00-acre and 30.22-acre parcels. If the Cancellation Fee is not paid within one
4 year of issuance of the Certificate of Tentative Cancellation, the Cancellation Fee is subject
5 to being re-computed by the Assessor's Office and re-certified by the Board of Supervisors.

6 BE IT FURTHER RESOLVED, that the Chair of the Board of Supervisors is
7 authorized to execute a Certificate of Tentative Cancellation, and upon satisfaction of
8 Conditions of Approval stated in the Certificate of Tentative Cancellation, to execute a
9 Certificate of Partial Cancellation for the 2.00-acre portion of ALCC No. 5834

10 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board
11 of Supervisors of the County of Fresno this 9th day of July, 2024, to-wit:

12 AYES:

13 NOES:

14 ABSENT:

15 ABSTAINED:

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

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19 ATTEST:
Bernice E. Seidel
20 Clerk of the Board of Supervisors
County of Fresno, State of California

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22 BY _____
23 Deputy

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EXHIBIT "A"

Property Description

Portion to be Removed from AP-5834

That portion of the Southwest quarter of Section 7, Township 14 South, Range 23 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, being more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 7, Township 14 South, Range 23 East, thence (1) North 00°20'43" East along the West line of said Section 7, a distance of 457.41 feet; Thence, (2) South 89°39'53" East parallel with the South line of said Section 7, a distance of 778.66 feet to the TRUE POINT OF BEGINNING;

Thence, (3) North 00°00'40" East, 91.64 feet;

Thence, (4) North 60°14'38" West, 278.47 feet;

Thence, (5) North 70°08'13" West, 103.53 feet;

Thence, (6) North 20°48'32" West, a distance of 52.16 feet more or less to a point on the South line of South Rainbow Route Road;

Thence, (7) along the South line of South Rainbow Route Road South 87°10'11" East, 53.42 feet;

Thence, (8) along the South line of South Rainbow Route Road North 72°12'35" East, 317.50 feet;

Thence, (9) leaving said South Rainbow Route Road, South 17°47'25" East, a distance of 245.47 feet;

Thence, (10) South 77°19'08" East, 35.41 feet;

Thence, (11) South 17°47'25" East, 146.89 feet;

Thence, (10) South 80°02'27" West, a distance of 154.80 feet more or less to the TRUE POINT OF BEGINNING.

Containing an area of 2.0 acres, more or less.

End of Description

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: 
Frank J. Mungia, RCE 26317



Date: August 2, 2022

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189



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 _____)

On _____ before me, _____,
Date Here Insert Name and Title of the Officer

personally appeared _____
Name(s) of Signer(s)

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 _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____