

24-1246

Recording Requested by Fresno County Board of Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Stop # 214
RLCC Nos. 1055 and 1056
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 CANCELLATION OF AGRICULTURAL LAND
CONSERVATION CONTRACT NOS. 8116 AND 8119
(RLCC NOS. 1055 AND 1056)

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

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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
CANCELLATION OF AGRICULTURAL
LAND CONSERVATION CONTRACT NOS.
8116 AND 8119 (RLCC NOS. 1055 AND
1056)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 8116 was entered into between Robert J. Couto and Cynthia D. Couto and the County of Fresno, recorded January 7, 2003, as Document Number 2003-0005109 in the Official Records of Fresno County, California, and succeeded to by Robert J. Couto and Cynthia D. Couto, Trustees of the Couto Family Trust 2007, more commonly referred to as ALCC No. 8116; and

WHEREAS, ALCC No. 8119 was entered into between Mary Jean Couto, Trustee and the County of Fresno, recorded January 7, 2003, as Document Number 2003-0005109 in the Official Records of Fresno County, California, and succeeded to by Robert J. Couto and Cynthia D. Couto, Trustees of the Couto Family Trust 2007, more commonly referred to as ALCC No. 8119; and

WHEREAS, Robert J. Couto and Cynthia D. Couto, Trustees of the Couto Family Trust 2007., (the "Applicants"), has submitted a petition to the Board of Supervisors ("Board") to remove a 24.24-acre parcel subject to ALCC No. 8116 and a 24.14-acre parcel subject to ALCC No. 8119 to allow the 48.38-acres to be developed into a residential subdivision following annexation of the 48.38-acres to the City of Kerman; and

WHEREAS, the Board considered the partial cancellation petition at a public hearing held on February 25, 2025, and at the conclusion of the public hearing approved the

1 cancellation petition based on its ability to make all the five required Findings listed under
2 Section 51282(b) of the Government Code as follows:

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

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

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

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

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

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

18 WHEREAS, this Board has certified the Cancellation Fee to be in the amount of
19 \$574,500.00; and

20 NOW, THEREFORE BE IT RESOLVED, that the Board hereby finds that all of the
21 five Findings listed under Section 51282(b) of the Government Code can be, and are hereby,
22 made for this cancellation of ALCC No. 8116 as to the 24.24-acre parcel known as APN 020-
23 120-29S subject to ALCC No. 8116; and

24 BE IT FURTHER RESOLVED, that the Board hereby finds that all of the five Findings
25 listed under Section 51282(b) of the Government Code can be, and are hereby, made for this
26 cancellation of ALCC No. 8119 as to the 24.14-acre parcel known as APN 020-120-30S
27 subject to ALCC No. 8119; and

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1 BE IT FURTHER RESOLVED, that the partial cancellation of this Contract be and is
2 hereby approved for the 24.24 acres of ALCC No. 8116 and the 24.12 acres of ALCC 8119
3 as described on the attached legal descriptions (Exhibit "A" and Exhibit "B"), subject to the
4 following condition:

5 The Applicants shall pay the Cancellation Fee in the amount of \$574,500.00 as
6 determined by the County Assessor and certified by the Board of Supervisors for issuance of
7 a Certificate of Cancellation by the Board. The Cancellation Fee shall be paid, and a
8 Certificate of Cancellation issued prior to approval of the Tract Map Application No. 6473 by
9 the City of Kerman to subdivide the subject parcel into a residential subdivision. If the
10 Cancellation Fee is not paid within one year of issuance of the Certificate of Tentative
11 Cancellation, the Cancellation Fee must be re-computed by the Assessor's Office and re-
12 certified by the Board of Supervisors.

13 BE IT FURTHER RESOLVED, that the Chair of the Board is authorized to execute a
14 Certificate of Tentative Cancellation, and upon satisfaction of the Condition of Approval
15 stated in the Certificate of Tentative Cancellation, to execute a Certificate of Cancellation for
16 the 24.24-acre parcel subject to ALCC No. 8116 and the 24.12-acre parcel subject to ALCC
17 No. 8119

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1 THE FOREGOING, was PASSED and ADOPTED by the following vote of the Board
2 of Supervisors of the County of Fresno this 25th day of February, 2025, to-wit:

3 AYES:

4 NOES:

5 ABSENT:

6 ABSTAINED:

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Ernest Buddy Mendes, Chairman of the Board of
Supervisors of the County of Fresno

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

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13 BY _____
14 Deputy

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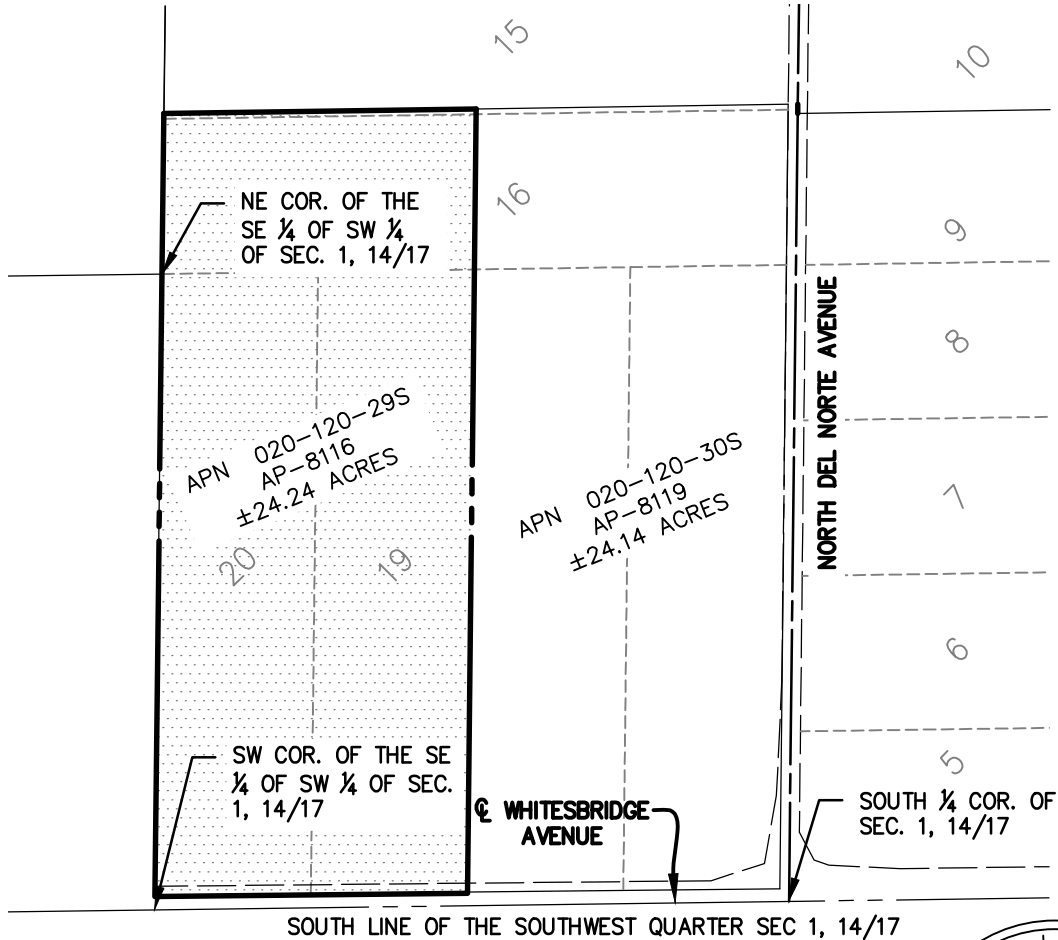
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Exhibit "A"

APN: 020-120-29S
AP-8116


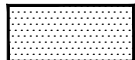
LEGAL DESCRIPTION

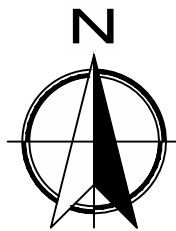
THE WEST 1/2 OF LOT 16 AND ALL OF LOTS 19 AND 20, AND ALL OF THAT PORTION OF THE WEST 1/2 OF LOT 16 LYING SOUTH OF A LINE WHICH IS PARALLEL TO AND 990 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, ALL OF THE AFOREMENTIONED DESCRIBED REAL PROPERTY BEING IN SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, M.D.B. & M., FRESNO LITIGATED FAMI S CO. TRACT, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP RECORDED JUNE 24, 1912, IN BOOK 8, RECORD OF SURVEYS AT PAGE 1, FRESNO COUNTY RECORDS.



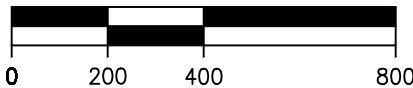
SOUTH LINE OF THE SOUTHWEST QUARTER SEC 1, 14/17

LEGEND

-  SUBJECT PARCEL
-  AGRICULTURAL PARCEL TO BE CANCELED



SCALE IN FEET



DATE 2/2/2024

GATEWAY
ENGINEERING, INC.

CIVIL ENGINEERS | LAND SURVEYORS
P. 559-320-0344 | F. 559-320-0345 | WWW.GATEWAYENG.COM
405 PARK CREEK DRIVE, CLOVIS, CA 93611-4435

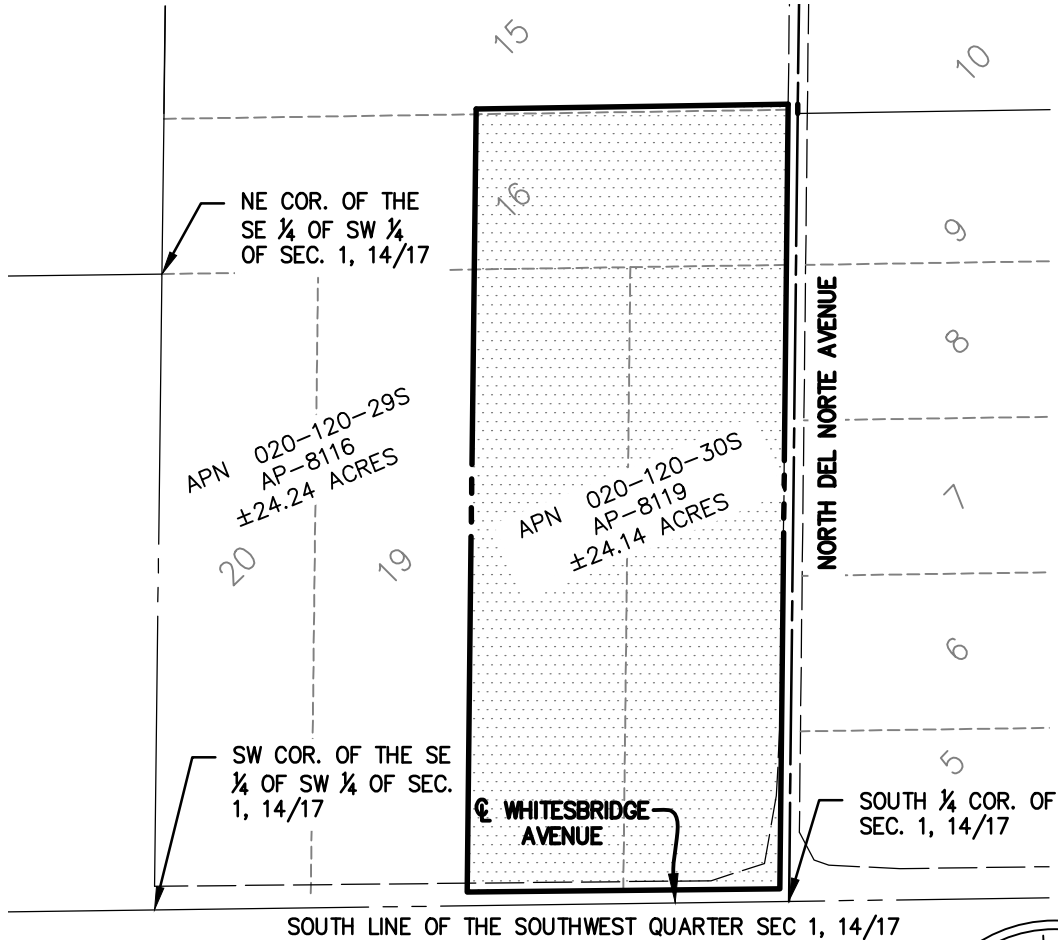
Exhibit "B"

APN: 020-120-30S
AP-8119

LEGAL DESCRIPTION

THE E 1/2 OF LOT 16 AND ALL OF LOTS 17 AND 18 AND ALL THAT PORTION OF THE E 1/2 OF LOT 15 LYING SOUTH OF A LINE WHICH IS PARALLEL TO AND 990 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4 OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, ALL OF THE AFOREMENTIONED DESCRIBED REAL PROPERTY BEING IN SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, M.D.B.&M., FRESNO IRRIGATED FARMS CO. TRACT PER MAP RECORDED JUNE 24, 1912, IN BOOK 8, RECORD OF SURVEYS AT PAGE 1.

APN: 020-120-30S





DATE 2/2/2024

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LEGEND

-  SUBJECT PARCEL
-  AGRICULTURAL PARCEL TO BE CANCELED



SCALE IN FEET



1/25/2022 12:51 PM K:\GATEWAY PROJECTS\HOLLAND GROUP\23-069 48 ACRE KERMAN DEVELOPMENT\SURVEY\ANNEXATION\23-069 ANNEXATION-AG-CANCELLATION-30S.DWG-JUSTIN LOWRY

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: _____