

DOCKET	
06-AFC-10	
DATE	MAY 09 2007
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FRESNO County Recorder
 Robert C. Werner
DOC- 2007-0090291
 Monday, MAY 07, 2007 11:37:59
 Ttl Pd \$0.00 Nbr-0002498884
 APR/R1/1-5

1 AFTER RECORDING,
 2 RETURN TO STOP #214

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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.
 367 (RLCC No. 843)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 367 was entered into between the County of Fresno and Russell Giffen and Ruth P. Giffen, and succeeded to by PAO Investments, LLC, hereafter referred to as "Owners", and recorded February 27, 1969, as Instrument No. 13855, Book 5665, Pages 182 to 185, of the Official Records of Fresno County, California, and

WHEREAS, in accordance with Section 51283(b) of the Government Code, the County Assessor certified the cancellation valuation to this Board for determination of the cancellation fee; and

WHEREAS, this Board has determined the cancellation fee to be in the amount of \$3,062.50; and

WHEREAS, the Agricultural Land Conservation Committee has recommended approval of the proposed cancellation because of the ability to make all of the required findings in accordance with Section 51282(b) of the Government Code:

1. That the cancellation is for land on which notice of non-renewal has been served pursuant to Section 51245.

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

1 3. That the cancellation is for an alternative use that is consistent with the
2 provisions of the County General Plan.

3 4. That the cancellation will not result in discontinuous patterns of urban
4 development.

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

9 WHEREAS, in accordance with Section 51284.1(c) of the Government Code the
10 Board has considered the comments of the Department of Conservation ("DOC"); and

11 WHEREAS, the Board has determined the cancellation to be consistent with the
12 purposes of the Williamson Act, subject to the following conditions:

13 1. Payment in full of the cancellation fee, which is in the amount of
14 \$3,062.50.

15 2. Unless the cancellation fee is paid or a Certificate of Cancellation of
16 Contract is issued within one year from the date of the recording of this certificate, the
17 cancellation fee shall be recomputed as of the date of notice by the landowner to the
18 Board of Supervisors as required by Government Code Section 51283.4.

19 3. The landowner shall obtain all permits necessary to commence the
20 project.

21 NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby
22 finds this cancellation of said contract as to 6.16 acres to be consistent with the
23 purposes of the Williamson Act; and

24 BE IT FURTHER RESOLVED that the partial cancellation of this contract be and
25 it hereby is approved for the 6.16-acre portion of ALCC No. 367 described on the
26 attached legal description (Exhibit "A"), subject to the following conditions:

27 1. Payment in full of the cancellation fee, which is in the amount of
28 \$3,062.50.

1 2. Unless the cancellation fee is paid or a Certificate of Cancellation of
2 Contract is issued within one year from the date of the recording of this certificate, the
3 unitary cancellation fee shall be recomputed as of the date of notice by the landowner
4 to the Board of Supervisors as required by Government Code Section 51283.4.

5 3. The landowner shall obtain all permits necessary to commence the
6 project; and

7 BE IT FURTHER RESOLVED that the Chairman is authorized to execute a
8 Certificate of Tentative Cancellation, and upon satisfaction of conditions of approval
9 stated above to execute a Certificate of Partial Cancellation of ALCC No. 367.

10 THE FOREGOING was passed and adopted by the following vote of the Board
11 of Supervisors of the County of Fresno this 24th day of April 2007, to-wit:

12 AYES: Supervisors Larson, Case, Anderson, Perea, Waterston

13 NOES: None

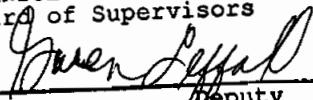
14 ABSENT: None



CHAIRMAN, Board of Supervisors

17 ATTEST:

18 BERNICE E. SEIDEL, Clerk
19 Board of Supervisors

20 By 
21 Deputy

22
23
24 Agenda #18

25 Resolution #07-202

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EXHIBIT "A-1"

Property Description

Being a portion of the Southwest Quarter of Section 5, Township 15 South, Range 13 East; Mount Diablo Base and Meridian, in the County of Fresno, State of California, lying south of the southerly right-of-way line of Panoche Road and east of that certain parcel of land described in the deed from B.E. Montgomery and wife to Pacific Gas and Electric Company dated November 17, 1948 and recorded in Book 2689 at Page 410, Official Records Fresno County, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5; thence North 00°21'06" East along the west line of said Section 5 a distance of 1760.25 feet to a point on the said southerly right-of-way line of Panoche Road (80 feet wide); thence North 64°43'53" East along said southerly right-of-way line a distance of 69.62 feet to the beginning of a curve concave to the northwest having a radius of 56,540.00 feet; thence northeasterly 509.96 feet along said curve and southerly right-of-way line through a central angle of 00°31'07" to the beginning of a tangent line; thence North 64°13'59" East along said southerly right-of-way line a distance of 1077.76 feet to the northeasterly corner of said land as described per deed to Pacific Gas and Electric Company; said point also being the TRUE POINT OF BEGINNING; thence the following courses:

- 1) North 64°13'59" East continuing along said southerly right-of-way line a distance of 65.30 feet;
- 2) South 26°27'26" East leaving said southerly right-of-way line a distance of 150.79 feet;
- 3) North 64°17'53" East a distance of 199.83 feet;
- 4) South 26°09'22" East a distance of 57.00 feet;
- 5) North 64°13'59" East a distance of 341.73 feet;
- 6) South 25°46'01" East a distance of 358.02 feet;
- 7) South 50°21'56" West a distance of 187.78 feet;
- 8) South 46°38'42" West a distance of 304.95 feet to the southeasterly corner of said land as described per deed to Pacific Gas and Electric Company;
- 9) North 36°43'05" West along the easterly line of said land as described per deed to Pacific Gas and Electric Company a distance of 716.22 feet to the Northeasterly corner of said deed to Pacific Gas and Electric Company and TRUE POINT OF BEGINNING

Said Parcel contains 5.62 acres more or less.

Basis of Bearings:

The centerline of Panoche Road between found Fresno County Brass Cap Monuments at stations 173 + 63.18 and 192 + 89.15 feet located in the Southwest Quarter of Section 5, T.15S., R.13E., taken as North 64°13'59" East per Book 34 of Record of Surveys at Pages 99-101, Fresno County Records.

Date: April 26, 2006

By: 
Cris H. Robles, P.L.S.



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EXHIBIT "A-2"

Property Description

Being a portion of the Southwest Quarter of Section 5, Township 15 South, Range 13 East; Mount Diablo Base and Meridian, in the County of Fresno, State of California, lying south of the southerly right-of-way line of Panoche Road and east of that certain parcel of land described in the deed from B.E. Montgomery and wife to Pacific Gas and Electric Company dated November 17, 1948 and recorded in Book 2689 at Page 410, Official Records Fresno County, being more particularly described as follows:

Commencing at the Southwest Corner of said Section 5; thence North 00°21'06" East along the west line of said Section 5 a distance of 1760.25 feet to a point on the said southerly right-of-way line of Panoche Road (80 feet wide); thence North 64°43'53" East along said southerly right-of-way line a distance of 69.62 feet to the beginning of a curve concave to the northwest having a radius of 56,540.00 feet; thence northeasterly 509.96 feet along said curve and southerly right-of-way line through a central angle of 00°31'07" to the beginning of a tangent line; thence North 64°13'59" East along said southerly right-of-way line a distance of 1077.76 feet to the northeasterly corner of said land as described per deed to Pacific Gas and Electric Company; thence North 64°13'59" East continuing along said southerly right-of-way line a distance of 324.08 feet to the TRUE POINT OF BEGINNING; thence the following courses:

- 1) North 64°13'59" East continuing along said southerly right-of-way line a distance of 182.00 feet;
- 2) South 25°46'01" East leaving said southerly right-of-way line a distance of 129.00 feet;
- 3) South 64°13'59" West parallel with the said southerly right-of-way line a distance of 182.00 feet;
- 4) North 25°46'01" West a distance of 129.00 feet to a point on the said southerly right-of-way line and TRUE POINT OF BEGINNING.

Said Parcel contains 0.539 acres more or less.

Basis of Bearings:

The centerline of Panoche Road between found Fresno County Brass Cap Monuments at stations 173 + 63.18 and 192 + 89.15 feet located in the Southwest Quarter of Section 5, T.15S., R.13E., taken as North 64°13'59" East per Book 34 of Record of Surveys at Pages 99-101, Fresno County Records.

Date: December 22, 2006

By: Cris H. Robles, P.L.S.

