

**RESOLUTION NO. RO-21-11**

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE CITY OF FOWLER "MARSHALL ELEMENTARY SCHOOL  
ANNEXATION"  
WITH CONDITIONS  
(LAFCO FILE NO. RO-21-11)**

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**WHEREAS**, reorganization proceedings were initiated by the City of Fowler consisting of the annexation of 3.5 acres to the City of Fowler and Selma-Kingsburg-Fowler County Sanitation District and detachment from the Fresno County Fire Protection District, the Kings River Conservation District, and the Consolidated Irrigation District for territory located on the north corner of East Adams Avenue and North Armstrong Avenue, said territory being described by Attachment "A," attached hereto and by this reference incorporated herein; and

**WHEREAS**, the application was submitted to the Fresno Local Agency Formation Commission ("LAFCo" or "Commission") by the City of Fowler as required by State law, and the application for said proposed reorganization was accepted for filing by the Executive Officer and set for hearing on the 9<sup>th</sup> day of February 2022, at the hour of 1:30 p.m.; and

**WHEREAS**, notice of the hearing to consider the Proposal was given as required by State law; and

**WHEREAS**, the Executive Officer reviewed the Proposal and prepared a report to the Commission, including a recommendation for approval upon certain conditions, said report having been mailed at least five days before said hearing and was duly considered by the Commission pursuant to State law; and

**WHEREAS**, acting as "Responsible Agency" under the California Environmental Quality Act ("CEQA") the Commission considered the CEQA documents filed and adopted by the City of Fowler acting as the "Lead Agency" under CEQA for the Proposal and associated rezoning, which was included in the Executive Officer's report to the Commission; and

**WHEREAS**, the Commission considered all relevant factors and evidence and heard all interested parties wishing to speak on the Proposal.

**NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY RESOLVE AND DETERMINE, as follows:**

- A. Acting as a Responsible Agency pursuant to California Environmental Quality Act ("CEQA") Guidelines, find that prior to approving the proposed annexation, the environmental effects of the proposal as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency, were reviewed and considered, and determine these documents to be adequate pursuant to CEQA Guidelines section 15096.

**ADOPTED THIS 9<sup>th</sup> DAY OF FEBRUARY 2022 BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS PARRA, SANTOYO, MAGSIG, YEP, BRANDAU**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

- B. Find that the proposed reorganization is consistent with LAFCo Policies, Standards, and Procedures and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH").
- C. Find pursuant to CKH and information in the record that:
  - a. The territory is uninhabited; and
  - b. All landowners and affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation "Marshall Elementary School Annexation" and approve the annexation and detachments subject to the following conditions of approval:
  - a. Submittal of corrected legal description and map.
  - b. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of the annexation.
  - c. Ownership of land permitting, the annexation shall include the full-width right-of-way along Armstrong Avenue, including the segment of Armstrong Avenue up to the City's existing city limits to the north.
  - d. The Selma-Kingsburg-Fowler County Sanitation District's annexation fee shall be paid to the District prior to recordation. The proponents shall provide evidence to the Executive Officer as verified by the District that the condition has been met prior to recordation.
- E. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.
- F. Pursuant to Fresno LAFCo Policy 103-05, the Executive Officer shall record the approved application if all conditions have been satisfied and once, he or she has determined that the facts pertaining to the application during the time of recording are materially similar to those facts considered by the Commission when the application was approved. Facts, as used in the proceeding sentence, is defined to include, but is not limited to, whether or not the proposed project is materially similar to the project described in any application before the Commission.

**ADOPTED THIS 9<sup>th</sup> DAY OF FEBRUARY 2022 BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS PARRA, SANTOYO, MAGSIG, YEP, BRANDAU**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**STATE OF CALIFORNIA )  
COUNTY OF FRESNO )**

**CERTIFICATION**

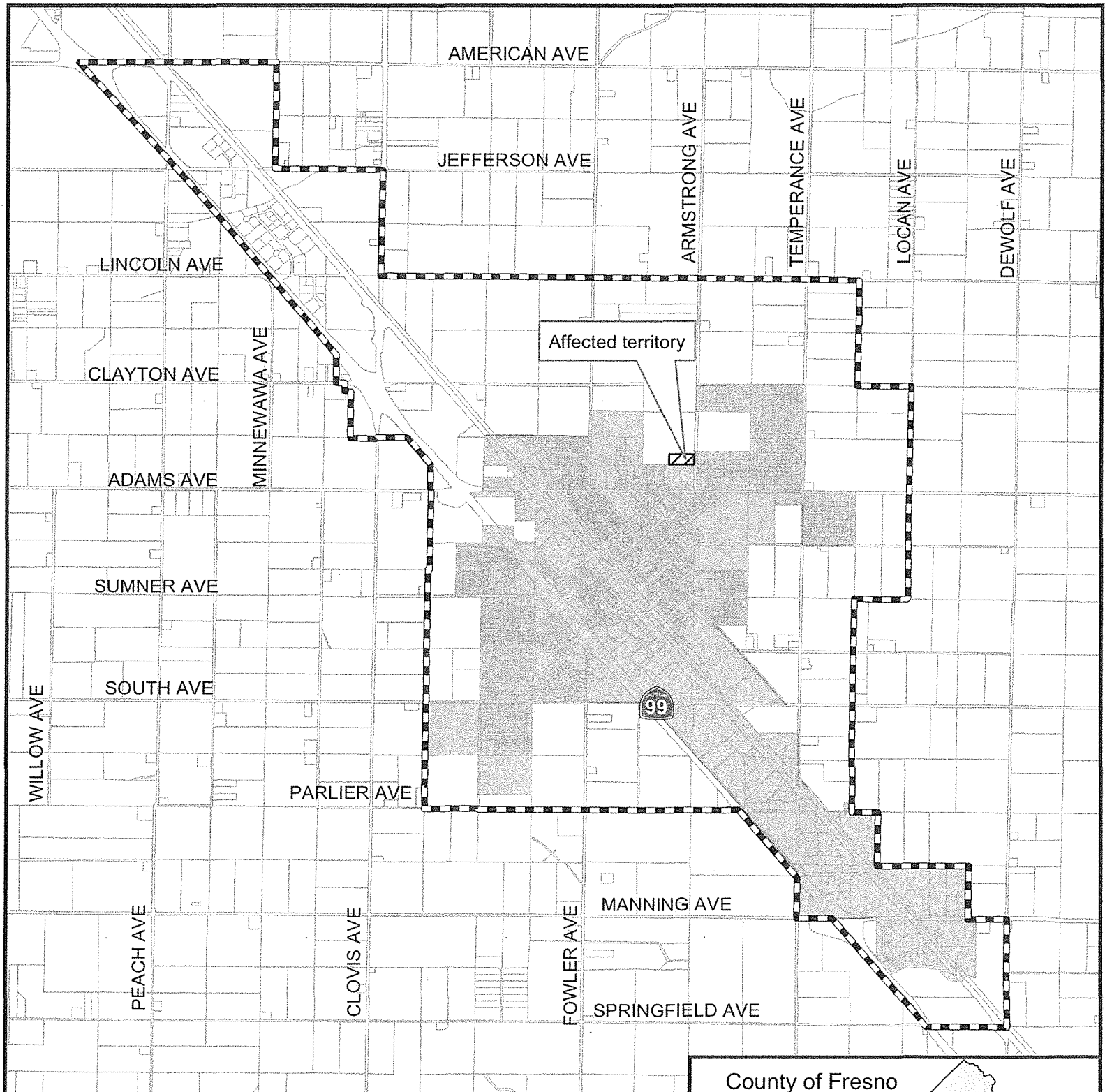
I, David E. Fey, Executive Officer, Fresno Local Agency Formation Commission, hereby certify that the foregoing resolution was adopted by the Commission on the 9<sup>th</sup> day of February 2022.






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David E. Fey, Executive Officer  
Fresno Local Agency Formation Commission

# Attachment A



## Fresno Local Agency Formation Commission

-  Sphere of influence
-  City limits
-  Affected territory

