

RESOLUTION NO. RO-18-5

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
APPROVING THE "GETTYSBURG-BRYAN NO. 1 REORGANIZATION" WITH
CONDITIONS
(LAFCO FILE NO. RO-18-5)**

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex approximately 158 acres to the City of Fresno and detach from the North Central Fire Protection District and the Kings River Conservation District for territory located between West Shaw Avenue and the Gettysburg Alignment and between North Bryan and North Hayes Avenue, said territory being described within 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 Fresno 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 8th day of August, 2018, at the hour of 1:30 p.m.; and

WHEREAS, notice of the hearing of said application was given as required by state law; and

WHEREAS, the notice of public hearing also gave notice that the Commission intended to waive the conducting authority proceedings in accordance with Government Code section 56663(b)(c), if no registered voters or landowners submitted written opposition to the reorganization before the conclusion of the public hearing; and

WHEREAS, the Executive Officer reviewed said application 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 Fresno 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 said application; and

WHEREAS, no registered voters or landowners submitted written opposition to the reorganization prior to the conclusion of the public hearing.

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

Action 1.

- A. Acting as 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 8th DAY OF AUGUST 2018, BY THE FOLLOWING VOTE:

- AYES: COMMISSIONERS PARRA, SILVA, PACHECO, SANTOYO, QUINTERO**
- NOES: NONE**
- ABSENT: NONE**
- ABSTAIN: NONE**

Action 2.

- 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. Not all landowners, registered voters, or affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation "Gettysburg-Bryan No. 1 Reorganization" and approve the annexation and detachments subject to the following conditions of approval:
 - a. 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.
 - b. Ownership of land permitting, the annexation shall include the full-width right-of-way along Bryan, Hayes and Shaw Avenues.

- c. Submittal of corrected legal description and map.
 - d. Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of annexation.
- E. Find that pursuant to CKH the territory is uninhabited and not all landowners have consented to the annexation.
- F. Find that the notice mailed on July 18, 2018, was given to all landowners and registered voters within the affected territory, as well as within 300 feet of the affected territory, disclosed that there is potential for the extension or continuation of any previously authorized charge, fee, assessment, or tax by the local agency in the affected territory, and that the Commission intends to waive protest proceedings pursuant to section 56663(a)(b)(c) unless written opposition is received before the conclusion of the commission proceedings.
- G. This Commission's action approving this Proposal shall expire one year from the date of this resolution unless all proceedings are complete including condition compliance and Certificate of Completion issued by the Executive Officer.
- H. Authorize and direct the Executive Officer to mail certified copies of this resolution as provided in Government Code section 56882 and file as appropriate in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by state law.
- I. Find that no written opposition to the Proposal was received prior to the conclusion of the hearing and approve the Proposal subject to the requirements of the CKH, the 30-day reconsideration period, compliance with all of the above conditions, and waive further conduction Authority Proceedings.

ADOPTED THIS 8th DAY OF AUGUST 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS PARRA, PACHECO, SANTOYO, SILVA, QUINTERO

NOES: NONE

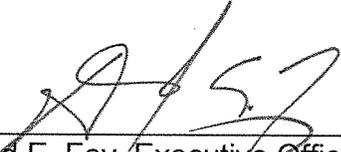
ABSENT: NONE

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 8th day of August 2018.



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

ATTACHMENT A

GETTYSBURG-BRYAN NO.1 REORGANIZATION

Annexation to the City of Fresno and Detachment from the North Central Fire Protection and Kings River Conservation Districts

That portion of the North half of Section 16, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

BEGINNING at the Northeast corner of said Section 16, said corner being on the existing Fresno City limits line;

Thence, 1) South $00^{\circ} 05' 39''$ West, along the east line of the Northeast Quarter of said Section 16, and along the existing Fresno City limits line, a distance of 2609.37 feet to a point on a line that is parallel with and 30.00 feet north of the South line of said Northeast Quarter;

Thence, 2) South $89^{\circ} 56' 44''$ West, along said parallel line and its westerly prolongation, and along the existing Fresno City limits line, a distance of 2667.55 feet to a point on a line that is parallel with and 30.00 feet west of the West line of said Northeast Quarter;

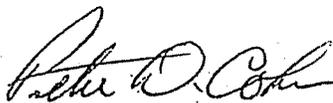
Thence, 3) leaving the Fresno City limits line North $00^{\circ} 02' 33''$ East, along last said parallel line, and along the westerly right of way line of North Bryan Avenue, a distance of 1020.75 feet to a point on the South line of Parcel 1 of Parcel Map No. 7088 recorded in Book 49 of Parcel Maps, at Page 21, Fresno County Records, said point being on the existing Fresno City limits line;

Thence, 4) North $89^{\circ} 57' 40''$ East, along said South line and its easterly prolongation, and along the existing Fresno City limits line, a distance of 50.00 feet to a point on a line that is parallel with and 20.00 feet east of the West line of said Northeast Quarter;

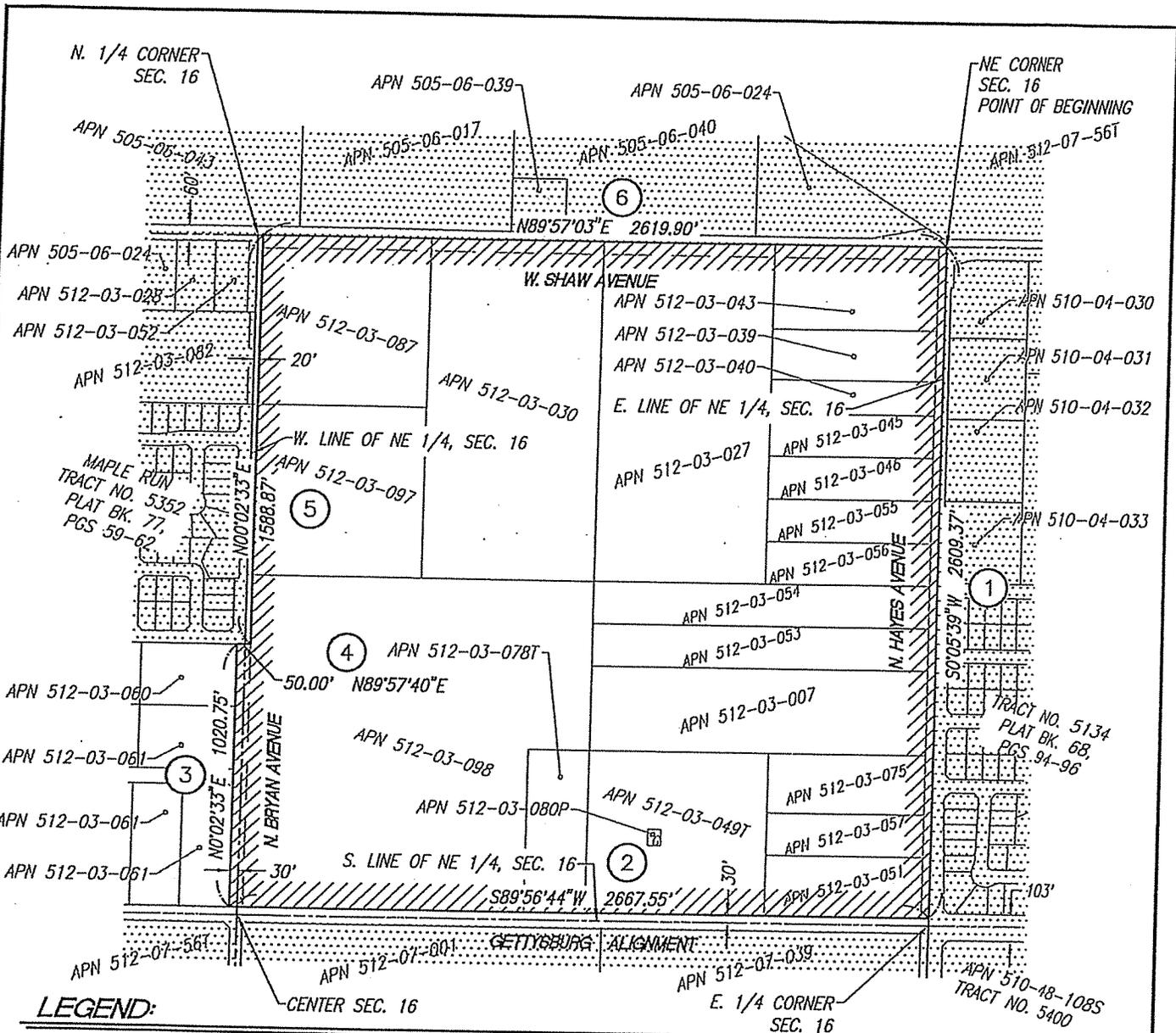
Thence, 5) North $00^{\circ} 02' 33''$ East, along last said parallel line and along the existing Fresno City limits line, a distance of 1588.87 feet to a point on the North line of said Northeast Quarter;

Thence, 6) North $89^{\circ} 57' 03''$ East, along said North line and along the existing City limits line, a distance of 2619.90 feet to the Point of Beginning.

Contains an area of: 158 Acres, more or less.



Revision: 6/25/2018



LEGEND:

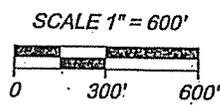
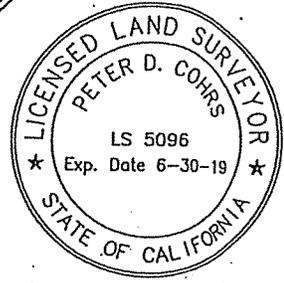
- # COURSE CALL OF LEGAL DESCRIPTION
- PROPERTY LINE
- RIGHT-OF-WAY
- SECTION LINE
- [Dotted Box] EXISTING CITY LIMITS
- [Hatched Box] AREA TO BE ANNEXED TO THE CITY OF FRESNO AND DETACHED FROM NORTH CENTRAL FIRE PROTECTION AND KINGS RIVER CONSERVATION DISTRICTS. TOTAL AREA: 158 AC. MORE OR LESS

NOTES:

ANNEXATION TO THE CITY OF FRESNO AND DETACHMENT FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE NORTH CENTRAL FIRE PROTECTION.

PORTIONS CONTAINED HEREIN ARE THE NORTH HALF OF SECTION 16, TOWNSHIP 13 SOUTH, RANGE 19 EAST, M.D.B.M.

Peter D. Cohrs



PROJECT NO. 17-100 SURVEY AND MAPPING SURVEY EXHIBIT 17-100 ANNEXATION DWS 05/25/2018 4:20:27 PM



GETTYSBURG-BRYAN NO. 1 REORGANIZATION		PROJECT NAME:	SHEET 1
DESCRIPTION: ANNEXATION TO THE CITY OF FRESNO		TRACT 5493	
		REV. 6/25/2018	17-100