

RESOLUTION NO. RO-18-13

A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION APPROVING THE “SHEPHERD-WILLOW NO. 3 REORGANIZATION” WITH CONDITIONS (LAFCO FILE NO. RO-18-13)

WHEREAS, reorganization proceedings were initiated by the City of Fresno to annex 6.53 acres of street right-of-way to the City of Fresno and detach this territory from the Fresno County Fire Protection District and the Kings River Conservation District for the territory located on the southwest corner of East Shepherd and North Willow Avenues, 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 9th day of January, 2019, 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 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, 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 Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, 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 determined to be adequate pursuant to CEQA Guidelines Section 15096.
- B. Find that the proposed reorganization is consistent with LAFCo Policies 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 "Shepherd-Willow No. 3 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. Submittal of corrected legal description and map.

E. Find that the application of the "island restriction" pursuant to Government Code (GC) Sec. 56744 would be detrimental to the orderly development of the community and waive this restriction pursuant to GC Sec. 56375(m).

F. Waive further Conducting Authority Proceedings and order the reorganization subject to the requirements of CKH.

ADOPTED THIS 9th DAY OF JANUARY 2019, BY THE FOLLOWING VOTE:

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

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 9th day of January 2019.



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

ATTACHMENT A

SHEPHERD-WILLOW No. 3 REORGANIZATION

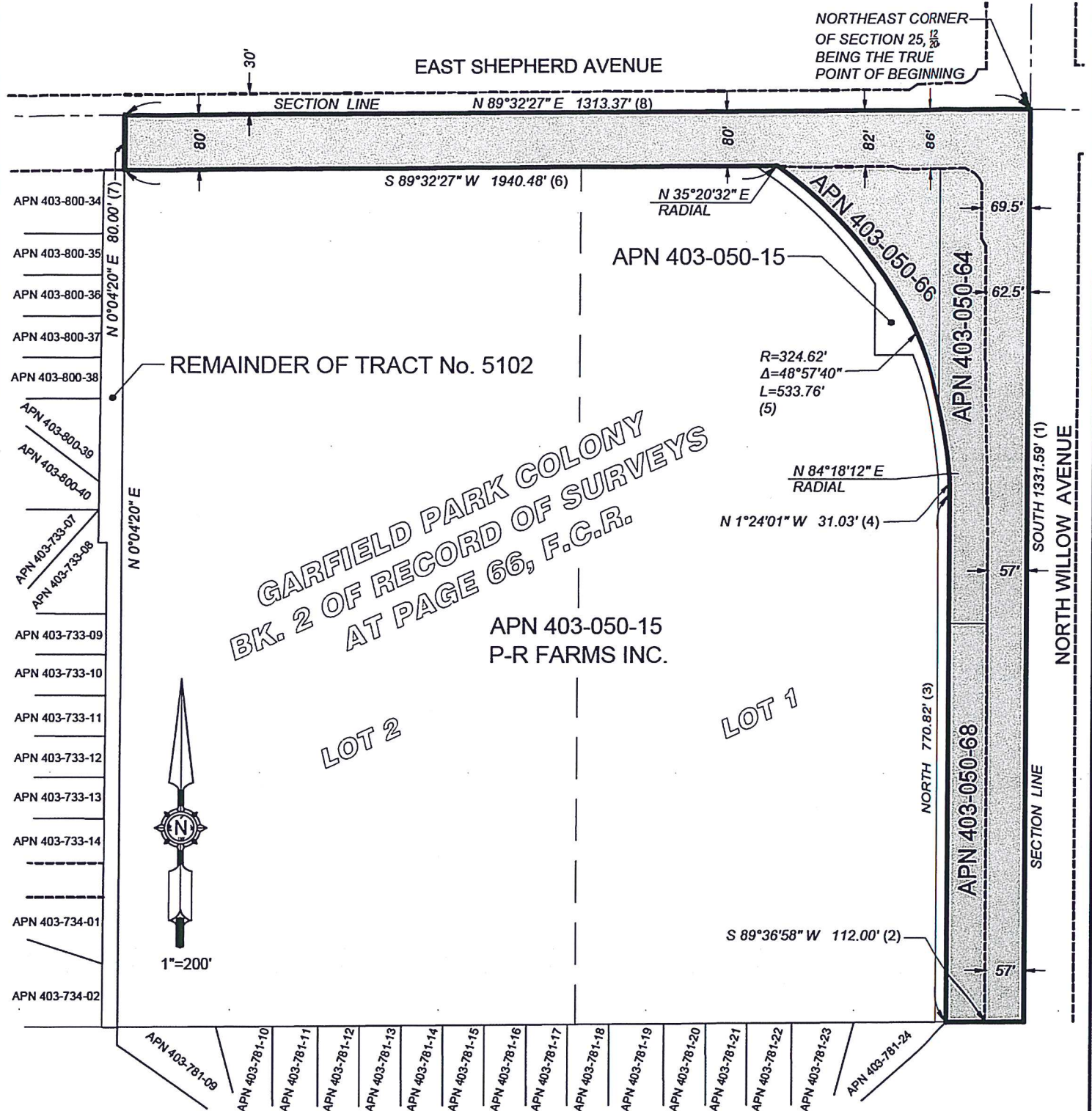
Being a portion of Lots 1 and 2 of Garfield Park Colony in Book 2 of Record of Surveys, at Page 66, Fresno County Records, together with those portions of East Shepherd Avenue and North Willow Avenue lying within Section 25, Township 12 South, Range 20 East, Mount Diablo Base and Meridian situated in the County of Fresno, State of California, more particularly described as follows:

BEGINNING at the Northeast corner of said Section 25; thence

- Course 1. South 0°00'00" West, on the east line of the Northeast quarter of said Section 25, a distance of 1331.59 feet to the intersection of the easterly prolongation of the South line of said Lot 1; thence
- Course 2. South 89°36'58" West on said easterly prolongation and on the South line of said Lot 1, a distance of 112.00 feet to the easterly line of Parcel "A" as described in that Quitclaim deed recorded August 25, 2006 as Instrument No. 2006-0178745, Official Records Fresno County; thence
- Course 3. North 0°00'00" East, on last said easterly line, a distance of 770.82 feet; thence
- Course 4. North 1°24'01" West, continuing on last said easterly line, a distance of 31.03 feet to the beginning of a non-tangent curve, concave southwesterly, having a radius of 324.62 feet and said beginning having a radial line that bears North 84°18'12" East; thence
- Course 5. Northwesterly, continuing on last said easterly line and on said curve, through a central angle of 48°57'40", an arc distance of 533.76 feet to the southerly right-of-way line of East Shepherd Avenue, said southerly line being parallel with and 80 southerly, at right angles from the north line of said Section 25; thence
- Course 6. Leaving last said easterly line, South 89°32'27" West, on said southerly right-of-way line, a distance of 1940.48 feet to the westerly line of said Lot 2; thence
- Course 7. North 0°04'20" East, on last said westerly line and the northerly prolongation thereof, a distance of 80.00 feet to the north line of said Section 25; thence
- Course 8. North 89°32'27" East, on last said north line, a distance of 1313.37 feet to the **TRUE POINT OF BEGINNING**.

Containing as area of 6.53 acres, more or less.

SHEPHERD-WILLOW No. 3 REORGANIZATION



INDICATES LIMITS SHEPHERD-WILLOW No. 3 REORGANIZATION CONTAINING: 6.53 ACRES, MORE OR LESS.

REF. & REV.
2018-XXX
15-A-XXXX
PLAT 0962

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

SHEPHERD-WILLOW No. 3 REORGANIZATION

PROJ. ID. PW00585 RES TYPE
FUND NO. 22048
ORG. NO. 189901

DR. BY J.A.C.
CH. BY J.A.C.
DATE AUG. 14, 2018

SHEET NO. 1
OF 1 SHEETS