

## **RESOLUTION NO. RO-18-12**

### **A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION APPROVING THE "CLINTON-FOWLER NO. 2 REORGANIZATION" WITH CONDITIONS (LAFCO FILE NO. RO-18-12)**

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**WHEREAS**, reorganization proceedings were initiated by the City of Fresno to annex approximately 78 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for territory located on the southeast corner of East Clinton and North Fowler, 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 12<sup>th</sup> day of December 2018, 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 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 the Proposal.

**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 12<sup>th</sup> DAY OF DECEMBER 2018, BY THE FOLLOWING VOTE:**

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

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**

**Action 2**

- 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 inhabited; and
  - b. All landowners and affected agencies have consented to the reorganization.
- D. Assign the distinctive short form designation "Clinton-Fowler No. 2 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 Clinton, Fowler and McKinley 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 the annexation.
- E. Find that the notice mailed on November 21, 2018, was given to all landowners and registered voters within the affected territory, as well as within 300 feet of 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.



- F. The Commission's action approving the proposal shall expire one year from the date of the resolution unless all proceedings are complete including condition compliance and Certificate of Completion issued by the Executive Officer.
- G. Authorize and direct the Executive Officer to mail copies of the resolution as provided in Government Code Section 56822 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.
- H. Find that no written opposition of the proposal was received prior to the conclusion of the hearing and approve the proposal subject to the requirements of CKH, the 30-day reconsideration period, compliance with all of the above conditions, and waive further Conducting Authority Proceedings.

**ADOPTED THIS 12<sup>th</sup> DAY OF DECEMBER 2018, BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS PARRA, SILVA, SANTOYO, 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 12<sup>th</sup> day of December 2018.

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

# ATTACHMENT A

## CLINTON-FOWLER NO. 2 REORGANIZATION ANNEXATION TO THE CITY OF FRESNO AND DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT

### GEOGRAPHIC DESCRIPTION

That portion of the Southeast quarter of section 28 and the Southwest quarter of Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, described as follows:

**BEGINNING** at the West Quarter corner of said Section 27, said corner being on the existing limit line of the City of Fresno;

thence (1) South 00°16'11" East, along the West line of said Section 27, being also the existing limit line of the City of Fresno, a distance of 20.00 feet;

thence (2) North 89°38'26" East, Parallel with and 20.00 feet south of the North line of the Southwest quarter of said Section 27, being also the existing limit line of the City of Fresno, a distance of 1326.19 feet to the intersection with the East line of the West half of the Southwest Quarter of said Section 27;

thence (3) South 00°18'49" East, along said East line, being also the existing limit line of the City of Fresno, a distance of 10.00 feet;

thence (4) South 00°01'42" West, along said East line and leaving the existing limit line of the city of Fresno, a distance of 2614.27 feet to the intersection with the Southeast corner of said West half;

thence (5) South 89°59'50" West, along the South line of said Section 27, a distance of 1328.28 feet to the intersection with the West line of said Section 27;

thence (6) South 89°59'50" West, along the South line of said Section 28, a distance of 25.00 feet;

thence (7) North 00°04'27" East, Parallel with and 25 feet West of the West line of said Section 27, a distance of 2644.06 feet to the intersection with the North line of the Southeast quarter of said section 28;

thence (8) North 00°89'26" East, along last said North line, a distance of 25.00 feet to the **Point of Beginning**.

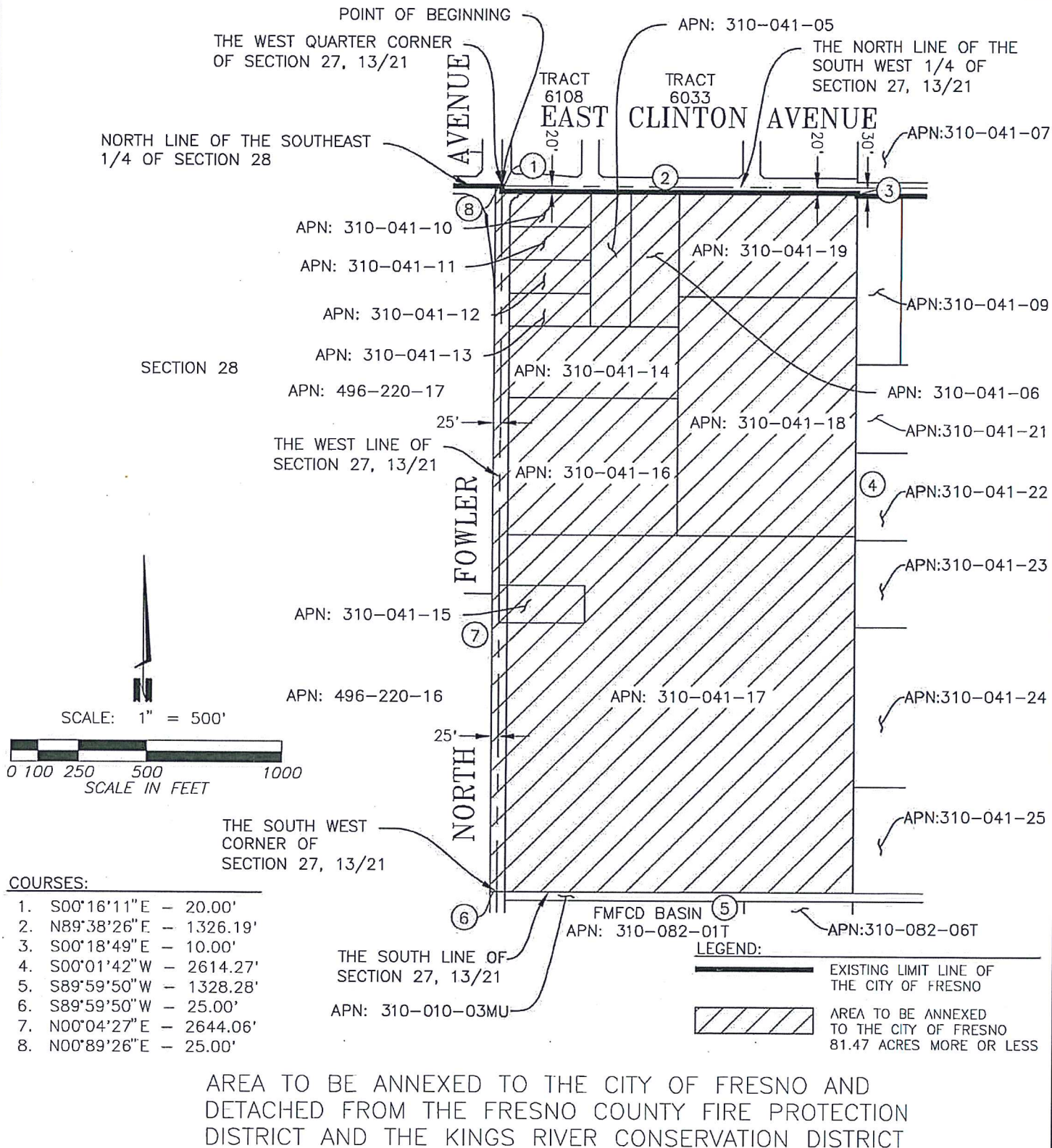
Contains an area of **81.47** acres more or less

Dated: June 26, 2018

Revision Date(s): November 20, 2018

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*





AREA TO BE ANNEXED TO THE CITY OF FRESNO AND  
DETACHED FROM THE FRESNO COUNTY FIRE PROTECTION  
DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT



4950 E. Yale Ave.,  
Fresno, CA 93727  
559.538.3402

## CLINTON-FOWLER NO. 2 REORGANIZATION

A PORTION OF SECTION 27 AND 28,  
TOWNSHIP 13 SOUTH, RANGE 21 EAST,  
MOUNT DIABLO BASE AND MERIDIAN

DR. BY J.R., R.C.  
CH. BY J.L.  
DATE 6/26/18  
REV. DATE(S) 11/20/18

SCALE AS SHOWN

SHEET No. 1  
OF 1 SHEETS



**CERTIFICATE OF COMPLETION  
FRESNO LOCAL AGENCY FORMATION COMMISSION**

The Fresno Local Agency Formation Commission waived the Conducting Authority proceedings.

The names of the agencies whose territory is changed and the type of change for each are:

Annexation to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.

The County in which the entire boundary change occurred is Fresno County.

The short title of the reorganization proceeding is "Clinton-Fowler No. 2 Reorganization," ("Reorganization") LAFCo File No. RO-18-12.

The affected territory is uninhabited.

The Reorganization was ordered without an election, and Resolution No. RO-18-12 ordering the Reorganization was approved by the Fresno Local Agency Formation Commission on December 12, 2018.

Maps and legal descriptions of the territory affected by the Reorganization are set forth in Attachment "A."

The condition of approval was as follows and has been complied with:

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.

Ownership of land permitting, the annexation shall include the full-width right-of-way along Clinton, Fowler, and McKinley Avenues.

Submittal of corrected legal description and map.

Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer prior to completion (recordation) of annexation.

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission, do hereby certify that the attached maps and legal descriptions for the change of organization do comply with the Commission's resolution of approval.

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

Dated: August 6, 2019