

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

The Fresno Local Agency Formation Commission has completed 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 "Shields-Temperance No.2 Reorganization," ("Reorganization") LAFCo File No. RO-20-5.

The affected territory is uninhabited.

The Reorganization was ordered without an election, and Resolution No. RO-20-5A ordering the Reorganization was approved by the Fresno Local Agency Formation Commission on August 6, 2020.

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

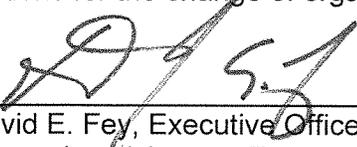
The condition of approval was as follows and has been complied with:

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.

Submittal of corrected legal description and map.

Satisfactory verification that the City has accepted a final map shall be submitted to the Executive Officer.

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.

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

Dated: October 28, 2020

# ATTACHMENT A

## SHIELDS – TEMPERANCE NO. 2 REORGANIZATION Page 1 of 2

Area to be detached from the Fresno County Fire Protection District and the Kings River Conservation District and Annexed to the City of Fresno.

All that portion of the Northwest Quarter of Section 26 and the Northeast quarter of Section 27, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, described as follows:

**BEGINNING** at a point on the existing City Limits line of the City of Fresno, said point being a point on the North line of the Northwest quarter of said Section 26, said point being South 89°27'23" East, 30.00 feet from the Northwest corner of said Section 26; thence

- 1) Continuing along the existing City Limits line of the City of Fresno, South 89°27'23" East, 1294.04 feet along the North line of the Northwest Quarter of said Section 26 to the Northeast corner of the West half of the Northwest Quarter of said Section 26; thence
- 2) Continuing along said existing City Limits line of the City of Fresno, South 0°19'15" West, 1984.92 feet along the East line of the of the West half of the Northwest Quarter of said Section 26; thence
- 3) Continuing along said existing City Limits line of the City of Fresno, North 89°23'45" West, 465.01 feet along the South line of the North half of the Southwest quarter of the Northwest quarter of said Section 26; thence
- 4) Leaving said existing City Limits line of the City of Fresno, North 89°23'45" West, 620.00 feet along the South line of the North half of the Southwest quarter of the Northwest quarter of said Section 26 to a point on a line 269.00 feet East of and parallel with the West line of the Northwest quarter of said Section 26; thence
- 5) South 0°19'11" West, 641.26 feet along a line 269.00 feet East of and parallel with the West line of the Northwest quarter of said Section 26 to a point on the existing City Limits line of the City of Fresno; thence
- 6) Continuing along said existing City Limits line of the City of Fresno, North 89°22'32" West, 269.00 feet along a line 20.00 feet North of and parallel with the South line of the Northwest quarter of said Section 26 to a point on a line 30.00 feet West of and parallel with the West line of the Northwest quarter of said Section 26; thence
- 7) Leaving said existing City Limits line of the City of Fresno, North 0°19'11" East, 651.01 feet along a line 30.00 feet West of and parallel with the West line of the Northwest quarter of said Section 26 to a point on the existing City Limits line of the City of Fresno; thence

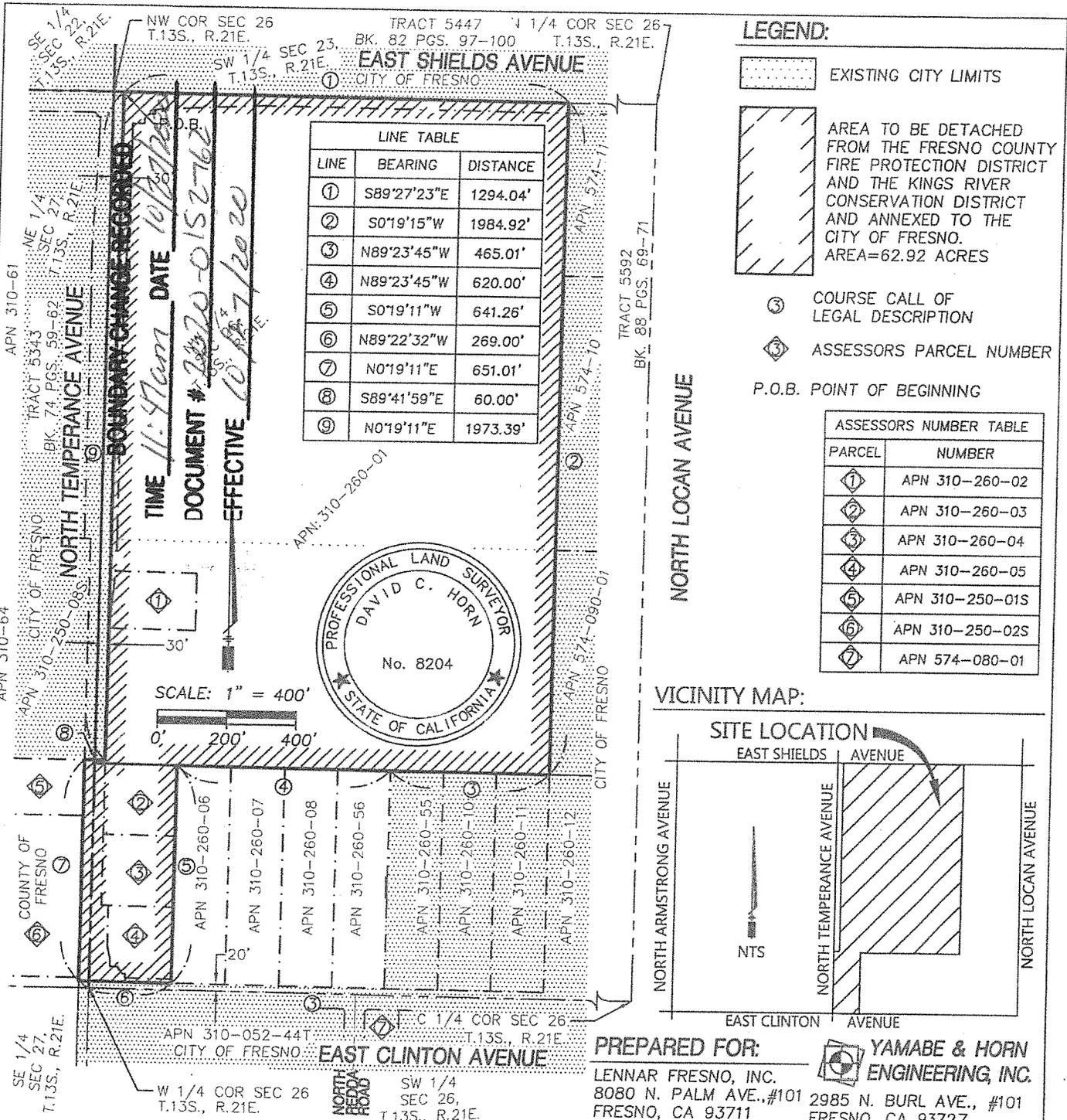
**BOUNDARY CHANGE RECORDED**

TIME 11:47am DATE 10/27/2020  
DOCUMENT # 2020-0159762  
EFFECTIVE 10/27/2020

**APPROVED**

LAFCO RES. # RU-20-SA  
August 6, 2020  
DATE

# ATTACHMENT A



**LEGEND:**

- EXISTING CITY LIMITS
- AREA TO BE DETACHED FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXED TO THE CITY OF FRESNO. AREA=62.92 ACRES
- COURSE CALL OF LEGAL DESCRIPTION
- ASSESSORS PARCEL NUMBER
- P.O.B. POINT OF BEGINNING

**PREPARED FOR:**  
LENNAR FRESNO, INC.  
8080 N. PALM AVE., #101  
FRESNO, CA 93711

**YAMABE & HORN ENGINEERING, INC.**  
2985 N. BURL AVE., #101  
FRESNO, CA 93727  
PH: (559) 244-3123  
FAX (559) 244-3120

RES. NO. \_\_\_\_\_ ADOPTED: \_\_\_\_\_

**SHIELDS - TEMPERANCE NO. 2**  
REORGANIZATION

PORTION OF THE NORTHWEST 1/4 OF SECTION 26, & THE  
NORTHEAST 1/4 OF SECTION 27, T. 13 S., R. 21 E., M.D.B.&M.

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

ALLOCATED TO COUNCIL DISTRICT NO. 4 AS PER COUNCIL DISTRICT MAP.

**APPROVED**

FILE NO. \_\_\_\_\_

ANNEX. NO. \_\_\_\_\_

ACRES 62.92

COUNCIL DISTRICT NO. 4

DRAWN BY: AA REVISD: \_\_\_\_\_

DATE: 7/17/2020

PAGE 1 OF 1

LAFCO RES. # 20-20-5A  
August 6, 2020  
DATE

# ATTACHMENT A

SHIELDS – TEMPERANCE NO. 2  
REORGANIZATION  
Page 2 of 2

- 8) Continuing along said existing City Limits line of the City of Fresno, South 89°41'59" West, 60.00 feet to a point on a line 30.00 feet East of and parallel with the West line of the Northeast quarter of said Section 26; thence
- 9) Continuing along said existing City Limits line of the City of Fresno, North 0°19'11" East, 1973.39 feet to the **POINT OF BEGINNING.**

Containing an area of 62.92 acres, more or less.

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.



**BOUNDARY CHANGE RECORDED**

TIME 11:47am DATE 10/27/2020  
DOCUMENT # 2020-0152762  
EFFECTIVE 10/27/2020

**APPROVED**

LAFCO RES. # 20-20-SA  
August 6, 2020  
DATE

**RESOLUTION NO. RO-20-5A**

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION  
CONDUCTING AUTHORITY PROCEEDING FOR THE "SHIELDS-TEMPERANCE NO. 2  
REORGANIZATION"  
(LAFCO FILE NO. RO-20-5)**

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**WHEREAS**, these conducting authority proceedings concerning the approved annexation "Shields-Temperance No. 2 Reorganization" were duly conducted pursuant to Government Code ("GC") commencing with Sec. 56000; and

**WHEREAS**, reorganization proceedings were initiated by the City of Fresno to annex 72 acres to the City of Fresno and detach same from the Fresno County Fire Protection District and the Kings River Conservation District for territory located east of North Temperance Avenue between East Shields and East Clinton Avenues; and

**WHEREAS**, at its June 10, 2020, hearing the Commission conditionally approved the "Shields-Temperance No. 2 Reorganization" by adopting Resolution No. RO-20-5, and in consideration of written protest submitted by property owners and registered voters, pursuant to GC Sec. 57002 directed the Executive Officer to set the matter for a conducting authority proceeding, also known as a protest hearing; and

**WHEREAS**, August 6, 2020, the Executive Officer held a duly noticed protest hearing, as provided for in GC Sec. 57000 *et seq.* for the purpose of hearing objections and protests to the approved reorganization, to receive written protests, and to allow for the withdrawal of any written protests filed with the Commission prior to or at said hearing, if any; and

**WHEREAS**, all property owners in the affected territory were provided with written notification summarizing the approved reorganization, outlining the protest procedures and rules for protesting an uninhabited annexation, and an official LAFCo protest form; and

**WHEREAS**, at said protest hearing prior to consider protests and objections, the Executive Officer orally summarized Commission resolution no. RO-20-5 for those in attendance; and

**WHEREAS**, pursuant to the GC Sec. 57075, Commission actions for uninhabited annexations are limited to the following:

1. Terminate proceedings if the Executive Officer finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent landowners owning 50 percent or more of the assessed value of land within the territory; or
2. Order the reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

**WHEREAS**, following an opportunity for public testimony and an opportunity to file or

withdraw written protests, the Executive Officer reported three written protests were filed by landowners within the affected territory and not withdrawn; and

**WHEREAS**, the public portion was closed to examine the protest forms received and not withdrawn and to determine the number of landowner protests in accordance with GC sec. 57075(b); and

**WHEREAS**, it was reported that value of land for landowners who submitted protest was nineteen percent.

**NOW, THEREFORE, BE IT RESOLVED that the Executive Officer representing the Fresno Local Agency Formation Commission does hereby STATE, FIND, DETERMINE, AND ORDER as follows:**

The Executive Officer acting as agent for the Commission hereby determines that Resolution No. RO-20-5 adopted at the regular LAFCo hearing on the 10<sup>th</sup> day of June 10, 2020, conditionally ordering the "Shields-Temperance No. 2 Reorganization" stands as ordered.

**ADOPTED BY THE FRESNO LOCAL AGENCY FORMATION COMMISSION THIS 6<sup>TH</sup> DAY OF AUGUST 2020.**

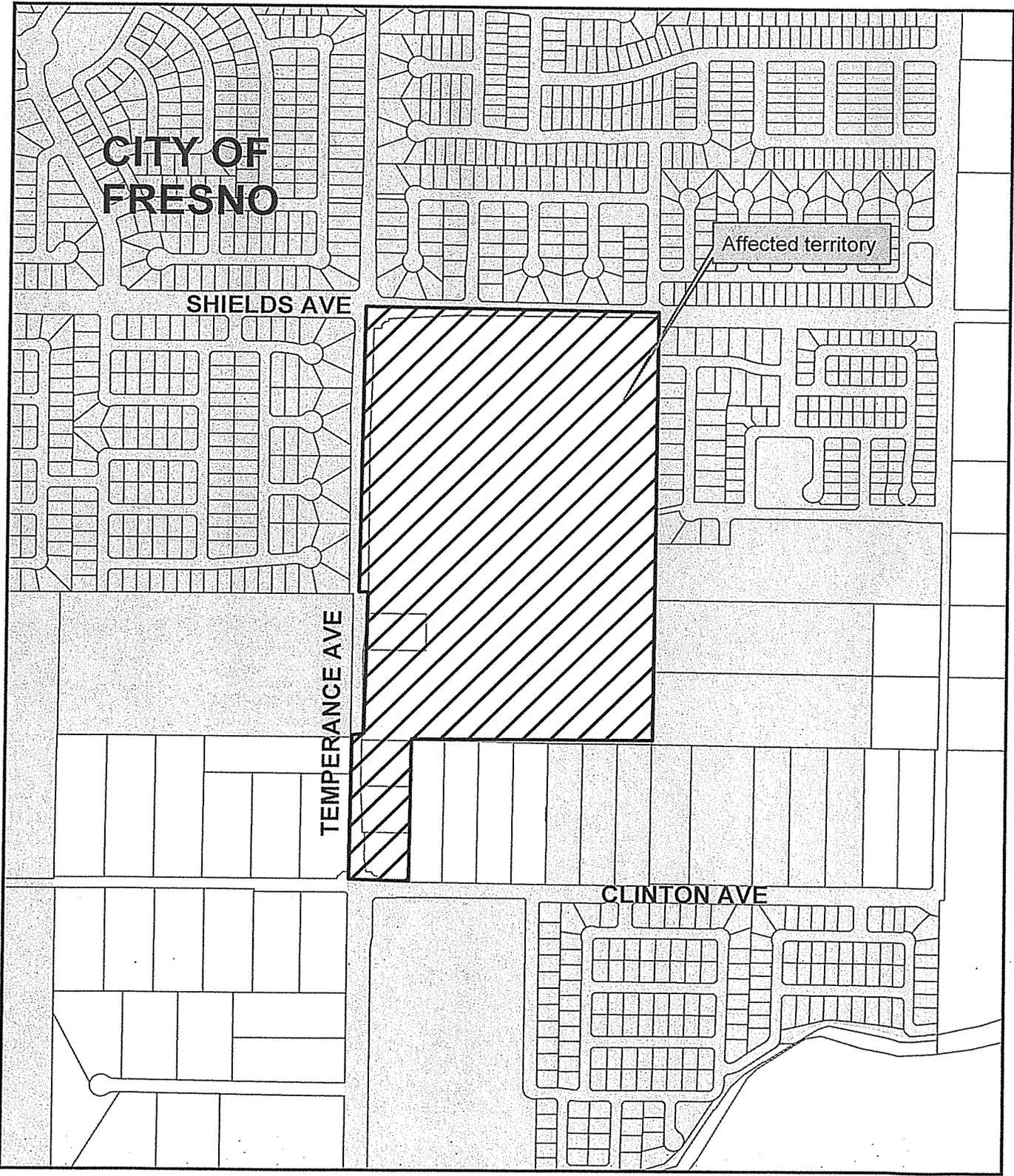
STATE OF CALIFORNIA)  
COUNTY OF FRESNO )

**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 6th day of August 2020.

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

# ATTACHMENT A



Fresno Local Agency Formation Commission

-  Fresno city limits
-  Affected territory



Map date: 5/14/2020

RESOLUTION NO. RO-20-05

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION  
APPROVING THE "SHIELDS-TEMPERANCE NO. 2 REORGANIZATION" WITH CONDITIONS  
(LAFCO FILE NO. RO-20-5)**

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**WHEREAS**, reorganization proceedings were initiated by the City of Fresno to annex 72 acres to the City of Fresno and detach from the Fresno County Fire Protection District and the Kings River Conservation District for the territory located east of North Temperance Avenue between East Shields and East Clinton 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 ("Proposal") was accepted for filing by the Executive Officer and set for hearing on the 10<sup>th</sup> day of June 2020, 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**, if the proposal was approved as submitted, 100% of the registered voters within the affected territory had submitted sufficient protest to terminate the proceedings; and

**WHEREAS**, staff of the City of Fresno and County of Fresno expressed support of annexation of the ultimate Temperance Avenue right-of-way near Clinton Avenue to develop that street to its planned capacity and provide safe route to school for students of the nearby Boris Elementary School; 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**, staff described the proposal and three alternative configurations, two of which would annex part or all of the ultimate right of way of Temperance Avenue and result in the creation of an unincorporated island; 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 said 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 10<sup>th</sup> DAY OF JUNE 2020 BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS SANTOYO ,MENDES, PARRA**

**NOES: NONE**

**ABSENT: PACHECO**

**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;
  - b. Not all landowners and affected agencies have consented to the reorganization; and
  - c. Sufficient registered voter protest had been submitted to terminate the proposal at the Conducting Authority Proceeding if the proposal was considered without modification; based on support by the City and the County for annexation of Temperance Avenue to facilitate its full construction to address existing and future traffic volumes and to create a safer route to school for students of Boris Elementary School, the Commission finds that the creation of an unincorporated island by annexation of the territory planned for the full buildout of Temperance Avenue right of way is essential to the orderly development of the City of Fresno that would otherwise be impaired by leaving out the affected portion of Temperance Avenue; further, annexation of the three parcels on the east side of Temperance Avenue is deemed appropriate to facilitate municipal service delivery, including emergency services.
- D. Assign the distinctive short form designation "Shields-Temperance 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. Submittal of corrected legal and map.
  - c. 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 May 20, 2020, 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.
- F. Find that written opposition to the proposal was received prior to the conclusion of the hearing, approve the proposal subject to the requirements of the CKH, the 30-day reconsideration period, and compliance with all of the above conditions, and directs staff to conduct a protest hearing at the LAFCo office pursuant to the requirements of CKH (Government Code Section 57000 Est Seq.).
- 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.

**ADOPTED THIS 10<sup>th</sup> DAY OF JUNE 2020 BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS SANTOYO, MENDES, PARRA**

**NOES: NONE**

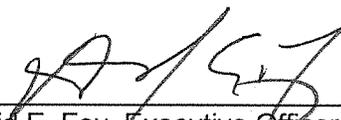
**ABSENT: PACHECO**

**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 10<sup>th</sup> day of June 2020.

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