

RESOLUTION NO. 21-15

A RESOLUTION OF APPLICATION OF THE CITY COUNCIL OF THE CITY OF FIRBAUGH REQUESTING THE FRESNO LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT AND FOR THE REORGANIZATION OF TERRITORY

WHEREAS, the City of Firebaugh proposed to annex an existing agricultural products processing facility into the city limits. Based on conversations with Fresno Local Agency Formation Commission (LAFCO), additional properties were included in the annexation/reorganization to facilitate orderly boundaries. Additionally, as a part of the annexation, the parcels were to be detached from the Fresno County Fire Protection District and Firebaugh Canal Water District. The proposal also requested LAFCO to include the parcels in the Firebaugh Sphere of Influence; and

WHEREAS, the original Sphere of Influence amendment and reorganization site was comprised of 11 parcels located on both sides of Washoe Avenue between Nees Avenue and the Delta-Mendota Canal, identified as APNs 007-091-18, 007-091-22ST, 007-091-23ST, 007-091-25ST, 007-091-49, 007-091-50, 012-020-33, 007-091-37, 007-091-38, 007-091-44, 012-020-32; and

WHEREAS, the City Council of the City of Firebaugh desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a reorganization which would concurrently annex the territory to the City of Firebaugh and detach the territory from the Fresno County Fire Protection District and the Firebaugh Canal Water District; and,

WHEREAS, the Planning Commission voted to recommend approval of the Reorganization after holding a public hearing at their March 22, 2021, meeting; and

WHEREAS, the City received two comment letters regarding the proposed project and Initial Study/Negative Declaration, from Minasin, Meith, Soares, Sexton & Cooper, LLP on behalf of Firebaugh Canal Water District dated March 25, 2021, and from Baker, Manock & Jenson on behalf of Marlene and Douglas Britton, dated March 25, 2021; and

WHEREAS, at its April 5th, 2021, meeting, the Firebaugh City Council continued the public hearing to the April 19th, 2021, meeting. The Firebaugh City Council held a duly noticed public hearing on the proposed Sphere of Influence and Reorganization at its April 19th, 2021, meeting; and

WHEREAS, an Initial Study has been prepared in accordance with the Guidelines for the California Environmental Quality Act (CEQA). The study determined the project will have no significant impacts on the environment and the City Council has adopted a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Firebaugh makes the following findings, based on the evidence presented in the staff report, Planning Commission recommendation, correspondence received, and testimony at the public hearing:

1. The Initial Study/Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and has been approved by City resolution.
2. Several property owners within the territory proposed for annexation/reorganization are opposed to the annexation/reorganization because of the potential loss of provision of agricultural water due to detachment from Firebaugh Canal Water District.

3. Only the property owner of two parcels identified as APNs 007-091-37 and 012-020-33 is supportive of annexation.
4. Reduction in the scope of the reorganization would not require recirculation to the Initial Study/Negative Declaration because any impacts to the environment would be lessened by the reduction of the project scope. The City Council adopted the Negative Declaration when it approved a general plan amendment to change the land use designation for APNs 007-091-37 and 012-020-33.
5. The City Council desires to only annex the parcels containing the existing agricultural products processing facility, whose property owners are supportive of the annexation, along with the adjacent right of way of Washoe Avenue.
6. Consultation with LAFCO staff has found that even though only two parcels would be annexed to the City, an amendment to the Firebaugh Sphere of Influence would still need to include the original 11 parcels to facilitate orderly boundaries.
7. The revised reorganization will not have an adverse impact on the health, safety, and welfare of residents in the neighborhood or community.
8. The following agencies would be affected by the proposed reorganization's jurisdictional changes to APNs 007-091-37 and 012-020-33: City of Firebaugh - annexation; Fresno County Fire Protection District - detachment; Firebaugh Canal Water District - detachment; and,
9. The revised territory proposed to be reorganized is Uninhabited (contains less than twelve registered voters), and a map of the boundaries of the territory are attached hereto as Exhibit A and by this reference incorporated herein; and,
10. Notice of intent to adopt this resolution of application has been given, and this City Council has conducted a public hearing based upon this notification; and,
11. All property owners within the revised territory have provided their written consent to the reorganization.

NOW, THEREFORE, BE IT RESOLVED, this Resolution of Application is hereby adopted and approved by the City Council of the City of Firebaugh, and Fresno Local Agency Formation Commission is hereby requested to take proceedings for the reorganization of territory and amendment of the City of Firebaugh Sphere of Influence as identified in Exhibits "A" and "B", as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Approval and consent of annexation by the City of Firebaugh is hereby conditioned upon detachment of the lands to be annexed from Firebaugh Canal Water District including LAFCo's simultaneous approval and completion of both annexation of the lands into the City of Firebaugh and detachment of the lands from Firebaugh Canal Water District and with said detachment subject to the reasonable conditions and terms of Firebaugh Canal Water District.

BE IT FURTHER RESOLVED, the City Council of the City of Firebaugh hereby requests that Fresno Local Agency Formation Commission make determinations upon the proposal without notice and hearing, and waive protest proceedings, in accordance with Section 56662 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

BE IT FURTHER RESOLVED, the City Council of the City of Firebaugh hereby directs City staff to complete, sign, and deliver application materials to the Fresno Local Agency Formation Commission to initiate the sphere of influence for APNs 007-091-18, 007-091-22ST, 007-091-23ST, 007-091-25ST, 007-091-49, 007-091-50, 012-020-33, 007-091-37, 007-091-38, 007-091-44, 012-020-32 and to initiate the annexation process for APNs 007-091-37 and 012-020-33, as identified in Exhibits "A" and "B".

The foregoing Resolution was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 19th day of April 2021 by the following vote:

AYES: Sablan, Perez, Lopez, Valdez

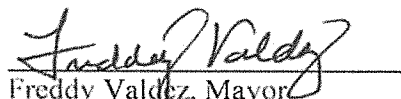
NOES:

ABSENT: Jenkins

ABSTAIN:

APPROVED:

ATTEST:


Freddy Valdez, Mayor
City of Firebaugh

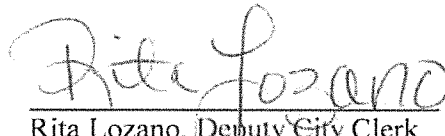

Rita Lozano, Deputy City Clerk
City of Firebaugh

EXHIBIT "A"
Reorganization 2021-01
ANNEXATION TO CITY OF FIREBAUGH
DETACHMENT FROM COUNTY FIRE PROTECTION AND FIREBAUGH CANAL WATER
DISTRICT

Being a portion of the Southeast quarter of Section 32, Township 12 South, Range 14 East, and the Northeast quarter of Section 5, Township 13 South, Range 14 East, Mount Diablo Meridian, in the County of Fresno, State of California, more particularly described as follows:

Beginning on the City Limits line of the City of Firebaugh at the Northeast corner of said Section 5, also being the centerline of Washoe Avenue, being 80' wide at this location;

Course 1: Thence, along said City Limits line and said centerline, South 00°18'54" West, a distance of 531.45 feet, more or less, to a point 1032.88 feet North of the Southeast Corner of Lot 1 of the Miller and Lux Subdivision, recorded December 19, 1922 in Book 9, Page 77 of Plats, Fresno County Records. Said point is also the Southeast Corner of the 19.91 (gross) acre parcel shown in Certificate of Waiver of Parcel Map No. 18-19, recorded as document number 2019-0040808, Fresno County records.

Course 2: Thence, along the South line of said 19.91 acre parcel, and leaving said City Limits line, and said centerline, North 89°31'18" West, a distance of 1250.68 feet, more or less, to the Southwest corner of said 19.91 acre parcel;

Course 3: Thence, along the West line of said 19.91 acre parcel, North 00°33'00" East, a distance of 504.94 feet, more or less, to the North line of said Section 5, and the South line of said Section 32. Said point being the Southwesterly corner of Parcel 1 as described in Grant Deed recorded August 29, 2019, as document number 2019-0097500, Fresno County Records;

Course 4: Thence, along the West line of said Parcel 1, North 00°33'11" East, a distance of 14.76 feet;

Course 5: Thence, continuing along said West line, North 30°25'31" West, a distance of 167.58 feet;

Course 6: Thence, along the Northwesterly line of said Parcel 1, North 41°01'14" East, a distance of 665.07 feet;

Course 7: Thence, continuing along said Northwesterly line, North 56°23'48" East, a distance of 200.32 feet;

Course 8: Thence, continuing along said Northerly line, North 40°06'29" East, a distance of 370.82 feet;

Course 9: Thence, continuing along said Northerly line, South 52°40'18" East, a distance of 112.43 feet;

Course 10: Thence, continuing along said Northerly line, North 41°19'01" East, a distance of 10.00 feet, more or less, to the Northeast corner of the parcel described in the Deed of Trust recorded July 19, 1972, as Document No. 63489, in Book 6046, Page 857, Fresno County Records;

Course 11: Thence, leaving said point and continuing along the Northerly line of said Parcel 1, North 40°38'48" East, a distance of 165.28 feet, to the beginning of a tangent curve, concave Southeasterly, and having a radius of 670.00 feet;

Course 12: Thence, continuing along said Northerly line, and Northeasterly along said 670.00 foot radius curve, through a central angle of 20°44'15", an arc distance of 242.50 feet;

Course 13: Thence, continuing along said Northerly line, North 61°32'01" East, a distance of 39.65 feet, to the beginning of a tangent curve, concave Southerly, and having a radius of 150.00 feet;

Course 14: Thence, continuing along said Northerly line, and Easterly along said 150.00 foot radius curve, through a central angle of 13°22'14", an arc distance of 35 feet, more or less, to the West right of

way line of Washoe Avenue. Said right of way line being 40' West of the current centerline of said Washoe Ave;

Course 15: Thence, leaving said West right of way line, and at right angles to said right of way line, South $89^{\circ}40'00''$ East, a distance of 70.00 feet, more or less, to the East right of way line of Washoe Avenue, being 70.00 feet wide;

Course 16: Thence, Southerly along said East right of way line, South $00^{\circ}20'00''$ West, a distance of 262.77 feet, to an angle point in said right of way line where Washoe Avenue widens to 80.00 feet wide;

Course 17: Thence, continuing along said right of way line, North $88^{\circ}58'00''$ East, a distance of 10.00 feet, to an angle point in said East right of way line of Washoe Avenue, being 80.00 feet wide;

Course 18: Thence, continuing along said East right of way line, South $00^{\circ}20'00''$ West, a distance of 797.69 feet, more or less, to the intersection of the Existing City Limits line with said East right of way line of Washoe Avenue;

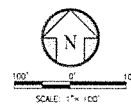
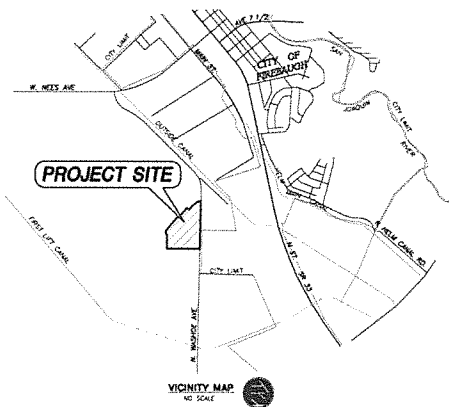
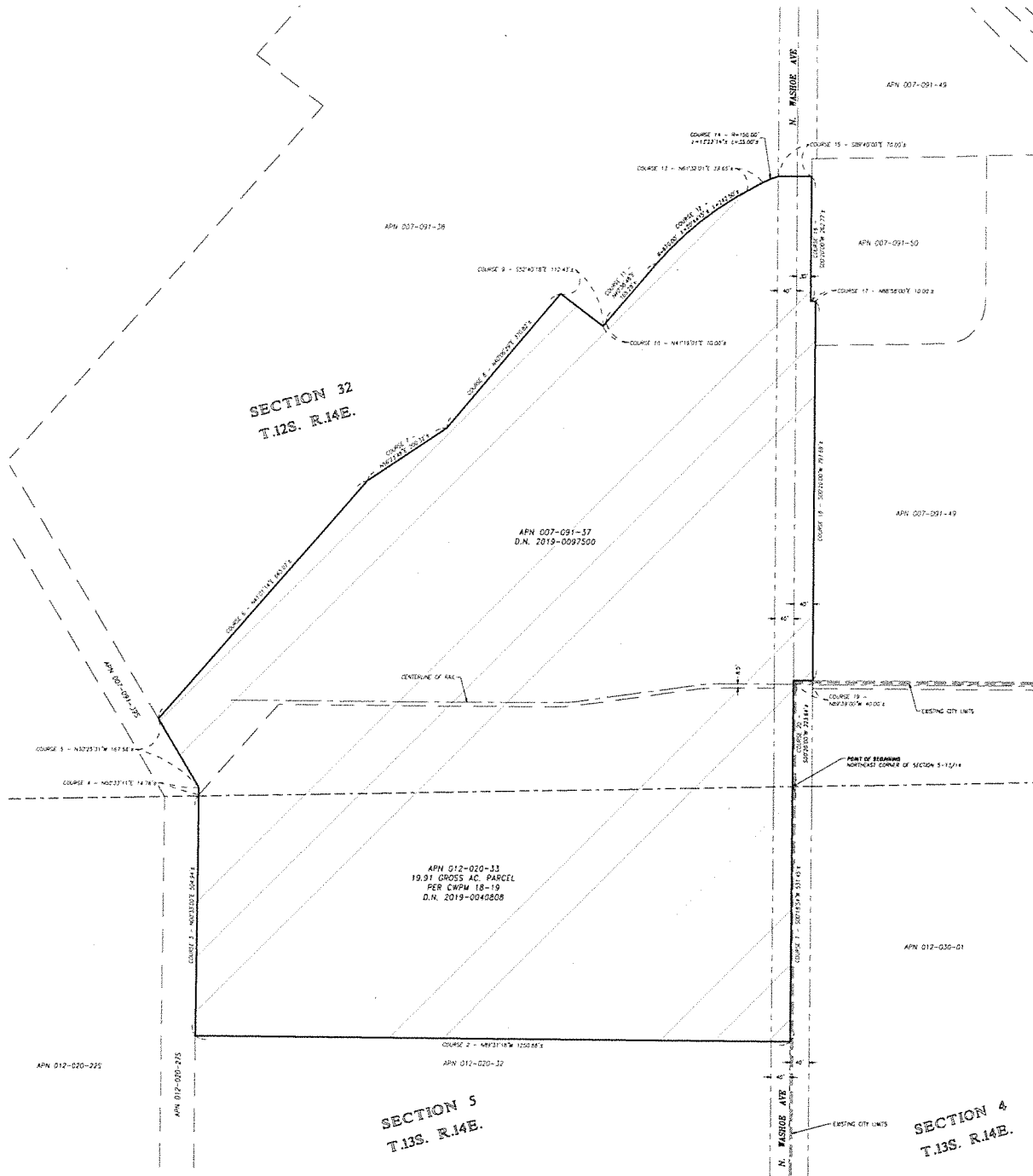
Course 19: Thence, leaving said right of way line, North $89^{\circ}39'00''$ West, along said Existing City Limits line, a distance of 40.00 feet, more or less, to the centerline of Washoe Avenue;

Course 20: Thence, along said centerline and continuing along said Existing City Limits line, South $00^{\circ}20'00''$ West, a distance of 223.64 feet, more or less, to the **POINT OF BEGINNING**.

Containing 40.42 acres, more or less.



04/14/2021



LEGEND

- CITY LIMITS
- RIGHT OF WAY LINE
- EXISTING PROPERTY LINE
- SECTION LINE
- ANNEXATION LIMITS
- ANNEXATION AREA
- VOLUME 18 OF MAPS, PAGE 17, C.W.P.W.
- CERTIFICATE OF MAPS OF PARCELS MAP
- OFFICIAL RECORDS OF FRESNO COUNTY
- DOCUMENT NUMBER

ANNEXATION AREA
40.42 ACRES, MORE OR LESS

PROJECT NO.	001
DRAWN BY	AK
CHECKED BY	AK
DATE	08/08/2021
SHEET NO.	1 OF 1

EXHIBIT "B"
REORGANIZATION 2021-01
ANNEXATION TO THE CITY OF FIREBAUGH
DETACHMENT FROM COUNTY FIRE PROTECTION AND FIREBAUGH CANAL WATER DISTRICT

