

1 AFTER RECORDING,
2 RETURN TO STOP #214

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FRESNO County Recorder
Robert C. Werner
DOC- 2007-0090289
Monday, MAY 07, 2007 11:37:59
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APR/R1/1-4

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF
AGRICULTURAL LAND
CONSERVATION CONTRACT

RESOLUTION APPROVING PARTIAL
CANCELLATION OF AGRICULTURAL
LAND CONSERVATION CONTRACT NO.
367 (RLCC No. 838)

WHEREAS, Agricultural Land Conservation Contract (ALCC) No. 367 was entered into between the County of Fresno and Russell Giffen and Ruth P. Giffen, and succeeded to by PAO Investments, LLC, hereafter referred to as "Owners", and recorded February 27, 1969, as Instrument No. 13855, Book 5665, Pages 182 to 185, of the Official Records of Fresno County, California, and

WHEREAS, in accordance with Section 51283(b) of the Government Code, the County Assessor certified the cancellation valuation to this Board for determination of the cancellation fee; and

WHEREAS, this Board has determined the cancellation fee to be in the amount of \$6,375.00; and

WHEREAS, the Agricultural Land Conservation Committee has recommended approval of the proposed cancellation because of the ability to make all of the required findings in accordance with Section 51282(b) of the Government Code:

1. That the cancellation is for land on which notice of non-renewal has been served pursuant to Section 51245.
2. That the cancellation is not likely to result in the removal of adjacent lands from agricultural use.

1 3. That the cancellation is for an alternative use that is consistent with the
2 provisions of the County General Plan.

3 4. That the cancellation will not result in discontinuous patterns of urban
4 development.

5 5. That there is no proximate non-contracted land which is both available
6 and suitable for the use to which it is proposed the contracted land be put or that
7 development of contracted land would provide more contiguous patterns of urban
8 development than development of proximate non-contracted land; and

9 WHEREAS, in accordance with Section 51284.1(c) of the Government Code the
10 Board has considered the comments of the Department of Conservation ("DOC"); and

11 WHEREAS, the Board has determined the cancellation to be consistent with the
12 purposes of the Williamson Act, subject to the following conditions:

13 1. Payment in full of the cancellation fee, which is in the amount of
14 \$6,375.00.

15 2. Unless the cancellation fee is paid or a Certificate of Cancellation of
16 Contract is issued within one year from the date of the recording of this certificate, the
17 cancellation fee shall be recomputed as of the date of notice by the landowner to the
18 Board of Supervisors as required by Government Code Section 51283.4.

19 3. The landowner shall obtain all permits necessary to commence the
20 project.

21 NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors hereby
22 finds this cancellation of said contract as to 12.82 acres to be consistent with the
23 purposes of the Williamson Act; and

24 BE IT FURTHER RESOLVED that the partial cancellation of this contract be and
25 it hereby is approved for the 12.82-acre portion of ALCC No. 367 described on the
26 attached legal description (Exhibit "A"), subject to the following conditions:

27 1. Payment in full of the cancellation fee, which is in the amount of
28 \$6,375.00.

EXHIBIT 'A'
Legal Description
Area Covered by Petition for Partial
Cancellation of Williamson Act Contract

Being a portion of real property in the Southwest Quarter of Section 5 Township 15 South, Range 13 East, Mount Diablo Base and Meridian, according to the official plat thereof lying Southerly of Panoche Road, being a portion of that certain real property described in a document dated June 13, 1978 to Robert Hansen, Trustee under the Sharla M. Baker Trust as Instrument No. 89-106620 Official Records, County of Fresno, vicinity of Firebaugh, California more particularly described as follows:

COMMENCING at the Southwest Corner of said Section 5 at a found 2" iron pipe thence along the West line of said Section 5 being the Southwest Quarter thereof North 01°34'29" East 902.88 feet; thence leaving the West line of said Section 5 through the interior of said Southwest Quarter of Section 5 the following seven (7) courses: South 89°10'03" East 39.95 feet to the POINT OF BEGINNING of the herein described real property; North 00°49'57" East 522.11 feet; South 89°10'03" East 1,001.11 feet; South 00°49'57" West 690.97 feet; North 89°10'03" West 212.94 feet; North 00°49'57" East 168.86 feet; North 89°10'03" West 788.17 feet to the POINT OF BEGINNING.

Containing 558,646 square feet of land (12.82 acres) more or less.

This description is based on record information. The Basis of Bearings are NAD 1983, Epoch 2004.50, California Coordinate System, Zone 4 and are based upon a GPS Survey constrained to NGS monuments: AC6117 (HPGN D CA 06 NC) survey disk in bridge abutment and GU4142 (Z 1444) stainless steel rod.