



RESOLUTION NO. 2007-44

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5316 AND ACCEPTING DEDICATED PUBLIC USES THEREIN.

WHEREAS, CENTEX HOMES, A Nevada General Partnership, ("developer") previously offered for approval a Final Map designated as Tract No. 5316 ("final map"), pursuant to approved Vesting Tentative Map No. 5316 ("tentative map"); and,

WHEREAS, Council on April 4, 2006 approved the Final Map of Tract No. 5316 as provided in Resolution No. 2006-136 (attached as Exhibit "A") which was recorded with the County Recorder on June 23, 2006 in Volume 76 of Plats at Pages 3-5, Fresno County Records; and,

WHEREAS, at the time the final map was presented to Council, Council was provided information that all conditions of approval of the tentative map were met, including Condition of Approval No. 3 which required the annexation of the Final Map to the City of Fresno concurrent with the Final Map; and,

WHEREAS, it has been determined that while the annexation of the Final Map to the City of Fresno was approved by LAFCO prior to April 4, 2006, the annexation was not perfected until February 1, 2007 as provided in LAFCO Certificate of Completion for Dakota-Hayes No. 2 Reorganization File No. RO-05-13 (attached as Exhibit "B"); and,

WHEREAS, pursuant to the Subdivision Map Act in Government Code Section 66454, any action by a legislative body to approve a Final Map that has not been annexed at the time of approval is null and void; and,

WHEREAS, developer is now offering final map for approval pursuant to approved tentative map; and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

Accepted _____
Approved _____
Effective _____

2007-44



WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Subdivider and the Owners, whose signatures appear on the map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said map; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. That the map is hereby approved and all of the streets, public utility easements, access rights and other public properties and uses offered for dedication on the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to improvement, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.
2. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.
3. The Council authorizes the City Manager, and his or her designee, to execute all documents to re-file the final map and all accompanying agreements, covenants, and other documents with the County Recorder's Office subject to either the County Board of Supervisors ratifying the City's actions annexing the territory for the Final Map to Community Facilities District No. 11 or staff returning to Council for additional approvals.



CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 6th day of February, 2007.

AYES: Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea
NOES: None
ABSENT: Dages
ABSTAIN: None

REBECCA E. KLISCH, CMC
CITY CLERK

By: Rebecca E. Klisch

~~Deputy~~

APPROVED AS TO FORM:

JAMES C. SANCHEZ
City Attorney

By: [Signature]

Deputy



RESOLUTION NO. 2006-136

**RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, APPROVING THE FINAL MAP OF TRACT NO. 5316 AND
ACCEPTING DEDICATED PUBLIC USES THEREIN**

WHEREAS, Centex Homes, A Nevada General Partnership, has offered for approval a Final Map designated as Tract No. 5316, ("map"), pursuant to approved Vesting Tentative Map No. 5316 ("tentative map"); and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

WHEREAS, the Subdivider and the Owners, whose signatures appear on the map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said map and have provided funds for the acquisition of property not otherwise offered for dedication on such map; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

Adopted _____
Approved _____
Effective _____

EXHIBIT A

2006-136

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. That the map is hereby approved and all of the streets, public utility easements, access rights and other public properties and uses offered for dedication on the map are hereby accepted, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.
2. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.

* * * * *





CLERK'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 4th day of April, 2006.

AYES: Boyajian, Dages, Perea, Sterling, Westerlund, Duncan
NOES: Calhoun
ABSENT: None
ABSTAIN: None

REBECCA E. KLISCH, CMC
CITY CLERK

By: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
Interim City Attorney

By: [Signature]
Deputy

CERTIFICATE OF COMPLETION
FRESNO COUNTY LOCAL AGENCY FORMATION COMMISSION



The Fresno Local Agency Formation Commission is the Conducting Authority.

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 North Central 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 "Dakota-Hayes No. 2 Reorganization" LAFCO File No. RO-05-13

The affected territory is uninhabited.

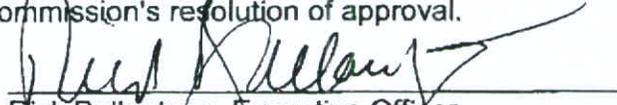
The change of organization was ordered without an election, and Resolution No. RO-05-13 ordering the change of organization was adopted by the Fresno Local Agency Formation Commission on June 15, 2005.

A legal description of the territory affected by the reorganization is set forth in the attached Exhibit "A".

The conditions of approval of the reorganization have been complied with as follows:

1. The City of Fresno has submitted to the Executive Officer verification that a Right-to-Farm Covenant is required and made a part of the City's development agreement and that this legal covenant will be recorded with any final tract map approved by the City for the affected territory.
2. The territory rezoned in accordance with LAFCo Policies Standards and Procedures Section 210-13 shall remain under the approved Zone Districts for a time pursuant to state law (City of Fresno Ordinance No. 2004-129).
3. Satisfactory verification that the City has accepted the final map covering 50% or more of the affected territory has been submitted to the Executive Officer prior to the completion (recordation) of the annexation.
4. The City of Fresno has submitted to the Executive Officer a copy of a fully executed fire services transition agreement between the City and the North Central Fire Protection District prior to completion (recordation) of the proposed annexation.
5. The City of Fresno shall annex the full width of the existing road right-of-way adjacent to the affected territory along W. Dakota, N. Hayes and N. Polk Avenues.

I, Rick Ballantyne, Executive Officer of the Fresno County Local Agency Formation Commission, hereby certify that the attached legal description, map, and terms and conditions of the change of organization do comply with the Commission's resolution of approval.

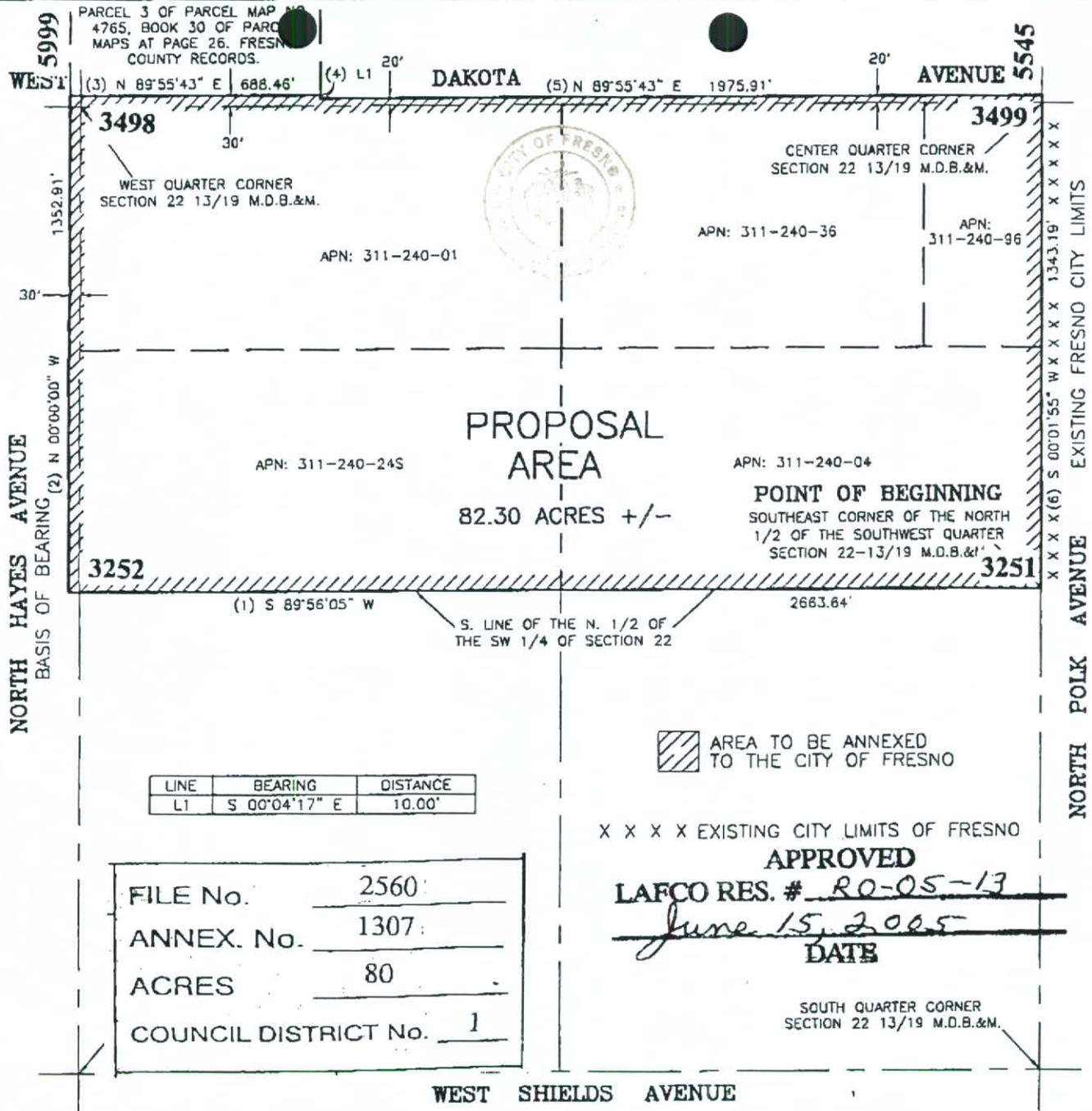

Rick Ballantyne, Executive Officer
Fresno Local Agency Formation Commission

Dated: February 1, 2007



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PARCEL 3 OF PARCEL MAP NO. 4765, BOOK 30 OF PARCEL MAPS AT PAGE 26, FRESNO COUNTY RECORDS.



PROPOSAL AREA
82.30 ACRES +/-

POINT OF BEGINNING
SOUTHEAST CORNER OF THE NORTH 1/2 OF THE SOUTHWEST QUARTER SECTION 22-13/19 M.D.B.&M.

AREA TO BE ANNEXED TO THE CITY OF FRESNO

LINE	BEARING	DISTANCE
L1	S 00°04'17" E	10.00'

FILE No.	2560
ANNEX. No.	1307
ACRES	80
COUNCIL DISTRICT No.	1

X X X X EXISTING CITY LIMITS OF FRESNO
APPROVED
LAFCO RES. # R0-05-13
June 15, 2005
DATE

SOUTH QUARTER CORNER SECTION 22 13/19 M.D.B.&M.

DAKOTA-HAYES No. 2 REORGANIZATION

ANNEXATION TO THE CITY OF FRESNO DETACHMENT FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND FROM THE KINGS RIVER CONSERVATION DISTRICT

BOUNDARY CHANGE RECORDED

TIME 2:35pm DATE 2/1/07
DOCUMENT # 20070021541
EFFECTIVE February 1, 2007



SCALE: 1" = 400'

- 01-05-07
- 09-18-06
- 08-11-05
- 06-07-05
- 04-12-05
- 01-25-05

WO: 5316

LAFCD RES. #
June 15, 2005
DATE

**LEGAL DESCRIPTION
DAKOTA-HAYES No. 2 REORGANIZATION
TO BE ANNEXED TO THE CITY OF FRESNO
DETACHMENT FROM THE NORTH CENTRAL FIRE PROTECTION
DISTRICT AND FROM KINGS RIVER CONSERVATION DISTRICT**



That portion of the West half of Section 22 and the East half of Section 21, both in Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, being more particularly described as follows:

BEGINNING at the Southeast corner of the North half of the Southwest quarter of said Section 22;

Thence (1) South 89°56'05" West, along the South line of the North half of the Southwest quarter of said Section 22 and the Westerly prolongation thereof, a distance of 2663.64 feet to a point being 30.00 feet West of the West line of the North half of the Southwest quarter of said Section 22;

Thence (2) North, parallel with and 30.00 feet West of the West line of the North half of the Southwest quarter of said Section 22 and the Northerly prolongation thereof, a distance of 1352.91 feet to a point being 30.00 feet North of the Westerly prolongation of the North line of the Southwest quarter of said Section 22;

Thence (3) North 89°55'43" East, parallel with and 30.00 feet North of the North line of the Southwest quarter of said Section 22, a distance of 688.46 feet to a point on the East line of Parcel 3 of Parcel Map 4765, recorded in Book 30 of Parcel Maps at Page 26, Fresno County Records;

Thence (4) South 00°04'17" East, along the East line of said Parcel 3, a distance of 10.00 feet to a point being 20.00 feet North of the North line the Southwest quarter of said Section 22;

Thence (5) North 89°55'43" East, parallel with and 20.00 feet North of the North line of the Southwest quarter of said Section 22, a distance of 1975.91 feet to a point on the East line of the Northwest quarter of said Section 22, said point being on the existing city limit;

Thence (6) South 00°01'55" West, along the existing city limit and along the East line of the West half of said Section 22, a distance of 1343.19 feet to the **POINT OF BEGINNING**.

Containing 82.30 acres, more or less.

Revised 01-05-07

BOUNDARY CHANGE RECORDED

TIME 2:35 pm DATE 2/1/07

DOCUMENT # 20070021541

EFFECTIVE February 1, 2007

