



Fresno Local Agency Formation Commission

March 24, 2021

Michael Carbajal, Director of Public Utilities
City of Fresno
2600 Fresno Street, Rm. 4019
Fresno, CA 93721

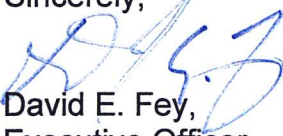
Dear Mr. Carbajal:

Subject: Resolution OS-21-02 authorizing the City of Fresno to extend service to properties in the vicinity of Cherry, Daleville, and Central Avenues

The City of Fresno's request to extend of sewer service to territories outside of the City Limit and within the Fresno SOI has been authorized. Please see the enclosed resolution.

Please contact me at your convenience with any questions.

Sincerely,



David E. Fey,
Executive Officer

enclosure

cc: LAFCo Commissioners
Dejan Pavic, DPU Manager
Kevin Grey, Supervising Engineering Technician
Bernard Jimenez, Deputy Director of Fresno Co. Public Works and Planning
Oscar Garcia, Fresno County Auditor-Controller/Treasurer-Tax Collector
Paul Dictos, Fresno County Assessor-Recorder
Sal Quintero, County Supervisor, District 3

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RESOLUTION NO. OS-21-02

**A RESOLUTION OF THE FRESNO LOCAL AGENCY FORMATION COMMISSION
AUTHORIZING AN EXTENSION OF SEWER AND WATER SERVICE TO TERRITORY
OUTSIDE OF THE FRESNO CITY LIMIT WITHIN THE FRESNO SPHERE OF INFLUENCE**

WHEREAS, pursuant to Government Code (GC) section 56427, the Fresno Local Agency Formation Commission (LAFCo) determines spheres of influence, as defined in GC section 56076, for local agencies as a plan for the probable physical boundaries and service area of a local agency; and

WHEREAS, pursuant to GC sec. 56133 (c), LAFCo may authorize a city or special district to provide new or extended services outside of its jurisdictional boundaries in anticipation of a later change of organization; and

WHEREAS, on October 1, 2014, by Resolution No. 127, LAFCo delegated to the executive officer the authority to authorize extension of service requests under GC sec. 56133; and

WHEREAS, the executive officer has determined that an extension of service request shall be processed as an administrative action with notice of action given only to the subject local agency or agencies and the subject parcel property owner(s); and

WHEREAS, the City of Fresno (City) owns and operates a municipal wastewater collection and treatment system for the inhabitants of the City; and

WHEREAS, on March 5, 2021, the City filed an application with Fresno LAFCo to authorize extension of sewer service to properties located on North Cherry Avenue south of East North Avenue, Daleville Avenue between North Cherry and Mary Avenues and north of East Central Avenue, as depicted in Exhibit "A," (hereafter the "subject area") said subject area being outside of the corporate limits of the City but within the Fresno sphere of influence (SOI); and

WHEREAS, residents and property owners have expressed to the City their strong desire to abandon their septic systems and connect to the City waste water system, and many of the homes' septic systems are reported as failing and all are likely contributing to high nitrate levels in the groundwater as substantiated by 77% of local domestic wells sampled indicate nitrate levels above the Maximum Contamination Level; and

WHEREAS, the majority of the properties that will connect to the City sewer lie in a cluster of homes located on Central Avenue between Cherry and Mary Avenues and on Daleville Avenue east of Cherry Avenue, and owners of properties located on Cherry Avenue between North and Central Avenues have also expressed their desire to connect to city sewer, and if all property owners chose to participate, approximately 60 properties could connect to Fresno City waste water services; and

WHEREAS, funding to extend sewer service to the subject area will be provided by the State Water Resources Control Board Clean Water State Revolving Funds with the City as the applicant on behalf of the property owners and Self Help Enterprises providing Technical Assistance to the City; and

WHEREAS, annexation of the subject area is not currently feasible because the property owners are not seeking further development of their properties, and the expense of annexation proceedings is not affordable nor available for the property owners; and

WHEREAS, the connection of the subject area to the City's sewer system will be via a sewer line in North Cherry, East Central, Daleville and Mary Avenues adjacent to the subject area; and

WHEREAS, prior to connection the owner(s) of properties in the subject area will enter into an Extra-Territorial Agreement with the City, which shall incorporate a recorded covenant, stipulating that they will not oppose future annexation to the City.

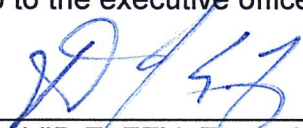
NOW, THEREFORE, BE IT RESOLVED that pursuant to the authority delegated by the commission, I, David Fey, Executive Officer of the Fresno Local Agency Formation Commission, on this date hereby determine the extension of sewer service outside the Fresno city limits and within the Fresno SOI as described in this resolution hereby authorized subject to the following conditions:

1. The record owners of title of properties in the subject area shall each record a covenant, in a form acceptable to the City of Fresno, stating that the record owner, and all subsequent owners of the subject property, shall not protest the future annexation of the subject property if such annexations are not subject to conditions, excluding the facts pertaining to the annexation itself or the extension of water service, which might materially prejudice those holding an interest in the real property.
2. This authorization is limited to the provision of water service by the City of Fresno identified in the administrative record of OS-21-02, incorporated herein by this reference. Further extension of this service or connection of other properties, or to a use not specifically described in this resolution are subject to Fresno LAFCo authorization.

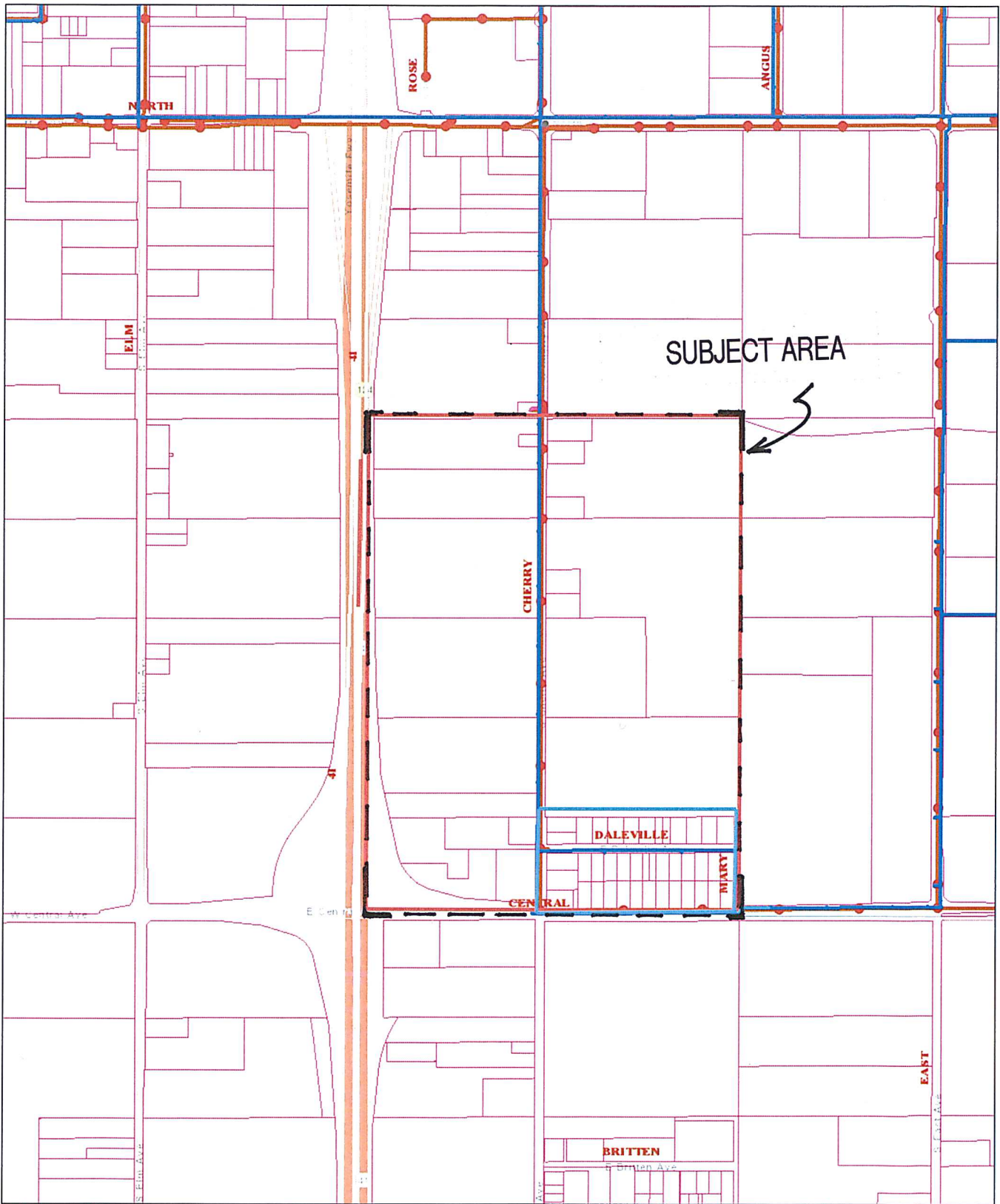
BE IT FURTHER RESOLVED THAT pursuant to GC sec. 56895, any person or affected agency may file a written request with the executive officer requesting amendments to or reconsideration of the resolution. The request shall state the specific modification to the resolution being requested and shall state what new or different facts that could not have been presented previously are claimed to warrant the reconsideration. Notwithstanding GC sec. 56106, the deadlines set by this section are mandatory. The person or agency shall file the written request within 30 days of the adoption of the initial or superseding resolution making determinations.

CERTIFICATION

I, David E. Fey, Executive Officer of the Fresno Local Agency Formation Commission, Fresno County, State of California, hereby certify that pursuant to the authority delegated by the Fresno LAFCo to the executive officer, I approved the foregoing resolution on the 24th day of March, 2021.

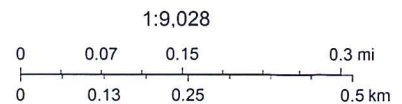


DAVID E. FEY, Executive Officer
Fresno Local Agency Formation Commission



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|-----------------------------------|-----------------------|----------------|-------------|
| Water Mains | Sewer Manholes | Streets | 6 |
| Active | Active | 0 | 7 |
| Raw Water | LNA | 1 | 8 |
| Live Not Accepted | Sewer Mains | 2 | 9 |
| Sewer Mains Priv Prop Aban | Active | 3 | Parcels |
| PRIV | Force Main | 4 | City Limits |
| PROP | Live Not Accepted | 5 | |



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community