

Exhibit 3

Resolution of Application for “Central-Cherry No. 1”

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE DIRECTOR OF DEVELOPMENT AND RESOURCE MANAGEMENT TO INITIATE THE PREZONING AND ANNEXATION OF THE "CENTRAL-CHERRY No. 1" REORGANIZATION WITH THE FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO)

WHEREAS, the City of Fresno (City) seeks to annex the Subject Territory shown on Exhibit A, attached and made a part thereof, and requests a change of organization for several reasons including the following:

A) The annexation will "compliment and mirror" an annexation being done by landowner petition which is directly to the east of the Subject Territory thereby creating logical boundaries; and

B) The annexation will increase the chances of the city successfully obtaining grant funding to address the lack of water infrastructure to serve about a 150 low-income residents and 350 students at a local elementary school who currently rely on bottled water for drinking since all the wells in the Subject Territory are contaminated; and


WHEREAS, the specific changes of organization (Central-Cherry No. 1) is an annexation to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District, of certain property consisting of approximately twenty acres and,

WHEREAS, LAFCO requires the Subject Territory be pre-zoned consistent with the City of Fresno General Plan (General Plan) prior to the initiation of annexation proceeding; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No: _____

WHEREAS, pursuant to Fresno Municipal Code Sections 15-4902-B and 15-5803-B, the City has the authority to initiate rezoning of property within the City of Fresno by resolution; and

WHEREAS, the provisions of the Cortese-Knox-Hertzberg Act require that a city prezone land that is to be annexed as a condition of annexation; and

WHEREAS, Fresno Municipal Code Sections 15-6103 and 15-6104 set forth the procedures and criteria for pre-zoning; and

WHEREAS, pursuant to Fresno Municipal Code Section 15-203, the Director has determined that a prezone application may be initiated in the same manner as a rezone application; and

WHEREAS, the City of Fresno desires to initiate the procedures for pre-zoning the Subject Territory, which is approximately twenty acres of property located on the northeast corner of South Cherry and East Central Avenues from AE-20 (Fresno County) to the IL/ANX/UGM (*Industrial Light/Annexed Rural Residential Transitional Overlay/Urban Growth Management*) zone district, which is consistent with the Fresno General Plan; and

WHEREAS, the annexation will be made pursuant to Part three of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 contained in Division three of Title five commencing with Section 56000 of the California Government Code; and,

WHEREAS, this proposal is within the established sphere of influence of the City of Fresno; and,

WHEREAS, the proposed reorganization is inhabited under the definition of Section 56046 of the California Government Code; and,

WHEREAS, municipal services for the Subject Territory will be provided in a manner

described in the Service Delivery Plan pursuant to the requirements set forth in Government Code Section 56653; and,

WHEREAS, the proposed annexation complies with the terms and standards of the 2003 Memorandum of Understanding (2003 MOU) between the City of Fresno and the County of Fresno approved January 6, 2003; and,

WHEREAS, pursuant to the 2003 MOU, notification of the intention to file the proposed annexation will be made to the County of Fresno and the City will request the County of Fresno determine that the proposed reorganization is consistent with the standards of annexation of the 2003 Memorandum; and,

WHEREAS, this proposed reorganization will result in logical growth, the provision of municipal services, and the application of appropriate development standards and controls within the City of Fresno, and implements the Council's policy to unify the metropolitan area.

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

1. The Council finds the proposed Central-Cherry No. 1 Reorganization to be consistent with the standards of annexation in the 2003 MOU.
2. The Council hereby initiates the pre-zoning of the Subject Territory pursuant to Fresno Municipal Code Sections 15-4902-B and 15-5803-B and directs the Director of the Development and Resource Management Department to take all necessary steps to process a pre-zone of the Subject Territory, including preparing the necessary environmental review pursuant to the California Environmental Quality Act.
3. The Council authorizes the City Manager or his or her designee to sign and submit a complete annexation application to LAFCO for the proposed Central-Cherry No. 1

Reorganization requesting the annexation take place in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Council directs staff to take all necessary steps to submit a complete application for the proposed annexation, including preparation and submittal of all LAFCO required forms, documents, and studies and payment of all required fees, including a Fire Transition fee, determined in accordance with the Transition Agreement between the City of Fresno and the Fresno County Fire Protection District Regarding the Transfer of Certain General Ad Valorem Real Property Tax Revenue Generated by Annexations.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, 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 _____ day of _____, 2016, by the following vote:

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

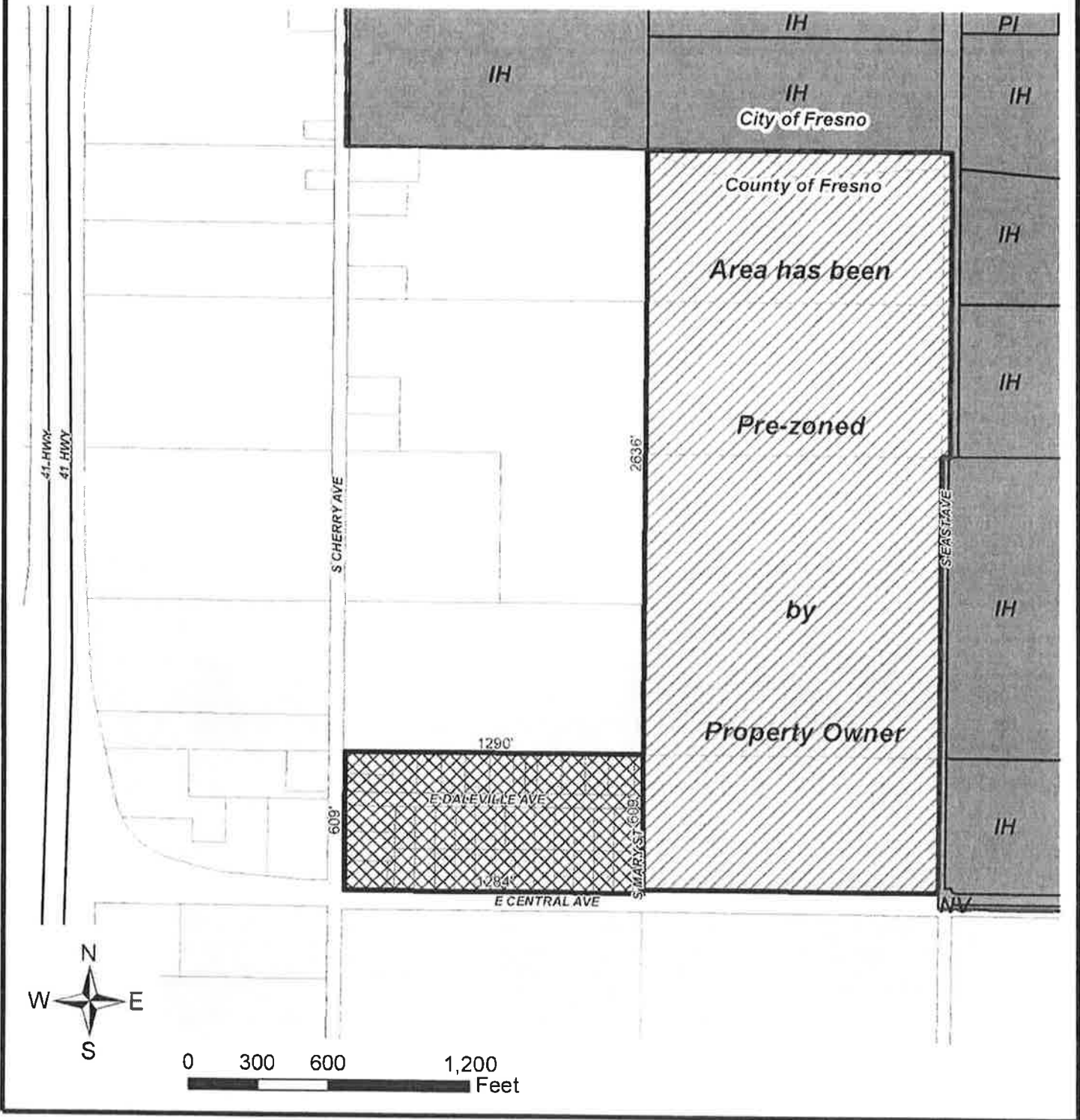
By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney



By: _____
Talia Kolluri-Barbick
Supervising Deputy City Attorney

TKB:nd (73114nd/tkb)

EXHIBIT A - PRE-ZONING



Pre-zone and Annexation of Daleville Neighborhood

- City Limits
-  AE-20 and AL-20 (County) to IL/UGM
-  Area to be pre-zoned to IL (Industrial Light)