

**RECORDING REQUESTED BY,  
AND WHEN RECORDED, MAIL TO:**

**FRESNO METROPOLITAN FLOOD  
CONTROL DISTRICT  
5469 East Olive Avenue  
Fresno, California 93727**

**--NO FEE--**

Benefit of Fresno Metropolitan  
Flood Control District  
Pursuant to Government Codes § 6103 and 27383

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**AGREEMENT No. 2169(G)-AK**

**POST-DEVELOPMENT MITIGATION AGREEMENT**

THIS POST-DEVELOPMENT MITIGATION AGREEMENT (this “Agreement”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by and between Fresno Metropolitan Flood Control District, a California public corporation (“District”) and the City of Fresno (“City”), a California municipal corporation.

RECITALS

WHEREAS, the District has adopted and bears responsibility for implementation of the Storm Drainage and Flood Control Master Plan (the “Master Plan”) for the Fresno County Stream Group; and

WHEREAS, the District has identified local planned drainage areas on the Master Plan, such as Drainage Area “AK”; and

WHEREAS, the City owns that certain real property located in the County of Fresno, State of California bearing Fresno County Assessor’s Parcel Number 511-200-30T (the “Property”) and wishes to pursue construction on the Property of the following described development of FR DPA 2021-00779, as identified on Exhibits No. 1 and 2 attached hereto (“the Project”); and

WHEREAS, runoff from Drainage Area “AK” drains to Basin “AK”, which is a component of the Regional Stormwater Management Basin System (the “System”), so the urban stormwater runoff from the Project (“Runoff”) will drain to the System in a manner consistent with the Master Plan; and

WHEREAS, pursuant to the Fresno Metropolitan Flood Control District drainage design standards, City is obligated to mitigate impacts of Runoff and desires to incorporate such mitigation measures into a private on-site storm drainage collection system, which consists of devices, controls or systems that regulate and affect Runoff identified on Exhibit No. 1 as “Private Facilities” (“City Drainage Facilities”).

**NOW, THEREFORE,** it is mutually agreed as follows:

1. Urban Stormwater Runoff Mitigation. The City shall mitigate the negative effects of Runoff from the Project prior to discharge into the System in a manner approved by the District. The mitigation measures and obligations of the City are set forth in the Drainage Report, attached hereto as Exhibit No. 3. The proposed mitigation measures shall be subject to District’s review and written approval as outlined in Exhibit No. 3.

2. Discharges. The City is constructing City Drainage Facilities that are connected to the District’s storm drainage system. All discharges of Runoff from the City Drainage Facilities to the System shall be mitigated, reduced or regulated to flow rates described in and consistent with Exhibit No. 3 hereto.

3. Maintenance. The City shall prepare a maintenance plan for the City Drainage Facilities for District’s review and written approval detailing the frequency of periodic

maintenance and inspection procedures. The City shall implement the regular maintenance program approved by District for all features and components of the City Drainage Facilities to ensure they are properly maintained and in good working order at all times. Should the City fail, upon written request, to submit evidence of on-going maintenance, the District may initiate a site inspection and investigation and may compel the City to restore the facilities, if needed. If the District determines that the City has not properly maintained the City Drainage Facilities to such an extent that they are no longer capable of controlling, reducing, regulating, delaying, or mitigating the Runoff, the District shall notify the City that it shall immediately repair or restore the City Drainage Facilities to good working condition. Should City at any time fail timely to do so, the District may (but is not required to) perform, at City's expense, any and all work necessary to maintain the City Drainage Facilities and restore their capacity and/or service levels. Within thirty (30) days of receiving written notice from the District of the amount due, City shall pay to District the amount of any reasonable expense incurred by the District pursuant to work performed by the District in accordance with this paragraph.

4. Indemnity; Hold Harmless. City shall defend, indemnify, and hold District and its directors, employees, and agents harmless from and against any and all liability, loss, expense (including reasonable attorneys' fees), fines, damages, or claims for injury or damages arising out of City's acts or omissions concerning the construction or maintenance of the City Drainage Facilities, its performance of its obligations provided herein, and enforcement by District of its rights set forth in this Agreement. District agrees that this Agreement shall in no way act to abrogate or waive any immunities available to City under the Tort Claims Act of the State of California or California Government section 810 et seq.

5. Binding on Successors-in-Interest; Assumption of Obligations. The obligations set forth herein are both personal to City and constitute covenants running with the land such that they are binding on City's successors-in-interest in the Property.

6. Notices. All notices required or permitted by this Agreement or applicable law shall be in writing and may be delivered in person (by hand or by courier) or may be sent by regular, certified or registered mail or U.S. Postal Service Express Mail, with postage prepaid, or by facsimile transmission, and shall be deemed sufficiently given if served in a manner specified in this Paragraph 6. The addresses noted below shall be that party's address for delivery or mailing of notices.

If to City:

City of Fresno  
Attn: Aaron A. Aguirre, City PARCS Director  
1515 East Divisadero Street  
Fresno, California 93721

If to District:

Fresno Metropolitan Flood Control District  
Peter Sanchez, General Manager-Secretary  
5469 East Olive Avenue  
Fresno, California 93727

With copy to:

Baker, Manock & Jensen, PC  
Kenneth J. Price  
5260 North Palm Avenue, Suite 421  
Fresno, California 93704

Either party may by written notice to the other specify a different address for notice. Any notice sent by registered or certified mail, return receipt requested, shall be deemed given on the date of delivery shown on the receipt card, or if no delivery date is shown, two (2) days after the

postmark thereon. If sent by regular mail the notice shall be deemed given forty-eight (48) hours after the same is addressed as required herein and mailed with postage prepaid. Notices delivered by United States Express Mail or overnight courier that guarantee next day delivery shall be deemed given twenty-four (24) hours after delivery of the same to the Postal Service or courier. Notices transmitted by facsimile transmission or similar means shall be deemed delivered upon telephone confirmation of receipt (confirmation report from fax machine is sufficient), provided a copy is also delivered via delivery or mail. If notice is received after 4:30 p.m. in the time zone in which the party is located or on a Saturday, Sunday or legal holiday, it shall be deemed received on the next business day.

7. Exhibits. All exhibits are hereby incorporated by reference as if set forth in full herein.

[SIGNATURES FOLLOW ON NEXT PAGE.]

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement No. 2169(G)-

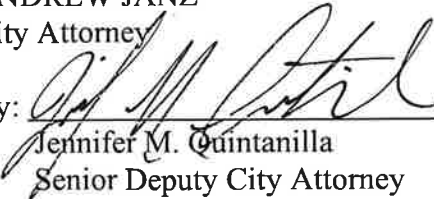
AK to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**“City”**

CITY OF FRESNO, a California municipal corporation

By: \_\_\_\_\_  
Georgeanne A. White  
City Manager

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By:  \_\_\_\_\_ 1/22/25  
Jennifer M. Quintanilla                      Date  
Senior Deputy City Attorney

ATTEST:  
TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy    Date

**“District”**

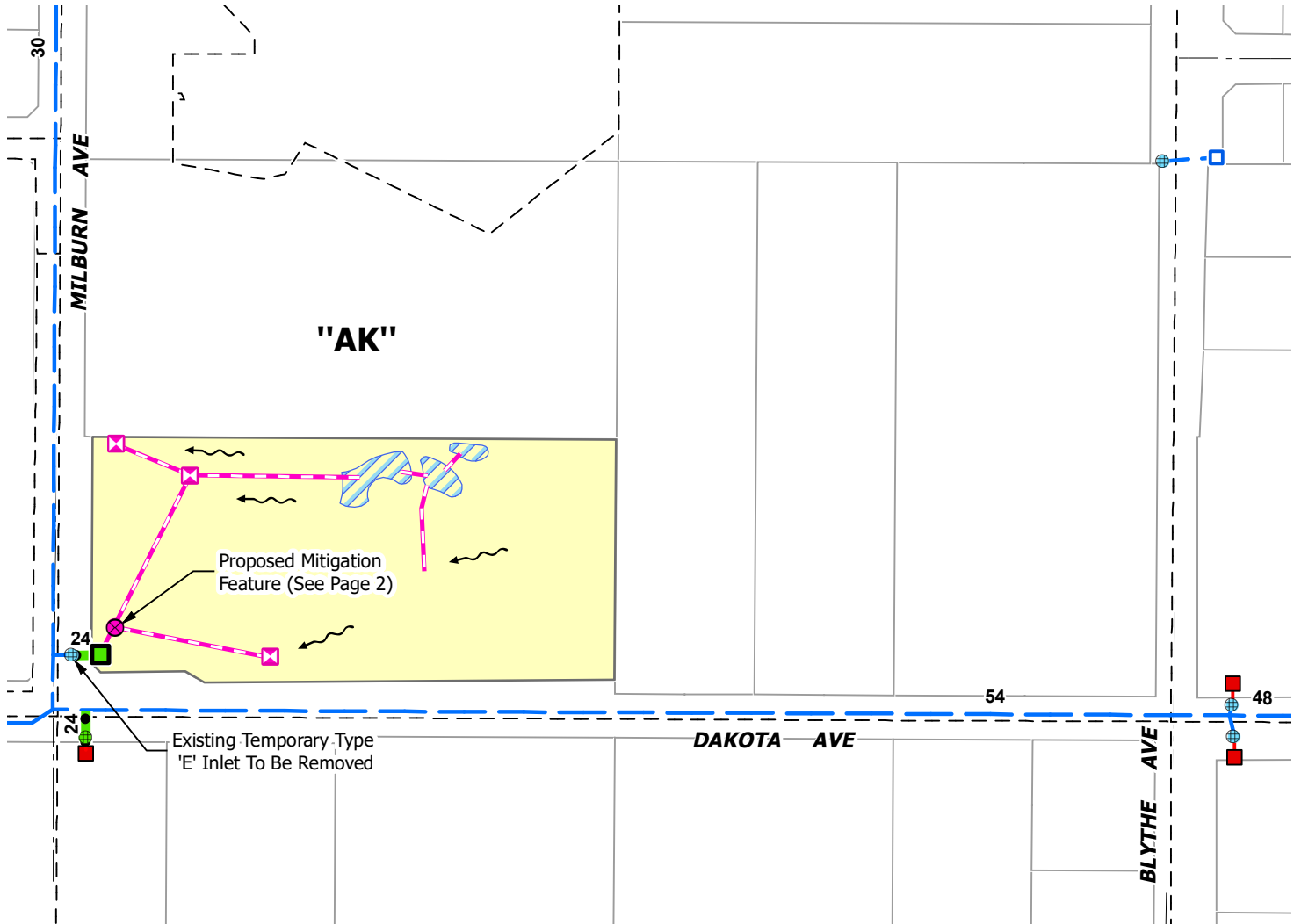
Fresno Metropolitan Flood Control District, a California public corporation

By: \_\_\_\_\_  
Peter Sanchez  
General Manager-Secretary

APPROVED AS TO FORM:  
BAKER, MANOCK AND JENSEN

By: \_\_\_\_\_  
Kenneth J. Price  
Attorney for Flood Control District

NOTE: THIS MAP IS SCHEMATIC.  
 DISTANCES, AMOUNT OF CREDITABLE  
 FACILITIES, AND LOCATION OF INLET  
 BOUNDARIES ARE APPROXIMATE.



**LEGEND**

- Master Plan Facilities To Be Constructed By City Of Fresno - Pipeline (Size Shown) & Inlet (Type 'D')
- Existing Master Plan Facilities
- Future Master Plan Facilities
- Inlet Boundary
- Private Facilities (City Drainage Facilities)
- Direction Of Drainage
- Existing Temporary Type 'E' Inlet
- Temporary Inlet To Be Constructed By City Of Fresno
- Mitigation Pond
- Limits Of FR DPA 2021-00779



1" = 200'

**AGREEMENT 2169(G)-AK  
 FR DPA 2021-00779  
 (THE "PROJECT")**

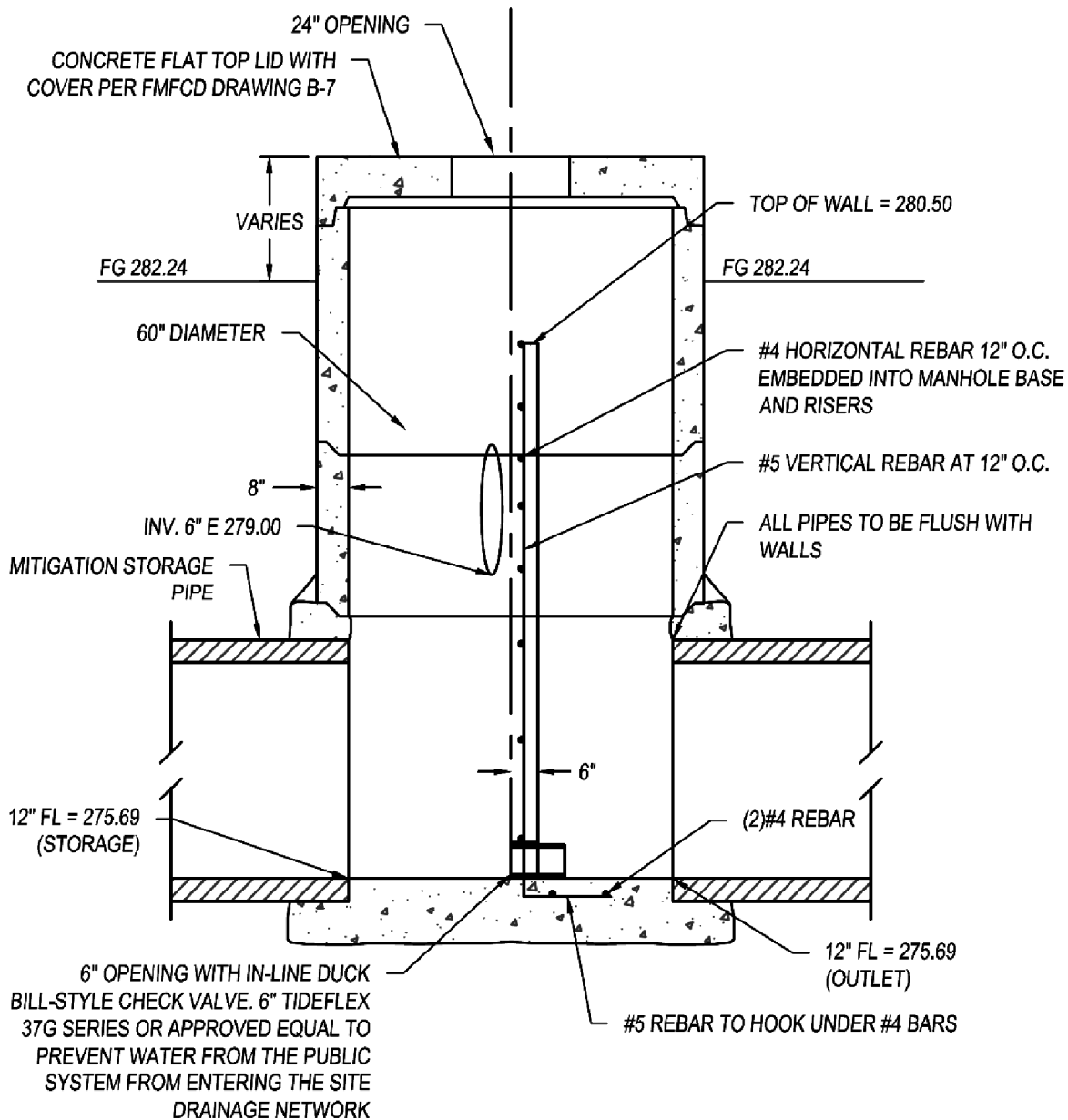
**DRAINAGE AREA "AK"**

**EXHIBIT NO. 1  
 PAGE 1 OF 2**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**



NOTE: THIS MAP IS SCHEMATIC.  
 DISTANCES, AMOUNT OF CREDITABLE  
 FACILITIES, AND LOCATION OF INLET  
 BOUNDARIES ARE APPROXIMATE.



**AGREEMENT 2169(G)-AK  
 FR DPA 2021-00779  
 STRUCTURE N.T.S.**

**DRAINAGE AREA "AK"**

**EXHIBIT NO. 1  
 PAGE 2 OF 2**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**





RECORDING REQUESTED BY

86043319

2

AND WHEN RECORDED MAIL TO

|  |           |
|--|-----------|
| RECORDED IN OFFICIAL RECORDS OF<br>FRESNO COUNTY, CALIFORNIA |           |
| 5  | 3         |
| APR 23 1986  |           |
| GALEN LARSON,<br>County Recorder                             | FEE<br>\$ |

Name City Clerk  
 Street City of Fresno  
 Address 2328 Fresno Street  
 City & State Fresno, California

SPACE ABOVE THIS LINE FOR RECORDER'S USE

UGM Park Service Area IV, Site 5  
APN 311-360-29

No Transfer Tax by reason of California  
State Revenue and Tax Code, Chapter 3

D-10267-86

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby  
 acknowledged, JOHN ROMAGNOLI AND MARY ROMAGNOLI, husband and wife,  
 as joint tenants, GRANTORS, hereby GRANT to the CITY OF FRESNO, a  
 municipal corporation, GRANTEE, all that real property in the County  
 of Fresno, State of California, described as follows:

The Southwest Quarter of the Southeast Quarter of  
 the Northwest Quarter of Section 23, Township 13  
 South, Range 19 East, Mount Diablo Base and  
 Meridian, according to the Official Plats thereof:

EXCEPTING therefrom the Northerly 5 acres.

EXCEPTING THEREFROM any right to use the existing  
 pipeline and ditch from the main ditch and  
 pumping plant or right-of-way for the purpose of  
 conveying water from the East Half of the  
 Southeast Quarter of the Northwest Quarter of  
 Section 23, Township 13 South, Range 19 East,  
 Mount Diablo Base and Meridian, according to the  
 Official Plats thereof.

1754K/7

Dated: 3 24, 1986

John Romagnoli  
 John Romagnoli  
Mary Romagnoli  
 Mary Romagnoli

311-036-X-10

RE: Drainage Memo for Dolores Huerta Park BG24-00023, P23-00733, DPA 2021-000779

The proposed Dolores Huerta Park has been presented with Fresno Metropolitan Flood Control District Exhibit No. 1 with drainage area as shown. Existing credible facilities include a 24" storm drainage pipe located at the northeast corner of the Milburn Avenue and Dakota Avenue intersection.

The existing site was designed for a 2-year ( $C=.384$ ) storm with an anticipated  $Q$  of 0.74 cfs. The proposed project site falls under high density residential and is to be designed for a 10-year ( $C=.68$ ) storm with anticipated  $Q$  of 2.63 cfs. A portion of the site is draining from the site unmitigated,  $Q=.49$  cfs. This leaves the allowable discharge  $Q=.25$  cfs. The delta of the 10-year storm volume minus the 2-year storm volume that is shown on the accompanying hydrograph is 132 CY. Our site has been designed for this storage requirement and is shown on the attached drainage plan.

The site has been designed with the following proposed mitigation measures: Bioretention drainage basins, bioretention drainage swales and dry well infrastructure at the proposed skate park. The City will also provide a manhole with baffle wall to limit the discharge from the site to the existing FMFCD drainage system. This will be provided onsite and contain a reducer pipe and backflow prevention device.

This infrastructure will reduce the impact of the increased runoff into the existing master planned system. Proposed retention storage areas shall be maintained as part of the maintenance agreement to prevent any contaminants into the storm drainage system. To help mitigate this, the installation of rip rap has been identified in areas of proposed infrastructure as shown on the onsite drainage plans.

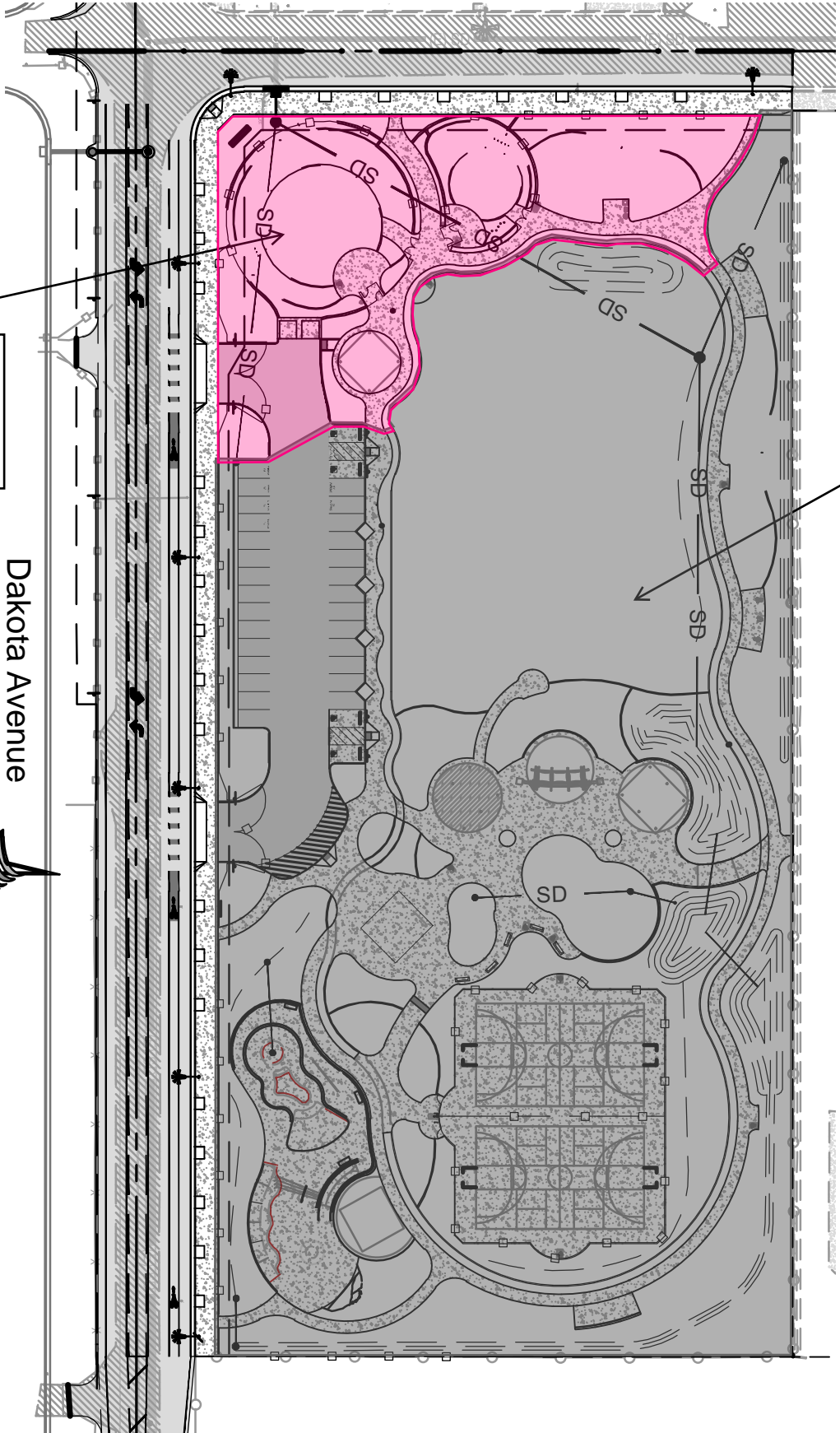


EXHIBIT NO. 3

Milburn Avenue

PARK AREA: 3.41 ACRE

# Dolores Huerta Park Exhibit



AREA: 0.79 ACRE

Dakota Avenue

## LEGEND

PARK AREA (Unmitigated)

PARK AREA (Mitigated)

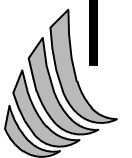


**4CREEKS**

PREPARED BY:



324 S. SANTA FE, STE. A  
 VISALIA, CA 93292  
 TEL: 559.802.3052  
 FAX: 559.802.3215  
 www.4-creeks.com



## DAKOTA PARK Q CALCULATIONS

TOTAL PARK AREA - 4.2 ACRES

2-YEAR

$$Q=CiA$$

$$t=54 \text{ min}$$

$$Q=(0.384)(4.2)(0.46) = 0.74 \text{ cfs}$$

10-YEAR

$$Q=(0.68)(0.92)(4.2) = 2.63 \text{ cfs}$$

$$t=39 \text{ min}$$

The Q stored is the difference from the 10 and 2 year storm can release at the 2 year rate minus the Q not being mitigated.

$$Q \text{ allowed from total site (4.2 Acres)} = 0.74 \text{ cfs}$$

Q non-mitigated (0.79 acres):

$$Q=CiA$$

$$Q=(0.68)(0.92)(0.79)=0.49\text{cfs (already drained from site unmitigated)}$$

Q mitigated = 0.74 cfs - 0.49cfs = 0.25 cfs (Remaining Q from 3.41 acres of the site through mitigation device)

$$\text{Delta Q (10 year - 2 year)} = 0.08\text{ac-ft (132 CY)}$$

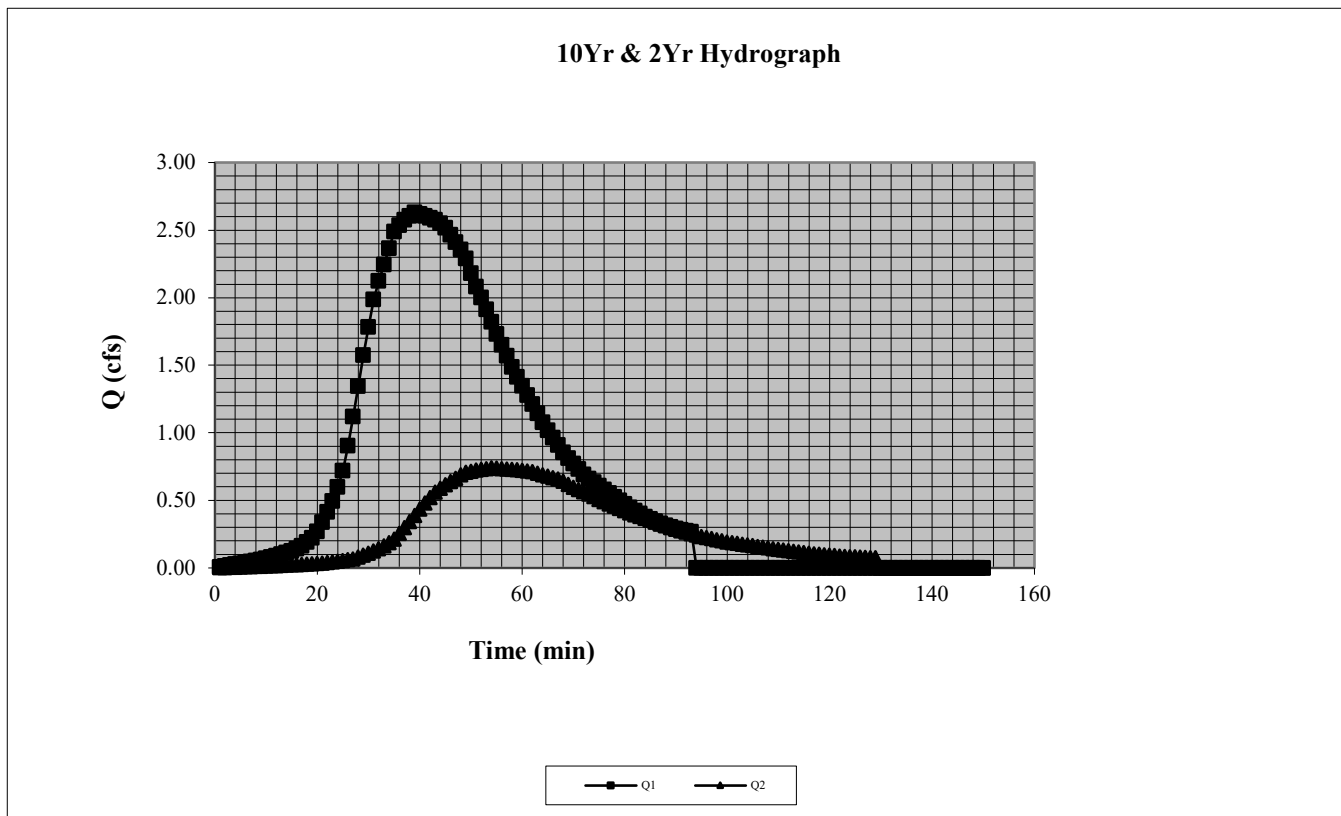
**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
10Yr MITIGATION VOLUME  
CALCULATION SHEET**

Drainage Area: "AK"  
Location: Fresno, Ca  
Project Description: New Dolores Huerta Park

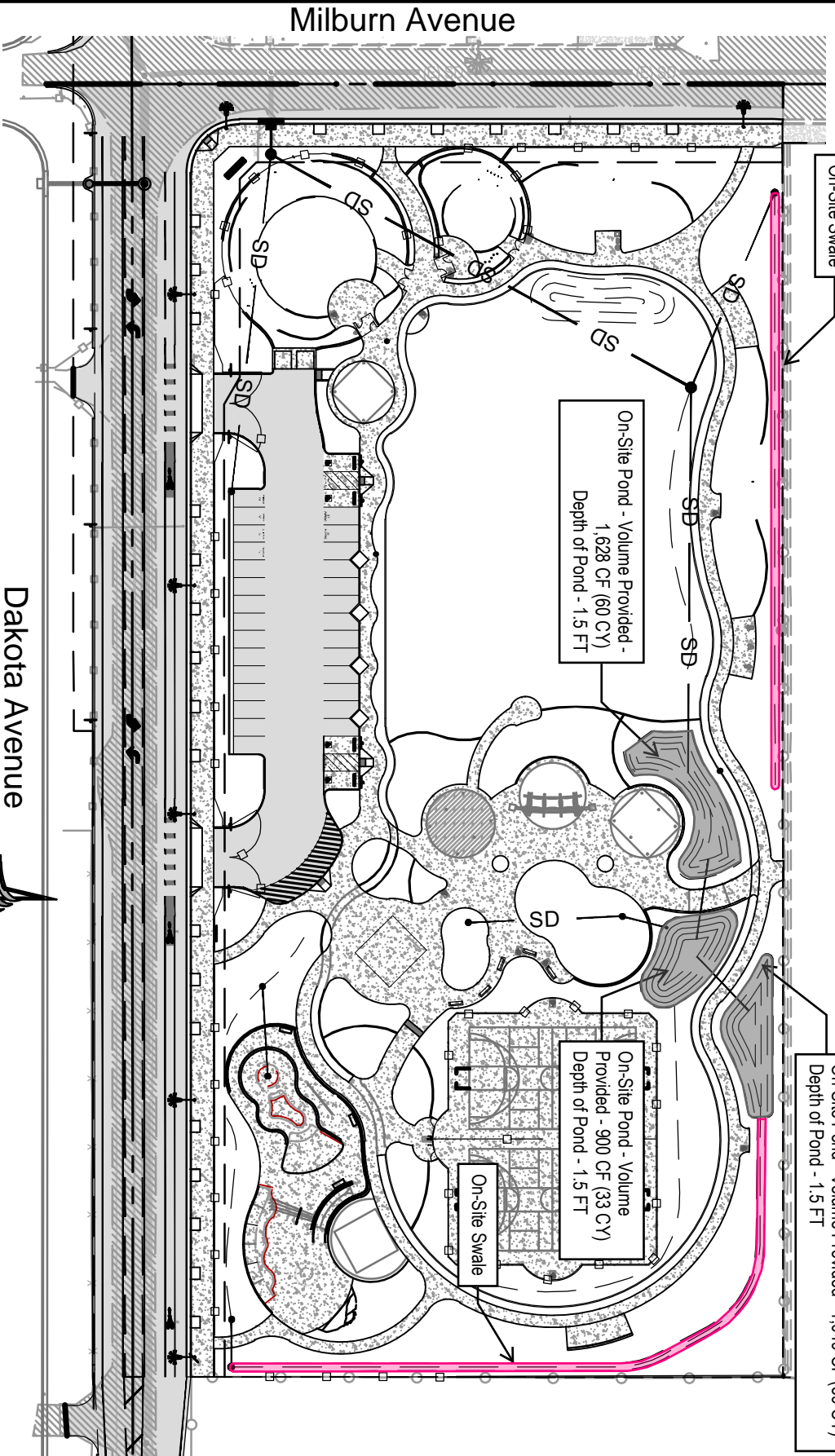
By: J. Herrera  
Date: 11.3.24

|                     | 10 Year | 2 Year |
|---------------------|---------|--------|
| Peak Flow (cfs)     | 2.63    | 0.74   |
| Time to Peak. (min) | 39.0    | 54.0   |
| Volume (ac-ft)      | 0.134   | 0.052  |

| Mitigation Volume |             |
|-------------------|-------------|
| Volume (ac-ft)    | 0.082 ac-ft |
| Volume (CF)       | 3562 CF     |
| Volume (CY)       | 132 CY      |



# Dolores Huerta Park Storage Capacity Exhibit



On-Site Pond - Volume Provided - 1,049 CF (39 CY)  
Depth of Pond - 1.5 FT

On-Site Pond - Volume Provided - 1,628 CF (60 CY)  
Depth of Pond - 1.5 FT

On-Site Pond - Volume Provided - 900 CF (33 CY)  
Depth of Pond - 1.5 FT

Total on site storage volume provided is 3,577 CF (132.5 CY), which is equal to the required volume from the 10-year Volume Mitigation of 132 CY from the hydrograph calculation sheet



PREPARED BY:



**4CREEKS**

324 S. SANTA FE, STE. A  
VISALIA, CA 93292  
TEL: 559.802.3052  
FAX: 559.802.3215  
www.4-creeks.com

## DOLORES HUERTA PARK ORIFICE CALCULATIONS

$$Q_{\max} = (C_d)(A) \sqrt{2gh}$$

$Q_{\max}$  - max allowable discharge to leave the site

h - height of baffle wall, cfs

g - 32.2 ft/sec<sup>2</sup>

A - area of pipe =  $\pi r^2$

d - diameter of pipe = 2r

$C_d$  = coefficient of discharge

$$0.25 \text{ cfs} = (0.65)(3.14(r^2))\sqrt{(2)(32.2)(4.81)}$$

$$0.25 = (0.65)(3.14(r^2))(17.6)$$

$$0.25 = (11.44)(3.14(r^2))$$

$$0.25 = (35.92)(r^2)$$

$$r = 0.083'$$

$$d = 2(0.083) = 0.167 \text{ ft}$$

$$d = 2.0''$$

The minimum orifice size for a  $Q_{\max} = 0.25$  cfs is to be 2.0". The orifice is to be up sized to a min. of 6" to mitigate clogging per FMFCD standards.

## Dolores Huerta Park Maintenance Plan

FR DPA 2021- 00779

The owner, Dolores Huerta Park, of the project site located at 4550 W. Dakota Avenue shall own, operate and be responsible for the maintenance of the storm drain mitigation system shown on the Site Grading and Drainage Plan. This system consists of a series of underground storm drain pipelines, and drainage inlets set within concrete v gutters. The total length of onsite storm drain pipe is 968 feet.

On an annual basis, prior to each rainy season, and the following major rain events, the owner shall inspect the drainage system to ensure proper operation can be expected of the system. Particular attention should be paid to the mitigation control structures which include onsite bioretention basins and onsite bioretention swales and a manhole with baffle wall. The owner shall also inspect the onsite storm drain grates and facilities to ensure no debris is visible which could obstruct the drainage swales and the proposed 6” orifice pipe and manhole structure. Should debris be found that could affect the operation of this system, it shall be removed by the owner. The owner shall document these inspections and provide these inspection reports to Fresno Metropolitan Flood Control District (FMFCD) upon their request.

The maintenance plan will be a part of the mitigation agreement, which will be approved prior to the construction of the on-site private mitigation system. The existing storm drain mitigation system is considered a confined space as defined by Cal/OSHA and may or may not require following “permit-required” confined space entry procedures. The owner shall become familiar with Cal/OSHA – Title 8 regulations, Subchapter 7 of the General Industry Safety Orders, Group 16 control of Hazardous Substances, Article 108 Confined Spaces and Subsection 5157 Permit-Required Confined Spaces (aka GISP 55157) prior to allowing anyone to enter the storm drain mitigation system and shall ensure that these procedures are followed.

The owner’s maintenance of the onsite storm drain mitigation facilities shall terminate at the point of connection to the existing FMFCD’s master facilities at the southwest corner of the site on Milburn Avenue.