

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF CITY OF FRESNO,
CALIFORNIA, AUTHORIZING THE DIRECTOR OF
DEVELOPMENT AND RESOURCE MANAGEMENT TO
INITIATE THE ANNEXATION OF THE "SHEPHERD-
WILLOW No. 3" 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 the City's proposed Sugar Pine Trail Park and Ride Capital Improvement Project proposed at the southwest corner of Shepherd Avenue and Willow Avenue as shown on the attached Exhibit A; and

B) The annexation area includes the street rights-of-way for Shepherd Avenue and Willow Avenue as shown on the attached Exhibit A; and

C) The annexation area includes the Rails to Trails Sugar Pine Multipurpose Trail the City installed and maintains along the west side of Willow Avenue south of Shepherd Avenue; and

WHEREAS, the specific changes of organization (Shepherd-Willow No. 3) is an annexation to the City of Fresno and detachment from the Fresno County Fire Protection District, of certain property consisting of approximately 6.53 acres; and

WHEREAS, LAFCo requires the Subject Territory be pre-zoned or present evidence satisfactory to the commission that the territory is consistent with the City of Fresno General Plan (General Plan) prior to the initiation of annexation proceeding; and

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 CorteseKnox-Hertzberg Local Government Reorganization Act of 2000 contained in Division three of Title five commencing with Section 56000 of the California Government Code (LAFCo Law) require that a city prezone land that is to be annexed as a condition of annexation or present evidence satisfactory to the commission that the territory is consistent with the that city's general plan; 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 the prezone is not applicable; and

WHEREAS, the annexation will be made pursuant to Part three of the LAFCo Law; and

WHEREAS, this proposal is within the established Sphere of Influence of the City of Fresno; and

WHEREAS, the proposed reorganization is uninhabited 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 and the County of Fresno (County) approved January 6, 2003, as amended; and,

WHEREAS, pursuant to the 2003 MOU, notification of the intention to file the proposed annexation will be made to the County and the City will request the County determine that the proposed reorganization is consistent with the standards of annexation of the 2003 MOU; 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 Fresno City 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 Shepherd-Willow No. 3 Reorganization to be consistent with the standards of annexation in the 2003 MOU.

2. The Council authorizes the City Manager or his or her designee to sign and submit a complete annexation application to LAFCO for the proposed Shepherd-Willow No. 3 Reorganization requesting the annexation take place in the manner provided in 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 Regarding the Transfer

of Certain General Ad Valorem Real Property Tax Revenue Generated by Annexations
between the City and the Fresno County Fire Protection District.

* * * * *

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, at a regular meeting held on the _____ day of _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Raj Singh Badhesha Date
Senior Deputy City Attorney