

## Exhibit K

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## DEPARTMENT OF PUBLIC WORKS

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TO: Mindi Mariboho  
DARM, Planning Division

FROM: Hilary Kimber, Parks Supervisor II (559.621.1345)  
Public Works, Street Maintenance Division

DATE: May 20, 2020

SUBJECT: **Tract 6310; 5628 West Dakota Avenue** (APN: 511-011-19) located on the north side of W. Dakota Ave. west of N. Polk Ave. The Department of Public Works has reviewed the Tentative Tract Map submitted by Quad Knopf on December 2019. The Department of Public Works offers the following comments regarding the requirements for landscaping and irrigation in the street right-of-ways, landscape easements, outlots and median islands:

### GENERAL REQUIREMENTS:

**NOTE: This project is currently in the County of Fresno**

### STREET TREE REQUIREMENTS

1. The subdivider is required to provide street trees on all public street frontages per Fresno Municipal Code and for the dedication of planting and buffer landscaping easements as determined by the Planning Department. Street trees shall be planted at the minimum rate of one tree for each 40' of street frontage or one tree per home (whichever is greater) by the Developer. The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with AB 1881.
2. Street Tree Planting by Developer: For those lots having internal street tree frontage available for street tree planting, the developer shall plant one tree for each 40' of street frontage, or one tree per lot having street frontage, whichever is greater. Tree planting shall be within a 10' Public Planting and Utility Easement.
  - a. Street tree inspection fees shall be collected for each 40' of public street frontage or one tree per lot whichever is greater.
  - b. Street trees shall be planted in accordance with the City of Fresno, Department of Public Works "Standard Specifications."
  - c. Landscape plans for all public use areas, such as parkways, buffers, medians and trails, shall be reviewed and approved by the Department of Public Works, Engineering Services. A street tree planting permit shall be required for all residential street tree planting.
  - d. Performance and payment securities, paid with final map, will be released when all landscaping installed on public and/or city controlled property is in conformance with the Specifications of the City of Fresno.

e. Upon acceptance of the required work, warranty security shall be furnished to or retained by the city for guaranty and warranty of the work for a period of ninety days following acceptance.

f. The designated street tree for W. Dakota Ave. is:

**Pistacia chinensis**

**Chinese Pistache**

### **BUFFER LANDSCAPING & MAINTENANCE REQUIREMENTS**

1. The subdivider shall provide long term maintenance for all proposed landscaped areas by either petitioning for annexation in the Community Facilities District or by forming a Home Owner's Association.

2. Maintenance Service Through Annexation into the Community Facilities District. Landscape and Irrigation plans are required and shall be submitted to the Department of Public Works for review and approval prior to a Council approval of the final map. Plans shall be numbered to conform to and be included in the Department of Public Works street construction plan set for the final map. Fees are applicable when the subdivider elects to have landscaping maintained by annexing into the City's Community Facilities District.

A. Landscaping shall comply with Landscape Buffer Development Standards approved by the City Council on October 2, 1990. Landscape and irrigation plans shall comply with AB1881, water efficient landscaping.

B. Should the proposed landscape buffers and/or parkway strips be located next to an existing buffer and/or parkway strip, the planting concept shall simulate the adjacent landscape design to present a more uniform appearance on the street. Variances in the landscape concept will be acceptable, but the design of the new landscape buffer and/or parkway strip shall strive to mimic the existing as much as possible.

C. Landscape plans shall indicate grades on a cross-section detail to include fencing or wall details. All fencing shall be placed outside the landscape easement. Maximum slopes shall not exceed 4:1 with 1 foot of level ground between the slope and the back of the side walk and/or face of fence. Erosion control measures shall be implemented on all slopes of 4:1, including the use of synthetic erosion control netting in combination with ground cover species approved by the Department of Public Works/Engineering Services Division.

D. The water meter(s) serving the buffer landscaping shall be sized for the anticipated service flows.

E. No private flags, signs or identification of any kind shall be permitted in the right-of-way, within the City - controlled easement or on the fence or wall facing the street.

F. Landscaping in the right-of-way and landscape setback adjacent to water well sites shall be the responsibility of the City of Fresno Water Division and may not be included in the CFD.



DATE: October 13, 2020

TO: Chris Lang, Planner III  
Planning and Development Department

THROUGH: Andrew Benelli, PE, Assistant Director, City Engineer *aqb*  
Public Works Department, Traffic Operations and Planning Division

FROM: Louise Gilio, Traffic Planning Supervisor  
Public Works Department, Traffic Operations and Planning Division

SUBJECT: Public Works Conditions of Approval  
**T-6310 / P20-00734 a 38-lot** single family subdivision  
5628 West Dakota Avenue  
DR Horton / QK

The Public Works Department, Traffic Operations and Planning Division, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval by the Public Works Department.

**Provide the following information prior to the acceptance of the final map submittal.** This can result in additional conditions of approval.

1. Verify that the border is correct. Incorrect boundaries could result in extending timelines due to the need for separate processes, timelines and fees.
2. Identify all easements on the map.
  - Dakota: Verify the existing right of way within the boundary and identify the existing street easement west of the map.
  - Show width of existing FID easement on APN 511-011-06.
3. Identify traffic calming for local street lengths exceeding **800'** and four way intersections.
4. Identify and provide a temporary cul-de-sac adjacent to Lots 27 and 28. R=40' minimum
5. Pontiac Avenue within T-5538: there is a dimension of 35' shown for curb to curb. Verify, in field. The conditions stated 36'. Transition if needed.
6. Remove the slope from the cross sections. To be reviewed with the street plans.
7. Dedication for Street A to include the necessary right of way for both curb returns at the intersection of Dakota. Identify on the map.

## **General Conditions:**

1. Street Dedications: Provide corner cut dedications at all intersections for accessibility ramps.
2. Right of way: All right-of-way “outside” of the subdivision border shall either be acquired **prior** to recordation of Final Map, or a deposit equal to the value of the right-of-way and an estimate of the City staff time necessary to acquire the right-of-way shall be submitted **prior** to recordation of the Final Map.
3. Local to Collector Street Intersections: The intersection of two local continuous streets shall have a minimum of **160’** offset measured from center line to center line.
4. Traffic Calming: Traffic calming shall be provided for local street lengths exceeding **800’** and four way intersections. Design to be approved on the street plans.
5. Encroachment Covenants: The construction of any overhead, surface or sub-surface structures and appurtenances in the public right of way is prohibited unless an encroachment covenant is approved by the City of Fresno Public Works Department, Engineering Services Division, **(559) 621-8681**. Encroachment covenants must be approved prior to issuance of building permits.
6. Street widening and transitions shall also include utility relocations and necessary dedications.
7. Overhead Utilities: Underground all existing offsite overhead utilities with the limits of this map in accordance with *Fresno Municipal Code Section 15-4114*.
8. Irrigation /Canal Requirements: If applicable, the developer shall enter into an agreement with the Fresno Irrigation District (FID) providing for piping the canal(s) and submit an executed copy of the agreement or commitment letter from FID to the Public Works Department. All piping shall be located outside of the proposed street right of way. Any piping across city streets shall be rubber gasketed reinforced concrete pipe (RGRCP) constructed perpendicular to the street. Submit engineered plans to Public Works Department, Engineering Services Division for review and approval. Identify the proposed easement and provide a final cross sectional detail on the map. No FID easements will be allowed in residential back yards.
9. Plan Submittal: Submit the following plans, as applicable, in a single package, to the Public Works Department for review and approval: Street: construction, signing, striping, traffic signal and streetlight.
10. Backing onto a major street: Backing onto a major street is prohibited.
11. The first order of work shall include a minimum of two points of vehicular access to the major streets for **any** phase of this development.
12. Intersection Visibility: Maintain visibility at all intersections as described in the *Fresno Municipal Code Section 15-2018*.
13. Onsite Storm Water Basin: When permanent facilities are not available from the Fresno Metropolitan Flood Control District, the applicant shall identify a temporary onsite storm water basin per Public Works Standard **P-97** for review and approval from Public Works.

## **Frontage Improvement Requirements:**

### **Public Streets:**

#### **Dakota Avenue: Collector, 2 travel lanes**

1. Dedication Requirements:
  - a. Dedicate **36'** of property, from section line, for public street purposes, within the limits of this application, per Public Works Standard **P-54**.
  - b. Dedicate corner cuts for public street purposes at all intersections. Identify dedication on the northwest corner of Dakota and Street A.
  - c. Relinquish direct access rights to Dakota Avenue from all lots within this subdivision.
2. Construction Requirements:
  - a. Construct concrete curb, gutter and a **6'** sidewalk to *Public Works Standard P-5 and P-53*. The curb shall be constructed to a **12'** residential pattern (**5.5' – 6' - .5'**).
  - b. Construct standard curb ramps per Public Works Standards at all intersections.
  - c. Construct **20'** of permanent paving per *Public Works Standard P-50* (measured from face of curb) within the limits of this subdivision and transition paving, as necessary.
  - d. Construct an underground street lighting system to *Public Works Standards E-1 and E-8*, within the limits of this subdivision. Street lights installed on major streets shall be fed from a service pedestal with a master photo control as detailed in *Section 3-3.17* of the *City Specifications and Standard Drawings E-15, E-18* or as approved by the City Engineer.

### **Interior Streets:**

1. Dedicate, design and construct all ramps, curb, gutter, sidewalk, permanent paving, cul-de-sacs, easements and underground street lighting systems on all interior local streets to *Public Works Standards P-4, P-5, P-6, P-18, P-28, P-50, P-56, E-2 and E-9*. Pedestrian easements are required behind driveways with sidewalk patterns less than **10'**.
2. All streets and pedestrian ways shall connect to other streets and pedestrian ways to form a continuous vehicular and pedestrian network with connections within the subdivision and to adjacent development. Pedestrian paths of travel must meet current accessibility regulations. Sidewalks are recommended on both sides of the street. Identify ramps within the proposed subdivision wherever sidewalks are provided.
3. Garages: Garage or carport setbacks are recommended to be a minimum of **18'** from the back of walk or curb, whichever is greater.
4. Provide a **12'** visibility triangle at all driveways.
5. Design local streets with a minimum of **250'** radius.
6. Dead-end Streets: Any temporary dead-end streets created by this subdivision shall be properly barricaded in accordance with the *Public Works Standard P-100*.

### **Specific Mitigation Requirements:**

Within the subdivision border-

1. Provide a temporary cul-de-sac adjacent to Lots 27 and 28. R=40' minimum.
2. Dakota and Street A: Provide curb ramps on both sides of Street A at the ultimate location. Provide 60 feet of transition paving from west end of curb return.
3. Street B: Dedicate 38' of property, for public street purposes, within the limits of this application, per Public Works Standard **P-54**. (25' north of center line / 13' south of center line.)

**Traffic Signal Mitigation Impact (TSMI) Fee:** This project shall pay all applicable TSMI Fees **at the time of building permit**. Contact the Public Works Department, Frank Saburit at (559)621-8797. The fees are based on the Master Fee schedule. In some cases, traffic signals may be conditioned on multiple maps. If the signal is existing at the time of the final map, the applicant would be not be required to construct the signal but would be required to pay the applicable fee.

**Fresno Major Street Impact (FMSI) Fee:** This Map is in the **New Growth Area**; therefore pay all applicable growth area fees and City-wide regional street impact fees. In some cases, center section improvements or bridges may be conditioned on multiple maps. If the improvements are existing at the time of the final map, the applicant would be not be required to construct them, but would be required to pay the applicable fee.

### **Fresno Major Street Impact (FMSI) Requirements:**

Dakota Avenue: Collector (Growth Area Street)

1. Where not existing, dedicate and construct (2) 12' center section travel lanes with 5' shoulders and a 12' center two-way left turn lane within the limits of this subdivision. Where applicable, stripe 200' left turn pockets at all major intersections. If not existing, an additional 8' dedication is required beyond the edge of pavement. Dedication shall be sufficient to accommodate additional paving and any other grading or transitions as necessary based on a **45 MPH** design speed.

**Regional Transportation Mitigation Fee (RTMF):** Pay all applicable **RTMF** fees to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148 ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption **prior** to certificate of occupancy.

2600 Fresno Street, Room 3043  
Fresno, California 93721-3604  
(559) 621-8277  
www.fresno.gov

Jennifer K. Clark, AICP, HDFP  
Director

November 4, 2020

## Review Comments for Tentative Tract Map No. T-6310/UGM

### **DPU Planning and Engineering**

This review was performed by: Kevin Gray  
Status: Reviewed with Conditions

#### Sewer Requirements

The nearest sanitary sewer main to serve the proposed project is a 12-inch sewer main located in West Dakota Avenue. Sanitary sewer facilities are available to provide service to the site subject to the following requirements:

1. All underground utilities shall be installed prior to permanent street paving.
2. All sanitary sewer mains shall be extended within the proposed tract to provide service to each lot.
3. Engineered improvement plans prepared by a Registered Civil Engineer shall be submitted for Department of Public Utilities review and approvals for proposed additions to the City Sewer System.
4. All public sanitary sewer facilities shall be constructed in accordance with City Standards, specifications, and policies.
5. Installation of sewer house branch(s) shall be required.
6. Separate sewer house branches are required for each lot.
7. Street work permit is required for any work in the Right-of-Way.
8. On-site sanitary sewer facilities shall be private.
9. Abandon any existing on-site private septic systems.

#### Sanitary Sewer Fees

The following Sewer Connection Charges are due and shall be paid for the Project:

1. Sewer Lateral Charge.
2. Sewer Oversize Area #39.
3. Wastewater Facilities Charge (Residential Only)
1. 4. Trunk Sewer Charge: Grantland

### **DPU Solid Waste Management**

This review was performed by: Kevin Gray  
Status: Reviewed with Conditions

#### Solid Waste Requirements

Tract 6310 will be serviced as Single Family Residential properties with Basic Container Service. Property owners will receive 3 containers to be used as follows: 1 Gray container for solid waste, 1 Green container for green waste and 1 Blue container for recyclable material.



**DPU Water Division**

This review was performed by: Robert Diaz

Status: Review Complete

1. Water mains (including installation of City fire hydrants) shall be extended within the proposed tract to provide service to each lot.
2. Separate water services with meter boxes shall be provided to each lot.
3. Two independent sources of water, meeting Federal and State Drinking Water Act Standards, are required to serve the tract including any subsequent phases thereof. The two-source requirement may be accomplished through any combination of water main extensions, construction of supply wells, or other acceptable sources of water supply approved by the Assistant Public Utilities Director.
4. Destruct any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-81 and 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
5. Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.
6. All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

The water supply requirements for this project are as follows:

1. The project applicant shall be required to pay Water Capacity Fee charges for the installation of new water services and meters to serve the property.
  - a. The Water Capacity Fee charge assessed to the applicant shall be based on the number and size of service connections and water meters required to serve the property.
  - b. The Water Capacity Fee charges by meter size are defined in the City's Master Fee Schedule.
  - c. The City reserves the right to require an applicant to increase or decrease the size of a water meter for a project or a property to ensure that the meter is properly sized to accommodate fire protection requirements, and to allow for accurate volumetric flow measurements at low- and high-flow conditions.
  - d. The Water Capacity Fee Charge for any new or expanded service connection shall be payable prior to the issuance of a building permit at the fee level in effect on the date such permit is issued.
2. The project applicant shall be required to pay all other water-related fees and charges in accordance with the City's Master Fee Schedule and Municipal Code.

**Fire Review**

This review was performed by: Byron Beagles

Status: Reviewed with Conditions

1. This development is in the primary service area of existing Fire Station #16 and there are no development restrictions for the project related to fire service availability.
2. This is a public street sub-division with standard 50 foot ROW/36 foot wide streets and there are no street parking restrictions.
3. The development is subject to the city-wide fire service impact fee per lot.
4. Provide fire hydrants per single family home development standards with two sources of water in accordance with Public Utilities requirements. Public water mains are available in both W. Pontiac and W. Dakota Aves.
5. Fire hydrants must be in service and all-weather access provided before delivery of combustible material to the job site.

**Fresno County Environmental Health**

This review was performed by:

Status: Reviewed with Conditions

Recommended Conditions of Approval:

- Construction permits for the development should be subject to assurance that the City of Fresno community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.
- Construction permits for development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.
- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
- The proposed construction project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City's municipal code.
- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS**

File No. 210.45

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**PUBLIC AGENCY**

CHRIS LANG  
DEVELOPMENT SERVICES/PLANNING  
CITY OF FRESNO  
2600 FRESNO STREET, THIRD FLOOR  
FRESNO, CA 93721

**DEVELOPER**

JEROME KEENE, QK, INC.  
901 E. MAIN STREET  
VISALIA, CA 93292

PROJECT NO: **6310**

ADDRESS: **N. SIDE OF DAKOTA AVE., W. OF POLK AVE.**

APN: **511-011-19**

SENT: **June 16, 2020**

Drainage Area(s)	Preliminary Fee(s)	Development Review Service Charge(s)	Fee(s)	
AK	\$43,121.00	NOR Review	\$324.00	To be paid prior to release of District comments to Public Agency and Developer.
		Grading Plan Review	\$905.00	Amount to be submitted with first grading plan submittal.
		Storm Drain Plan Review	For amount of fee, refer to www.fresnofloodcontrol.org for form to fill out and submit with first storm drain plan submittal (blank copy attached).	
Total Drainage Fee: \$43,121.00		Total Service Charge:	\$1,229.00	

The proposed development will generate storm runoff which produces potentially significant environmental impacts and which must be properly discharged and mitigated pursuant to the California Environmental Quality Act and the National Environmental Policy Act. The District in cooperation with the City and County has developed and adopted the Storm Drainage and Flood Control Master Plan. Compliance with and implementation of this Master Plan by this development project will satisfy the drainage related CEQA/NEPA impact of the project mitigation requirements.

Pursuant to the District's Development Review Fee Policy, the subject project shall pay review fees for issuance of this Notice of Requirements (NOR) and any plan submittals requiring the District's reviews. The NOR fee shall be paid to the District by Developer before the Notice of Requirement will be submitted to the City. The Grading Plan fee shall be paid upon first submittal. The Storm Drain Plan fee shall be paid prior to return/pick up of first submittal.

The proposed development shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to issuance of a building permit at the rates in effect at the time of such issuance. The fee indicated above is valid through 2/28/21 based on the site plan submitted to the District on 5/07/20 Contact FMFCD for a revised fee in cases where changes are made in the proposed site plan which materially alter the proposed impervious area.

Considerations which may affect the fee obligation(s) or the timing or form of fee payment:

- a.) Fees related to undeveloped or phased portions of the project may be deferrable.
- b.) Fees may be calculated based on the actual percentage of runoff if different than that typical for the zone district under which the development is being undertaken and if permanent provisions are made to assure that the site remains in that configuration.
- c.) Master Plan storm drainage facilities may be constructed, or required to be constructed in lieu of paying fees.
- d.) The actual cost incurred in constructing Master Plan drainage system facilities is credited against the drainage fee obligation.
- e.) When the actual costs incurred in constructing Master Plan facilities exceeds the drainage fee obligation, reimbursement will be made for the excess costs from future fees collected by the District from other development.
- f.) Any request for a drainage fee refund requires the entitlement cancellation and a written request addressed to the General Manager of the District within 60 days from payment of the fee. A non refundable \$300 Administration fee or 5% of the refund whichever is less will be retained without fee credit.

**FR  
TRACT  
No. 6310**

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS**

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**FR  
TRACT No. 6310**

**Approval of this development shall be conditioned upon compliance with these District Requirements.**

1. ☐ a. Drainage from the site shall  
☒ b. Grading and drainage patterns shall be as identified on Exhibit No. 1  
☐ c. The grading and drainage patterns shown on the site plan conform to the adopted Storm Drainage and Flood Control Master Plan.
  
2. The proposed development shall construct and/or dedicate Storm Drainage and Flood Control Master Plan facilities located within the development or necessitated by any off-site improvements required by the approving agency:  
☒ Developer shall construct facilities as shown on Exhibit No. 1 as MASTER PLAN FACILITIES TO BE CONSTRUCTED BY DEVELOPER.  
☐ None required.
  
3. The following final improvement plans and information shall be submitted to the District for review prior to final development approval:  
  
☒ Grading Plan  
☒ Street Plan  
☒ Storm Drain Plan  
☒ Water & Sewer Plan  
☒ Final Map  
☒ Drainage Report (to be submitted with tentative map)  
☐ Other  
☐ None Required
  
4. Availability of drainage facilities:  
  
☐ a. Permanent drainage service is available provided the developer can verify to the satisfaction of the City that runoff can be safely conveyed to the Master Plan inlet(s).  
☒ b. The construction of facilities required by Paragraph No. 2 hereof will provide permanent drainage service.  
☐ c. Permanent drainage service will not be available. The District recommends temporary facilities until permanent service is available.  
☐ d. See Exhibit No. 2.
  
5. The proposed development:  
  
☐ Appears to be located within a 100 year flood prone area as designated on the latest Flood Insurance Rate Maps available to the District, necessitating appropriate floodplain management action. (See attached Floodplain Policy.)  
☒ Does not appear to be located within a flood prone area.
  
6. ☐ The subject site contains a portion of a canal or pipeline that is used to manage recharge, storm water, and/or flood flows. The existing capacity must be preserved as part of site development. Additionally, site development may not interfere with the ability to operate and maintain the canal or pipeline.

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS**

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**FR  
TRACT No. 6310**

7. The Federal Clean Water Act and the State General Permits for Storm Water Discharges Associated with Construction and Industrial Activities (State General Permits) require developers of construction projects disturbing one or more acres, and discharges associated with industrial activity not otherwise exempt from National Pollutant Discharge Elimination System (NPDES) permitting, to implement controls to reduce pollutants, prohibit the discharge of waters other than storm water to the municipal storm drain system, and meet water quality standards. These requirements apply both to pollutants generated during construction, and to those which may be generated by operations at the development after construction.
- a. State General Permit for Storm Water Discharges Associated with Construction Activities, effective July 1, 2010, as amended. A State General Construction Permit is required for all clearing, grading, and disturbances to the ground that result in soil disturbance of at least one acre (or less than one acre) if part of a larger common plan of development or sale). Permittees are required to: submit a Notice of Intent and Permit Registration Documents to be covered and must pay a permit fee to the State Water Resources Control Board (State Board), develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, and complete an annual certification of compliance.
  - b. State General Permit for Storm Water Discharges Associated with Industrial Activities, April, 2014 (available at the District Office). A State General Industrial Permit is required for specific types of industries described in the NPDES regulations or by Standard Industrial Classification (SIC) code. The following categories of industries are generally required to secure an industrial permit: manufacturing; trucking; recycling; and waste and hazardous waste management. Specific exemptions exist for manufacturing activities which occur entirely indoors. Permittees are required to: submit a Notice of Intent to be covered and must pay a permit fee to the State Water Resources Control Board, develop and implement a storm water pollution prevention plan, eliminate non-storm water discharges, conduct routine site inspections, train employees in permit compliance, sample storm water runoff and test it for pollutant indicators, and annually submit a report to the State Board.
  - c. The proposed development is encouraged to select and implement storm water quality controls recommended in the Fresno-Clovis Storm Water Quality Management Construction and Post-Construction Guidelines (available at the District Office) to meet the requirements of the State General Permits, eliminate the potential for non-storm water to enter the municipal storm drain system, and where possible minimize contact with materials which may contaminate storm water runoff.
8. A requirement of the District may be appealed by filing a written notice of appeal with the Secretary of the District within ten days of the date of this Notice of Requirements.
9. The District reserves the right to modify, reduce or add to these requirements, or revise fees, as necessary to accommodate changes made in the proposed development by the developer or requirements made by other agencies.
10.   X   See Exhibit No. 2 for additional comments, recommendations and requirements.



Peter Sanchez  
District Engineer, RCE

Digitally signed by Peter Sanchez Date: 6/16/2020 9:56:23 AM



Anthony Zaragoza  
Engineer II

Digitally signed by Anthony Zaragoza Date: 6/16/2020 9:50:57 AM

**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT  
NOTICE OF REQUIREMENTS**

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CC:

GEORGE BEAL

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1175 SHAW, #104

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CLOVIS, CA 93612

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CLIFF RONK, D.R. HORTON

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419 W. MURRAY AVE.

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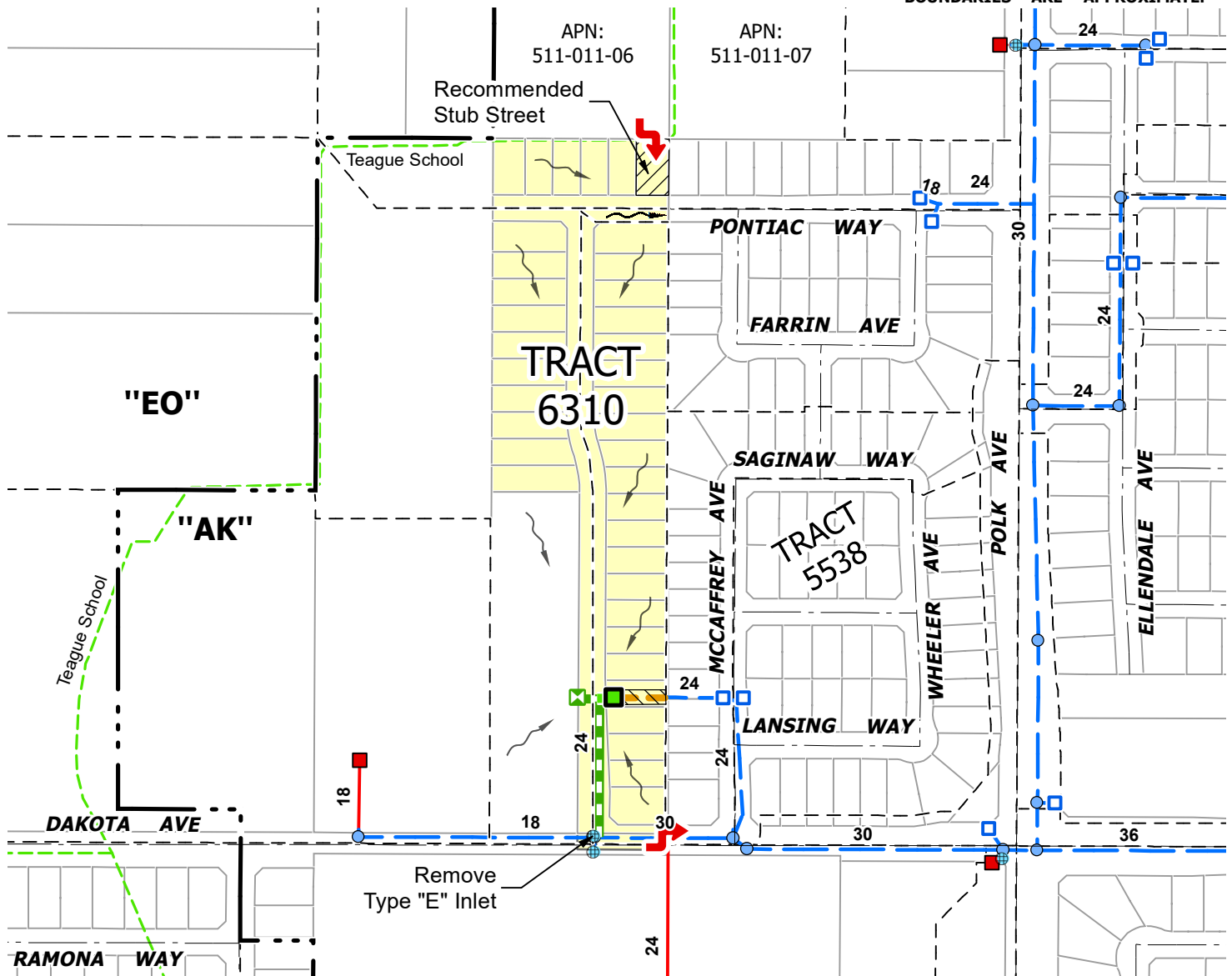
VISALIA, CA 93291

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**FR  
TRACT No. 6310**



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



## LEGEND

- |  |                                                                                                                                                    |  |                        |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------|
|  | Creditable Facilities (Master Plan Facilities To Be Constructed By Developer) - Inlet & Lateral                                                    |  | Inlet Boundary         |
|  | Non-Master Plan Facilities To Be Constructed By Developer (Not Eligible For Fee Credit)                                                            |  | Drainage Area Boundary |
|  | Optional Non-Master Plan Facilities To Be Constructed And 15' Wide Storm Drain Easement To Be Dedicated By Developer (Not Eligible For Fee Credit) |  | Direction Of Drainage  |
|  | Existing Master Plan Facilities                                                                                                                    |  | Major Storm Breakover  |
|  | Future Master Plan Facilities                                                                                                                      |  |                        |
|  | Existing FID Facilities                                                                                                                            |  |                        |



1" = 300'

## TRACT 6310 DRAINAGE AREA "AK"

### EXHIBIT NO. 1

## FRESNO METROPOLITAN FLOOD CONTROL DISTRICT





## **OTHER REQUIREMENTS**

### **EXHIBIT NO. 2**

The cost of construction of Master Plan facilities, excluding dedication of storm drainage easements, is eligible for credit against the drainage fee of the drainage area served by the facilities. A Development Agreement shall be executed with the District to effect such credit. Reimbursement provisions, in accordance with the Drainage Fee Ordinance, will be included to the extent that developer's Master Plan costs for an individual drainage area exceed the fee of said area. Should the facilities cost for such individual area total less than the fee of said area, the difference shall be paid upon demand to the City or District.

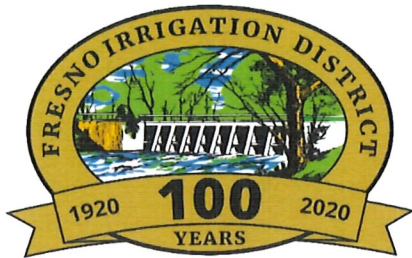
The "Optional Non-Master Plan Facilities" shown on Exhibit No. 1 may be constructed in place of the Non-Master Plan extension from Dakota Avenue into Tract 6310. If the "Optional Non-Master Plan Facilities" are constructed, the developer shall also dedicate a minimum fifteen-foot (15') wide storm drain easement as shown on Exhibit No. 1 as a condition of the final map. No encroachments into the easement will be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The District recommends a stub street to the north of Tract 6310 as shown on Exhibit No. 1. The stub street is necessary to provide surface drainage from APN's 511-011-06 and 511-011-07 to the Master Plan inlet at Pontiac Way and Wheeler Avenue and to provide conveyance of major storm flows. If a stub street is not constructed, then the developer of Tract 6310 will be responsible for an alternate surface conveyance method (i.e. pipeline extension or improved channel with required easements). The method of conveyance must be reviewed and approved by the District prior to application.

Tract 6310 shall not block the historical drainage patterns of the areas north and west of Tract 6310. The developer shall verify to the satisfaction of the District that runoff from these areas has the ability to surface drain to adjacent streets within Tract 6310. Additionally, the developer shall provide a drainage report addressing how existing homes will be protected from major storm flows. The proposed development of Tract 6310 is located in an area that needs to provide passage for major storm water flows from the properties north and west of the proposed development. The grading of the proposed site shall be designed such that there are not adverse impacts to the passage of said major storm water flows from these areas.

Lot coverage must be provided to the District prior to submittal of improvement plans. The final drainage fee will be calculated commensurate with the lot coverage provided by the developer. If the lot coverage indicates a density higher than Master Planned, mitigation may be required. The lot coverage calculated by the District includes the front yard walkway, sidewalk walkway and the rear yard patio equaling an additional 6% of impervious area in addition to the City's typical lot coverage calculation.

The Master Plan system has been designed such that during a two-year event flow will not exceed the height of the 6-inch curb. Should wedge curb (4.5 inches height) be used the same criteria shall apply whereby flow remains below the top of curb. Any extensions or pipe size increases due to meeting the requirement listed above shall be at the developer's expense.



2907 S. MAPLE AVENUE  
FRESNO, CALIFORNIA 93725-2208  
TELEPHONE: (559) 233-7161  
FAX: (559) 233-8227

## **A Century of Commitment, Conveyance & Customer Service**

May 26, 2020

Chris Lang  
Department and Resource Management Department  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

RE: Tentative Tract 6310, Planning No. P20-00369, Rezone Application No. P20-00737  
N/W Dakota and Polk avenues

Dear Mr. Lang:

The Fresno Irrigation District (FID) has reviewed Tentative Tract 6310, Planning Application No. P20-00734 and Rezone Application No. P20-00737 for which the applicant requests to subdivide a 7.5 acre parcel into a 38-lot single family residential subdivision, APN:511-011-19. FID has the following comments:

### **Summary of Requirements:**

- Review and Approval of all Plans.
- Execute Agreement(s), if necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

### **Area of Concern**

1. FID's Teague School No. 46 runs southwesterly adjacent to the subject property along its northern boundary, and as shown on the attached FID exhibit map, and may be impacted by the proposed project. FID records indicate an easement recorded April 16, 1981, as Document No. 34618, in Book 7706, on Page 948, Official Records of Fresno County, an easement recorded December 14, 1973, as Document No. 108223, in Book 6245, on Page 241, Official Records of Fresno County, and an easement recorded November 17, 1959, as Document 81164, in Book 4300, Page 263, Official Records of Fresno County.
2. The attached plans for the Teague School No. 46 indicates a section of the pipeline was installed in 2015 (5 years old) as 24-inch inside diameter

\\fidsbs03\Eng\Agencies\FresnoCity\Tract Map\TM 6310, P20-00734.doc

Polyvinylchloride Pipe w/ Rubber Gasket Joint (PVC-RG). PVC-RG does not meet FID's minimum standards for developed (residential, industrial, commercial) parcels or urban areas.

3. This pipeline was installed without a product known as MacWrap, which is a root barrier. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasketed joint, thus creating a non-water tight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. All trees will need to be located a minimum of 15 feet from the outside edge of the pipeline to limit possible disruptions.
4. FID does not allow FID owned property, pipelines, and/or easements to be in backyards, in common use with public utility and/or utility easements, and road right-of-ways, but will in certain instances allow for its property to be in common use with landscape easements if the City of Fresno enters into the appropriate agreement.
5. Should the applicant propose to build any improvements within FID's easement, FID requires it review and approve all Private facilities that encroach into FID's property/easement. For all encroachment(s), the applicant will be required to enter into the appropriate agreement to be determined by FID.
6. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Fresno Metropolitan Flood Control District (FMFCD), Street, Landscaping, Dry Utilities, and all other utilities.
7. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.
8. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractors grading activities.

#### **General Comments**

1. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing the final map/plan.

2. Footings of retaining walls shall not encroach onto FID property/easement areas.
3. Trees will not be permitted within FID's property/easement areas.
4. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Canal, or result in drainage patterns that could adversely affect FID.
5. FID will require its review and approval of all encroachments including, but not limited to: signs, lighting, curb & gutter, private sewer and water crossings, concrete sidewalks or driveways, paving, fencing, etc.
6. The proposed land use (or change in land use) should be such that the need for water is minimized and/or reduced so that groundwater impacts to the proposed project area and any surrounding areas are eliminated. FID is concerned that the proposed development may negatively impact local groundwater supplies including those areas adjacent to or neighboring the proposed development area. The area was historically open ground, limited agriculture with minimal to no water use. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a significant increase in dependence on groundwater, this deficit will increase. FID recommends the City of Fresno require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem or require the use of reclaimed water, if available.
7. It should be noted that without the use of surface water, continued dependence on solely a groundwater supply will do nothing to reverse or correct the existing overdraft of the groundwater supply beneath the City of Fresno. As this project will "harden" or make firmer the need for water, the long-term correction of the groundwater overdraft should be considered as a requirement of the project.
8. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Fresno should consider the impacts of the development on the City's ability to comply with requirements of SGMA.

Chris Lang  
Re: TM 6310  
May 26, 2020  
Page 4 of 4

9. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
10. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make additional comments and requests as necessary as the project progresses and more detail becomes available.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Chris Lundeen at (559) 233-7161 extension 7410 or [clundeen@fresnoirrigation.com](mailto:clundeen@fresnoirrigation.com).

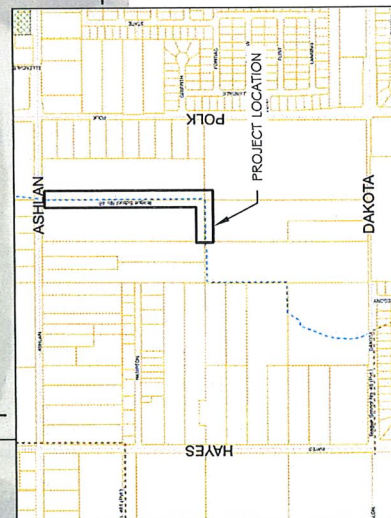
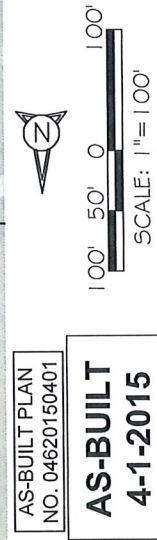
Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment





DRAWN BY: A.C.  
DATE DRAWN: 1/28/2015  
REV. DATE:  
DES. BY: A.C.  
AS BUILT: A.C.

FRESNO IRRIGATION DISTRICT  
2907 S. MAPLE AVENUE  
FRESNO, CA. 93725  
PHONE (559) 233-7161

JOB NUMBER:  
1815

JOB NAME:  
TEAGUE SCHOOL NO. 46 PIPELINE REPLACEMENT

JOB LOCATION:  
SW ASHLAN & POLK AVENUES

## LOCATION MAP

APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

SHEET NO.:  
SHEET 1 OF 2



## GRANT OF EASEMENT AND RIGHT OF WAY

CANAL: TEAGUE SCHOOL #46

THIS INDENTURE, made and entered into this 15th  
day of April, 19 81, by and between \_\_\_\_\_

JOE R. ARTIAGA and CARMEN ARTIAGA

as Grantors, and FRESNO IRRIGATION DISTRICT, a public corporation  
in the County of Fresno, State of California, as Grantee,

## W I T N E S S E T H :

Grantors, for good and valuable consideration, do hereby grant to Grantee the perpetual and exclusive right and easement to construct, install, operate, use, maintain, alter, repair, improve, reconstruct, enlarge or supplement pipes, pipelines, and conduits, and to flow and conduct water through said pipes, pipelines and other conduits, across, over, through, and under the following described real property in the County of Fresno, State of California, to wit:

See Exhibit "A" attached hereto

in, along, and through a right of way, therefore, Fifteen (15') and Thirty (30') feet in width described as follows:

See Exhibit "B" attached hereto

together with all rights convenient or incidental thereto, including the right of ingress to and egress from said right of way and easement over and across said real property of Grantors.

Grantor as owner of said real property, subject to said easement and right of way, shall have the right to use said land for any purpose which does not interfere with the purposes of said easement and right of way, provided said Grantors as owners shall not build or construct any building or other permanent structure thereon without the written permission and consent of Grantee; and Grantors, for themselves, their heirs, executors, administrators, successors and assigns, covenant and agree that Grantee shall have the right, without notice and at Grantors' expense to remove any structures, fences, trees, vines, shrubs or other encroachments from said easement and right of way that does interfere with the purposes or use of said easement and right of way.

This Grant of Easement and Right of Way herein granted, voids that Grant of Easement and Right of Way recorded on March 13, 1981, in Book 7688 at Page 970, Official Records of Fresno County.

IN WITNESS WHEREOF, Grantors have executed this grant the day and year first above written.

Joe R. Artiaga  
Carmen Artiaga

SUBSCRIBING WITNESS  
Galen Larson

Accepted for and on behalf of Fresno Irrigation District  
this 15th day of April, 19 81.

Robert L. Larson  
Secretary

1981 APR 16 11:14 AM  
FRESNO IRRIGATION DISTRICT

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA	
AT <u>30</u> MIN. PAST <u>11</u> A.M.	
APR 16 1981	
GALEN LARSON, County Recorder	FEE \$



## EXHIBIT "A"

APN: 311-220-30

The East one-half of the West one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 13 South, Range 19 East, M. D. B. & M., excepting therefrom, that portion lying within the West two hundred and ten feet (210') of the North six hundred and sixty feet (660') of the Northeast one-quarter of the Northwest one-quarter of said Section 22,

## EXHIBIT "B"

The East fifteen feet (15') and the South thirty feet (30') of the East one-half of the West one-half of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 13 South, Range 19 East, M. D. B. & M., less the North thirty feet (30') therefrom,

STATE OF CALIFORNIA,

COUNTY OF Fresno

} ss.

BOOK 7706 PAGE 949

ON April 15, 1981,  
before me, the undersigned, a Notary Public in and for said State, personally appeared  
Robert L. Simpson

\_\_\_\_\_, known to me,  
to be the person whose name \_\_\_\_\_ subscribed to the within Instrument,  
and acknowledged to me that he \_\_\_\_\_ executed the same.

WITNESS my hand and official seal.



*Maya Nichols*

Notary Public in and for said State.

STATE OF CALIFORNIA)  
COUNTY OF FRESNO ) ss.

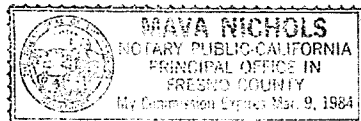
On the 15th day of April, in the year one thousand nine hundred and Eighty-One, before me Mava Nichols, a Notary Public in and for the County of Fresno, State of California, personally appeared Leland K. Hupp, personally known to me to be the person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me first duly sworn, deposed and said that he resides in the County of Fresno, State of California, that he was present when

Joe R. Artiaga  
Carmen Artiaga

known to him to be the persons described in said instrument, executed said instrument, that he saw each of said persons subscribe and execute said instrument, and that he subscribed his name to said instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(Seal)



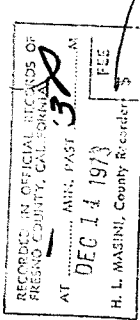
Mava Nichols  
Notary Public in and for the  
County of Fresno, State of  
California

AGREEMENT

THIS AGREEMENT, made and entered into this 13th day of December, 1973, by and between ROBERT M. TOLL and LILLIAN B. TOLL, and LLOYD C. PECK and BETTY JO PECK, hereinafter referred to as "FIRST PARTIES", RODNEY LEWIS ESSER and MARY JAYNE ESSER, hereinafter referred to as "SECOND PARTIES", and FRESNO IRRIGATION DISTRICT, a public corporation, hereinafter referred to as "THIRD PARTY"; <sup>RECORDING</sup> REQUESTED BY

W I T N E S S E T H:

WHEREAS, First Parties are the owners of that certain real property in the County of Fresno, State of California, described as follows:



The West half of the West half of the Southeast one quarter of the Northwest one quarter of Section 22, Township 13 South, Range 19 East, M.D.B.&M., excepting therefrom the South twenty feet (20') reserved for road purposes.

The South half of the North half of the Southwest one quarter of the Northwest one quarter of Section 22, Township 13 South, Range 19 East, M.D.B.&M., excepting therefrom the following described property; beginning at the Southwest corner of said land thence North along the West line of said Section a distance of 165.35 feet, thence North 89°53'54" East, a distance of 658.66 feet, thence South 0°01'57" East, a distance of 165.32 feet to a point on the South line of said property, thence West along said South line a distance of 658.62 feet more or less to point of beginning, and

WHEREAS, Second Parties are the owners of that certain real property in the County of Fresno, State of California, described as follows:

The South half of the North one quarter of the Southwest one quarter of the Northwest one quarter of Section 22, Township 13 South, Range 19 East, M.D.B.&M., and,

WHEREAS, Third Party owns a right of way thirty feet (30') wide over said real property for an irrigation ditch and a ditch thereon known as the Teague School Ditch No. 46, the centerline of which is described as follows:

To be recorded without fee on behalf of Fresno Irrigation District, Jig

Commencing at a point located approximately 1320 feet South and 1575 feet East of the Northwest corner of Section 22, Township 13 South, Range 19 East, M.D.B. & M., running thence Southwesterly 800 feet more or less to a point located approximately 1080 feet East and 660 feet North of the West Quarter corner of Section 22, Township 13 South, Range 19 East, M.D.B. & M., and,

WHEREAS, First Parties and Second Parties desire to substitute for said open ditch a thirty inch (30") inside diameter, concrete irrigation pipeline upon a right of way as provided herein, and Third Party is willing to consent to the installation and substitution of such pipeline for said open ditch subject to the conditions herein specified;

NOW, THEREFORE, it is agreed as follows:

I.

First Parties and Second Parties do hereby grant to Third Party the perpetual and exclusive right and easement to construct, install, maintain, alter, repair, improve, reconstruct, enlarge and supplement pipes, pipelines and conduits, and to flow and conduct water through said pipes, pipelines and conduits, across, over, through and under the following described real property, to-wit:

The West Half of the West Half of the Southeast One quarter of the Northwest One quarter of Section 22, Township 13 South, Range 19 East, M.D.B. & M., excepting therefrom the South twenty feet (20') reserved for road purposes.

The South Half of the North Half of the Southwest One quarter of the Northwest One quarter of Section 22, Township 13 South, Range 19 East, M.D.B. & M., excepting therefrom the following described property; beginning at the Southwest corner of said land thence North along the West line of said Section a distance of 165.35 feet, thence North  $89^{\circ}53'54''$  East, a distance of 658.66 feet, thence South  $0^{\circ}01'57''$  East, a distance of 165.32 feet to a point on the South line of said property, thence West along said South line a distance of 658.62 feet more or less to point of beginning, and

The South Half of the North one quarter of the Southwest quarter of the Northwest quarter of Section 22, Township 13 South, Range 19 East, M.D.B. & M.,

in a perpetual and exclusive right of way and easement therefor consisting of a strip of land thirty feet (30') wide, the centerline of which is described as follows:

Commencing at a point located approximately 1320 feet South and 1575 feet East of the Northwest corner of Section 22, Township 13 South, Range 19 East, M.D.B. & M., running thence Southwesterly 800 feet more or less to a point located approximately 1080 feet East and 660 feet North of the West Quarter corner of Section 22, Township 13 South, Range 19 East, M.D.B. & M.,

together with all rights convenient or incidental thereto, including the right of ingress to and egress from said right of way and easement over and across said real property of First Parties and Second Parties; and First Parties and Second Parties for themselves, their heirs, executors, administrators, successors and assigns, covenant and agree that no building, fence or other structures shall be constructed, and no trees, vines or shrubs shall be planted upon said right of way and easement, and that Third Party shall have the right, without notice, to remove any structures, fences, trees, vines, shrubs or other encroachments on said right of way and easement when necessary to lay, construct reconstruct, repair or maintain said pipes, pipelines or conduits.

## II.

Third Party shall lay, construct and install in and along the said right of way and easement hereinabove granted to Third Party a thirty inch (30"), inside diameter monolithic concrete irrigation pipeline and with inlet, outlet and such connections and other structures as may be specified by the engineer of Third Party. Said pipeline shall be constructed and the backfill made in accordance with plans and specifications and upon a line and grade furnished or approved by Third Party; and the top of said pipeline shall be not less than twenty-four (24") inches below the surface of the surrounding ground and any proposed or existing roads, streets or alleys crossed thereby. All pipe shall be laid and installed in a good workmanlike manner.

## III.

Third Party shall at its own expense prepare the right of way, establish line and grade for trenching and laying, and backfill the open trench after the laying and construction has been completed. Dis-

trict also agrees to commence the work within a reasonable time in order that the work may be completed by March 1, 1974, provided it is not prevented from doing so by any unreasonable causes. Owners and District agree that said work shall not interfere with the flow of water through the existing facilities as may be required for District's use.

IV.

It is estimated that the entire cost of laying, constructing and installing the pipeline and all work connected therewith will not exceed Four thousand Nine hundred and Ten dollars and no/100 (\$4,910.00). It is agreed that Third Party shall call for sealed bids for the trenching and the installation of the pipeline and its appurtenances and with the approval of First Parties and Second Parties award the bid to the lowest qualified bidder. Third Party reserves the right to reject any and all bids received.

V.

Third Party shall with the approval of First Parties and Second Parties also have the right, but shall not be required, to purchase the materials and do all or any part of said work with its own employees and equipment if it is determined by Third Party that the installation can be made and completed for less than the amount shown and offered by the lowest qualified bidder.

VI.

First Parties agree to pay to Third Party within thirty (30) days after the completion and acceptance of said work by Third Party, the entire cost of laying, constructing and installation of said pipeline, connections, structures and appurtenances thereto, including the cost of labor, materials, equipment, trenching, installation and testing except for the following portion of said work, which shall be paid by District:

Twenty-five percent (25%) of the cost of said thirty inch monolithic pipeline, except structures appurtenant thereto, or \$1,500.00, whichever is the lesser.

VII.

In the event that First Parties fail or refuse to pay all costs herein agreed to be paid to Third Party within thirty (30) days after the completion and acceptance of said work by Third Party, First Parties do hereby create a lien upon all of First Parties real property hereinabove described to secure such payment and interest thereon at the rate of seven (7) per cent per annum.

VIII.

First Parties and Second Parties agree that upon construction and installation the said pipeline, inlets, outlets and other structures shall become and remain the property of Third Party and that First Parties and Second Parties shall have no right, title or interest therein. First Parties and Second Parties further agree that said easement and said pipeline, and any other pipelines and conduits to be constructed thereon by or for Third Party, and the manner, method and time of conducting and discharging water through said pipeline, pipelines or conduits, shall be in the sole and absolute control of Third Party and the nature and extent of said right of way and easement shall in no wise be diminished or restricted by the construction or use of said pipeline.

IX.

Upon full performance of this agreement by First Parties and Second Parties and the acceptance of said pipeline and structures by Third Party, Third Party agrees to abandon that portion of its present Teague School Ditch #46, and right of way which will be replaced by said pipeline and easement, which are not within the right of way and easement herein granted to Third Party.

X.

This agreement shall apply to and bind the heirs, executors, administrators, successors and assigns of the respective parties hereto,

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first above mentioned.

Robert M. Toll  
Robert M. Toll

Lillian B. Toll  
Lillian B. Toll

Lloyd C. Peck  
Lloyd C. Peck

Betty Jo Peck  
Betty Jo Peck

(First Parties)

Rodney Lewis Esser  
Rodney Lewis Esser

Mary Jayne Esser  
Mary Jayne Esser

(Second Parties)

FRESNO IRRIGATION DISTRICT

BY:

Alvin J. Quist  
President

ATTEST:

Ardys T. Gorder  
Secretary

(Third Party)

Witnessed & Notarized  
Nov 15, 1973  
Mary J. Quist  
Notary  
Lillian B. Peck

SUBSCRIBING WITNESSES  
Bill Coffey

State of California }  
County of Fresno } ss.

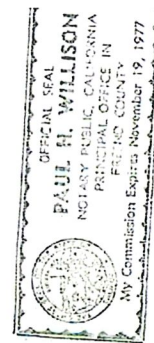
On this 13th day of December, 1973, before me, Paul H. Willison, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Alvin J. Quist, known to me to be the President and Ardys T. Gorder, known to me to be the Secretary of the Fresno Irrigation District, the corporation that executed the within instrument, and known to me to be the person s who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County, the day and year in this Certificate first above written.

CORPORATION ACKNOWLEDGMENT  
Kilner Stationery Co.  
1916 Echo

FORM K105

Paul H. Willison  
Notary Public in and for said County and State





STATE OF CALIFORNIA)  
 ) ss.  
 COUNTY OF FRESNO )

On the 5th day of December, in the year one  
 thousand nine hundred and 73, before me Ardys  
 T. Gorder, a Notary Public in and for the County of Fresno, State  
 of California, personally appeared Bill Coffey

Bill Coffey, personally known to me to  
 be the person whose name is subscribed to the within instrument  
 as a subscribing witness thereto, who, being by me first duly  
 sworn, deposed and said that he resides in the County of Fresno,  
 State of California, that he was present when

Robert M. Toll

Lillian B. Toll

Rodney Lewis Esser

Mary Jane Esser

known to him to be the persons described in said instrument,  
 executed said instrument, that he saw each of said persons  
 subscribe and execute said instrument, and that he subscribed  
 his name to said instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and  
 affixed my official seal the day and year in this Certificate  
 first above written.

(Seal)

Ardys T. Gorder  
 Notary Public in and for the  
 County of Fresno, State of  
 California

81164

BOOK 4300 PAGE 263  
I. D. No. 208

Teaga School #46

GRANT OF EASEMENT AND RIGHT  
OF WAYTHIS INDENTURE, Made and entered into this 16th day of November,  
19 59, by and betweenJack DeFendis and Isabell DeFendisas Grantors, and FRESNO IRRIGATION DISTRICT, a public corporation in the  
County of Fresno, State of California, as Grantee,

## W I T N E S S E T H:

That Grantors, for good and valuable consideration, do hereby grant to Grantee the perpetual and exclusive right and easement to construct, install, operate, maintain, repair, and reconstruct a pipeline, end to flow and conduct water through said pipeline, across, over, through and under the following described real property in the County of Fresno, State of California, to-wit:

South One Half of the Southeast Quarter of the  
Southwest Quarter of Section 15, Township 13 South,  
Range 19 East, M. D. B. & M,

in, along, and through a right of way therefor thirty feet wide lying  
equally on each side of the following described centerline, to-wit:

Commencing at a point approximately 575 feet West  
and 660 feet North of the South Quarter Corner of  
Section 15, Township 13 South, Range 19 East, M.  
D. B. & M., running thence Southerly approximately  
630 feet more or less to a point approximately 650  
feet West and 30 feet North of the South Quarter  
Corner of said Section 15,

together with all rights necessary, convenient or incidental thereto, in-  
cluding the right of ingress to and egress from said right of way and  
pipeline over and across said real property of Grantors for the construction,  
installation, operation, maintenance, repair and reconstruction of said  
pipeline.

IN WITNESS WHEREOF, Grantors have executed this grant the day and year  
first above written.

Jack DeFendis  
Jack DeFendis  
Isabell DeFendis  
Isabell DeFendis

Subscribing Witness:

[Signature]

Grantors

GIS 1138

Accepted for and in behalf of Fresno Irrigation District this  
16th day of November, 1959.

Florence B. Curtis Secretary



STATE OF CALIFORNIA }  
COUNTY OF FRESNO } ss.

On this 14th day of November, in the year  
one thousand nine hundred and fifty - nine, before me, Paul  
H. Willison, a Notary Public in and for the County of Fresno,  
State of California, personally appeared

J. R. Butchert, personally known to me  
to be the person whose name is subscribed to the within instru-  
ment as a subscribing witness thereto, who, being by me first  
duly sworn, deposed and said that he resides in the County of  
Fresno, State of California that he was present when

Jack DeFendis

Isabell DeFendis

81164

RECORDED AT REQUEST OF  
FRESNO IRRIGATION DIST.  
AT 37 MIN. PAST 3 P M

NOV 17 1959

BOOK 4300 PAGE 263  
FRESNO COUNTY, CALIFORNIA  
J. L. BROWN, COUNTY RECORDER

*J. L. Brown*  
BY DEPUTY RECORDER

FEE  
\$ *Ref*

known to him to be the persons described in said instrument,  
executed said instrument, that he saw each of said persons  
subscribe and execute said instrument, and that he subscribed  
his name to said instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal the day and year in this Certificate  
first above written.

(My commission expires  
November 19, 1961.)

(Seal)

*Paul H. Willison*  
Notary Public in and for the County  
of Fresno, State of California

34618

## GRANT OF EASEMENT AND RIGHT OF WAY

CANAL: TEAGUE SCHOOL #46

THIS INDENTURE, made and entered into this 15th  
day of April, 19 81, by and between \_\_\_\_\_

JOE R. ARTIAGA and CARMEN ARTIAGA

as Grantors, and FRESNO IRRIGATION DISTRICT, a public corporation  
in the County of Fresno, State of California, as Grantee,

## W I T N E S S E T H :

Grantors, for good and valuable consideration, do hereby grant to Grantee the perpetual and exclusive right and easement to construct, install, operate, use, maintain, alter, repair, improve, reconstruct, enlarge or supplement pipes, pipelines, and conduits, and to flow and conduct water through said pipes, pipelines and other conduits, across, over, through, and under the following described real property in the County of Fresno, State of California, to wit:

See Exhibit "A" attached hereto

in, along, and through a right of way, therefore, Fifteen (15') and Thirty (30') feet in width described as follows:

See Exhibit "B" attached hereto

together with all rights convenient or incidental thereto, including the right of ingress to and egress from said right of way and easement over and across said real property of Grantors.

Grantor as owner of said real property, subject to said easement and right of way, shall have the right to use said land for any purpose which does not interfere with the purposes of said easement and right of way, provided said Grantors as owners shall not build or construct any building or other permanent structure thereon without the written permission and consent of Grantee; and Grantors, for themselves, their heirs, executors, administrators, successors and assigns, covenant and agree that Grantee shall have the right, without notice and at Grantors' expense to remove any structures, fences, trees, vines, shrubs or other encroachments from said easement and right of way that does interfere with the purposes or use of said easement and right of way.

This Grant of Easement and Right of Way herein granted, voids that Grant of Easement and Right of Way recorded on March 13, 1981, in Book 7688 at Page 970, Official Records of Fresno County.

IN WITNESS WHEREOF, Grantors have executed this grant the day and year first above written.

Joe R. Artiaga  
Carmen Artiaga

SUBSCRIBING WITNESS

Lauren K. Hoff

Accepted for and on behalf of Fresno Irrigation District  
this 15th day of April, 19 81.

Robert L. Larson

Secretary

To be recorded on behalf  
of Fresno Irrigation District.

RECORDED IN OFFICIAL RECORDS OF FRESNO COUNTY, CALIFORNIA	
AT <u>30</u> MIN. PAST <u>11</u> A.M.	
APR 16 1981	
GALEN LARSON, County Recorder	FEE \$

GIS 1155

4/13/81

## EXHIBIT "A"

APN: 311-220-30

The East one-half of the West one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 13 South, Range 19 East, M. D. B. & M., excepting therefrom, that portion lying within the West two hundred and ten feet (210') of the North six hundred and sixty feet (660') of the Northeast one-quarter of the Northwest one-quarter of said Section 22,

## EXHIBIT "B"

The East fifteen feet (15') and the South thirty feet (30') of the East one-half of the West one-half of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 13 South, Range 19 East, M. D. B. & M., less the North thirty feet (30') therefrom,

STATE OF CALIFORNIA,

COUNTY OF Fresno

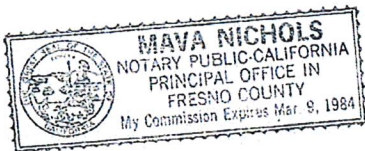
} ss.

BOOK 7706 PAGE 949

ON April 15, 19 81  
before me, the undersigned, a Notary Public in and for said State, personally appeared  
Robert L. Simpson

\_\_\_\_\_, known to me,  
to be the person whose name \_\_\_\_\_ subscribed to the within Instrument,  
and acknowledged to me that he executed the same.

WITNESS my hand and official seal.



*Mava Nichols*

Notary Public in and for said State.

STATE OF CALIFORNIA)  
COUNTY OF FRESNO ) ss.

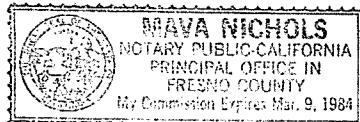
On the 15th day of April, in the year one thousand nine hundred and Eighty-One, before me Mava Nichols, a Notary Public in and for the County of Fresno, State of California, personally appeared Leland K. Hupp, personally known to me to be the person whose name is subscribed to the within instrument as a subscribing witness thereto, who, being by me first duly sworn, deposed and said that he resides in the County of Fresno, State of California, that he was present when

Joe R. Artiaga  
Carmen Artiaga

known to him to be the persons described in said instrument, executed said instrument, that he saw each of said persons subscribe and execute said instrument, and that he subscribed his name to said instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(Seal)



Mava Nichols  
Notary Public in and for the  
County of Fresno, State of  
California





**DATE:** May 26, 2020

**TO:** Chris Lang, Development Services/Planning  
Planning and Development Department

**FROM:** Ann Lillie, Senior Engineering Technician  
Public Works Department, Traffic Operations and Planning Division

**SUBJECT:** PUBLIC WORKS CONDITIONS OF APPROVAL FOR VESTING TENTATIVE TRACT MAP NO. 6310 REGARDING MAINTENANCE REQUIREMENTS (P20-00734)

**LOCATION:** 5628 W Dakota Avenue  
**APN:** 511-011-19

The Public Works Department, Traffic Operations and Planning Division, has completed its review and the following requirements are to be placed on this tentative map as a condition of approval. These requirements are based on City of Fresno code, policy, standards and the public improvements depicted on the exhibits submitted for this development.

<b>ATTENTION:</b>			
The item below requires a separate process with additional costs and timelines. In order to avoid delays with the final map approval, the following item shall be submitted for separate processing to the Public Works Department, Traffic Operations and Planning Division <b>prior</b> to final map approval.			
X	<b>CFD Annexation Request Package</b>	Ann Lillie	(559) 621-8690 <a href="mailto:ann.lillie@fresno.gov">ann.lillie@fresno.gov</a>

The Community Facilities District annexation process takes from three to four months and SHALL be completed prior to final map approval. INCOMPLETE Community Facilities District (“CFD”) Annexation Request submittals may cause delays to the annexation process and final map approval.

All applicable construction plans for this development shall be submitted to the appropriate City Department for review and approval **prior** to the CFD process.

- Landscape and Irrigation Plans are required to be approved prior to the finalization of the CFD process and the approval of the final map.
- Proposed park amenities shall be reviewed and approved by the Building & Safety Services Division or as approved in writing by the City Engineer at time of submittal for the CFD process and prior to final map approval.**

Requirements not addressed due to omission or misrepresentation of information, on which this review process is dependent, will be imposed whenever such conditions are disclosed and shall require a revision of this letter.

Any change affecting the items in these conditions shall require a revision of this letter.

#### **1. The Property Owner’s Maintenance Requirements**

The long term maintenance and operating costs, including repair and replacement, of certain required public improvements (“Services”) associated with all new Single-Family developments are the ultimate responsibility of the Developer. The Developer shall provide these Services either by a mechanism approved by the Public Works Department or by annexing to the City of Fresno’s Community Facilities District No. 11 (“CFD No. 11”).

The following public improvements (Existing and Proposed) are eligible for Services by CFD No. 11 as associated with this development:

- All landscaped areas, trees and irrigation systems, as approved by the Public Works Department, within the street rights-of-way and landscape easements; including without limitation, the median island (1/2, if fronting only one side of median), parkways, buffers, street entry medians and sides **(10' wide minimum landscaped areas allowed)** in **all Local and Major Streets**.
- All landscaping, trees, irrigation systems, hardscaping and amenities within Outlots having the purpose for open spaces and trails.
- Concrete curb and gutters, valley gutters, sidewalks, curb ramps, traffic calming structures, median island concrete maintenance band and cap (1/2, if fronting only one side of median), and street lights in **all Major Streets**.
- Concrete curb and gutters, valley gutters, sidewalks, curb ramps, traffic calming structures, and street entry and interior median island curbing and hardscape, street paving, street name signage and street lights in **all Local Streets**.

**\*All end lots, side yards, and front yards are the responsibility of the property owner and are not eligible for Services for maintenance by the CFD.**

**The Property Owner may choose to do one or both of the following:**

- a. The Property Owner may petition the City of Fresno to request annexation to CFD No. 11 by completing and submitting an Annexation Request Package to the Public Works Department, Traffic Operations and Planning Division for review and approval. The Annexation Request Form is available, along with current costs, on-line at the City's website at <http://www.fresno.gov>, under the Public Works Department, Land Development.
  - **Proceedings to annex the final map to CFD No. 11 SHALL NOT commence** unless the final map is within the City limits and all construction plans (this includes Street, Street Light, Signal, Landscape and Irrigation plans, and any other plans needed to complete the process) and the final map are considered technically correct.
  - The annexation process will be put on **HOLD** and the developer notified if all of the requirements for processing are not in compliance. **Technically Correct shall mean that the facilities and quantities to be maintained by CFD No. 11 are not subject to change and after acceptance for processing.**
  - Public improvements not listed above will require written approval by the Public Works Department Director or his designee.
  - All areas not within the dedicated street rights-of-way and approved for Services by CFD No. 11 shall be dedicated as a public easement for maintenance purposes. Outlots purposed for required public open space or City trails shall be dedicated in fee to the City of Fresno or as approved by the Public Works Department City Engineer.
- b. The Property Owner may provide for Services privately for the above maintenance requirements. All City maintenance requirements not included for annexation to CFD No. 11 for Services **SHALL** be included in the DCC&Rs or some other City approved mechanism for the required Services associated with this development. Contact the Planner in the Development and Resource Management Department for more details.



For questions regarding these conditions please contact me at (559) 621-8690 or [ann.lillie@fresno.gov](mailto:ann.lillie@fresno.gov)