

**RESOLUTION NO. OS-09-1A**

**FRESNO LOCAL AGENCY FORMATION COMMISSION  
FRESNO COUNTY, CALIFORNIA**

**REQUEST FOR EXTENSION OF MUNICIPAL ) APPROVED EXTENSION OF  
SERVICES FROM THE CITY OF FRESNO TO ) MUNICIPAL SERVICES REQUEST  
THE AQUARIUS AQUARIUM SITE )**

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**WHEREAS**, preliminary proceedings were initiated by the Aquarius Aquarium Institute to extend municipal water, sewer, and fire (fire hydrants only) services from the City of Fresno to the Aquarius Aquarium project site located approximately 1,500 feet north of W. Herndon Avenue, adjacent to and southwest of State Route 99, and approximately 900 feet east of the San Joaquin River; and

**WHEREAS**, an application for said proposal was accepted for filing by the Executive Officer of this Local Agency Formation Commission; and

**WHEREAS**, said application was set for hearing by the Executive Officer on the 11<sup>th</sup> day of March, 2009, at the hour of 1:30 p.m. of said day; and

**WHEREAS**, notice of the hearing of said application was duly given by mail, posting, and newspaper publication as required by State law; and

**WHEREAS**, the Commission continued the hearing to April 15, 2009; and

**WHEREAS**, the Executive Officer reviewed said application and prepared a report, including a recommendation, said report having been mailed to and considered by this Commission; and

**WHEREAS**, the Executive Officer indicated that a portion of the water line extension was proposed to be located outside the City of Fresno Sphere of Influence Area in order to provide a looped water system to the aquarium site as recommended by the Fresno Fire Department, and that the City of Fresno also proposed to provide fire hydrant services to residents outside the City's Sphere of Influence area; and

**WHEREAS**, the Executive Officer also reported that in order to allow fire hydrant service outside the Sphere of Influence that the Commission, as per Government Code Section 56133, was required to make a finding that there is an existing or impending threat to the public health or safety of the residents of the area and that documentation of such threat be provided to the Commission; and

**WHEREAS**, the Executive Officer submitted a letter signed by Randy R. Bruegman, Fresno Fire Chief, providing evidence in support of said finding stating that the presence of 13 residential building structures on the north and south side of Herndon Avenue that lack a firefighting water supply resulting in a fire propagation hazard that could potentially place the public as well as the firefighters at great risk and constitute an impending threat to the safety of residents and firefighters; and

**WHEREAS**, this Commission considered all relevant factors and heard all interested parties wishing to speak on said application; and

**NOW, THEREFORE, BE IT RESOLVED** that the Local Agency Formation Commission of the County of Fresno does **HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER** as follows:

**Section #1.** As the Responsible Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines, this Commission finds that prior to approving extension of services the environmental effects of the project as shown in the CEQA documents prepared, adopted, and submitted by the Lead Agency were reviewed and considered, and determines these documents to be legally adequate pursuant to CEQA Guidelines Section 15096.

**Section #2.** This Commission finds that the proposed Extension of Services is consistent with LAFCo Policies, Standards and Procedures Section 320 – Extended Service Procedures (01-08), and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Section #3.** This Commission finds that in accordance with Section 56133 of the California Government Code that there is an existing or impending threat to the public safety of the residents of the affected territory should fire hydrant service not be extended to those residences located outside the City of Fresno's Sphere of Influence area and that documentation confirming such threat has been submitted to and considered by this Commission.

**Section #4.** This Commission approves the proposed Extension of Services subject to the following conditions:

1. The City of Fresno shall file with the Commission an original landowner consent form signed by the property owner agreeing to annex the subject property (aquarium site) to the City of Fresno at such time as it is feasible and practical.
2. The City of Fresno shall include the subject property (aquarium site) in any future annexation proposal of adjacent lands and where deemed necessary to square off City boundaries as determined necessary by the Commission.

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**ADOPTED THIS 15<sup>th</sup> DAY OF APRIL, 2009, BY THE FOLLOWING VOTE:**

**AYES:** Commissioners Rodriguez, Fortune, Anderson, Perea, Lopez  
**NOES** None  
**ABSENT:** None

STATE OF CALIFORNIA)  
COUNTY OF FRESNO )

**CERTIFICATION**

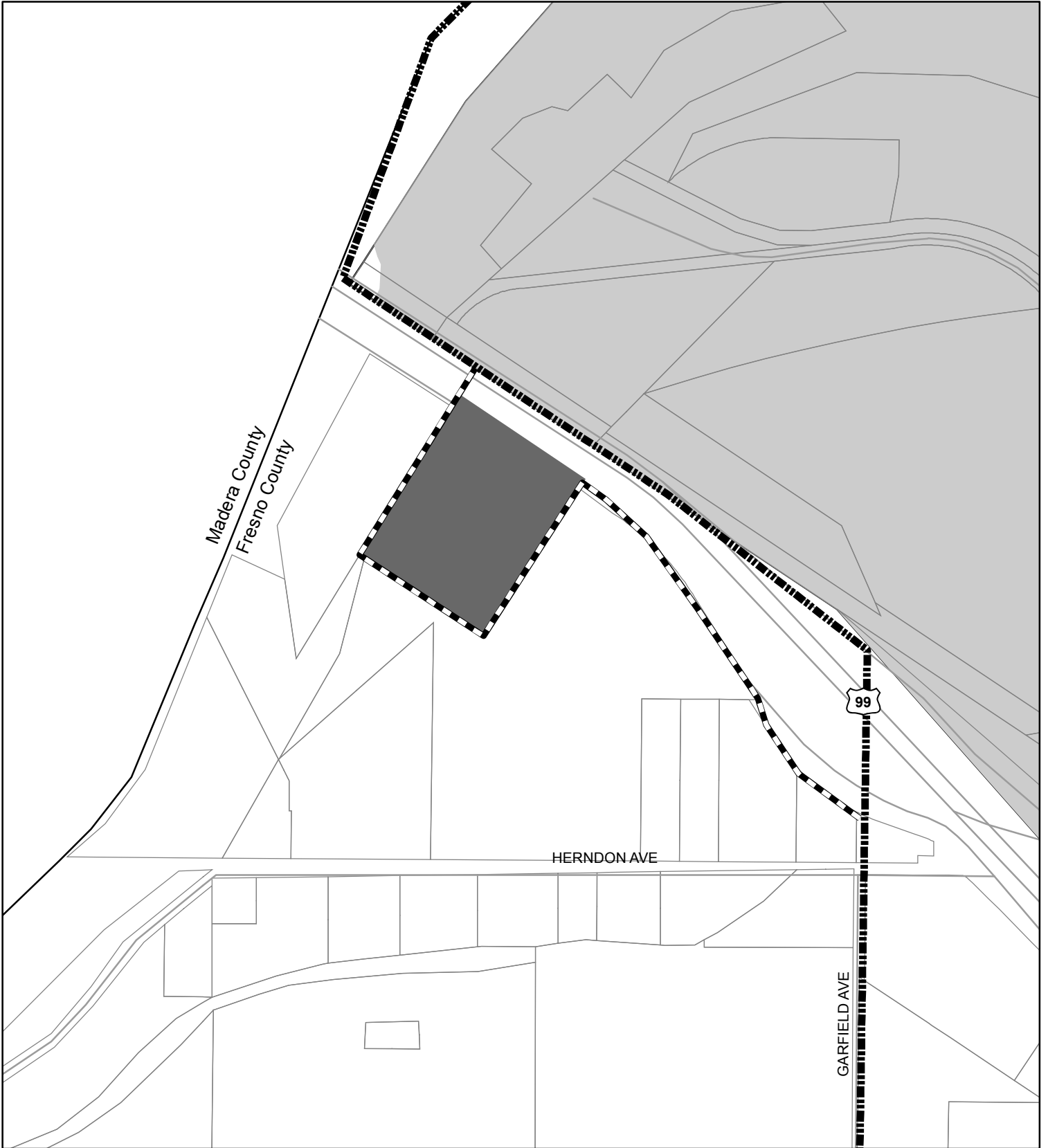
I, Victor Lopez, Chairman of the Fresno Local Agency Formation Commission (LAFCo), Fresno County, State of California, hereby certify that the foregoing resolution was adopted by the Commission on the 15<sup>th</sup> day of April, 2009.







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Victor Lopez, Chairman  
Fresno Local Agency Formation Commission

# EXHIBIT "A"



## Legend

-  Existing SOI
-  City Limits
-  SOI Revision
-  Proposed Aquarium

City of Fresno "Sphere of Influence Revision"  
and Aquarius Aquarium "Extension of  
Municipal Services"  
LAFCo File No.'s RSOI-152 and OS-09-1

