

RESOLUTION NO. RO-09-3B

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

CONDUCTING AUTHORITY PROCEEDINGS

**DETERMINE THE VALUE OF PROTESTS) RESOLUTION OF APPROVAL STANDS
RECEIVED AND NOT WITHDRAWN)
RELATED TO THE "JACOBS-SOUTH)
REORGANIZATION (DEL REY VILLAS, LLC")**

WHEREAS, these Conducting Authority proceedings concerning the approved "Jacobs-South Reorganization (Del Rey Villas, LLC)" were duly and regularly conducted pursuant to Division 3 of Title 3 of the California Government Code, commencing with Section 56000; and

WHEREAS, said Reorganization included the annexation of 79.8 acres to the City of Orange Cove and detachment from the Orange Cove Irrigation District for territory located at the southwest corner of S. Jacobs and E. South Avenues, attached as Exhibit "A" hereto and by this reference incorporated herein; and

WHEREAS, at its November 4, 2009 hearing, this Commission conditionally approved the "Jacobs-South Reorganization (Del Rey Villas, LLC)" by adopting Resolution No. RO-09-3; and

WHEREAS, at its November 4, 2009 hearing, this Commission found that not all property owners had submitted a signed, written waiver of protest proceedings and directed the Executive Officer to set the matter for a protest hearing pursuant to Section 57002 of the Government Code; and

WHEREAS, the Executive Officer duly gave notice of the protest hearing in accordance with California Government Code Section 57025, and all other applicable sections of the California Government Code, said noticing being published in the local newspaper and mailed to all property owners in the affected territory; and

WHEREAS, all property owners in the affected territory were provided with written individual notification summarizing the approved reorganization, outlining the protest procedures and rules for protesting an uninhabited annexation, and an Official LAFCo Protest Form; and

WHEREAS, this Commission on January 13, 2010, held a duly noticed Protest Hearing, as provided for in Section 57000 et seq. of the California Government Code for the purpose of hearing objections and protests to the approved reorganization, to receive written "official" protests, and to allow for the withdrawal of any written protests filed with this Commission prior to or at said hearing, if any; and

WHEREAS, at said protest hearing prior to considering protests and objections, the Executive Officer orally summarized Commission Resolution No. RO-09-3 for this Commission and those in attendance at said hearing; and

WHEREAS, pursuant to the California Government Code Commission actions for uninhabited annexations include the following:

1. Terminate proceedings if a majority protest exists. A majority protest is deemed to exist and the proposed reorganization shall be abandoned if the Commission finds that written protests filed and not withdrawn prior to the conclusion of the hearing represent landowners owning 50 percent or more of the assessed value of the land within the territory (Government Code Section 57078).
2. Order the change of organization or reorganization if written protests have been filed and not withdrawn by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

WHEREAS, pursuant to the California Government Code said reorganization could only be terminated if written protests filed with the Executive Officer or this Commission (and not withdrawn) represent landowners owning 50% or more of the assessed value of land within the territory; and

WHEREAS, following an opportunity for public testimony and an opportunity to file or withdraw written protests, the Executive Officer reported that at the time the public hearing was closed at said protest hearing that zero written protests were filed on Official Protest Forms by landowners owning land within the affected territory and not withdrawn; and

WHEREAS, the Executive Officer reported that the value of the written protests received and not withdrawn was insufficient to reverse the Commission's November 4, 2009, approval of said reorganization.

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

Section #1. This Commission determines that following an opportunity for public testimony and an opportunity to file or withdraw written protests that at the time the public hearing was closed at said protest hearing that zero written protests were filed on an Official Protest Form by landowners owning land within the affected territory and not withdrawn.

Section #2. This Commission determines that following an examination by LAFCo staff of the total assessed value of property in the affected territory that the combined value of the written protest represents 0% of the total land value and, therefore, is insufficient to reverse this Commission's November 4, 2009, approval of said reorganization.

Section #3. This Commission hereby determines that Resolution No. RO-09-3 adopted at the regular LAFCo hearing on the 4th day of November, 2009, conditionally ordering the "Jacobs-South Reorganization (Del Rey Villas, LLC)" stands as ordered.

Section #4. All proceedings of this Commission concerning the proposed Reorganization have been duly carried out and completed, in conformity with all applicable laws.

PASSED AND ADOPTED BY THE FRESNO LOCAL AGENCY FORMATION COMMISSION THIS 10TH DAY OF JANUARY, 2010, BY THE FOLLOWING VOTE TO WIT:

AYES: Commissioners Rodriguez, Fortune, Anderson, Perea, Lopez


NOES: None

ABSENT: None

**STATE OF CALIFORNIA)
COUNTY OF FRESNO)**

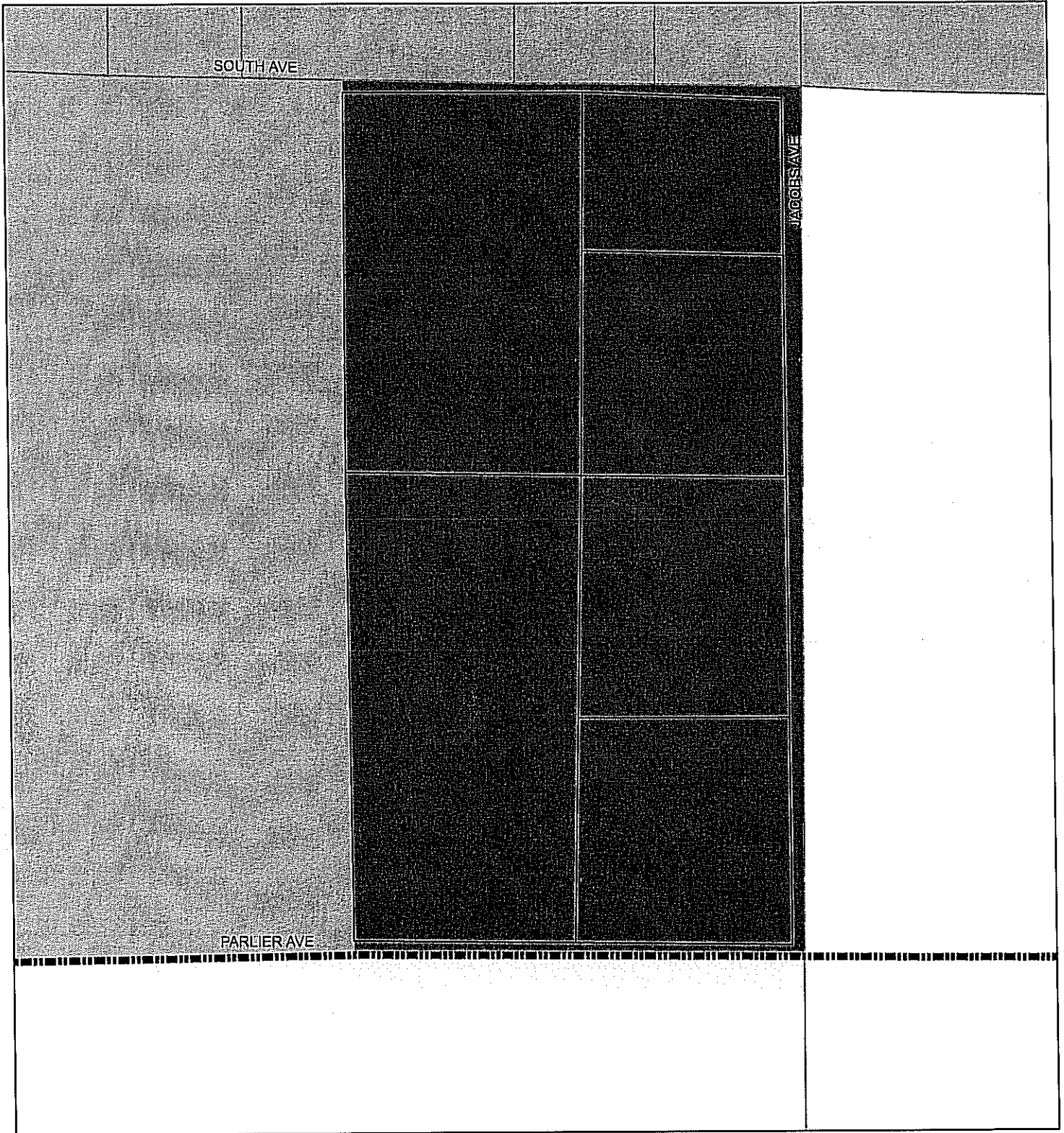
CERTIFICATION

Victor Lopez, Chairman of the Fresno Local Agency Formation Commission certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 13th day of January, 2010.






**Victor Lopez, Chairman
Fresno Local Agency Formation Commission**

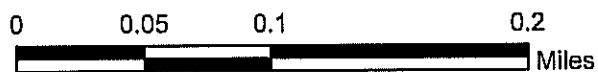
EXHIBIT "A"



Legend

-  Sphere of Influence
-  City Limits
-  Affected Territory

City of Orange Cove
"Jacobs-South Reorganization
(Del Rey Villas, LLC.)"
LAFCo File No. RO-09-3



**STATE OF CALIFORNIA
COUNTY OF FRESNO**

I, Rick Ballantyne, Executive Officer to the Fresno County Local Agency Formation Commission, do hereby certify the foregoing to be a full, true and correct copy of the original thereof on file in my office.

Witness on the 3rd day of February, 2010

**Jeff Witte
Executive Officer to the Commission**

By *Candice Fleming*
Clerk to Commission