

RESOLUTION NO. 25- __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN,
CALIFORNIA INITIATING PROCEEDINGS PURSUANT TO THE LANDSCAPING AND LIGHTING ACT
OF 1972 FOR THE ANNEXATION OF TRACT 6430 INTO LANDSCAPING AND LIGHTING DISTRICT
NO. 1, AREA 16, TO REVIEW THE IMPROVEMENTS AND ESTABLISH ASSESSMENTS AND TO SET
A PUBLIC HEARING**

WHEREAS, the Landscaping and Lighting Act of 1972 ("Act") provides and establishes procedures for annexing properties to an existing Landscaping and Lighting Assessment District; and

WHEREAS, on September 7, 1993 the Kerman City Council established the "Kerman Landscape and Lighting District No. 1" ("LLD No. 1") to levy and collect assessments to cover the cost of maintaining landscaping, irrigation systems and streetlights within the LLD No. 1 public right-of-way; and

WHEREAS, the City Council has determined that, to finance the installation, operation, and maintenance of landscaping, irrigation and lighting improvements which benefit the aforementioned tract and public lands, it should be annexed into the District; and

WHEREAS, not only will annexing this new development into the existing district ensure that all benefitting parcels share equally in the costs to maintain the improvements, but consolidating the benefitting developments into a single assessment district will facilitate their management by the City; and

WHEREAS, the proceedings for the annexation of the aforementioned tract and public lands to the District are authorized by and will be conducted pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 (commencing with Section 22500) of Division 15 of the California Streets and Highways Code; and

WHEREAS, pursuant to Streets and Highways Code section 22608, resolutions, reports, notices of hearing, and the right of majority protest may be waived with the written consent of all landowners of the territory to be annexed; and

WHEREAS, J.H. Boyd Enterprises, Inc. is the landowner of the property proposed for annexation and generally located at the southeast corner of the California and Modoc Avenues alignment intersection, and which is also known as Tract 6430 whose final map is being concurrently considered by the City Council, as further described or depicted on **Exhibit 'A'** ("Subject Property"); and

WHEREAS, J.H. Boyd Enterprises, Inc. has provided a petition for annexation and written consent to waiver of resolutions, reports, notices of hearing, and the right of majority protest

regarding the Subject Property, as well as consenting to the amount of the proposed levy for the 2025-26 fiscal year; and

WHEREAS, as a result, no report by the City Engineer is required to be prepared and filed with the City Clerk which outlines the land to be annexed, etc.; and

WHEREAS, this City Council now desires to proceed to adopt this Resolution of Intention to declare its intent to annex the Subject Property into LLD No. 1, and to set and specify the levy and collection of assessments, and to set a time and place for a public hearing relating to the annexation of the subject property into LLD No. 1, Area 16.

NOW, THEREFORE, the City Council of the City of Kerman resolves as follows:

1. The City Council proposes to annex the property into Area 16 of Kerman Landscaping And Lighting District No. 1 pursuant to the Landscaping and Lighting Act of 1972 (Section 22500 and following, Streets and Highways Code). The property proposed to be annexed is identified on **Exhibit 'A.'**
2. The property proposed to be annexed and to be specifically charged for the improvements shall include all of the land identified on **Exhibits 'A' and 'B'** and shall be designated "Kerman Landscaping & Lighting District No. 1, Area 16."
3. The improvements which are provided for the properties within Kerman Landscaping & Lighting District No. 1, and which shall be provided for the property within Kerman Landscaping & Lighting District No. 1, Area 16, and through the assessments levied annually thereon shall include the following:
 - (a) The installation or planting of landscaping, including, but not limited to, street trees, parkways, and median islands;
 - (b) The installation or construction of irrigation systems;
 - (c) The installation or construction of public lighting, facilities, including, but not limited to, street lights;
 - (d) The maintenance and servicing of any of the foregoing.
4. The City Engineer of the City of Kerman is hereby designated the engineer for the annexation proceedings. The City Council finds that the landowner has presented a written consent, and that the engineer is not required to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscaping and Lighting Act of 1972 for the annexation proceedings, consistent with the Landscaping and Lighting Act of 1972.

5. NOTICE IS HEREBY GIVEN that a public hearing is set for the regular meeting of the City Council on August 13, 2025 at 6:00 p.m., in the Council Chamber of City Hall, 850 S. Madera Avenue, Kerman, California 93630, All interested persons shall be heard on the question of the levy and collection of the proposed assessments. Written protests may be filed with the City Clerk at any time prior to the conclusion of the hearing. A written protest shall state all grounds of objection and shall contain a description sufficient to identify the property owned by the protesting person or persons.
6. This resolution shall be effective upon adoption.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 7th day of July 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk

Exhibit 'A'

Proposed Boundaries to Kerman Landscaping & Lighting District No. 1, Area 16, City of Kerman, Fresno County, California

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF Kerman, COUNTY OF FRESNO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

TRACT ONE:

Lot 17 of Block 11 of Fresno Irrigated Farms Co. Tract, in the unincorporated area of the County of Fresno, State of California according to the map thereof recorded June 24, 1912, in Book 8, Page 1 of Record of Surveys, in the office of the County Recorder of said County.

TOGETHER WITH, the Northerly 25.00 feet of that parcel of land granted to the Southern Pacific Railroad Company in the Deed recorded November 16, 1888, in Book 87, Page 157 of Deeds of Fresno County, lying between the West line of the Northeast quarter of Section 14, Township 14 South, Range 17 East, Mount Diablo Base and Meridian according to the Official Plat thereof, and the Southerly extension of the West line of Lot 16 of said Fresno Irrigated Farms Co. Tract, being Parcel 2, in the Deed executed by Union Pacific Railroad Company, a Delaware corporation formerly known as Southern Pacific Transportation Company, a Delaware corporation, to Kenneth R. Boyd and Susan K. Boyd, as Trustees of the Boyd Trust dated December 23, 1999, said Deed recorded November 29, 2004, as Document No. 2004-0265622, of Official Records.

TOGETHER WITH, that portion of West California Avenue, as abandoned by Resolution No. 04-76, recorded July 11, 2006, as Document No. 2006-0144355, of Official Records, which would pass by operation of Law.

ALSO TOGETHER WITH, all that portion of said land conveyed in the Grant Deed recorded June 7, 2024, as Document No. 2024-0050304, of Official Records, the land therein being described as follows:

Being a portion of the Northeast quarter of Section 14, Township 14 South, Range 17 East, Mount Diablo Base and Meridian, in the unincorporated area of the County of Fresno, State of California according to the Official Plat thereof, lying Northerly of the North Right-of-Way line of that certain parcel of land granted to the Southern Pacific Railroad Company by deed recorded November 16, 1888 in Book 87 at Page 157 of Official Records of Fresno County, and being more particularly described as follows:

BEGINNING, at the North quarter corner of said Section 14; Thence, along the North line of the Northeast quarter of said Section 14, North 89°49'20" East, 1319.72 feet to the Southerly extension of the West line of Lot 16 of the Fresno Irrigated Farms Company Tract recorded in Book 8 of Record of Surveys at Page 1, Fresno County Records; Thence, along said Southerly extension, South 00°45'28" West, 29.70 feet to the North line of said Southern Pacific Railroad Company Right-of-Way, also being the North line of that certain Quitclaim Deed between the Union Pacific Railroad Company and Kenneth R. Boyd as recorded November 29, 2004 as Document No. 2004-0265622 of Official Records of Fresno County; Thence, along the North line of said Southern Pacific Railroad Company Right-of-Way, North 89°59'57" West, 1319.62 feet to the West line of the Northeast quarter of said Section 14; Thence, along said West line of the Northeast quarter of Section 14, North 00°38'13" East, 21.57 to the POINT OF BEGINNING.

EXCEPTING FROM, that portion lying within said Lot 17, all oil, gas and other hydrocarbon substances in and under said premise, TOGETHER WITH, the full right and privilege to the grantor, its successors and assigns, to develop and remove the same, as more particularly described therein and also subject to the terms and conditions set forth therein, all as reserved by G. Kerckhoff Company, a California corporation, in the Deed recorded June 13, 1947, in Volume 2533, Pages 185, 286 & 287 of Official Records, as Document No. 31682.

EXCEPTING FROM, that portion lying within the land conveyed by Union Pacific Railroad Company, a Delaware corporation formerly known as Southern Pacific Transportation Company, a Delaware corporation, in the Deed recorded November 29, 2004, as Document No. 2004-0265622, of Official Records, all minerals and all mineral rights of every kind and character now known to exist or hereafter discovered underlying the Property, including, without limiting the generality of the foregoing, oil and gas and rights thereto, TOGETHER WITH, the sole, exclusive and perpetual right to explore for, remove and dispose of said minerals by any means or methods suitable to Grantor, its successors and assigns, but without entering upon or using the surface of the Property, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by Grantees the heirs, successors or assigns of said Trust. Except as may be otherwise provided in a written assignment or other written agreement between Grantor and Grantees, Grantor reserves all income (including, without limitation, rentals, license fees and royalties from any existing license and other existing rights to use the Property and renewals thereof) granted by Grantor or Grantor's predecessors in interest. Grantees agree that if Grantees receive any such income, Grantees will promptly forward the income to Grantor.

EXCEPTING FROM, those portions lying within the Northeast quarter of said Section 14, less the Southern Pacific Railroad right-of-way, all oil, gas and other hydrocarbon substances in and under said premises, TOGETHER WITH, the full right and privilege to the grantor, its successors and assigns, to develop and remove the same, as set forth in paragraphs (a), (b), (c) and (d), in said Deed, all as reserved by G. Kerckhoff Company, a

California corporation, in the Deed recorded January 15, 1945, in Volume 2224, Page 109 of Official Records, as Document No. 2064.

APN: 020-041-45s and 020-041-47s and Portion of APN: 020-160-36s

TRACT TWO:

Lot 18 of Block 11 of Fresno Irrigated Farms Co. Tract, in the unincorporated area of the County of Fresno, State of California according to the map thereof recorded June 24, 1912, in Book 8, Page 1 of Record of Surveys, in the office of the County Recorder of said County.

EXCEPTING THEREFROM, the South 75 feet of the West 100 feet thereof, as described in the Deed recorded November 21, 1951, in Book 3091, Page 43 of Official Records, as Document No. 61176.

ALSO EXCEPTING THEREFROM, all oil, gas and other hydrocarbon substances in and under said premise, TOGETHER WITH, the full right and privilege to the grantor, its successors and assigns, to develop and remove the same, as more particularly described therein and also subject to the terms and conditions set forth therein, all as reserved by G. Kerckhoff Company, a California corporation, in the Deed recorded April 2, 1945, in Volume 2245, Pages 1 & 2 of Official Records, as Document No. 13312

APN: 020-160-36s (portion)

TRACT THREE:

The South 75 feet of the West 100 feet of Lot 18 of Block 11 of Fresno Irrigated Farms Co. Tract, in the unincorporated area of the County of Fresno, State of California according to the map thereof recorded June 24, 1912, in Book 8, Page 1 of Record of Surveys, in the office of the County Recorder of said County, as described in the Deed recorded November 21, 1951, in Book 3091, Page 43 of Official Records, as Document No. 61176.

EXCEPTING THEREFROM, all oil, gas and other hydrocarbon substances in and under said premise, TOGETHER WITH, the full right and privilege to the grantor, its successors and assigns, to develop and remove the same, as more particularly described therein and also subject to the terms and conditions set forth therein, all as reserved by G. Kerckhoff Company, a California corporation, in the Deed recorded April 2, 1945, in Volume 2245, Pages 1 & 2 of Official Records, as Document No. 13312

APN: 020-160-36s (Portion)

The boundaries of Tract 6430 are depicted as follows:

Exhibit 'B'

