

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE November 20, 2007

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind All or a Portion of Williamson Act Contract No. 1974-1752 (W. Service Road, West of Jennings Road, in the Modesto Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-35 - DeMartini/Blom and Authorize the Planning Director to Execute a New Contract

STAFF RECOMMENDATIONS:

Approval and the establishment of the following findings:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(Continued on Page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2007-914

On motion of Supervisor Monteith, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: DeMartini

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR AND PLACED ON NON-CONSENT

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1974-1752 (W. Service Road, West of Jennings Road, in the Modesto Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-35 - DeMartini/Blom and Authorize the Planning Director to Execute a New Contract
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STAFF RECOMMENDATION CONTINUED:

2. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
3. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
4. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
5. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
7. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

DISCUSSION:

The proposal is to cancel Williamson Act Contract on Assessor's Parcel Number 017-051-064 and to re-establish a new contract pursuant to Section 51257 of the Government Code regulating Williamson Act contracts. The new contract would restrict the adjusted parcel as required in Government Code Section 51257 and not effect the total acreage within the contracted area. The properties consist of a total of 123.01± acres located in the Modesto area, in the unincorporated area of Stanislaus County. The existing parcel sizes are approximately 86.59± and 36.42± acres. The proposed parcel sizes are 90.68± and 32.33± acres, respectfully. Currently, only the 86.59± acre parcel is covered by Contract No.1974-1752. With the proposed adjusted parcels, 90.68 acres will be re-entered into a new contract, with a net increase of 4.09 acres into the new contract. However, after the lot line is recorded, the 32.33± acre adjusted parcel currently not enrolled in a Williamson Act Contract will be entering into one. The proposed adjustment would not increase the number of developable parcels, will not reduce the number of acres in the existing Williamson Act contracts, and would increase the agricultural viability of the parcel.

Lot Line Adjustment Application 2007-35 was approved by staff pending the Board's action required by the Williamson Act.

Currently, only one parcel is covered by a Williamson Act Contract, all or portions of that contract must be rescinded and replaced with new contracts.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1974-1752 (W. Service Road, West of Jennings Road, in the Modesto Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-35 - DeMartini/Blom and Authorize the Planning Director to Execute a New Contract
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Government Code Section 51257 was revised in January 2000 to facilitate lot line adjustments on Williamson Act parcels. Seven (7) specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land.")

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

The applicant has provided written evidence to support the seven findings listed above, and staff agrees with that evidence.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1974-1752 (W. Service Road, West of Jennings Road, in the Modesto Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-35 - DeMartini/Blom and Authorize the Planning Director to Execute a New Contract
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New Williamson Act contracts would typically come before the Board once a year, in November. Because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a new contract replace Contract No. 1974-1752 upon recording.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted 1992) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. By providing a means to keep property taxes based on an agricultural income level rather than a market value which may be at a level based on speculation of future use, the Williamson Act helps agriculture remain in production without premature conversion to urban uses. Other relevant policies are discussed above as provided in State law.

STAFFING IMPACT:

None.

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2007-35
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Proposed Changes



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
 Phone: 209.525.6330 Fax: 209.525-5911

S	<u>22</u>	T	<u>4</u>	R	<u>8</u>
ZONE	<u>A-2-ub</u>				
RECEIVED	<u>BC</u>				
APPLICATION NO.	<u>2007-35</u>				
RECEIPT NO.	_____				

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

DeMartini, Inc.

 Name
 5013 Jennings Road, Modesto

 Address, City, Zip
 525-4410

 Phone
 525-4410

 Fax Number

Parcel 2

Nick and Els Blom

 Name
 2613 Illinois Avenue

 Address, City, Zip
 522-6140

 Phone
 522-2412

 Fax Number

Parcel 3

 Name

 Address, City, Zip

 Phone

 Fax Number

Parcel 4

 Name

 Address, City, Zip

 Phone

 Fax Number

2. Name and address of person(s) preparing map: Sean Harp - GDR Engineering, Inc., P. O. Box 1033,
Ceres, CA 95307-1033 (209) 538-3360 Fax: 538-7370 E-mail: seanharp@gdreng.com

3. Assessor's Parcel No. of parcels adjusted:

Parcel 1: Book 017 Page 051 No. 064 Parcel 2: Book 017 Page 051 No. 18& 71
 Parcel 3: Book _____ Page _____ No. _____ Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>86.59 Gross Ac.</u>	<u>90.68 Gross Ac.</u>
Parcel 2:	<u>36.42 Gross Ac.</u>	<u>32.33 Gross Ac.</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC A T.I.D. canal bisects the Blom property creating a small,
+/-4-acre area of land (017-051-018). At the completion of the Lot Line Adjustment this +/-4-acre parcel will be
transferred to Parcel 1 where it will then be more accessible for farming.

6. How are these parcels currently utilized? Please check appropriate uses

- | | |
|--|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Single Family | <input type="checkbox"/> Row Crop - type _____ |
| <input type="checkbox"/> Duplex | <input checked="" type="checkbox"/> Trees - type <u>Almond</u> |
| <input type="checkbox"/> Multiple | <input type="checkbox"/> Vines - type _____ |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Range (unirrigated) _____ |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Pasture (irrigated) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Poultry _____ |
| _____ | <input type="checkbox"/> Dairy _____ |
| _____ | <input type="checkbox"/> Other (Specify) _____ |

7. List all structures on properties: No Structures.

8. How have these parcels been utilized in the past, if different than current use? Same.

9. When did current owner(s) acquire the parcel(s)?

Parcel 1: <u>1996</u>	Parcel 2: <u>2005</u>
Parcel 3: _____	Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: <u>74-1752</u>	Parcel 2: <u>Not in W.A.</u>
Parcel 3: _____	Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? Flood Irrigation.

12. Will these parcels continue to irrigate? Yes No If yes, describe any physical changes in the irrigation system. No changes proposed.

13. Signature of property owner(s)	<u>Nick W. Blom</u>	<u>Nick W. Blom</u>
	Owner's Signature	Owner's Name Printed
	<u>ELS E. Blom</u>	<u>ELS E. Blom</u>
	Owner's Signature	Owner's Name Printed
	<u>James DeMartini</u>	<u>JAMES DeMARTINI</u>
	Owner's Signature	Owner's Name Printed
	_____	_____
	Owner's Signature	Owner's Name Printed



October 31, 2007

Sean Harp
GDR Engineering, Inc.
P.O. Box 1033
Ceres, CA 95307

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2007-35
DeMARTINI / BLOM - GDR**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **October 31, 2007**, and has tentatively approved your request, subject to the attached conditions.

Staff's decision and/or all conditions attached hereto may be appealed to the Planning Commission, in writing, within **ten (10) days** from the date of this notification. The appeal letter addressed to the Planning Commission, must state reasons why the appeal should be granted. If you wish to appeal this decision, a filing fee of \$540.00, payable to the Planning Department, along with a copy of the letter must be delivered to this office by **5:00 p.m.** within **ten days** of the postmark of this letter.

Before a Certificate of Lot Line Adjustment can be recorded, Exhibit "A", describing the property before the adjustment, and an Exhibit "B", describing the property after the change must be attached. These Exhibits must be stamped and signed by a licensed engineer/surveyor. This adjustment shall not result in the creation of a greater number of parcels than originally existed.

A "Certificate of Lot Line Adjustment" form is enclosed for property owner/security holders signatures. After the signatures are secured this form shall be turned into the Planning Department for checking and my signature. When this has been done, you will be notified that the subject form is ready to be recorded.

If you have any questions, please contact this department at (209) 525-6330.

Sincerely,

Kirk Ford
Assistant Director

Enclosure

cc: DeMartini, Inc.
Nick and Els Blom

ATTACHMENT 2

Project Description

This project is a lot line adjustment between A.P.N. 017-051-064 (86.59 gross acres) owned by DeMartini, Inc. (Parcel 1) and 017-051-018 and 071 (36.42 gross acres), which is one legal parcel and owned by Nick and Els Blom (Parcel 2).

Parcel 1 is an almond orchard with a no structures and Parcel 2 is currently fallow. A T.I.D. canal bisects the Blom property creating a small, +/-4-acre area of land (017-051-018). At the completion of the Lot Line Adjustment this +/-4-acre parcel will transferred to Parcel 1 where it will then be more accessible for farming by owner of Parcel 1.

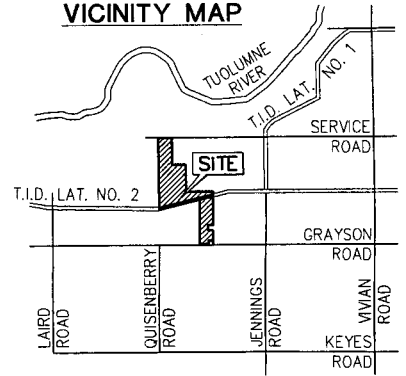
A.P.N. 017-051-064 (Parcel 1) is currently in the Williamson Act. The applicant will renew the contract with the additional property (A.P.N. 017-051-018). At the completion of this lot line adjustment Parcel 1 will have an adjusted area of 90.68 acres and Parcel 2 will have 32.33 acres.

Landowner Justification

- (1) None of the contracts are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, all contracts will be in force and effect for a period of at least 10 years.
- (2) The land currently under contract is 86.70 acres. After the lot line adjustment and inclusion of Parcel 2 in the Williamson Act, 90.81 acres will be under contract.
- (3) More property will be under Williamson Act contract at the conclusion of the Lot Line Adjustment.
- (4) Consistent with Section 51222, the adjusted parcels will be large enough to sustain their agricultural use.
- (5) Both parcels have been used for agricultural productivity in their current configuration for a long period of time. The new configuration, after adjustment, will in no way affect the long term agricultural productivity.
- (6) The parcels will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural productivity.
- (7) This lot line adjustment will not result in more parcels than currently exist, nor are they inconsistent with the General Plan.

As set forth previously, the properties will continue to be used for agricultural purposes, and in no way, will this lot line adjustment affect the agricultural viability of any parcels.

VICINITY MAP



MAP PREPARED BY
 GDR ENGINEERING, INC.
 P.O. BOX 1033
 CERES, CA 95307
 PH. : (209) 538-3360
 FAX : (209) 538-7370

OWNERS / APPLICANTS
 A.P.N. 017-051-064
 DEMARTINI, INC.
 5013 JENNINGS ROAD
 MODESTO, CA 95358
 PH. : (209) 525-4470
 A.P.N. 017-051-018 & 071
 NICK BLOM & ELS BLOM
 2613 ILLINOIS AVENUE
 MODESTO, CA 95358
 PH. : (209) 522-6140

SITE DATA:
 ZONING : A-2-40
 GENERAL PLAN : AGRICULTURE
 TOTAL AREA OF PROPERTY :
 123.11 GROSS ACRES
 SOIL TYPE : SANDY LOAM
 WATER TABLE DEPTH :
 GREATER THAN 10 FEET

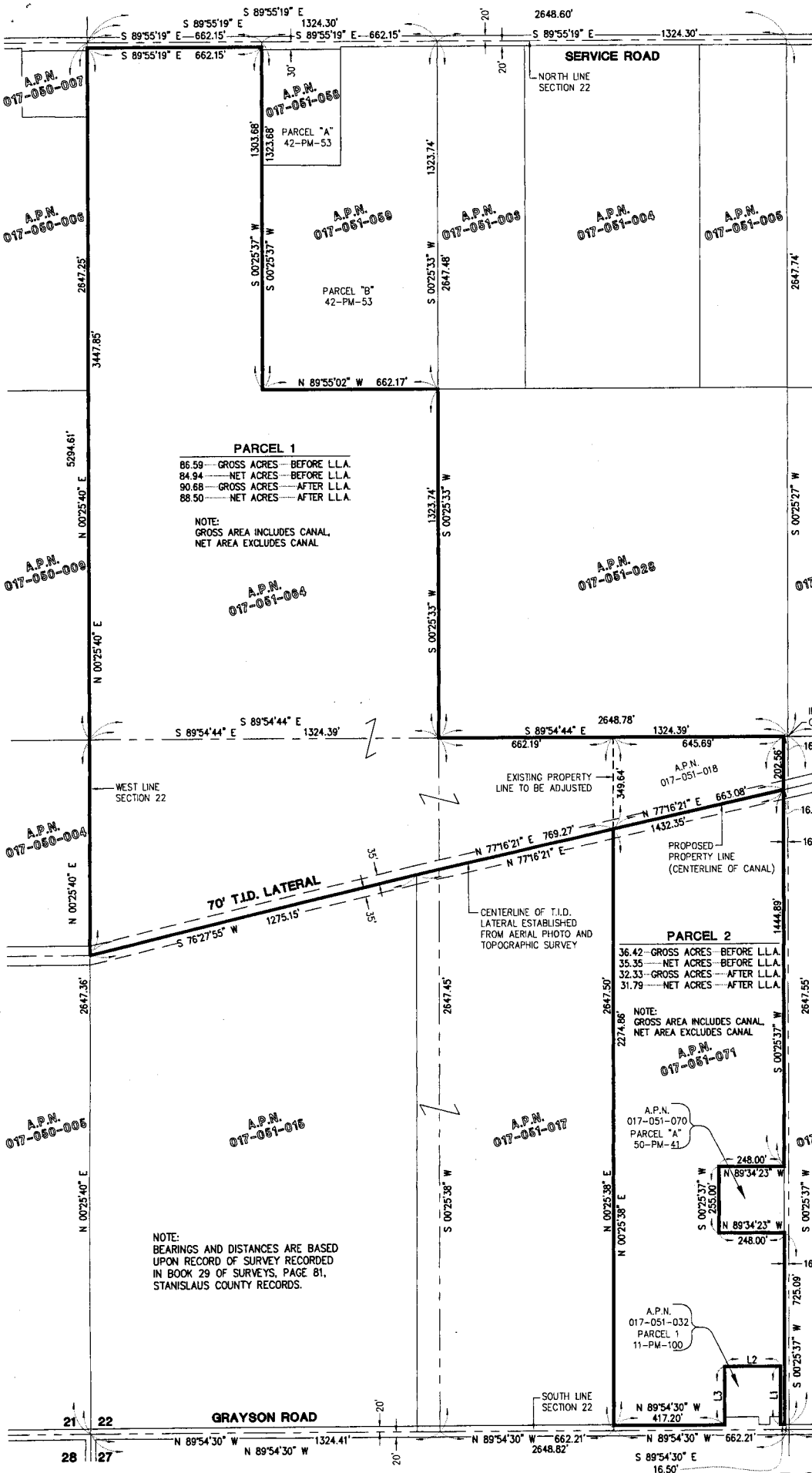


NOT TO SCALE

LINE	BEARING	DISTANCE
L1	S 00°25'37" W	221.00'
L2	S 89°54'30" E	212.00'
L3	S 00°25'37" W	221.00'



ATTACHMENT 4



PARCEL 1
 66.59 --- GROSS ACRES --- BEFORE L.L.A.
 64.94 --- NET ACRES --- BEFORE L.L.A.
 90.68 --- GROSS ACRES --- AFTER L.L.A.
 88.50 --- NET ACRES --- AFTER L.L.A.

NOTE:
 GROSS AREA INCLUDES CANAL,
 NET AREA EXCLUDES CANAL

PARCEL 2
 36.42 --- GROSS ACRES --- BEFORE L.L.A.
 35.35 --- NET ACRES --- BEFORE L.L.A.
 32.33 --- GROSS ACRES --- AFTER L.L.A.
 31.79 --- NET ACRES --- AFTER L.L.A.

NOTE:
 GROSS AREA INCLUDES CANAL,
 NET AREA EXCLUDES CANAL

NOTE:
 BEARINGS AND DISTANCES ARE BASED
 UPON RECORD OF SURVEY RECORDED
 IN BOOK 29 OF SURVEYS, PAGE 81,
 STANISLAUS COUNTY RECORDS.

LOT LINE ADJUSTMENT

BEING A PORTION OF THE WEST HALF OF SECTION 22,
 TOWNSHIP 4 SOUTH, RANGE 8 EAST, M. D. B. & M.
 COUNTY OF STANISLAUS, STATE OF CALIFORNIA
 OCTOBER, 2007

EXHIBIT "C"

GDR ENGINEERING, Inc.
 ENGINEERING/SURVEYING/PLANNING
 2525 MITCHELL ROAD, SUITE G CERES, CA 95307
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
 E-MAIL: gdr@gdrengineering.com

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Stanislaus County
Department of Planning
and Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2007-0144228-00

Acct 127-Planning - Special Rec
Friday, NOV 30, 2007 08:40:38
Ttl Pd \$52.00 Nbr-0002446212
BOT/R2/1-16

BOARD OF SUPERVISORS
2007 DEC 11 P 3:00

Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on October 31, 2007 approved the lot line adjustment herein described submitted under the name of DeMartini / Blom Lot Line Adjustment No. 2007-35 was approved to adjust the lines between contiguous parcels whereby the boundary lines of the real property described as Exhibit "A", attached hereto and made a part hereof, will be adjusted to result in parcels described in Exhibit "B", also attached and incorporated herein. The approved lot line adjustment shall not result in the creation of a greater number of parcels than originally existed. The above described lot line adjustment shall be reflected in a deed which shall be recorded as required by Section 66412 (d) of the California Government Code.

RON E. FREITAS, DIRECTOR

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

By: Carole Maben
Carole Maben, Associate Planner
Stanislaus County Department of Planning
and Community Development

November 26, 2007
Date

16
07

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2007-35

DeMARTINI / BLOM - GDR

PLANNING DEPARTMENT

1. Following Staff approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
2. A deed shall be prepared and recorded for all parcels which reflect the lot line adjustment.
3. A Record of Survey shall be filed if required by Section 8762 of the Business and Professions Code.
4. Payment of \$50.00 shall be received by Stanislaus County Planning & Community Development Department for recording fees.
5. Because one of the parcels is currently covered by Williamson Act Contract, this contract must be rescinded and replaced with a new contract for the new parcel. The Board of Supervisors MUST approve the new contract as Per Section 51257 of the Government Code:

To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. (Govt. Code §51222. ... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land)
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2007-35

DeMARTINI / BLOM - GDR

Page 2

(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

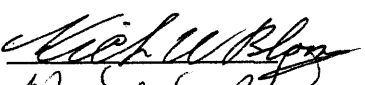
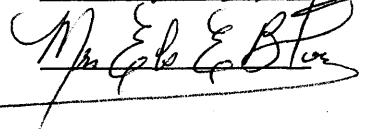
You must provide written evidence to support the seven findings listed above.

NOTE: A record of survey would be very helpful in documenting this lot line adjustment, to accommodate any future transaction involving your property

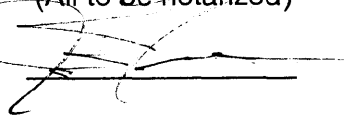
.....

LOT LINE NO. 2007-35

OWNERS:

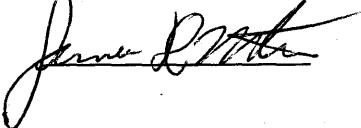
NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Nick W. Blom</u>	<u></u>	<u>11-6-07</u>	<u>Modesto</u>
<u>Els E Blom</u>	<u></u>	<u>11-7-07</u>	<u>Modesto</u>
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Rosemead Land Bank, FLCA</u> <u>James T. Memmers</u>	<u></u>	<u>11-6-07</u>	<u>Modesto</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2007-35

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>JAMES DeMARTINI</u>	<u></u>	<u>11-9-07</u>	<u>Modesto</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ACKNOWLEDGMENT

State of California
County of Stanislaus

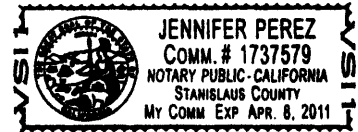
On November 6, 2007 before me, Jennifer Perez, A Notary Public,
(here insert name and title of the officer)

personally appeared James T Nemmers and Nick W Blom

personally known to me (or proved to me on the basis of satisfactory evidence) to be
the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and
acknowledged to me that ~~he~~ she ~~or~~ they executed the same in ~~his~~ her ~~or~~ their authorized
capacity(ies), and that by ~~his~~ her ~~or~~ their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jennifer Perez



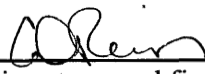
(Seal)

GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

NAME OF NOTARY Jennifer Perez
COMMISSION NO. 1737579
DATE COMMISSION EXPIRES April 8, 2011
PLACE OF EXECUTION Stanislaus County

November 27, 2007
(Date)



(Signature and firm name if any)
Stanislaus County Planning &
Community Development Dept.

ACKNOWLEDGMENT

State of California
County of Stanislaus

On November 7, 2007 before me, Jennifer Perez, A Notary Public,
(here insert name and title of the officer)

personally appeared Els E. Blom

personally known to me (or proved to me on the basis of satisfactory evidence) to be
the person(s) ~~whose name(s) is/are~~ subscribed to the within instrument and
acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized
capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Jennifer Perez




(Seal)

GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

NAME OF NOTARY Jennifer Perez
COMMISSION NO. 1737579
DATE COMMISSION EXPIRES April 8, 2011
PLACE OF EXECUTION Stanislaus County

November 27, 2007
(Date)



(Signature and firm name if any)
Stanislaus County Planning &
Community Development Dept.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus

On November 9, 2007 before me, Deborah J. Deal, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared James De Martini,
Name of Signer(s)

personally known to me - or - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS by hand and official seal.

Deborah J. Deal
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Certificate of Hot Line Adjustment

Document Date: _____ Number of Pages: _____

Other: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
- Partner - Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Right Thumbprint of Signer
Top of thumb here

Signer's Name: _____

- Individual
- Corporate Officer
- Title(s): _____
- Partner - Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Right Thumbprint of Signer
Top of thumb here

Signer is Representing: _____


Signer is Representing: _____

GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

NAME OF NOTARY Deborah J. Deal
COMMISSION NO. 1596818
DATE COMMISSION EXPIRES July 23, 2009
PLACE OF EXECUTION Stanislaus County

November 27, 2007
(Date)



(Signature and firm name if any)
Stanislaus County Planning &
Community Development Dept.

EXHIBIT "A"

Lot Line Adjustment for DeMartini and Blom Properties Legal Description of Properties Before Lot Line Adjustment

Parcel 1 (DeMartini):

BEGINNING at the northwest corner of said Section 22 and running; thence South 89°55'30" East, 662.14 feet along the section line to the northwest corner of Parcel "A" as designated and delineated upon Parcel Map filed in Book 42 of Parcel Maps at Page 53, Stanislaus County Records. Thence South 00°25'36" West, 1,323.79 feet along the west line of Parcels "A" and "B" of said Parcel Map to the southwest corner of said Parcel "B"; thence South 89°55'02" East, 662.27 feet to the southeast corner of said Parcel "B" and the west 1/16 section line of said Section 22; thence South 00°25'16" West, 1,323.64 feet along the west 1/16 line of the center 1/4 section line of said Section 22; thence South 89°55'00" East, 655.21 feet along said center 1/4 section line to the northwest corner of Mattie Passalaqua Lands as called for by Deed recorded as Instrument Number 88-083809. Thence South 00°25'55" West, 304.32 feet along the west line of said Passalaqua Lands to the centerline of the existing TID Lateral; thence South 73°52'51" West, 774.58 feet along the centerline of said TID Lateral to the east line of Demergasso Ranches, Inc. as called for in Deed recorded as Instrument Number 82-44892. Thence South 76°28'11" West, 1,275.15 feet along said centerline of TID Lateral to the west line of said Section 22; thence along the west line of said Section 22, North 00°25'56" East, 3,467.92 feet to the northwest corner of said Section 22 and the POINT OF BEGINNING of this description.

APN: 017-510-064

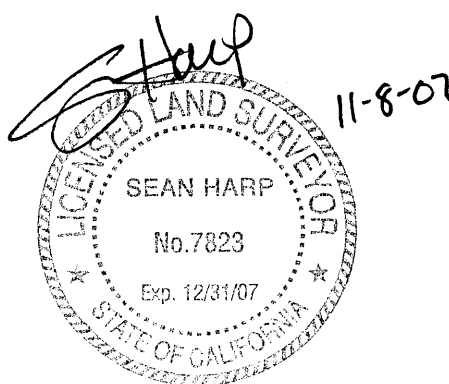


EXHIBIT "A"

Lot Line Adjustment for DeMartini and Blom Properties Legal Description of Properties Before Lot Line Adjustment

Parcel 2 (Blom):

Real property in the unincorporated area of the County of Stanislaus, State of California, described as follows:

The East half of the East half of the Southwest Quarter of Section 22, in Township 4 South, Range 8 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM, the East 16 ½ feet thereof.

ALSO EXCEPTING, Parcel 1 of Parcel Map recorded July 21, 1971, in Book 11 of Parcel Maps, Page 100, Stanislaus County Records.

ALSO EXCEPTING Parcel A of Parcel Map recorded August 16, 2000, in Book 50 of Parcel Maps, Page 41, Stanislaus County Records.

APN: 017-051-071 and 017-051-018

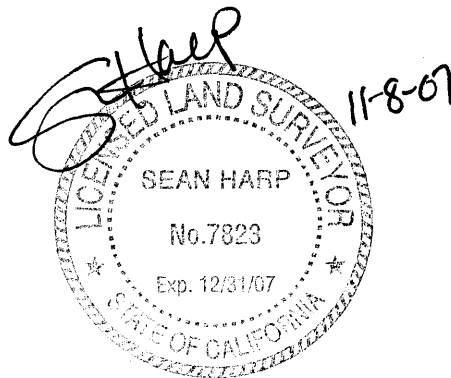


EXHIBIT "B"

Lot Line Adjustment for DeMartini and Blom Properties Legal Description of Properties After Lot Line Adjustment

Parcel 1 (DeMartini):

Beginning at the northwest corner of said Section 22; thence along the north line of said Section 22, South 89°55'19" East, 662.15 feet to the northwest corner of Parcel "A" as designated and delineated upon the Parcel Map filed in Book 42 of Parcel Maps at Page 53, Stanislaus County Records; thence along the west line of Parcels "A" and "B" of said Parcel Map, South 00°25'37" West, 1,323.68 feet to the southwest corner of said Parcel "B"; thence along the south line of said Parcel "B", South 89°55'02" East, 662.17 feet to the southeast corner of said Parcel "B" and the west 1/16 section line of said Section 22; thence along said west 1/16 line, South 00°25'33" West, 1,323.74 feet to the east-west quarter section line of said Section 22; thence along said east-west quarter section line, South 89°54'44" East, 1307.89 feet to the northeast corner of the property conveyed to Nick and Els Blom by deed recorded December 30, 2005 as Document No. 0238619, Stanislaus County Records; thence along the east line of said Blom property, said east line being 16.50 feet west of the north-south quarter section line, South 00°25'37" West, 202.56 feet to the centerline of the existing 70-foot wide Turlock Irrigation District Lateral; thence along said centerline, South 77°16'21" West, 1,432.35 feet to the east line of Demergasso Ranches, Inc. as called for in the deed recorded as Instrument Number 82-44892, Stanislaus County Records; thence continuing along the centerline of said 70-foot wide Turlock Irrigation District Lateral, South 76°27'55" West, 1,275.15 feet to the west line of said Section 22; thence along the west line of said Section 22, North 00°25'56" East, 3,467.85 feet to the point of beginning.

Contains 90.68 gross acres, more or less.

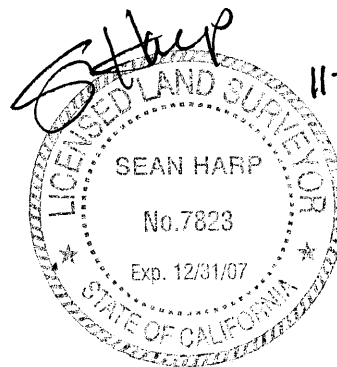


EXHIBIT "B"

Lot Line Adjustment for DeMartini and Blom Properties Legal Description of Properties After Lot Line Adjustment

Parcel 2 (Blom):

The East half of the East half of the Southwest quarter of Section 22, Township 4 South, Range 8 East, Mount Diablo Base and Meridian situate in the County of Stanislaus, State of California.

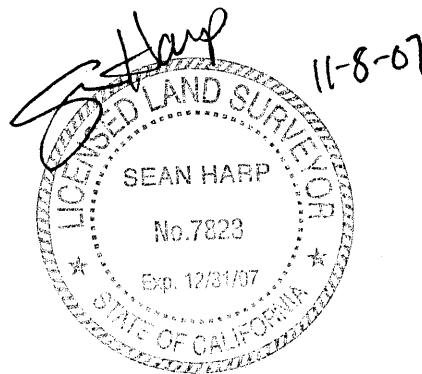
EXCEPTING THEREFROM, the East 16.50 feet.

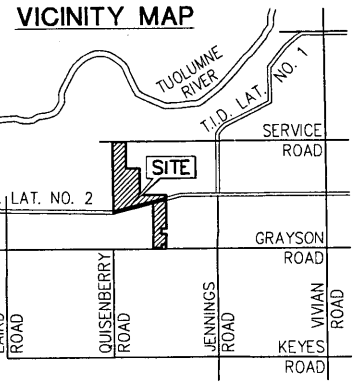
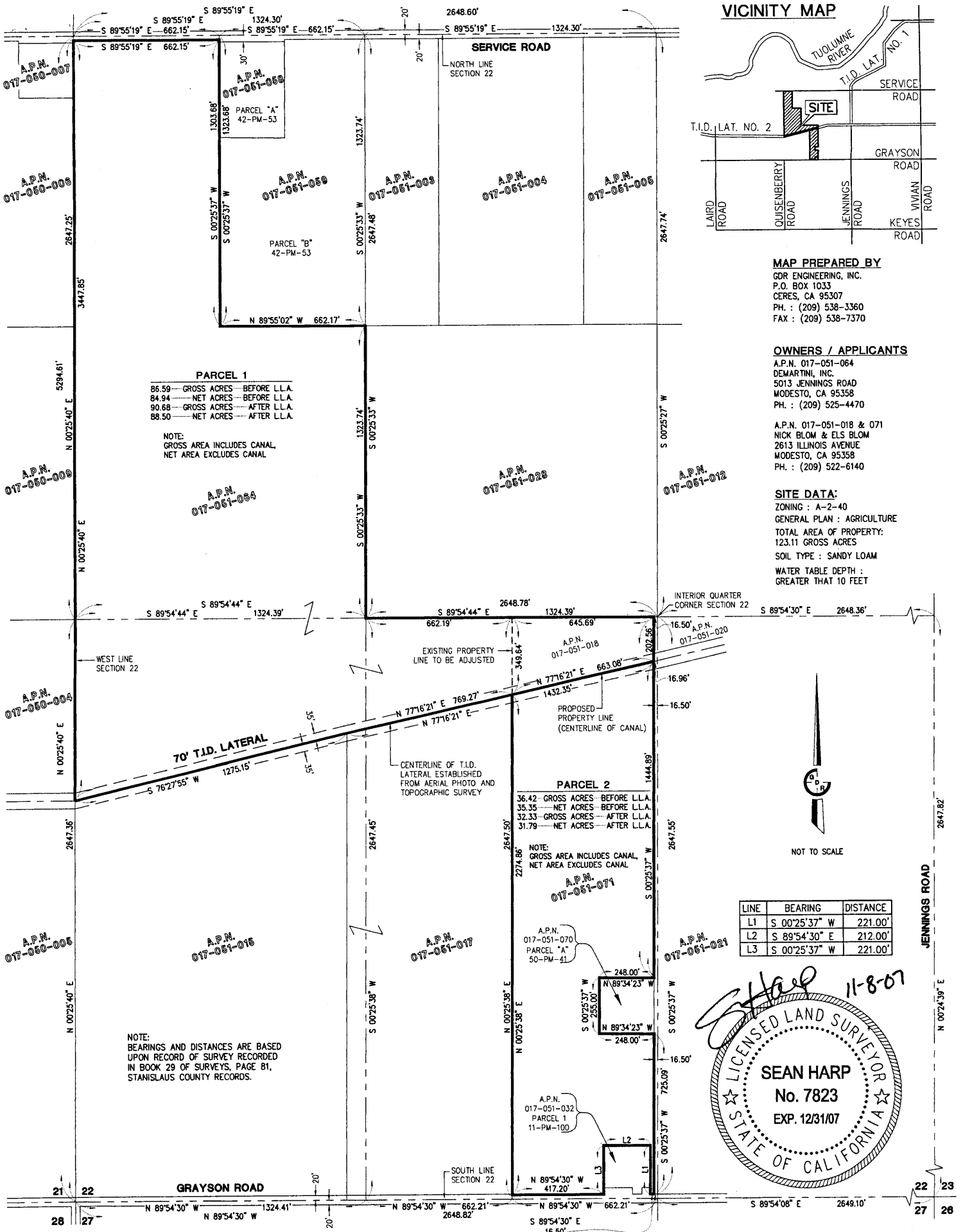
ALSO EXCEPTING THEREFROM, Parcel 1 of Parcel Map recorded July 21, 1971, in Book 11 of Parcel Maps, Page 100, Stanislaus County Records.

ALSO EXCEPTING THEREFROM, Parcel A of Parcel Map recorded August 16, 2000, in Book 50 of Parcel Maps, Page 41, Stanislaus County Records.

ALSO EXCEPTING THEREFROM that portion of said East half of the East half of the Southwest quarter of Section 22 lying northwesterly of the center line of the 70-foot wide existing Turlock Irrigation District Lateral

Contains 32.33 gross acres, more or less.





MAP PREPARED BY
 GDR ENGINEERING, INC.
 P.O. BOX 1033
 CERES, CA 95307
 PH. : (209) 538-3360
 FAX : (209) 538-7370

OWNERS / APPLICANTS
 A.P.N. 017-051-064
 DEMARTINI, INC.
 5013 JENNINGS ROAD
 MODESTO, CA 95358
 PH. : (209) 525-4470

A.P.N. 017-051-018 & 071
 NICK BLOM & ELS BLOM
 2613 ILLINOIS AVENUE
 MODESTO, CA 95358
 PH. : (209) 522-6140

SITE DATA:
 ZONING : A-2-40
 GENERAL PLAN : AGRICULTURE
 TOTAL AREA OF PROPERTY:
 123.11 GROSS ACRES
 SOIL TYPE : SANDY LOAM
 WATER TABLE DEPTH :
 GREATER THAN 10 FEET

LINE	BEARING	DISTANCE
L1	S 00°25'37" W	221.00'
L2	S 89°54'30" E	212.00'
L3	S 00°25'37" W	221.00'



LOT LINE ADJUSTMENT

BEING A PORTION OF THE WEST HALF OF SECTION 22,
 TOWNSHIP 4 SOUTH, RANGE 8 EAST, M. D. B. & M.
 COUNTY OF STANISLAUS, STATE OF CALIFORNIA



RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2007-0144229-00

Acct 127-Planning - Special Rec
Friday, NOV 30, 2007 08:40:42
Ttl Pd \$0.00 Nbr-0002446214
BOT/R2/1-8

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2007-14**

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into November 20, 2007, by and between the County of Stanislaus, a political subdivision of the State of California, hereinafter referred to as "County" and the undersigned landowners or the successors thereof, hereinafter referred to as "Owner" as follows:

The recitals and paragraphs 1 through 14, inclusive, of a certain Fictitious California Land Conservation Contract, recorded on February 1, 1979, as Instrument Number 48604, Book 3151, Page 132, in the Office of Recorder of the County of Stanislaus, State of California, are incorporated herein as if specifically set forth.

- (15) Owner and holders of security interests designate the following persons as the Agent for Notice to receive any and all notices and communications from County during the life of the Contract. Owner will notify County in writing of any change of designated persons or change of address for him.

DESIGNATED AGENT: DeMartini, Inc.
5013 Jennings Road
Modesto, CA 95357

- (16) Owner desires to place the following parcels of real property under Contract:

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
<u>017-051-064 & 017-051-018</u>	<u>90.68</u>	<u>Service Road, Modesto</u>

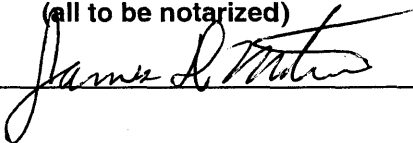
Pursuant to Stanislaus County Board of Supervisors Resolution No. 2007-914, relating to Lot Line Adjustment No. 2007-35 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 74-1752 which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

8
AT

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code - General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNER(S) NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
JAMES DeMARTINI		NOV 9, 2007	Modesto

SECURITY HOLDERS:


NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

EXHIBITS:

- (A) Legal description of Parcel covered under old contract
- (B) Legal description of newly configured Parcel covered under new contract
- (C) Board of Supervisors Action Item approving referenced rescission and new contract

COUNTY: Stanislaus County

NOVEMBER 27, 2007
Dated


Chairman, Board of Supervisors
Ron E. Freitas for

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus

On November 9, 2007 before me, Deborah J. Deal, Notary Public,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared James De Martini,
Name of Signer

personally known to me - **or** - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS by hand and official seal.

Deborah J. Deal
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Notice of Reversion Re-Entry, Williamson Act

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
- Title(s): _____
- Partner - Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer
- Title(s): _____
- Partner - Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____




Signer is Representing: _____

GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

NAME OF NOTARY Deborah J. Deal
COMMISSION NO. 1596818
DATE COMMISSION EXPIRES July 23, 2009
PLACE OF EXECUTION Stanislaus County

November 27, 2007
(Date)



(Signature and firm name if any)
Stanislaus County Planning &
Community Development Dept.

EXHIBIT "A"

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APN: 017-510-064

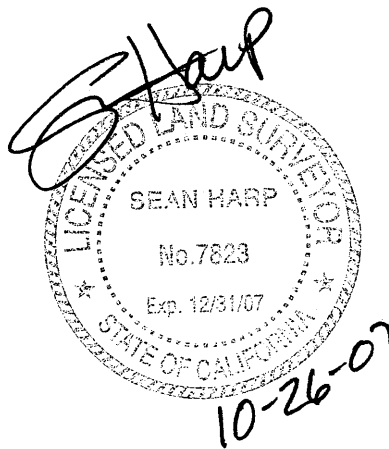


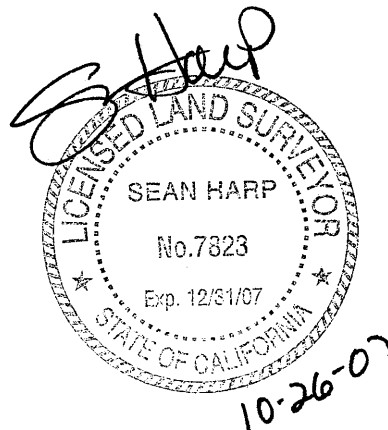
EXHIBIT "B"

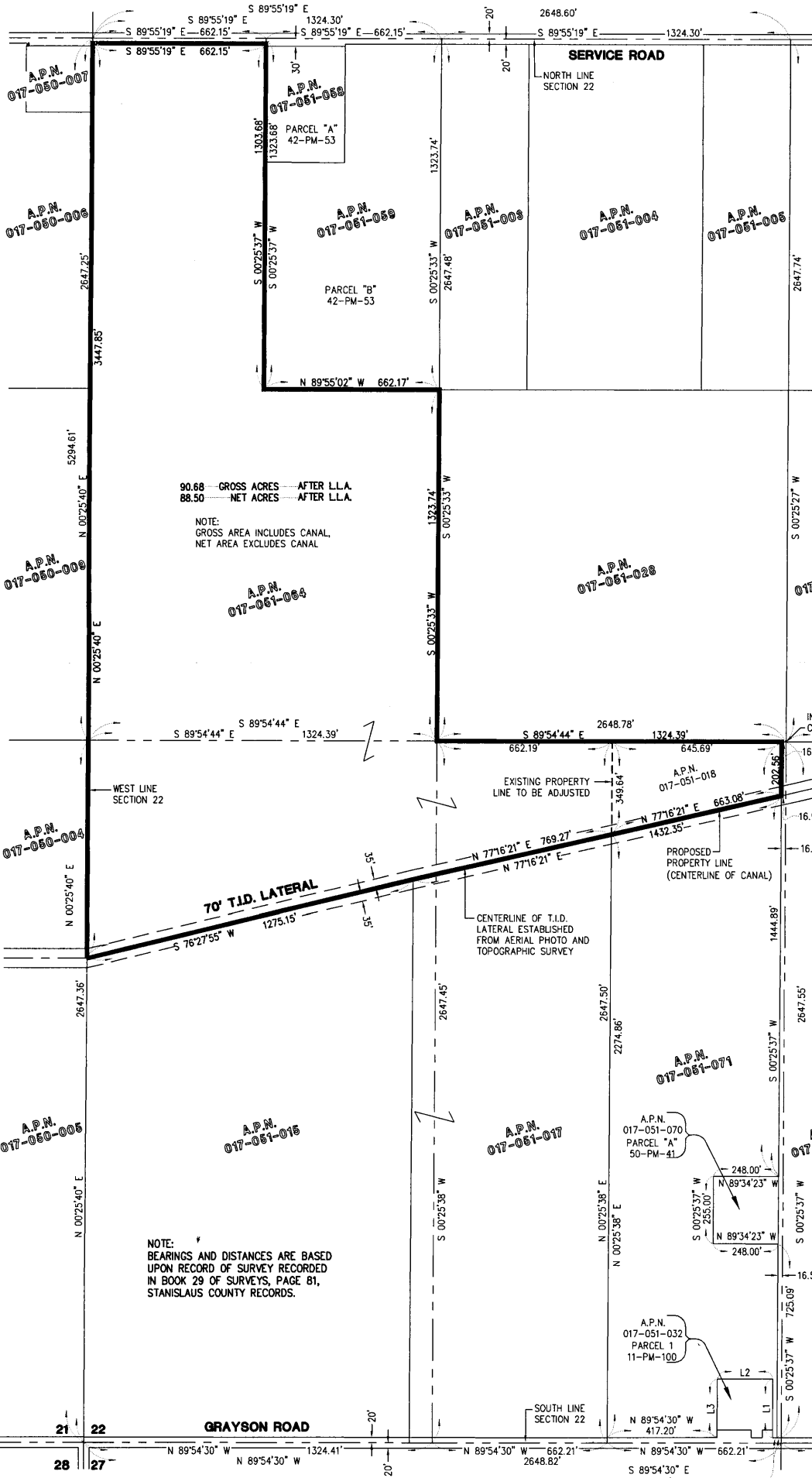
Lot Line Adjustment for DeMartini and Blom Properties Legal Description of Properties After Lot Line Adjustment

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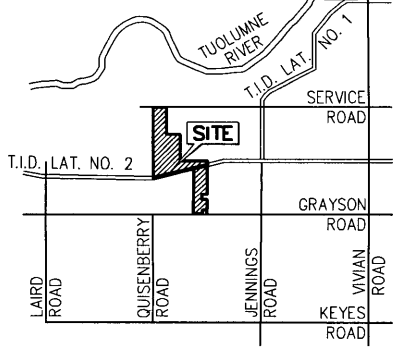
Beginning at the northwest corner of said Section 22; thence along the north line of said Section 22, South 89°55'19" East, 662.15 feet to the northwest corner of Parcel "A" as designated and delineated upon the Parcel Map filed in Book 42 of Parcel Maps at Page 53, Stanislaus County Records; thence along the west line of Parcels "A" and "B" of said Parcel Map, South 00°25'37" West, 1,323.68 feet to the southwest corner of said Parcel "B; thence along the south line of said Parcel "B", South 89°55'02" East, 662.17 feet to the southeast corner of said Parcel "B" and the west 1/16 section line of said Section 22; thence along said west 1/16 line, South 00°25'33" West, 1,323.74 feet to the east-west quarter section line of said Section 22; thence along said east-west quarter section line, South 89°54'44" East, 1307.89 feet to the northeast corner of the property conveyed to Nick and Els Blom by deed recorded December 30, 2005 as Document No. 0238619, Stanislaus County Records; thence along the east line of said Blom property, said east line being 16.50 feet west of the north-south quarter section line, South 00°25'37" West, 202.56 feet to the centerline of the existing 70-foot wide Turlock Irrigation District Lateral; thence along said centerline, South 77°16'21" West, 1,432.35 feet to the east line of Demergasso Ranches, Inc. as called for in the deed recorded as Instrument Number 82-44892, Stanislaus County Records; thence continuing along the centerline of said 70-foot wide Turlock Irrigation District Lateral, South 76°27'55" West, 1,275.15 feet to the west line of said Section 22; thence along the west line of said Section 22, North 00°25'56" East, 3,467.85 feet to the point of beginning.

Contains 90.68 gross acres, more or less.





VICINITY MAP



MAP PREPARED BY
 GDR ENGINEERING, INC.
 P.O. BOX 1033
 CERES, CA 95307
 PH. : (209) 538-3360
 FAX : (209) 538-7370

OWNERS / APPLICANTS
 A.P.N. 017-051-064
 DEMARTINI, INC.
 5013 JENNINGS ROAD
 MODESTO, CA 95358
 PH. : (209) 525-4470

SITE DATA:
 ZONING : A-2-40
 GENERAL PLAN : AGRICULTURE
 TOTAL AREA OF PROPERTY:
 123.11 GROSS ACRES
 SOIL TYPE : SANDY LOAM
 WATER TABLE DEPTH :
 GREATER THAN 10 FEET

90.68 GROSS ACRES AFTER L.L.A.
 88.50 NET ACRES AFTER L.L.A.

NOTE:
 GROSS AREA INCLUDES CANAL,
 NET AREA EXCLUDES CANAL

NOTE:
 BEARINGS AND DISTANCES ARE BASED
 UPON RECORD OF SURVEY RECORDED
 IN BOOK 29 OF SURVEYS, PAGE 81,
 STANISLAUS COUNTY RECORDS.

LINE	BEARING	DISTANCE
L1	S 00°25'37" W	221.00'
L2	S 89°54'30" E	212.00'
L3	S 00°25'37" W	221.00'



LOT LINE ADJUSTMENT

BEING A PORTION OF THE WEST HALF OF SECTION 22,
 TOWNSHIP 4 SOUTH, RANGE 8 EAST, M. D. B. & M.
 COUNTY OF STANISLAUS, STATE OF CALIFORNIA

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE November 20, 2007

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind All or a Portion of Williamson Act Contract No. 1974-1752 (W. Service Road, West of Jennings Road, in the Modesto Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-35 - DeMartini/Blom and Authorize the Planning Director to Execute a New Contract

STAFF RECOMMENDATIONS:

Approval and the establishment of the following findings:

1. The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(Continued on Page 2)

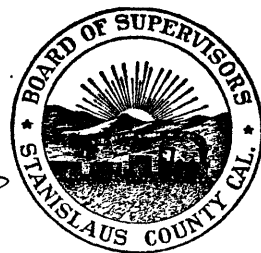
FISCAL IMPACT:

There are no fiscal impacts associated with this item.

I hereby certify that the foregoing is a full, true and correct copy of the Original entered In the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By *Suzi Gilbert*



BOARD ACTION AS FOLLOWS:

No. 2007-914

On motion of Supervisor Monteith, Seconded by Supervisor Grover and approved by the following vote,

Ayes: Supervisors: Mayfield, Grover, Monteith, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: DeMartini

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION: THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR AND PLACED ON NON-CONSENT

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.