

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE June 3, 2008

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. 1972-0619 (Lake Road, Southwest of La Grange) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-45, (Mooneyham) 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2008-406

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Grover

Abstaining: Supervisor: None

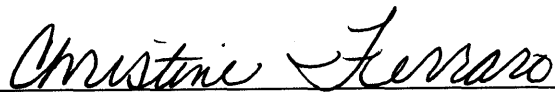
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1972-0619 (Lake Road, Southwest of La Grange) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-45 (Mooneyham) 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 adjust the boundaries of two parcels (29.82 acres and 81.74 acres) located southwest of La Grange, in the unincorporated area of Stanislaus County. Because one parcel is restricted by a Williamson Act contract (Contract No.1972-0619), approval of the lot line adjustment requires the County to rescind a portion of that Contract, and to reestablish a new contract pursuant to Section 51257 of the Government Code regulating Williamson Act contracts. The reason for the lot line adjustment is to square up both parcels by eliminating odd angles on both properties.

The following provides a summary of the action:

Parcel Owner	Assessor's Parcel Number(s)	Before Adjustment (Acres)	After Adjustment (Acres)	Williamson Act Contract
Mooneyham	020-008-028	81.74	82.85	YES
TID	020-008-15 (16)	29.82	28.71	NO

Approval to Rescind All or a Portion of Williamson Act Contract No. 1972-0619 (Lake Road, Southwest of La Grange) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-45 (Mooneyham) and Authorize the Planning Director to Execute a New Contract

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Only one of the two parcels is restricted by an existing Williamson Act Contract (Mooneyham's 81.74 acres). Four other parcels are also encumbered by the same contract, but are not a part of this Lot Line Adjustment. Turlock Irrigation District owns the other 29.82-acre non-Williamson Act parcel which is bisected by the canal. (The TID parcel is actually a single legal parcel with two Assessors Numbers assigned to it.)

The new contract would restrict the newly adjusted 82.85-acre parcel as required in Government Code Section 51257 and would increase the total acreage within the contracted area.

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 larger parcel. The proposed action would reestablish a new contract and would only affect a portion of the exiting contract.

Lot Line Adjustment Application 2007-45 was approved by staff pending the Board's action required by the Williamson Act.

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.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1972-0619 (Lake Road, Southwest of La Grange) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-45 (Mooneyham) and Authorize the Planning Director to Execute a New Contract

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(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. The applicant's acreage in his statement includes other property that is not involved in this lot line adjustment, but is under this same contract number.

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. 1972-0619 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.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1972-0619 (Lake Road, Southwest of La Grange) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2007-45 (Mooneyham) and Authorize the Planning Director to Execute a New Contract

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STAFFING IMPACT:

None.

ATTACHMENTS:

1. Lot Line Adjustment Application 2007-45
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Proposed Changes

I:\BOS\LotLineAdjustments\2007\LLA 2007-45 Mooneyham.wpd



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S	3	T	4	R	13
ZONE	A-2-40				
RECEIVED	11-21-07 <i>dw</i>				
APPLICATION NO.					
RECEIPT NO.	10785				
<i>WN Act 72-0619</i>					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Turlock Irrigation District

Name
P. O. Box 949, Turlock, CA 95381-949

Address, City, Zip
(209) 883-8203

Phone
(209) 656-2180

Fax Number

Parcel 2

Scott Mooneyham

Name
P. O. Box 601, Turlock, CA 95381-601

Address, City, Zip
(209) 668-0750

Phone
XXXXXXXXXXXXXX

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: Dave Falkenberg, P. O. Box 949, Turlock, CA 95381-949

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

Parcel 1: Book <u>20</u> Page <u>08</u> No. <u>15&16</u>	Parcel 2: Book <u>20</u> Page <u>08</u> No. <u>28</u>
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>29.82</u>	<u>28.71</u>
Parcel 2:	<u>81.74</u>	<u>82.85</u>
Parcel 3:	<u> </u>	<u> </u>
Parcel 4:	<u> </u>	<u> </u>

5. Why are the lot lines being changed? BE SPECIFIC The Lot lines are being changed to square up both parcels eliminating the 5 westerly and southerly angles of the property line, thus reducing the total length of fencing needed to fence both properties.

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

- Residential
 - Single Family
 - Duplex
 - Multiple
 - Commercial
 - Industrial
 - Other (Specify) _____
- Agriculture
 - Row Crop – type _____
 - Trees – type _____
 - Vines – type _____
 - Range (unirrigated) _____
 - Pasture (irrigated) _____
 - Poultry _____
 - Dairy _____
 - Other (Specify) _____

7. List all structures on properties: None

8. How have these parcels been utilized in the past, if different than current use? The current use has been range land and will continue to be range land

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

Parcel 1: Jan, 1910 & 1911 Parcel 2: Oct, 2005
 Parcel 3: _____ Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: No Contract Parcel 2: 72-0619
 Parcel 3: _____ Parcel 4: _____

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

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

13. Signature of property owner(s) *D.F. for T.I.D.* Dave Falkenberg, T. I. D.
 Owner's Signature Owner's Name Printed

Scott Mooneyham Scott Mooneyham
 Owner's Signature Owner's Name Printed

 Owner's Signature Owner's Name Printed

 Owner's Signature Owner's Name Printed



January 22, 2008

Scott Mooneyham
P.O. Box 601
Turlock, CA 95381

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2007-45
SCOTT MOONEYHAM**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **December 13, 2007**, and has tentatively approved your request, subject to the attached conditions.

We did receive the "Certificate of Lot Line Adjustment" form with property owners signatures and new property descriptions. Since the project has a Williamson Act Contract we need the enclosed rescission and simultaneous re-entry into the California Land Conservation Contract information and form filled out and signed. This information is needed for the Board of Supervisors to approve the rescission and re-entry into a new Williamson Act Contract. 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,

Bill Carlson
Senior Planner

Enclosure

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2007-45

SCOTT MOONEYHAM

PLANNING DEPARTMENT

1. Payment of \$50.00 shall be received by Stanislaus County Planning & Community Development Department for recording fees.
2. Because all parcels are currently covered by Williamson Act Contracts, all contracts must be rescinded and replaced with new contracts for the new parcels. The Board of Supervisors MUST approve the new contracts 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.

(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

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APPLICANT STATEMENT
Project Description and Landowner Justification

This Project is a lot line adjustment between Assessors Parcel No. 028-008-015 & 16 owned by Turlock Irrigation District (District), Owner 1 and Parcel No. 020-008-028 (81.57- acres) owned by Scott Mooneyham, Owner 2.

As part of the survey work performed in 1982 and filed for record March 15, 1982 in Book 15 of Surveys at Page 98, Stanislaus County Records, it was agreed upon that the existing and long-standing fence between the parcels of the Owner 1 and Owner 2 would become the new boundary line between the two parcels. After the recording of the Record of Survey, a Grant Deed was recorded for Parcel No. 020-008-028, but not for Assessors Parcel No. 028-008-015 & 16.

In 2005 owner 2, Scott Mooneyham purchased Parcel No. 020-008-028 and inquired with the District about purchasing District parcel 028-008-015. The District's Board of Directors rejected the request to sell the whole parcel, but agreed by Resolution 2006-38 (see attached copy) to a property line adjustment that would eliminate the angles in the westerly fence line between these two parcels that would reduce the District's acreage approximately 1-acre.

At the completion of this lot line adjustment, the District Parcel 1 will have an adjusted area of 28.7- acres, while the Mooneyham Parcel 2 adjusted acreage will be 82.9-acres. Only Parcel 2 is currently enrolled in the Williamson Act.

Government Code Section 51257 contains seven findings to be made related to lot line adjustments under contract of the Williams Land Act. These findings are;

1. At this time Parcel 2 is not subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, the contract for Parcel 2 will continue to be in force and effect for a period of at least 10 years.
2. The land currently under contract of Parcel 2 is 81.57 acres. After the lot line adjustment an additional 1.2-acres will be added to the contract for a total of 82.9-acres under contract.
3. The amount of land changing hands is less than 0.5% of the area of the smallest parcel. As such, more than 100% of the land under the former contract of Parcel 2 will remain within contract. In addition, as set forth above in finding (2), the entire amount of land included within this lot line adjustment will continue to remain under Williamson Act Contract.

4. Consistent with Section 51222, Parcel 2 will be larger than the 40-acre minimum for non-prime farmland before and after the lot line adjustment. The subject properties are both identified as non prime farmland by the Natural Resource Conservation Service Farmland mapping Program.
5. Neither of these parcels have been used for agricultural productivity in their current configuration for a long time. The new lot configuration, after adjustment, will recognize an existing fence location. The moving of the lot line to add 1.2-acres to an existing 81.7- acre parcel and remove 1.2 acres from 29.8-acre parcel will in no way affect the long term agricultural productivity of either of the parcels.
6. Parcel 2 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 purposes.
7. The two parcels currently exist and after the lot line adjustment two parcels will continue to exist. Neither parcel is currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.

In conclusion, the lot line adjustment is nothing more than the movement of a lot line to remove the angles of the westerly fence line. As set forth previously, the properties will continue to be used for "non-prime" agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of either parcel.

EXHIBIT "C"

PARCEL "A"
39 - PM - 91

S 89° 55' 18" E 1,100.00'

APN
20-08-16

MAIN

T.I.D.

APN
20-08-15
PARCEL - 28.7 ACRES ±
INCLUDING CANAL

APN
20-08-28

MOONEYHAM
PARCEL - 82.9 ACRES ±

30 - S - 55

ALL BEARINGS & DISTANCES ARE
PER OR CALCULATED FROM RECORDS



*Roger L. Gregg
Exp: 12/31/09*

CANAL

SCALE 1" = 400'

OWNER: APN 20-08-15 & 16
TURLOCK IRRIGATION DISTRICT
ADDRESS: P.O. BOX 949
TURLOCK, CA 95381
PHONE: (209) 883-8203

OWNER: APN 20-08-28
SCOTT AND JANE MOONEYHAM
ADDRESS: P.O. BOX 601
TURLOCK, CA 95381
PHONE: (209) 216-7523

ENGINEER: ROGER L. GREGG
ADDRESS: 628 CRANE AVE.
TURLOCK, CA 95380
PHONE: (209) 632-2217

LANDS OF ALVARADO
INST. No. 2005-0196246
S.C.R.

TENTATIVE PROPERTY LINE ADJUSTMENT MAP
TURLOCK IRRIGATION DISTRICT - MOONEYHAM
A PORTION OF SECTION 3 AND 10, T 4 S., R 13 E., M.D.M
STANISLAUS COUNTY CALIFORNIA
ROGER L. GREGG, CIVIL ENGINEER - SURVEYOR, INC
628 CRANE AVENUE, TURLOCK, CALIFORNIA (209) 632-2217

JOB NO.:	
DR. BY: D. FALKENBERG	
CK. BY: R. GREGG	
DATE: 11-7-2007	
SHEET NO.	1
OF 1 SHEETS	



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0063494-00

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

Acct 127-Planning - Special Rec
Thursday, JUN 12, 2008 08:13:49
Ttl Pd \$34.00 Nbr-0002553666
OCE/R2/1-10


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 January 22, 2008 approved the lot line adjustment herein described submitted under the name of Scott Mooneyham Lot Line Adjustment No. 2007-45 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.

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.

KIRK FORD, INTERIM DIRECTOR

By: 
Bill Carlson, Senior Planner
Stanislaus County Department of Planning
and Community Development

6/10/08
Date

05
10

LOT LINE NO. 2007-45

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Scott Mooneyham</u>	<u><i>Scott Mooneyham</i></u>	<u>1-18-08</u>	<u>Turlock</u>
<u>Jane M. Mooneyham</u>	<u><i>Jane M. Mooneyham</i></u>	<u>1-18-08</u>	<u>Turlock</u>
<u>Dave Falkenberg Turlock Irrigation Dist.</u>	<u><i>DF</i></u>	<u>12-20-2007</u>	<u>TURLOCK</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2007-45

SECURITY HOLDERS:

OWNERS:

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

ACKNOWLEDGMENT


State of California
County of Stanislaus)

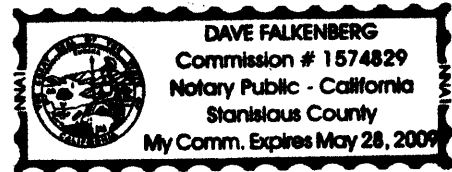
On January 18, 2008 before me, Dave Falkenberg, Notary Public
(insert name and title of the officer)

personally appeared Scott Mooneyham & Jane M. Mooneyham,
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of STANISLAUS

On December 20, 2007 before me, Carla E. Couto, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Dave Falkenberg
Name(s) 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.



Place Notary Seal Above

WITNESS my hand and official seal.

Signature Carla E. Couto
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 Compliance - Lot Line Adjustment

Document Date: December 20, 2007 Number of Pages: 1

Signer(s) Other Than Named Above: Scott Mooneyham & Jane M. Mooneyham

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: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

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: _____

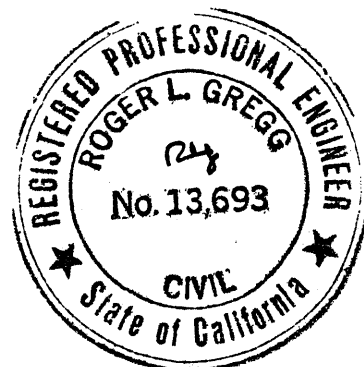
EXHIBIT A
MOONEYHAM PARCEL
Existing parcel before Property Line Adjustment

All that certain real property in the Unincorporated Area, County of Stanislaus, State of California, described as follows:

All that certain piece or parcel of land, situate in and being a portion of Sections 3 and 10, Township 4 South, Range 13 East, Mount Diablo Base and Meridian, more particularly described as follows:

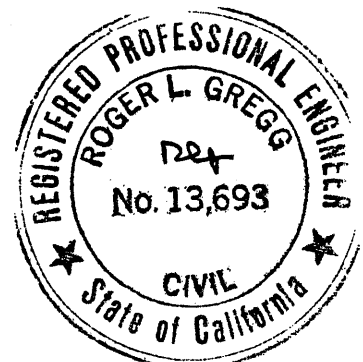
Beginning at the Southwest corner of the Southeast one-quarter of aforesaid Section 3; thence South 0° 32' 30" West, a distance of 251.20 feet to a point on the Northerly line of a 60-foot wide County Road known as Lake Road; thence North 78° 44' 45" East along said Northerly line, a distance of 1,434.77; thence North 0° 05' 45" West, a distance of 1,931.12 feet to a point on the Southerly right-of-way of the Turlock Irrigation District's Inlet Canal; thence along said Southerly right-of-way the following twelve (12) courses:
South 45° 44' 16" West a distance of 122.40 feet;
South 54° 31' 46" West a distance of 171 .52 feet;
South 63° 09' 16" West a distance of 102.00 feet;
South 0° 04' 00" West a distance of 785.58 feet;
North 89° 56' 00" West a distance of 771.34 feet;
North 44° 56' 00" West a distance of 110.23 feet;
South 89° 49' 00" West a distance of 315.00 feet;
North 51° 09' 43" West a distance of 294.30 feet;
North 57° 09' 06" East a distance of 372.20 feet;
North 0° 04' 00" East a distance of 396.19 feet;
North 79° 26' 00" West a distance of 451.72 feet;
South 81° 42' 00" West a distance of 553.39 feet;
Thence South 0° 16' 00" West a distance of 1,806.53 feet to a point on the South line of aforementioned Section 3; thence South 89° 59' 53" East along the South line of Section 3 a distance of 997.96 feet to the point of beginning.

Pursuant to Certificate of Compliance recorded August 26, 1982 in Book 3589, Page 66, Official Records.



Roger L. Gregg
08/26/09

thence South 0° 12' 49" West, along the east line of Parcel A and Parcel B as shown on said Parcel Map, a distance of 1,808.35 feet more or less to the southeast corner of Parcel B and the intersection of the south line of Section 3; thence North 89° 59' 08" East, along the south line of said Section 3, a distance of 999.25 feet more or less to the point of beginning and the end of this description.



Roger L. Gregg
02/12/09

EXHIBIT A
TURLOCK IRRIGATION DISTRICT PARCEL
Existing parcel before Property Line Adjustment

All that certain real property situate in the Unincorporated Area, County of Stanislaus, State of California, described as follows:

All that certain parcel of land described in that certain Grant Deed, from Ellen Rairden to the Turlock Irrigation District, filed for record January 17, 1910 in Volume 134 of Deeds at Page 409, said parcel situate in and being a portion of Section 3, Township 4 South, Range 13 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at a point 2,100.0 feet north of the quarter Section corner on the south boundary of said Section 3, Township 4 South, Range 13 East, Mount Diablo Base and Meridian, thence South, a distance of 800.0 feet; thence South 45° East, a distance of 423.9 feet; thence East 800.0 feet; thence North 1,100.0 feet; thence West 1,100.0 feet to the point of beginning.

TOGETHER WITH all that parcel of land described in that certain Grant Deed, from Ellen Rairden to the Turlock Irrigation District filed for record January 23, 1911 in Volume 143 of Deeds at Page 197, said parcel situate in and being a portion of Section 3, Township 4 South, Range 13 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at a point 1,466.0 feet north of the quarter corner on the south boundary of said Section 3 Township 4 South, Range 13 East, Mount Diablo Base and Meridian Running, thence South 58° 04' West, a distance of 372.2 feet; thence South 49° 12' East, a distance of 294.3 feet; thence North 89° 45' East, a distance of 316.2 feet, thence North 45° West, a distance of 313.2 feet; thence North 156.0 feet to the point of beginning.

*Page 2 of 4
6/12/13*



EXHIBIT B
MOONEYHAM PARCEL
Adjusted parcel after Property Line Adjustment

All that certain real property in the unincorporated area in the County of Stanislaus, State of California, described as follows:

All that certain real property, situate in and being a portion of Sections 3 and 10, Township 4 South, Range 13 East, Mount Diablo Meridian, and shown on that certain map filed for record August 10, 2007 in Book 30 of Surveys at Page 55, Instrument No. 2007-0103392 Stanislaus County Records, more particularly described as follows:

Beginning at the south quarter corner of aforesaid Section 3, thence South 0° 32' 30" West, along the west line of the northeast quarter of Section 10 a distance of 250.30 feet more or less to a point on the northerly line of Lake Road, a 60-foot wide County Road; thence North 78° 44' 17" East, along said northerly line of Lake Road, a distance of 1,435.29 feet more or less to the southwest corner of the lands of Alvarado, as described in that certain Grant Deed filed for record October 26, 2005 as Instrument No. 2005-0196246 Stanislaus County Records; thence departing said northerly line of Lake Road, North 0° 06' 19" West, along the west line of the lands of Alvarado, a distance of 1,931.12 feet more or less to a point on the southerly line of the Turlock Irrigation District's Main Canal; thence along the southerly line of said Turlock Irrigation District's Main Canal the following three courses;

South 45° 51' 41" West, a distance of 123.01 feet;

Thence South 54° 30' 02" West, a distance of 171.52 feet;

Thence South 63° 07' 32" West, a distance of 98.89 feet;

Thence departing said southerly line of the Turlock Irrigation District's Main Canal, South 1° 11' 45" East, a distance of 771.19 feet; thence South 89° 15' 15" West, a distance of 1,093.88 feet; thence North 0° 25' 08" West, a distance of 858.33 feet, to the southerly line of said Turlock Irrigation District's Main Canal; thence along the southerly line of said Turlock Irrigation District's Main Canal the following two courses;

North 79° 32' 06" West, a distance of 459.16 feet;

Thence South 81° 39' 45" West, a distance of 548.42 feet more or less to the northeast corner of Parcel A, as said parcel is shown on that certain map filed for record November 21, 1984 in Book 35 of Parcel Maps at Page 93, Stanislaus County Records;

EXHIBIT B

TURLOCK IRRIGATION DISTRICT PARCEL Adjusted parcel after Property Line Adjustment

All that certain real property situate in the Unincorporated Area, County of Stanislaus, State of California, described as follows:

All that certain real property situate in Section 3, Township 4 South, Range 13 East, Mount Diablo Meridian, and shown on that map filed for record August 10, 2007 in Book 30 of Surveys at Page 55 Stanislaus County Records, more particularly described as follows:

Commencing at the interior quarter corner of said Section 3, thence South 0° 04' 42" West, along the north-south quarter line of Section 3, a distance of 541.22 feet to a point on the southerly line of Parcel A, as said parcel is shown on that certain map filed for record August 21, 1987 in Book 39 of Parcel Maps at Page 91, Stanislaus County Records, said point being the **True Point of Beginning** of this description; thence South 89° 55' 18" East, along the south line of said Parcel A, a distance of 1,100.00 feet; thence South 0° 04' 42" West, a distance of 151.60 feet more or less to a point on said north line of the Turlock Irrigation District's Main Canal; thence South 4° 31' 01" West, a distance of 216.56 feet more or less to a point on the south line of said Turlock Irrigation District's Main Canal; thence South 1° 11' 45" East, a distance of 771.19 feet more or less to the southeast corner of the parcel of land noted as "T.I.D. Exception" as shown on the above-described Survey Map; thence South 89° 15' 15" West, along the south line and the westerly projection of said T.I.D. exception, a distance of 1,093.88 feet; thence North 0° 25' 08" West, along the southerly extension of the westerly north-south and westerly line of said T.I.D. exception, a distance of 858.33 feet more or less to a point on the south line of the Turlock Irrigation District's Main Canal; thence North 0° 18' 38" East, a distance of 203.75 feet more or less to a point on the north line of said Turlock Irrigation District's Main Canal, said point also being a southerly corner of above-described Parcel A; thence North 0° 04' 42" East, along the north-south quarter line of said Section 3 a distance of 92.20 feet, more or less to the point of beginning and the end of this description.

R. L. Gregg
EX 1731 2/1/09



EXHIBIT " B "

SCALE 1" = 400'



SEC. 3 SEC. 2

E 1/4 Cor.
Section 3.

Interior 1/4 Cor.
Section 3.

PARCEL "A"
39 - PM - 91

CANAL



Roger L. Gregg
11/7/2007

200'

T.I.D.

MAIN

T.I.D.

APN 20-08-15
PARCEL - 28.7 ACRES ±
INCLUDING CANAL

PROPOSED NEW
PROPERTY LINE

OWNER: APN 20-08-15 & 16
TURLOCK IRRIGATION DISTRICT
ADDRESS: P.O. BOX 949
TURLOCK, CA 95381
PHONE: (209) 883-8203

OWNER: APN 20-08-28
SCOTT AND JANE MOONEYHAM
ADDRESS: P.O. BOX 601
TURLOCK, CA 95381
PHONE: (209) 216-7523

ENGINEER: ROGER L. GREGG
ADDRESS: 628 CRANE AVE.
TURLOCK, CA 95380
PHONE: (209) 632-2217

LANDS OF ALVARADO
INST. No. 2005-0196246
S.C.R.

35 - PM - 93

PARCEL "A"

PARCEL "B"

N 49° 32' 30" W
287.63'

PROPERTY LINES
TO BE REMOVED

APN 20-08-28

MOONEYHAM

PARCEL - 82.9 ACRES ±

30 - S - 55

ALL BEARINGS & DISTANCES ARE
PER OR CALCULATED FROM RECORDS

N 89° 59' 08" E 2,640.54'

S 0° 32' 30" W
250.30'

South 1/4 Cor.
Section 3.

N 78° 44' 17" E 1,435.29'

N 89° 59' 08" E 2,640.54'

SEC. 3 SEC. 2

SEC. 10 SEC. 11

TENTATIVE PROPERTY LINE ADJUSTMENT MAP
TURLOCK IRRIGATION DISTRICT - MOONEYHAM
A PORTION OF SECTION 3 AND 10, T 4 S., R 13 E., M.D.M
STANISLAUS COUNTY CALIFORNIA
ROGER L. GREGG, CIVIL ENGINEER - SURVEYOR, INC
628 CRANE AVENUE, TURLOCK, CALIFORNIA (209) 632-2217

JOB NO.:
DR. BY: D. FALKENBERG
CK. BY: R. GREGG
DATE: 11-7-2007
SHEET NO. **1**
OF 1 SHEETS

60'

LAKE

ROAD


N 0° 06' 19" W - 2,641.00'

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2008-13**

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0063493-00
Thursday, JUN 12, 2008 08:13:27
Ttl Pd \$0.00 Nbr-0002553665
OCE/R2/1-8

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into June 3, 2008, 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: SCOTT MOONEYHAM
P.O. BOX 601
TURLOCK, CA 95381

- (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>020-008-028</u>	<u>82.85</u>	<u>Lake Road, La Grange</u>

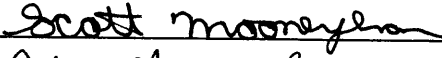
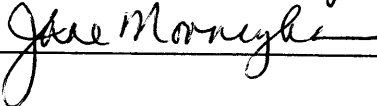
Pursuant to Stanislaus County Board of Supervisors Resolution No. 2008-406, relating to Lot Line Adjustment No. 2007-45 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 72-0619 which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

Handwritten initials/signature

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)
Scott Mooneyham		5-12-08	TURLOCK
Jane Mooneyham		05-12-08	Turlock

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

6/11/08
Dated


Chairman, Board of Supervisors
Kirk Ford for

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus



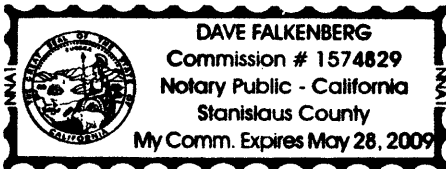
On May 12, 2008 before me, Dave Falkenberg, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Scott and Jane Mooneyham
Name(s) of Signer(s)

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal Above

Signature [Handwritten Signature]
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: _____

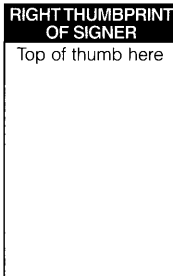
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

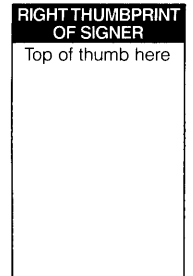
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____

EXHIBIT A
TURLOCK IRRIGATION DISTRICT PARCEL
Existing parcel before Property Line Adjustment

All that certain real property situate in the Unincorporated Area, County of Stanislaus, State of California, described as follows:

All that certain parcel of land described in that certain Grant Deed, from Ellen Rairden to the Turlock Irrigation District, filed for record January 17, 1910 in Volume 134 of Deeds at Page 409, said parcel situate in and being a portion of Section 3, Township 4 South, Range 13 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at a point 2,100.0 feet north of the quarter Section corner on the south boundary of said Section 3, Township 4 South, Range 13 East, Mount Diablo Base and Meridian, thence South, a distance of 800.0 feet; thence South 45° East, a distance of 423.9 feet; thence East 800.0 feet; thence North 1,100.0 feet; thence West 1,100.0 feet to the point of beginning.

TOGETHER WITH all that parcel of land described in that certain Grant Deed, from Ellen Rairden to the Turlock Irrigation District filed for record January 23, 1911 in Volume 143 of Deeds at Page 197, said parcel situate in and being a portion of Section 3, Township 4 South, Range 13 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at a point 1,466.0 feet north of the quarter corner on the south boundary of said Section 3 Township 4 South, Range 13 East, Mount Diablo Base and Meridian Running, thence South 58° 04' West, a distance of 372.2 feet; thence South 49° 12' East, a distance of 294.3 feet; thence North 89° 45' East, a distance of 316.2 feet, thence North 45° West, a distance of 313.2 feet; thence North 156.0 feet to the point of beginning.



Roger L. Gregg
EX. D. L. 31/31/09

EXHIBIT B
MOONEYHAM PARCEL
Adjusted parcel after Property Line Adjustment

All that certain real property in the unincorporated area in the County of Stanislaus, State of California, described as follows:

All that certain real property, situate in and being a portion of Sections 3 and 10, Township 4 South, Range 13 East, Mount Diablo Meridian, and shown on that certain map filed for record August 10, 2007 in Book 30 of Surveys at Page 55, Instrument No. 2007-0103392 Stanislaus County Records, more particularly described as follows:

Beginning at the south quarter corner of aforesaid Section 3, thence South 0° 32' 30" West, along the west line of the northeast quarter of Section 10 a distance of 250.30 feet more or less to a point on the northerly line of Lake Road, a 60-foot wide County Road; thence North 78° 44' 17" East, along said northerly line of Lake Road, a distance of 1,435.29 feet more or less to the southwest corner of the lands of Alvarado, as described in that certain Grant Deed filed for record October 26, 2005 as Instrument No. 2005-0196246 Stanislaus County Records; thence departing said northerly line of Lake Road, North 0° 06' 19" West, along the west line of the lands of Alvarado, a distance of 1,931.12 feet more or less to a point on the southerly line of the Turlock Irrigation District's Main Canal; thence along the southerly line of said Turlock Irrigation District's Main Canal the following three courses;

South 45° 51' 41" West, a distance of 123.01 feet;

Thence South 54° 30' 02" West, a distance of 171.52 feet;

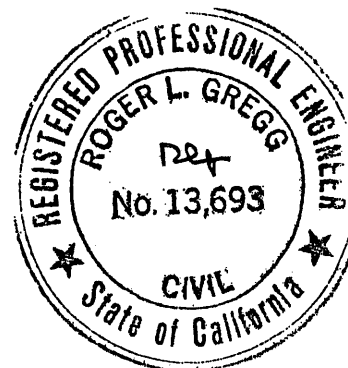
Thence South 63° 07' 32" West, a distance of 98.89 feet;

Thence departing said southerly line of the Turlock Irrigation District's Main Canal, South 1° 11' 45" East, a distance of 771.19 feet; thence South 89° 15' 15" West, a distance of 1,093.88 feet; thence North 0° 25' 08" West, a distance of 858.33 feet, to the southerly line of said Turlock Irrigation District's Main Canal; thence along the southerly line of said Turlock Irrigation District's Main Canal the following two courses;

North 79° 32' 06" West, a distance of 459.16 feet;

Thence South 81° 39' 45" West, a distance of 548.42 feet more or less to the northeast corner of Parcel A, as said parcel is shown on that certain map filed for record November 21, 1984 in Book 35 of Parcel Maps at Page 93, Stanislaus County Records;

thence South 0° 12' 49" West, along the east line of Parcel A and Parcel B as shown on said Parcel Map, a distance of 1,808.35 feet more or less to the southeast corner of Parcel B and the intersection of the south line of Section 3; thence North 89° 59' 08" East, along the south line of said Section 3, a distance of 999.25 feet more or less to the point of beginning and the end of this description.



Roger L. Gregg
08/12/09

EXHIBIT " B "

SEC. 3 SEC. 2

E 1/4 Cor. Section 3.

Interior 1/4 Cor. Section 3.

PARCEL "A"
39 - PM - 91

CANAL

SCALE 1" = 400'

OWNER: APN 20-08-15 & 16
TURLOCK IRRIGATION DISTRICT
ADDRESS: P.O. BOX 949
TURLOCK, CA 95381
PHONE: (209) 883-8203

OWNER: APN 20-08-28
SCOTT AND JANE MOONEYHAM
ADDRESS: P.O. BOX 601
TURLOCK, CA 95381
PHONE: (209) 216-7523

ENGINEER: ROGER L. GREGG
ADDRESS: 628 CRANE AVE.
TURLOCK, CA 95380
PHONE: (209) 632-2217

LANDS OF ALVARADO
INST. No. 2005-0196246
S.C.R.

200'
T.I.D.

APN 20-08-16
MAIN

APN 20-08-15
T.I.D.
PARCEL - 28.7 ACRES ±
INCLUDING CANAL

APN 20-08-28

MOONEYHAM
PARCEL - 82.9 ACRES ±

30 - S - 55

ALL BEARINGS & DISTANCES ARE PER OR CALCULATED FROM RECORDS



Roger L. Gregg
11/7/2007

PARCEL "A"
PARCEL "B"

35 - PM - 93

N 89° 59' 08" E 2,640.54'

S 0° 32' 30" W 250.30'

South 1/4 Cor. Section 3.

N 78° 44' 17" E 1,435.29'

N 89° 59' 08" E 2,640.54'

SEC. 3 SEC. 2

SEC. 10 SEC. 11

TENTATIVE PROPERTY LINE ADJUSTMENT MAP
TURLOCK IRRIGATION DISTRICT - MOONEYHAM
A PORTION OF SECTION 3 AND 10, T 4 S., R 13 E., M.D.M
STANISLAUS COUNTY CALIFORNIA
ROGER L. GREGG, CIVIL ENGINEER - SURVEYOR, INC
628 CRANE AVENUE, TURLOCK, CALIFORNIA (209) 632-2217

JOB NO.:
DR. BY: D. FALKENBERG
CK. BY: R. GREGG
DATE: 11-7-2007
SHEET NO. **1**
OF 1 SHEETS

N 89° 59' 08" E 999.25'

N 49° 32' 30" W 287.63'

N 56° 27' 56" E 366.94'

N 0° 04' 42" E 2,641.37'

N 0° 25' 08" W 394.67'

N 0° 25' 08" W 858.33'

S 89° 22' 58" W 313.84'

N 47° 10' 25" W 108.47'

S 89° 15' 15" W 790.88'

S 89° 15' 15" W 1,093.88'

S 01° 11' 45" E 771.19'

N 0° 06' 19" W - 1,931.12'

S 0° 04' 42" W 151.60'

N 0° 04' 42" E 92.20'

S 4° 31' 01" W 216.56'

N 0° 18' 38" E 203.75'

S 45° 51' 41" W 123.01'

S 54° 30' 02" W 171.52'

S 63° 07' 32" W 98.89'

N 89° 58' 05" E 2,629.92'

S 81° 39' 45" W 548.42'

N 79° 32' 06" W 459.16'

S 0° 04' 42" W 541.22'

S 89° 55' 18" E 1,100.00'

N 0° 06' 19" W - 2,641.00'

60'
LAKE ROAD