

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 August 19, 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. 1976-2317 (Valley Home Road, in Valley Home) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-15, Alan Patrick, 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2008-596

On motion of Supervisor DeMartini, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1976-2317 (Valley Home Road, in Valley Home) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-15, Alan Patrick, and Authorize the Planning Director to Execute a New Contract

Page 2

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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 a Williamson Act Contract on a portion of Assessor's Parcel Numbers 002-055-013 (1.23 acres was part of the abandoned Southern Pacific Railroad which was not in the Williamson Act) and to reestablish a new contract pursuant to Section 51257 of the Government Code regulating Williamson Act contracts. The new contract would restrict adjusted parcels as required in Government Code Section 51257 and not effect the total acreage within the contracted area. The properties consist of a total of 11.59± acres located in the Valley Home area, in the unincorporated area of Stanislaus County. The existing parcel sizes are approximately 10.36± and 1.23± acres a piece. The proposed reconfiguration parcel sizes are 10.59± and 1.00+, respectfully.

The larger parcel is covered by Contract No.1976-2317. 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.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1976-2317 (Valley Home Road, in Valley Home) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-15, Alan Patrick, and Authorize the Planning Director to Execute a New Contract
Page 3

There are two parcels involved in the lot line adjustment, but the adjusted 11.59± acre site is currently in a Williamson Act Contract and will remain that way. Lot Line Adjustment Application 2008-15 was approved by staff pending the Board's action required by the Williamson Act.

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

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")

Approval to Rescind All or a Portion of Williamson Act Contract No. 1976-2317 (Valley Home Road, in Valley Home) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-15, Alan Patrick, and Authorize the Planning Director to Execute a New Contract

Page 4

- (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. 1976-2317 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 2008-15
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>29</u>	T	<u>1</u>	R	<u>10</u>
ZONE	<u>A-2-10</u>				
RECEIVED	<u>5/14/08</u>				
APPLICATION NO.	<u>VLA 2008-15</u>				
RECEIPT NO.	_____				

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Alan Patrick
 Name _____
 12766 Valley Home Road, Oakdale, 95361
 Address, City, Zip _____
 209-847-8752
 Phone _____
 Fax Number _____

Parcel 2

Alan Patrick
 Name _____
 12766 Valley Home Road, Oakdale, 95361
 Address, City, Zip _____
 209-847-8752
 Phone _____
 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: Giuliani & Kull, Inc., 440 S. Yosemite Ave., Oakdale, CA 95361
 Phone: 209-847-8726, Fax: 209-847-7323

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

Parcel 1: Book <u>002</u> Page <u>055</u> No. <u>013</u>	Parcel 2: Book _____ Page _____ No. <u>N/A</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>10.36</u>	<u>10.59</u>
Parcel 2:	<u>1.23</u>	<u>1.00</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC In order to create a homesite parcel and eliminate having a landlocked parcel. Both parcels will front Valley Home Road. Proposed Parcel "B" will be a future homesite and Proposed Parcel "A" will remain agricultural (pasture, grazing land).

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

- | | |
|--|---|
| <input type="checkbox"/> Residential | <input checked="" type="checkbox"/> Agriculture |
| <input type="checkbox"/> Single Family | <input type="checkbox"/> Row Crop - type _____ |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Trees - type _____ |
| <input type="checkbox"/> Multiple | <input type="checkbox"/> Vines - type _____ |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Range (unirrigated) _____ |
| <input type="checkbox"/> Industrial | <input checked="" 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: STABLE, CORAL, MORILE HOME,

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

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

Parcel 1: 3-21-08
Parcel 3: _____

Parcel 2: 3-21-08
Parcel 4: _____

10. Is the property under Williamson Act Contract? Yes No If yes, contract number? 76-2317

11. Do the parcels irrigate? Yes No If yes, how? OID (FLOOD)

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

13. Signature of property owner(s) Alan Patrick Alan Patrick
Owner's Signature Owner's Name Printed

Owner's Signature Owner's Name Printed

Owner's Signature Owner's Name Printed

Owner's Signature Owner's Name Printed



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

Phone: 209.525.6330 Fax: 209.525.5911

July 11, 2008

Giuliani & Kull, Inc.
440 S Yosemite Avenue
Oakdale, CA 95361

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2008-15
ALAN PATRICK**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **July 11, 2008**, 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.

As stated in the Conditions of Approval a new deed reflecting this lot line adjustment will need to be recorded.

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

Sincerely,

Kristin Doud
Assistant Planner

Enclosure

cc: Alan Patrick

ATTACHMENT 2

**LOT LINE ADJUSTMENT
PROJECT DESCRIPTION AND LANDOWNER JUSTIFICATION**

This project is a lot line adjustment between Assessors Parcel No. 002-055-013 (10.36 acres) and a portion of the abandoned Southern Pacific Railroad recorded as Doc.# 2008-0034864 (1.23 acres), each owned by Alan Patrick.

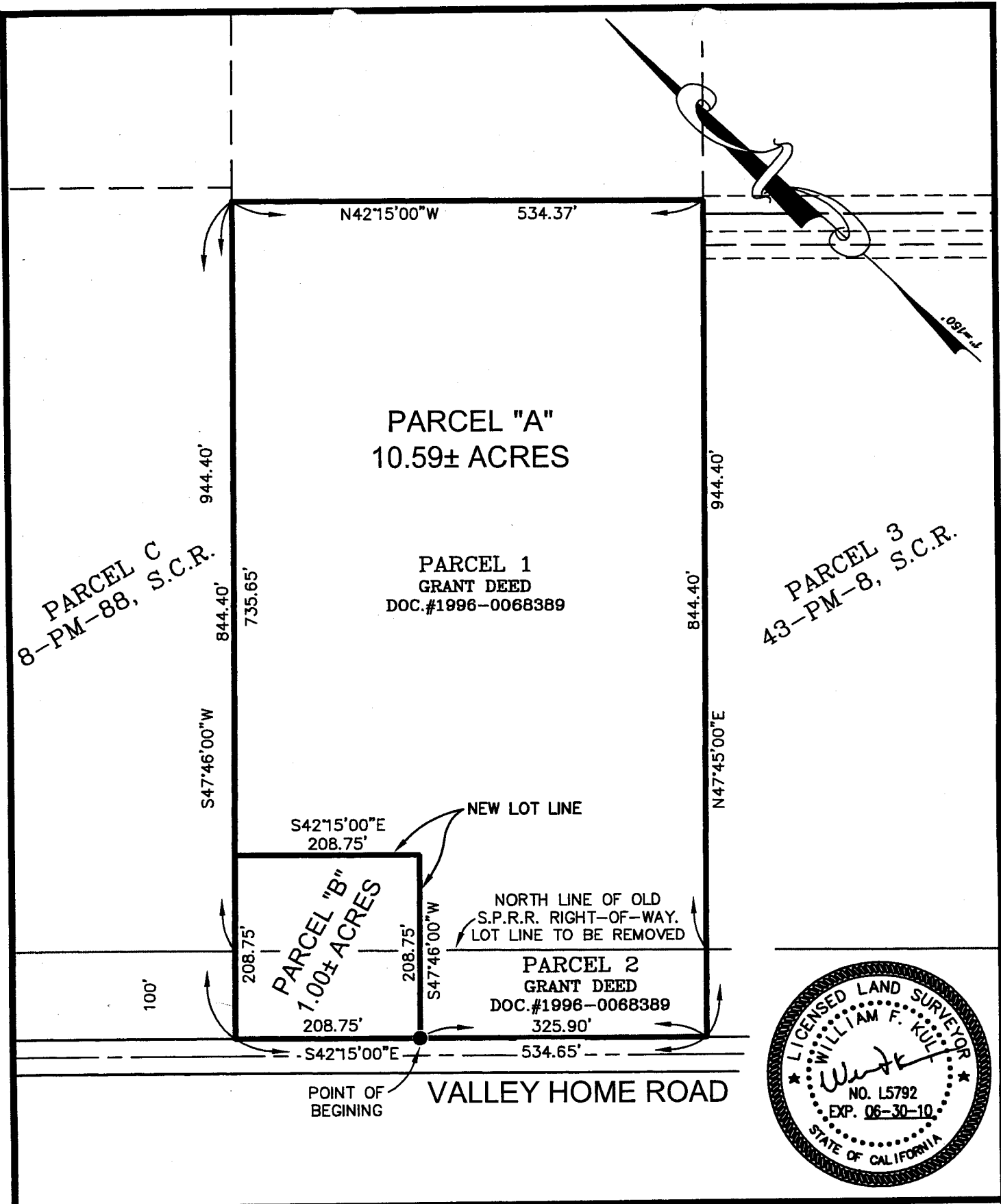
This lot line adjustment is being pursued to provide access to existing agricultural operations of APN 002-055-013 from Valley Home Road. Currently the abandoned S.P.R.R. lies between the above mentioned parcel and road making said parcel landlocked.

At the completion of this lot line adjustment, Parcel "A" will have an adjusted acreage of 10.59 acres, while Parcel "B" adjusted acreage will be 1.00 acres, thus adding to the agricultural operation acreage. The property will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect its agricultural viability.

The contract pertaining to APN 002-055-013 is not subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, the contract will continue to be in force and effect for a period of at least 10 years.

The land currently under contract (APN 002-055-013) is 10.36 acres. After the lot line adjustment, 10.59 acres will be under Williamson Act Contract.

After lot line adjustment, the parcel of land subject to contract will be large enough to sustain its agricultural use, as defined in Section 51222.



GK **Giuliani & Kull, Inc.**
 Engineers • Planners • Surveyors
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
 (209) 847-8726 Fax (209) 847-7323
 Auburn • Oakdale • San Jose

SCALE: 1" = 150'
 DRAWN: K.COLE
 CHECKED: WFK
 JOB NO.: 08149
 SHEET: 3 OF 3

EXHIBIT "C"
LOT LINE ADJUSTMENT
OAKDALE, CALIFORNIA



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354

Phone: 209.525.6330 Fax: 209.525.5911

BOARD OF SUPERVISORS
2008 OCT 22 P 3:11

DATE: October 21, 2008

TO: Giuliani & Kull Inc
440 S Yosemite Avenue
Oakdale, CA 95361

FROM: Kristin Doud, Assistant Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2008-15;
RECORDED COPY OF RECISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2008-15
ALAN PATRICK**

Enclosed are recorded copies of the above described documents for your files. A copy has also been sent to the person(s) listed below.

cc: Alan Patrick
Board of Supervisor's Office
Cindy Schmidt, Assessor's Office



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0099088-00

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Acct 121-Planning.
Wednesday, SEP 10, 2008 11:26:57
Ttl Pd \$35.00 Nbr-0002602921
BOT/R2/1-10

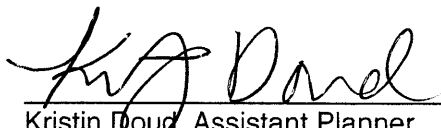
Space Above This Line for Recorder's Use

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 July 11, 2008 approved the lot line adjustment herein described submitted under the name of Alan Patrick Lot Line Adjustment No. 2008-15 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: 
Kristin Doud, Assistant Planner
Stanislaus County Department of Planning
and Community Development

9/5/08
Date

10
ST

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2008-15

ALAN PATRICK

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. 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.

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2008-15

ALAN PATRICK

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.

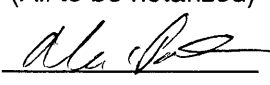
You must provide written evidence to support the seven findings listed above.

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. 2008-15

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Alan Patrick</u>	<u></u>	<u>08-09-08</u>	<u>Oakdale</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

ACKNOWLEDGMENT

State of California STANISLAUS
County of _____

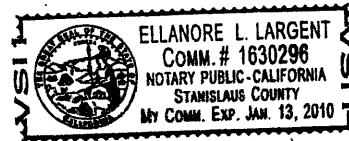
On 08/05/08 before me, ELLANORE L. LARGENT NOTARY PUBLIC
(insert name and title of the officer)

personally appeared Alan Patrick
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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 [Handwritten Signature] (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 Ellanore L. Largent
COMMISSION NO. 1630296
DATE COMMISSION EXPIRES Jan. 13, 2010
PLACE OF EXECUTION Stanislaus County

September 5, 2008
(Date)



Crystal D. Rein
Stanislaus County Planning &
Community Development Dept.

EXHIBIT "A"

BEFORE LOT LINE ADJUSTMENT

LEGAL DESCRIPTION

PARCEL 1:

All that real property as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records, situate in the northwest quarter of Section 29 and the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California.

END DESCRIPTION

PARCEL 2:

All that real property as described in that Quitclaim Deed filed for record as Doc.# 95-0042283, Stanislaus County Records, situate in the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California, being more particularly described as follows:

All that portion of the Southern Pacific Transportation Company's Oakdale Branch 100.00 foot right-of-way (abandoned), lying between the southwesterly prolongation of the northwesterly and southeasterly lines of that parcel of land as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records.

END DESCRIPTION

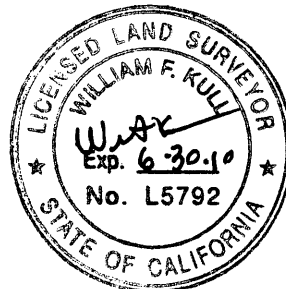


EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

LEGAL DESCRIPTION

PARCEL "A":

All that real property being a portion of that parcel as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records, and that real property as described in that Quitclaim Deed filed for record as Doc.# 95-0042283, Stanislaus County Records, being a portion of the Southern Pacific Transportation Company's Oakdale Branch 100.00 foot right-of-way, situate in the northwest quarter of Section 29 and the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California, being more particularly described as follows:

Beginning at a point on the northeasterly line of 20.00 foot half width of Valley Home Road distant South 42°15'00" East 208.75 feet from the southwesterly prolongation of the southeasterly line of Parcel "C" as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 88, Stanislaus County Records; thence along said northeasterly line of Valley Home Road South 42°15'00" East 325.90 feet to the southwesterly prolongation of the northwesterly line of Parcel 3 as shown on that Parcel Map filed for record in Book 43 of Parcel Maps at Page 8, Stanislaus County Records; thence along said prolongation and said northwesterly line of Parcel 3 North 47°45'00" East 944.40 feet to the northeasterly line of said parcel as described in that Grant Deed to Kathrin Hart; thence along said northeasterly line North 42°15'00" West 534.37 feet to the southeasterly line of Parcel "C" as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 88, Stanislaus County Records; thence along said southeasterly line South 47°46'00" West 735.65 feet; thence leaving said southeasterly line South 42°15'00" East 208.75 feet; thence South 47°46'00" West 208.75 feet to the Point of Beginning, all as shown on attached Exhibit "C" and made a part hereof and containing 10.59 acres more or less.

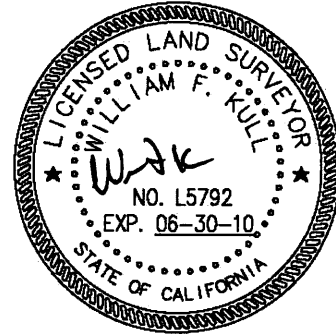
END DESCRIPTION

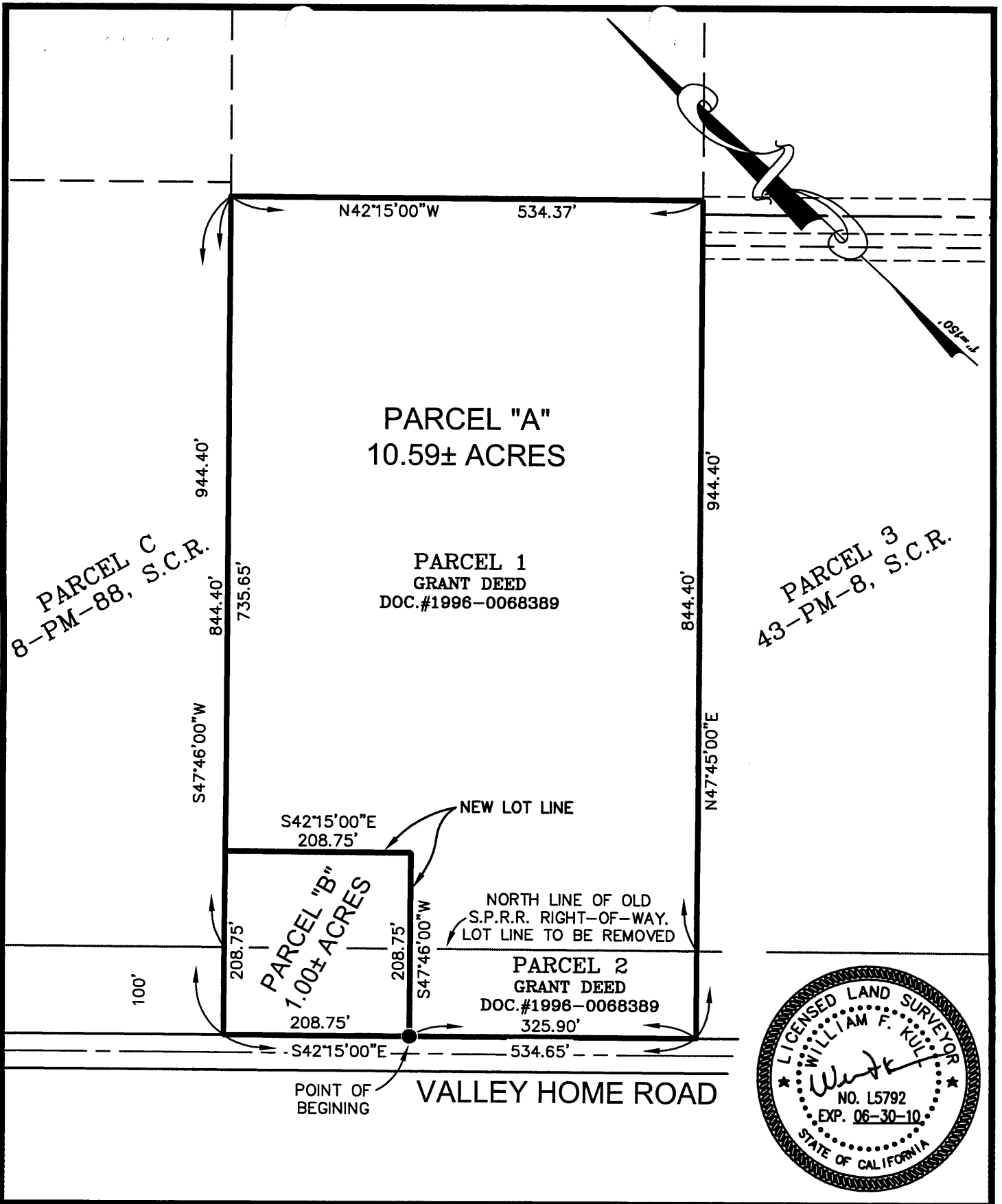
PARCEL "B":

All that real property being a portion of that parcel as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records, and that real property as described in that Quitclaim Deed filed for record as Doc.# 95-0042283, Stanislaus County Records, being a portion of the Southern Pacific Transportation Company's Oakdale Branch 100.00 foot right-of-way, situate in the northwest quarter of Section 29 and the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California, being more particularly described as follows:

Beginning at a point on the northeasterly line of 20.00 foot half width of Valley Home Road distant South 42°15'00" East 208.75 feet from the southwesterly prolongation of the southeasterly line of Parcel "C" as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 88, Stanislaus County Records; thence along the northeasterly line of said Valley Home Road North 42°15'00" West to the southwesterly prolongation of the southeasterly line of said Parcel "C"; thence along said prolongation and said southeasterly line North 47°46'00" East 208.75 feet; thence leaving said southeasterly line South 42°15'00" East 208.75 feet; thence South 47°46'00" West 208.75 feet to the Point of Beginning, all as shown on attached Exhibit "C" and made a part hereof and containing 1.00 acres more or less.

END DESCRIPTION





GK Giuliani & Kull, Inc.
Engineers • Planners • Surveyors
440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

SCALE: 1" = 150'
DRAWN: K.COLE
CHECKED: WFK
JOB NO.: 08149
SHEET: 3 OF 3

EXHIBIT "B"
LOT LINE ADJUSTMENT
OAKDALE, CALIFORNIA

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. 2008-15**

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0099089-00

Acct 121-Planning.

Wednesday, SEP 10, 2008 11:38:22

Ttl Pd \$0.00

Nbr-0002602922

BOT/R2/1-9

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into August 19, 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: ALAN PATRICK
P.O. BOX 515
OAKDALE, CA 95361

- (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>002-055-013</u>	<u>10.59</u>	<u>12766 Valley Home Road, Oakdale</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2008-596, relating to Lot Line Adjustment No. 2008-15 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 76-2317 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.

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OT

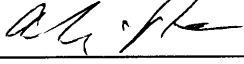
NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT

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)
<u>Alan Patrick</u>		<u>08-09-08</u>	<u>Oakdale</u>

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

9/5/08
Dated

 FOR TOM MAYFIELD
Chairman, Board of Supervisors
Kirk Ford for

ACKNOWLEDGMENT

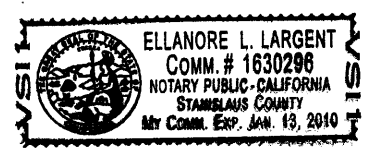
State of California STANISLAUS
County of _____

On 08/05/2008 before me, ELLANORE L. LARGENT NOTARY PUBLIC
(insert name and title of the officer)

personally appeared Alan Patrick
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 [Handwritten Signature] (Seal)




My Comm. Exp. JAN 13, 2010

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 Ellanore L. Largent
COMMISSION NO. 1630296
DATE COMMISSION EXPIRES Jan. 13, 2010
PLACE OF EXECUTION Stanislaus County

September 5, 2008
(Date)



Crystal D. Rein
Stanislaus County Planning &
Community Development Dept.

EXHIBIT "A"

BEFORE LOT LINE ADJUSTMENT

LEGAL DESCRIPTION

PARCEL 1:

All that real property as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records, situate in the northwest quarter of Section 29 and the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California.

END DESCRIPTION

PARCEL 2:

All that real property as described in that Quitclaim Deed filed for record as Doc.# 95-0042283, Stanislaus County Records, situate in the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California, being more particularly described as follows:

All that portion of the Southern Pacific Transportation Company's Oakdale Branch 100.00 foot right-of-way (abandoned), lying between the southwesterly prolongation of the northwesterly and southeasterly lines of that parcel of land as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records.

END DESCRIPTION



EXHIBIT "B"

AFTER LOT LINE ADJUSTMENT

LEGAL DESCRIPTION

PARCEL "A":

All that real property being a portion of that parcel as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records, and that real property as described in that Quitclaim Deed filed for record as Doc.# 95-0042283, Stanislaus County Records, being a portion of the Southern Pacific Transportation Company's Oakdale Branch 100.00 foot right-of-way, situate in the northwest quarter of Section 29 and the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California, being more particularly described as follows:

Beginning at a point on the northeasterly line of 20.00 foot half width of Valley Home Road distant South $42^{\circ}15'00''$ East 208.75 feet from the southwesterly prolongation of the southeasterly line of Parcel "C" as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 88, Stanislaus County Records; thence along said northeasterly line of Valley Home Road South $42^{\circ}15'00''$ East 325.90 feet to the southwesterly prolongation of the northwesterly line of Parcel 3 as shown on that Parcel Map filed for record in Book 43 of Parcel Maps at Page 8, Stanislaus County Records; thence along said prolongation and said northwesterly line of Parcel 3 North $47^{\circ}45'00''$ East 944.40 feet to the northeasterly line of said parcel as described in that Grant Deed to Kathrin Hart; thence along said northeasterly line North $42^{\circ}15'00''$ West 534.37 feet to the southeasterly line of Parcel "C" as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 88, Stanislaus County Records; thence along said southeasterly line South $47^{\circ}46'00''$ West 735.65 feet; thence leaving said southeasterly line South $42^{\circ}15'00''$ East 208.75 feet; thence South $47^{\circ}46'00''$ West 208.75 feet to the Point of Beginning, all as shown on attached Exhibit "C" and made a part hereof and containing 10.59 acres more or less.

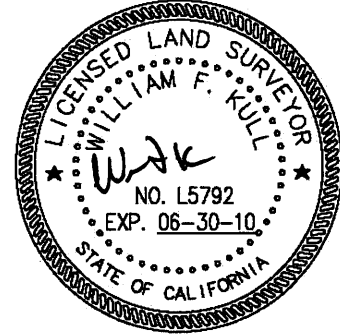
END DESCRIPTION

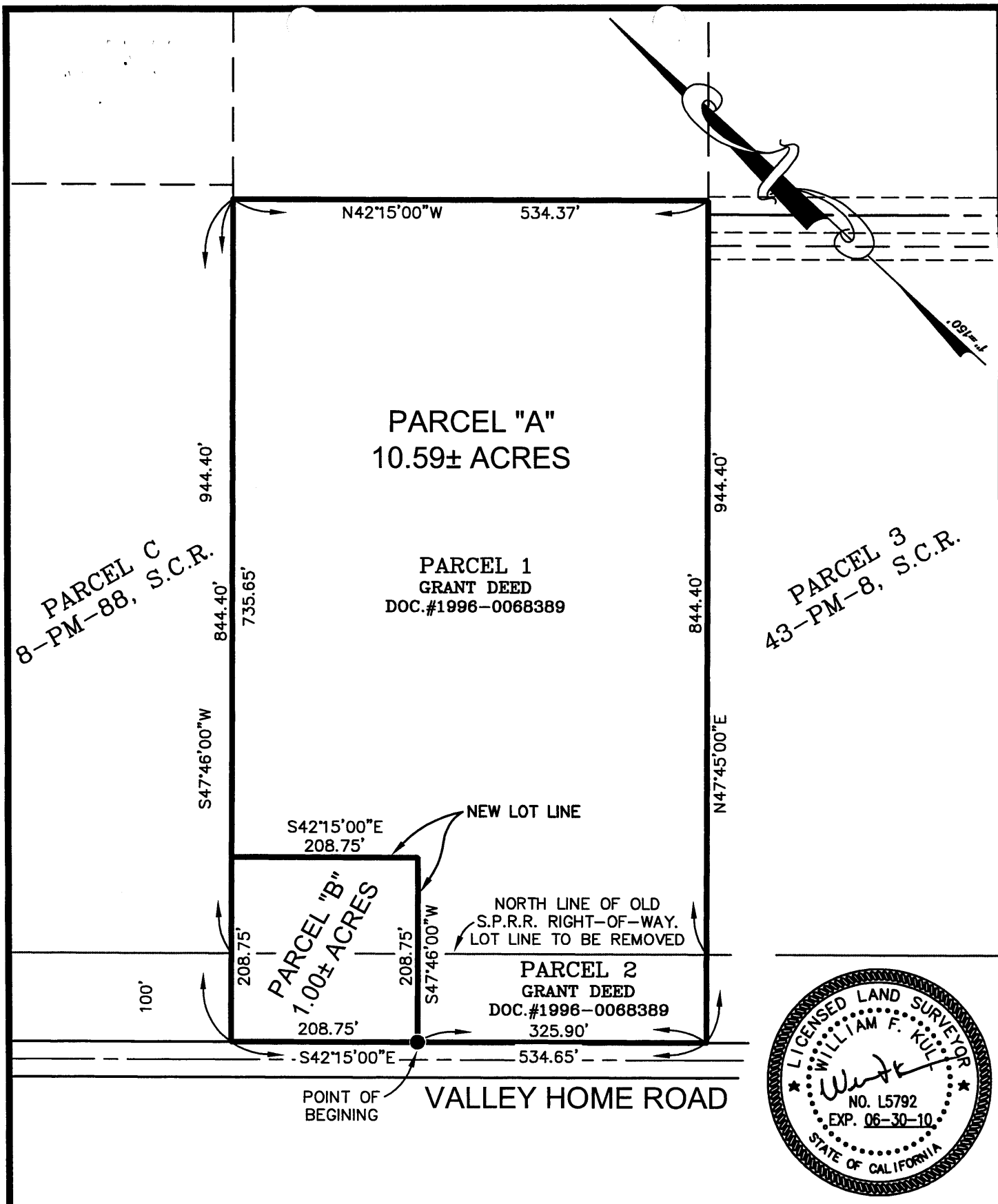
PARCEL "B":

All that real property being a portion of that parcel as described in that Grant Deed to Kathrin Hart filed for record as Doc.# 96-0068389, Stanislaus County Records, and that real property as described in that Quitclaim Deed filed for record as Doc.# 95-0042283, Stanislaus County Records, being a portion of the Southern Pacific Transportation Company's Oakdale Branch 100.00 foot right-of-way, situate in the northwest quarter of Section 29 and the northeast quarter of Section 30, Township 1 South, Range 10 East, Mount Diablo Base and Meridian, Stanislaus County, California, being more particularly described as follows:

Beginning at a point on the northeasterly line of 20.00 foot half width of Valley Home Road distant South 42°15'00" East 208.75 feet from the southwesterly prolongation of the southeasterly line of Parcel "C" as shown on that Parcel Map filed for record in Book 8 of Parcel Maps at Page 88, Stanislaus County Records; thence along the northeasterly line of said Valley Home Road North 42°15'00" West to the southwesterly prolongation of the southeasterly line of said Parcel "C"; thence along said prolongation and said southeasterly line North 47°46'00" East 208.75 feet; thence leaving said southeasterly line South 42°15'00" East 208.75 feet; thence South 47°46'00" West 208.75 feet to the Point of Beginning, all as shown on attached Exhibit "C" and made a part hereof and containing 1.00 acres more or less.

END DESCRIPTION





GK **Giuliani & Kull, Inc.**
Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361
(209) 847-8726 Fax (209) 847-7323
Auburn • Oakdale • San Jose

SCALE: 1" = 150'
DRAWN: K.COLE
CHECKED: WFK
JOB NO.: 08149
SHEET: 3 OF 3

EXHIBIT "B"
LOT LINE ADJUSTMENT
OAKDALE, CALIFORNIA

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 August 19, 2008

CEO Concur 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. 1976-2317 (Valley Home Road, in Valley Home) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-15, Alan Patrick, 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. 2008-596

On motion of Supervisor DeMartini, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

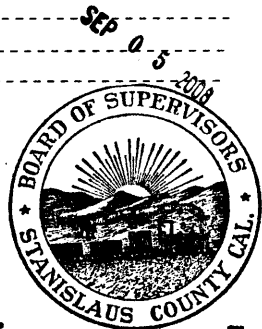
Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

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

MOTION:

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



Christine Ferraro

By [Signature]

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.