

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # \*D-2

Urgent

Routine

AGENDA DATE 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. 1997-4351 (Jackson and Beckwith Roads, West of Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-18, Bowman, 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2008-597

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. 1997-4351 (Jackson and Beckwith Roads, West of Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-18, Bowman, 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 Assessor's Parcel Numbers 012-018-021; 024 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 54.74± acres located west of the Modesto area, in the unincorporated area of Stanislaus County. The existing parcel sizes are approximately 53.5± and 1.24± acres a piece. The proposed reconfiguration parcel sizes are 53.5± and 1.24±, respectfully.

The larger parcel is covered by Contract No.1997-4351. 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. 1997-4351 (Jackson and Beckwith Roads, West of Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-18, Bowman, 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 54.74± acre site is currently in a Williamson Act Contract and will remain that way. Lot Line Adjustment Application 2008-18 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. 1997-4351 (Jackson and Beckwith Roads, West of Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-18, Bowman, 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. 1997-4351 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 2008-18
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Proposed Changes



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

Stamp box containing: S 7 T 3 R 8, ZONE 4-2-40, RECEIVED 1-5-08, APPLICATION NO. LLA 2008-18, RECEIPT NO. CHECK 1185

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Arthur L. & Annette F. Bowman
Name
7212 Covert Road, Modesto, CA 95350
Address, Ci ty, Zip
(209) 717-0204
Phone
Fax Number

Parcel 2

Arthur L. & Annette F. Bowman
Name
7212 Covert Road, Modesto, CA 95350
Address, City, Zip
(209) 717-0204
Phone
Fax Number

Parcel 3

Name
Address, Ci ty, Zip
Phone
Fax Number

Parcel 4

Name
Address, City, Zip
Phone
Fax Number

2. Name and address of person(s) preparing map: Associated Engineering Group, Inc. - 4206 Technology Drive, Modesto, CA 95356, Phone: (209) 545-1143, Fax: (209) 545-3875

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

Parcel 1: Book 012 Page 018 No. 021 Parcel 2: Book 012 Page 018 No. 024
Parcel 3: Book Page No. Parcel 4: Book Page No.

4. Size of all adjusted parcels:

Table with columns 'Before' and 'After' and rows for Parcel 1, 2, 3, 4. Values: Parcel 1: 1.24, Parcel 2: 53.5

5. Why are the lot lines being changed? BE SPECIFIC The lot lines are being adjusted to provide access from Jackson Avenue to Parcel C adjacent to the existing 5' irrigation & drainage easement (Curtis Ditch) for the purpose of access for irrigation & moving farm equipment that serves Parcel C.

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

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

7. Lista II structures on properties: One residential home.

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

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

Parcel 1: 3/9/98 Parcel 2: 6/4/96  
 Parcel 3: \_\_\_\_\_ Parcel 4: \_\_\_\_\_

10. What are the Williamson Act Contract numbers?

Parcel 1: N/A Parcel 2: 97-4351  
 Parcel 3: \_\_\_\_\_ Parcel 4: \_\_\_\_\_

11. Do the parcels irrigate?  Yes  No If yes, how? Parcel C - Micro Sprinkler Irrigation

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) Arthur L. Bowman Arthur L. Bowman  
 Owner's Signature Owner's Name Printed

Annette F. Bowman Annette F. Bowman  
 Owner's Signature Owner's Name Printed

\_\_\_\_\_  
 Owner's Signature Owner's Name Printed

\_\_\_\_\_  
 Owner's Signature Owner's Name Printed



June 11, 2008

Associated Engineering Group, Inc.  
4206 Technology Drive  
Modesto, CA 95356

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2008-18  
BOWMAN**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **June 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: Arthur L. & Annette F. Bowman

ATTACHMENT 2

**APPLICANT STATEMENT**  
Bowman Lot Line Adjustment  
Stanislaus County, California

This project is a lot line adjustment of Assessors Parcel No. 012-018-021 (1.24 acres ) & 012-018-024 (53.5 acres, Williamson Act Contract No. 97-4351) owned by Arthur & Annette Bowman. The reason for this lot line adjustment is to provide access from Jackson Avenue to Parcel C, adjacent to the existing 5' irrigation and drainage easement (Curtis Ditch) for the purpose of access for irrigation.

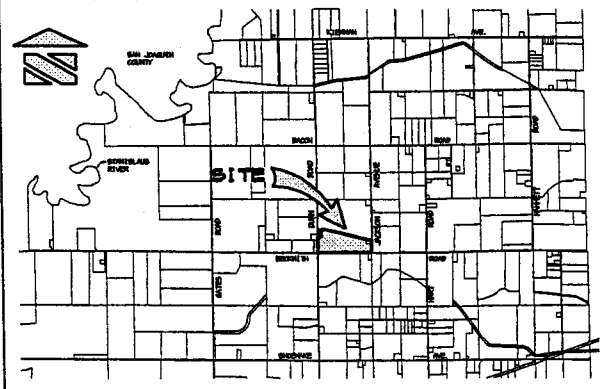
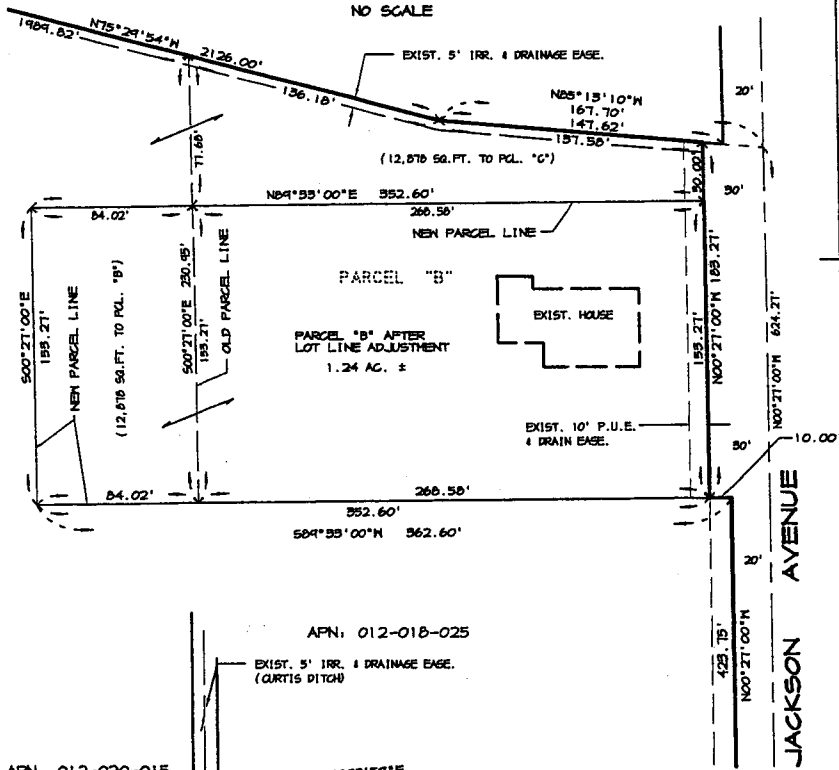
Government Code Section 51257 contains seven findings to be made related to this lot line adjustment. These findings are listed below along with the justification:

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.  
*The contract 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.*
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.  
*The land currently under contract is 53.5 acres +/- . After the lot line adjustment, all 53.5 acres +/- will remain under contract this adjustment will only reconfigure the parcel lines.*
3. At least 90 percent of the land under the former contract remains under the new contract.  
*The entire amount of land included within this lot line adjustment will remain under a Williamson Act contract; the configuration of the parcel is all that will change.*
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.  
*Consistent with Section 51222, the parcel will be large enough to sustain its agricultural use as an almond orchard*
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.  
*This parcel has been used for agricultural productivity in its current configuration for a long time. The new lot configuration, after adjustment, will recognize the current Williamson Act requirements, and further preserve the agricultural nature of this parcel.*
6. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.  
*The parcel 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 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.  
*With this lot line adjustment we are not creating any additional parcels, rather we are just reconfiguring the parcel lines in order to better serve the needs of agricultural uses on the parcel.*



**LLA DETAIL**

NO SCALE

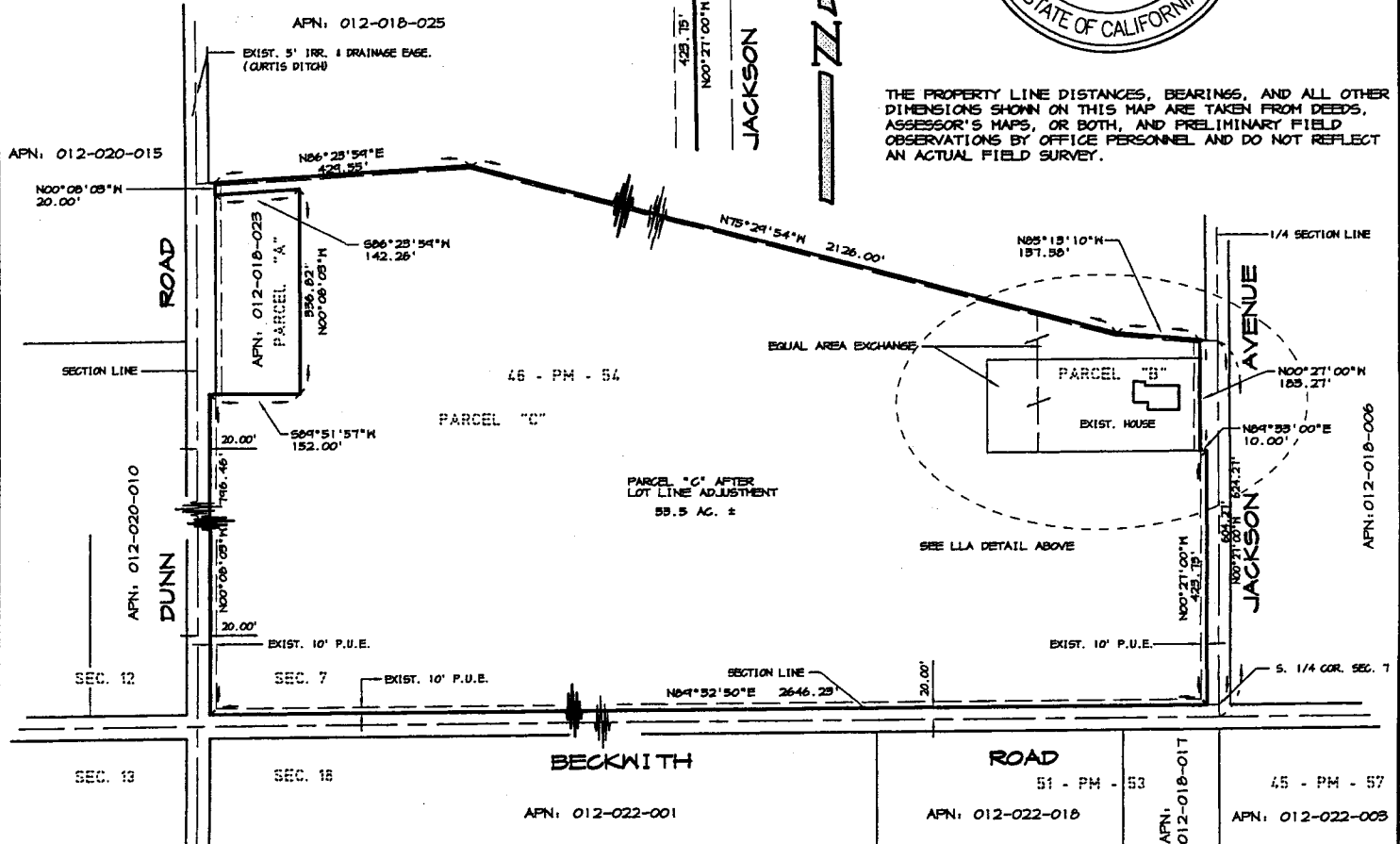


**VICINITY MAP**

NO SCALE



THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.



**EXHIBIT "C"**

DRAWN	DLS
DATE	6/05/08
SCALE	1"=300'
JOB #	684-08
DWG.	11a_exc

**LOT LINE ADJUSTMENT MAP**  
 BEING PARCELS "B & C" AS SHOWN IN BOOK 46 OF PARCEL MAPS AT PAGE 54, S.C.R. & LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 8 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA



**ASSOCIATED ENGINEERING, INC.**  
 Surveying · Design · Planning  
 4206 TECHNOLOGY DRIVE  
 MODESTO, CALIFORNIA 95356  
 PH: (209) 571-1111



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>th</sup> 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 22, 2008

TO: Associated Engineering  
4206 Technology Drive  
Modesto, CA 95356

FROM: Kristin Doud, Assistant Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2008-18;  
RECORDED COPY OF RECISSION AND SIMULTANEOUS RE-ENTRY  
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2008-14  
BOWMAN**

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: Arthur L & Annette F Bowman  
Board of Supervisor's Office  
Cindy Schmidt, Assessor's Office



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2008-0099090-00**

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

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

Acct 121-Planning.  
Wednesday, SEP 10, 2008 11:41:02  
Ttl Pd \$41.00 Nbr-0002602923  
BOT/R2/1-12

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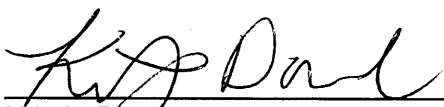
Space Above This Line for Recorder's Use

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 June 11, 2008 approved the lot line adjustment herein described submitted under the name of Bowman Lot Line Adjustment No. 2008-18 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

## CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2008-18

### BOWMAN

#### 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. 2008-18**

**BOWMAN**

**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. 2008-18

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Arthur Bowman</u>	<u>Arthur Bowman</u>	<u>6/30/08</u>	<u>Modesto</u>
<u>Annette Bowman</u>	<u>Annette Bowman</u>	<u>6-30-08</u>	<u>Modesto</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Joseph Mauzy</u>	<u>Joseph Mauzy</u>	<u>6/30/08</u>	<u>Modesto</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

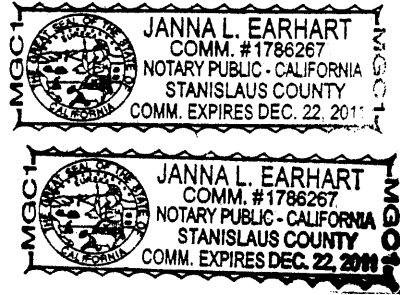
State of California )  
County of Stanislaus )

On June 30, 2008 before me, Janna L. Earhart, a notary public, personally appeared Arthur Bowman and Annette Bowman, 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 Janna L. Earhart (Seal)



State of California )  
County of Stanislaus )

On June 30, 2008 before me, Janna L. Earhart, a notary public, personally appeared Joseph Mauzy, 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 Janna L. Earhart (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                    Janna L. Earhart  
COMMISSION NO.                    1786267  
DATE COMMISSION EXPIRES      Dec. 22, 2011  
PLACE OF EXECUTION              Stanislaus County

September 5, 2008  
(Date)

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

**EXHIBIT "A-1"**  
**LEGAL DESCRIPTION**  
**BOWMAN PRIOR TO LOT LINE ADJUSTMENT**


All that certain real property situate in the County of Stanislaus, State of California, lying within the Southwest Quarter of Section 7, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:

Parcel "B" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 21, 1994 in Book 46 of Parcel Maps at Page 54.

Containing 1.24 acres more or less.

Subject to all easements and/or rights-of-way of record.



  
Dave L. Skidmore, L.S. 7126  
License Expires 12/31/08  
07/03/08

**EXHIBIT "A-2"**  
**LEGAL DESCRIPTION**  
**BOWMAN PRIOR TO LOT LINE ADJUSTMENT**

All that certain real property situate in the County of Stanislaus, State of California, lying within the Southwest Quarter of Section 7, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:


Parcel "C" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 21, 1994 in Book 46 of Parcel Maps at Page 54.

Together with the North 20 feet of Parcel "A" of last said map. The South line of said North 20 feet being measured at right angles to and parallel with the North line of said Parcel "A".

Containing 53.5 acres more or less.

Subject to all easements and/or rights-of-way of record.



  
Dave L. Skidmore, L.S. 7126  
License Expires 12/31/08  
07/03/08

**EXHIBIT "B-1"**  
**LEGAL DESCRIPTION**  
**BOWMAN AFTER LOT LINE ADJUSTMENT**

All that certain real property situate in the County of Stanislaus, State of California, lying within the Southwest Quarter of Section 7, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:

Parcel "B" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 21, 1994 in Book 46 of Parcel Maps at Page 54.

Together with all that portion of Parcel "C" of last said map, being more particularly described as follows:

Commencing at the Northwest corner of said Parcel "B", said corner lying on the West right-of-way line of Jackson Avenue; thence South 00°27'00" East along last said line, a distance of 30.00 feet; thence South 89°33'00" West, a distance of 268.58 feet to a point on the West line of said Parcel "B" and being the POINT OF BEGINNING of this description; thence South 00°27'00" East along the West line of said Parcel "B", a distance of 153.27 feet to the Southwest corner of said Parcel "B"; thence South 89°33'00" West along the Westerly extension of the South line of said Parcel "B", a distance of 84.02 feet; thence North 00°27'00" West, a distance of 153.27 feet; thence North 89°33'00" East, a distance of 84.02 feet to the point of beginning.


Excepting therefrom all that portion of said Parcel "B", being more particularly described as follows:

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Containing 1.24 acres more or less.

Subject to all easements and/or rights-of-way of record.



  
 Dave L. Skidmore, L.S. 7126  
 License Expires 12/31/08  
 07/03/08

**EXHIBIT "B-2"**  
**LEGAL DESCRIPTION**  
**BOWMAN AFTER LOT LINE ADJUSTMENT**

All that certain real property situate in the County of Stanislaus, State of California, lying within the Southwest Quarter of Section 7, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:

Parcel "C" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 21, 1994 in Book 46 of Parcel Maps at Page 54.

Together with the North 20 feet of Parcel "A" of last said map. The South line of said North 20 feet being measured at right angles to and parallel with the North line of said Parcel "A".

Also together with all that portion of Parcel "B" of last said map, being more particularly described as follows:

Beginning at the Northeast corner of said Parcel "B", said corner lying on the West right-of-way line of Jackson Avenue; thence South 00°27'00" East along last said line, a distance of 30.00 feet; thence South 89°33'00" West, a distance of 268.58 feet to a point on the West line of said Parcel "B"; thence North 00°27'00" West along last said line, a distance of 77.68 feet to the Northwest corner of said Parcel "B"; thence South 75°29'54" East along the North line of said Parcel "B", a distance of 136.18 feet to an angle point in last said line; thence continuing along last said line, South 85°13'10" East, a distance of 137.58 feet to the point of beginning.

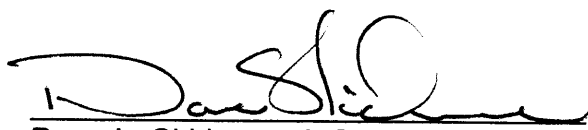
Excepting therefrom all that portion of said Parcel "C", being more particularly described as follows:

Commencing at the Northeast corner of said Parcel "B", said corner lying on the West right-of-way line of Jackson Avenue; thence South 00°27'00" East along last said line, a distance of 30.00 feet; thence South 89°38'00" West, a distance of 268.58 feet to a point on the West line of said Parcel "B" and being the POINT OF BEGINNING of this description; thence South 00°27'00" East along the West line of said Parcel "B", a distance of 153.27 feet to the Southwest corner of said Parcel "B"; thence South 89°33'00" West along the Westerly extension of the South line of said Parcel "B", a distance of 84.02 feet; thence North 00°27'00" West, a distance of 153.27 feet; thence North 89°33'00" East, a distance of 84.02 feet to the point of beginning.

Containing 53.5 acres more or less.

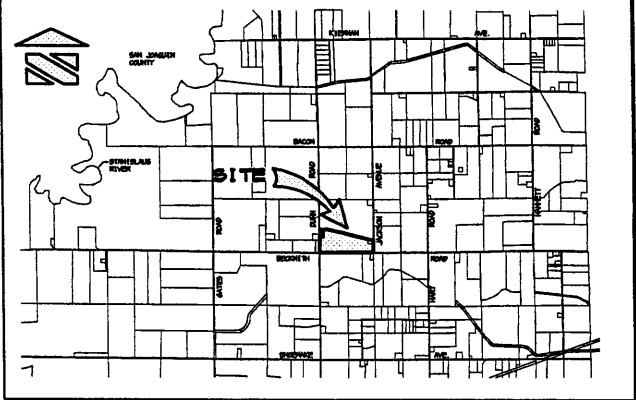
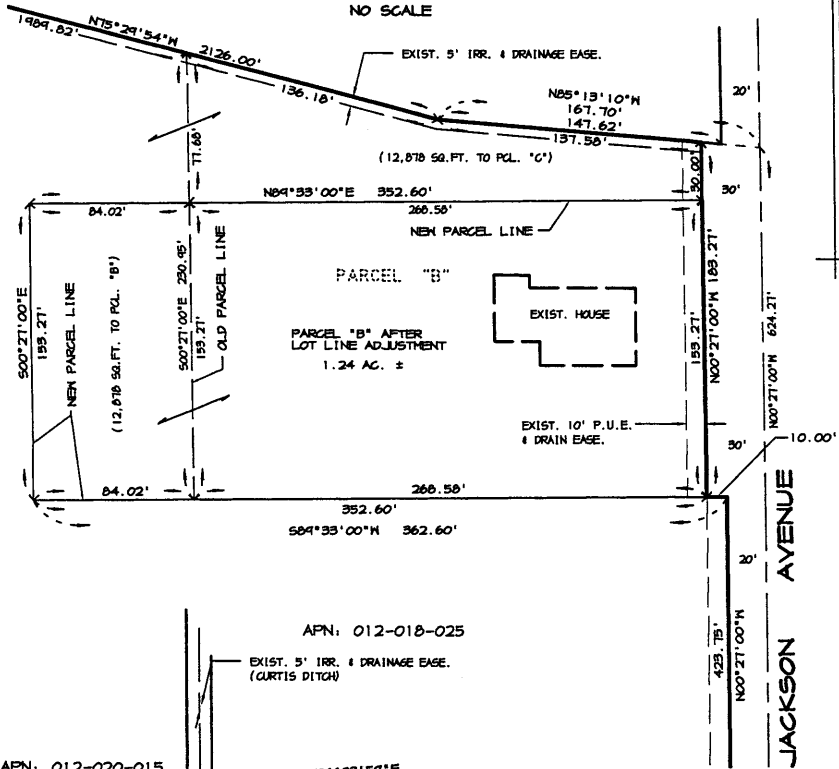
Subject to all easements and/or rights-of-way of record.



  
 Dave L. Skidmore, L.S. 7126  
 License Expires 12/31/08  
 07/03/08

**LLA DETAIL**

NO SCALE

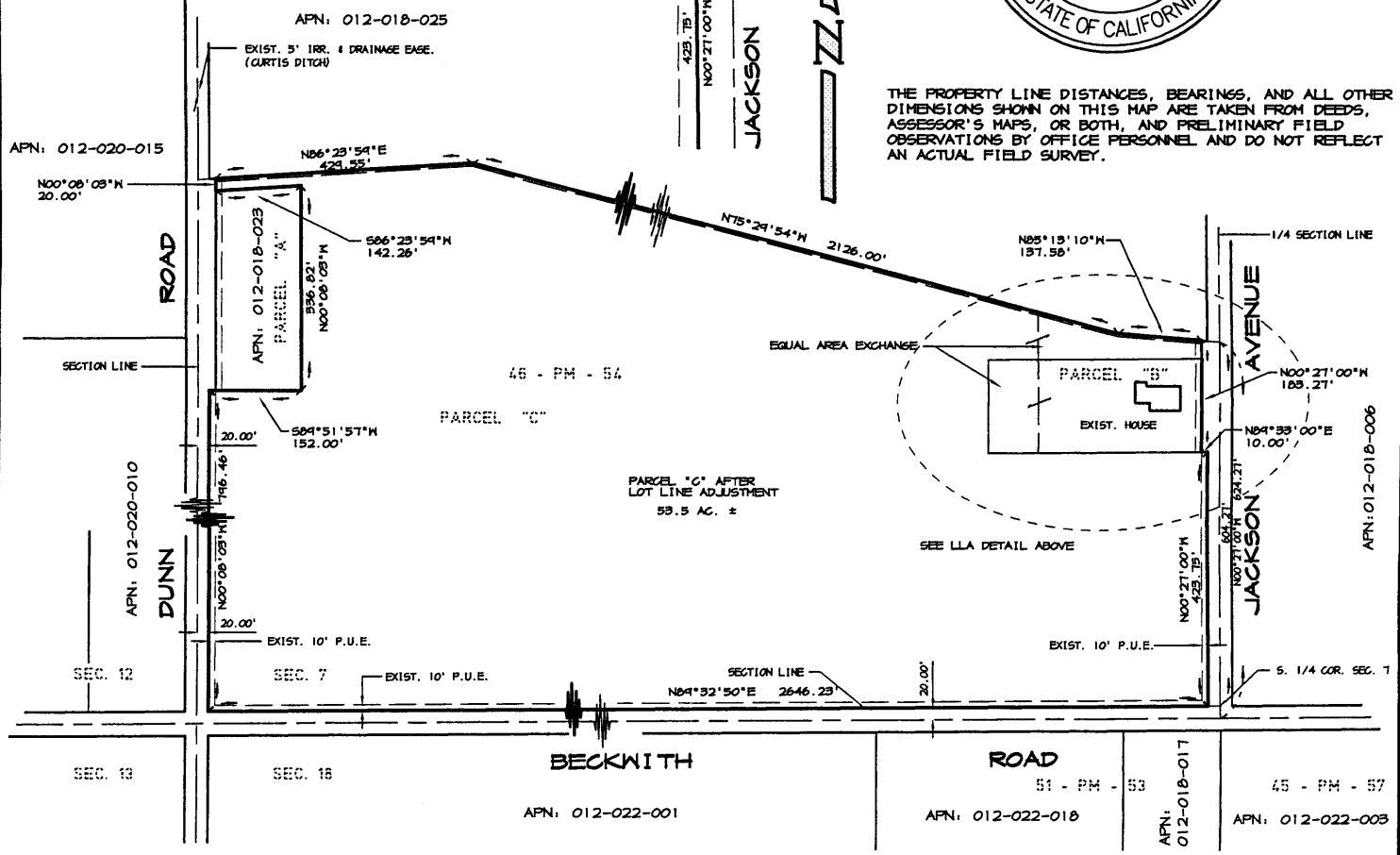


**VICINITY MAP**

NO SCALE



THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.



**EXHIBIT "B"**

DRAWN	DLS
DATE	6/05/08
SCALE	1"=300'
JOB #	684-08
DWG.	11a_exC

**LOT LINE ADJUSTMENT MAP**  
 BEING PARCELS "B & C" AS SHOWN IN BOOK 46 OF PARCEL MAPS AT PAGE 54, S.C.R. & LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 8 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA



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THIS SPACE FOR RECORDER ONLY

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. 2008-14**

Stanislaus, County Recorder  
 Lee Lundrigan Co Recorder Office  
**DOC- 2008-0099091-00**  
 Wednesday, SEP 10, 2008 11:41:14  
 Ttl Pd \$0.00 Nbr-0002602924  
 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: ARTHUR L. & ANNETTE F. BOWMAN  
7212 COVERT ROAD  
MODESTO, CA 95350

- (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>012-018-024</u>	<u>53.5</u>	<u>Beckwith Road, Modesto, 95353</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2008-597, relating to Lot Line Adjustment No. 2008-18 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 97-4351 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.

9/10

**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)
Arthur L. Bowman	<i>Arthur L. Bowman</i>	6/30/08	Modesto
Annette F. Bowman	<i>Annette F. Bowman</i>		

**SECURITY HOLDERS:**

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
Joseph Mauzy	<i>Joseph Mauzy</i>	6-30-08	Modesto

**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

*Kirk Ford* FOR  
TOM MAYFIELD  
Kirk Ford , Chairman  
for Board of Supervisors



State of California )  
County of Stanislaus )

On June 30, 2008 before me, Janna L. Earhart, a notary public, personally appeared Arthur L. Bowman and Annette F. Bowman, 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 Janna L. Earhart (Seal)



State of California )  
County of Stanislaus )

On June 30, 2008 before me, Janna L. Earhart, a notary public, personally appeared Joseph Mauzy, 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 Janna L. Earhart (Seal)

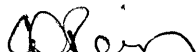


GOVERNMENT CODE 27361.7

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                      Janna L. Earhart  
COMMISSION NO.                      1786267  
DATE COMMISSION EXPIRES        Dec. 22, 2011  
PLACE OF EXECUTION                Stanislaus County

September 5, 2008  
(Date)

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

**EXHIBIT "A"  
LEGAL DESCRIPTION  
BOWMAN**

**WILLIAMSON ACT UNDER OLD CONTRACTS**

All that certain real property situate in the County of Stanislaus, State of California, lying within the Southwest Quarter of Section 7, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:

Parcel "C" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 21, 1994 in Book 46 of Parcel Maps at Page 54.

Together with the North 20 feet of Parcel "A" of last said map. The South line of said North 20 feet being parallel with the North line of Parcel "A" and being measured along the East right-of-way line of Dunn Road, 20.00 feet South of the Northwest corner of said Parcel "A".

Containing 53.5 acres more or less.

Subject to all easements and/or rights-of-way of record.

**EXHIBIT "B"**  
**LEGAL DESCRIPTION**  
**BOWMAN**

**WILLIAMSON ACT UNDER NEW CONTRACTS**

All that certain real property situate in the County of Stanislaus, State of California, lying within the Southwest Quarter of Section 7, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:

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Together with the North 20 feet of Parcel "A" of last said map. The South line of said North 20 feet being parallel with the North line of Parcel "A" and being measured along the East right-of-way line of Dunn Road, 20.00 feet South of the Northwest corner of said Parcel "A".

Also together with all that portion of Parcel "B" of last said map, being more particularly described as follows:

Beginning at the Northeast corner of said Parcel "B", said corner lying on the West right-of-way line of Jackson Avenue; thence South 00°27'00" East along last said line, a distance of 30.00 feet; thence South 89°33'00" West, a distance of 268.58 feet to a point on the West line of said Parcel "B"; thence North 00°27'00" West along last said line, a distance of 77.68 feet to the Northwest corner of said Parcel "B"; thence South 75°29'54" East along the North line of said Parcel "B", a distance of 136.18 feet to an angle point in last said line; thence continuing along last said line, South 85°13'10" East, a distance of 137.58 feet to the point of beginning.

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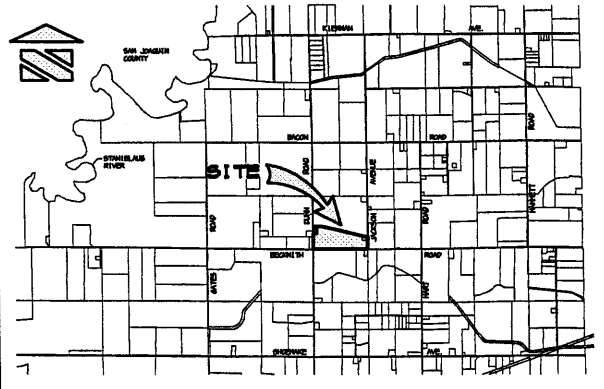
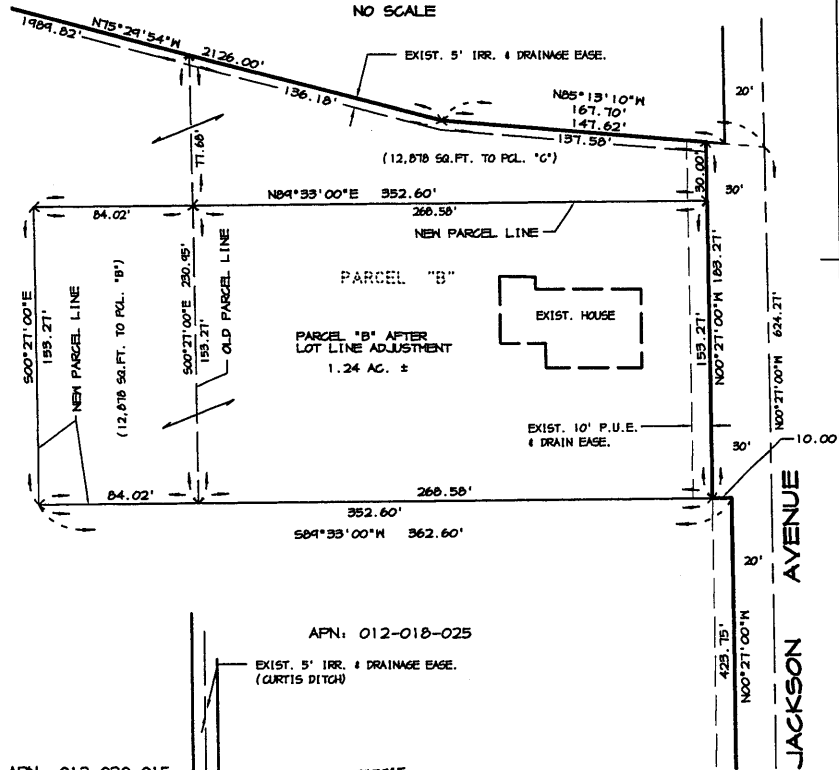
Commencing at the Northeast corner of said Parcel "B", said corner lying on the West right-of-way line of Jackson Avenue; thence South 00°27'00" East along last said line, a distance of 30.00 feet; thence South 89°38'00" West, a distance of 268.58 feet to a point on the West line of said Parcel "B" and being the POINT OF BEGINNING of this description; thence South 00°27'00" East along the West line of said Parcel "B", a distance of 153.27 feet to the Southwest corner of said Parcel "B"; thence South 89°33'00" West along the Westerly extension of the South line of said Parcel "B", a distance of 84.02 feet; thence North 00°27'00" West, a distance of 153.27 feet; thence North 89°33'00" East, a distance of 84.02 feet to the point of beginning.

Containing 53.5 acres more or less.

Subject to all easements and/or rights-of-way of record.

**LLA DETAIL**

NO SCALE

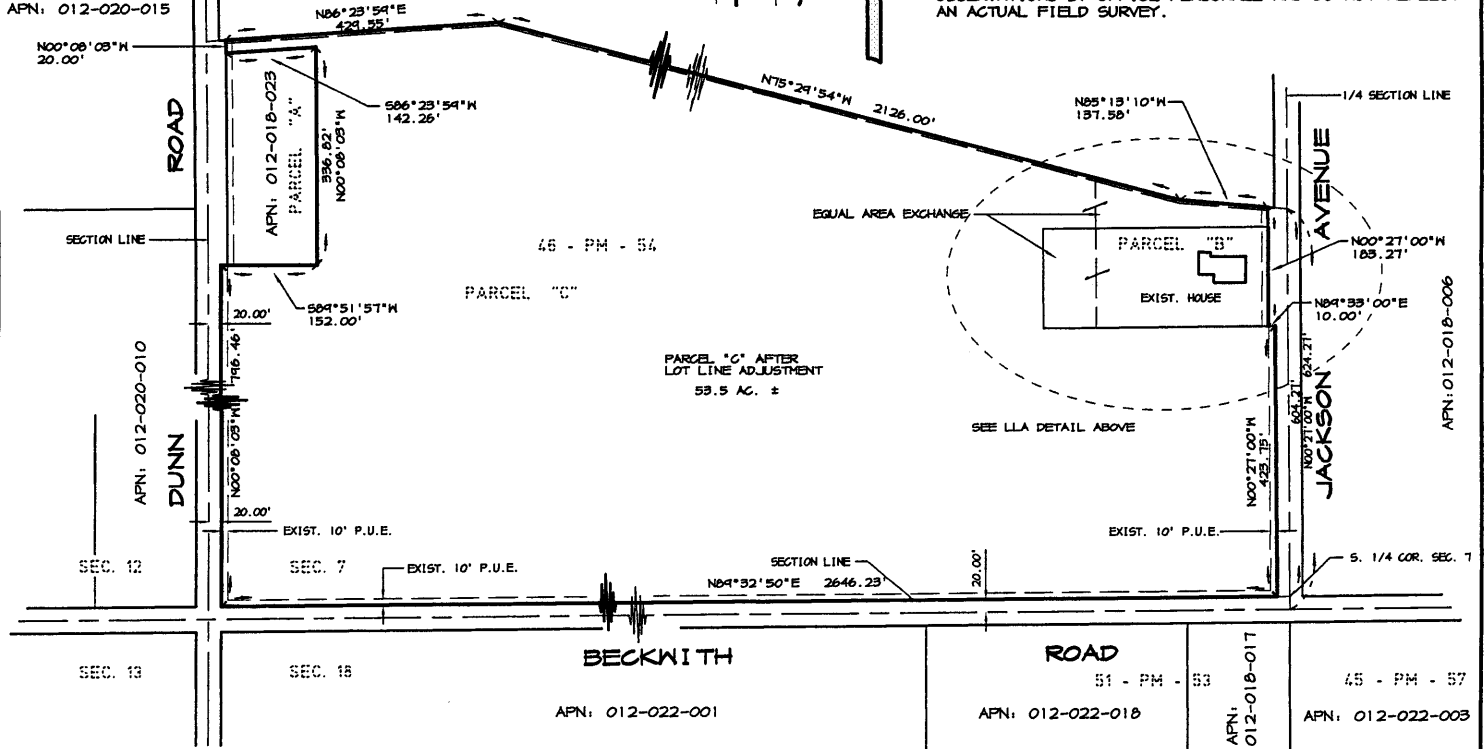


**VICINITY MAP**

NO SCALE



THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER DIMENSIONS SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSESSOR'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL FIELD SURVEY.



**EXHIBIT "B"**

DRAWN	DLS
DATE	6/05/08
SCALE	1"=300'
JOB #	684-08
DWG.	lla_exC

**LOT LINE ADJUSTMENT MAP**  
 BEING PARCELS "B & C" AS SHOWN IN BOOK 46 OF PARCEL MAPS AT PAGE 54, S.C.R. & LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 3 SOUTH, RANGE 8 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA

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

DEPT: Planning and Community Development

BOARD AGENDA # \*D-2

Urgent  Routine

AGENDA DATE 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. 1997-4351 (Jackson and Beckwith Roads, West of Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-18, Bowman, 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. 2008-597

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)  Approved as recommended

2)  Denied

3)  Approved as amended

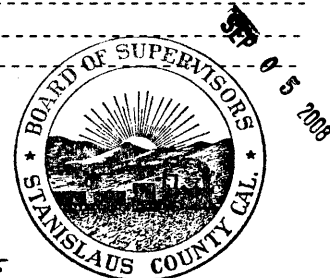
4)  Other:

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

By Christine Ferraro Tallman



ATTEST: Christine Ferraro Tallman

CHRISTINE FERRARO TALLMAN, Clerk

File No.