

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE November 18, 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. 80-3728 (Wellsford Road, Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-24, Blakemore and Steele, 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2008-788

On motion of Supervisor Monteith, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

ATTEST:

File No.

Approval to Rescind All or a Portion of Williamson Act Contract No. 80-3728 (Wellsford Road, Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-24, Blakemore and Steele, 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 rescind a Williamson Act Contract on Assessor's Parcel Number 014-042-025, a 12.14 acre property located in the Modesto area of unincorporated Stanislaus County, 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 existing parcel sizes involved in the lot line adjustment are approximately 12.14± (covered by Contract No. 80-3728) and 2 acres (not under a Williamson Act Contract). The proposed reconfiguration parcel sizes are 12.94± and 1.2± acres, respectfully.

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. 80-3728 (Wellsford Road, Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-24, Blakemore and Steele, and Authorize the Planning Director to Execute a New Contract
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There is one parcel involved in the lot line adjustment which is currently and will remain enforceably enrolled in a Williamson Act Contract. Lot Line Adjustment Application 2008-24, Blakemore and Steele, was approved by staff pending the Board's action required by the Williamson Act. All of Williamson Act Contract Number 80-3728 must be rescinded and replaced with a new contract.

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. 80-3728 (Wellsford Road, Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-24, Blakemore and Steele, 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.

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. 80-3728 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 2008-24
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 _____	T _____	R _____
ZONE _____		
RECEIVED _____		
APPLICATION NO. _____		
RECEIPT NO. _____		

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Fred and Linda Blakemore

 Name
 808 Wellsford Road, Modesto, CA, 95357

 Address, City, Zip
 523-0488

 Phone
 523-9514

 Fax Number

Parcel 2

Ora G. Steele

 Name
 900 Wellsford Road, Modesto, CA, 95357

 Address, City, Zip
 523-0488

 Phone
 523-9514

 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: Aspen Survey Company - Joe Musso
1121 Oakdale Road Suite 5, Modesto CA, 95355

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

Parcel 1: Book 014 Page 042 No. 25 Parcel 2: Book 014 Page 042 No. 26
 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>12.142</u>	<u>12.94±</u>
Parcel 2:	<u>2.00</u>	<u>1.2±</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC The lot lines are being adjusted to better conform with the use of the property. Parcel 2 currently has the agricultural out buildings which are needed for farming operations.
This lot line adjustment would allow for existing out buildings to be on the same parcel as farming operations.

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) Flood

Poultry _____

Dairy _____

Other (Specify) _____

7. List all structures on properties: Two (2) Houses, one on each parcel. One (1) Barn. Two (2) Sheds.

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

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

Parcel 1: 1978

Parcel 2: 1978

Parcel 3: _____

Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: 80-3782

Parcel 2: N/A

Parcel 3: _____

Parcel 4: _____

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

12. Will these parcels continue to irrigate? Yes No If yes, describe any physical changes in the irrigation system. None at this time

13. Signature of property owner(s)

Fred Blakemore
Owner's Signature

Fred Blakemore

Owner's Name Printed

Linda Blakemore
Owner's Signature

Linda Blakemore

Owner's Name Printed

Ora Steele
Owner's Signature

Ora Steele

Owner's Name Printed

Owner's Signature

Owner's Name Printed



September 23, 2008

Aspen Survey
Joe Musso
1121 Oakdale Road, Suite 5
Modesto, CA 95355

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2008-24
BLAKEMORE & STEELE**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **September 23, 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: Fred & Linda Blakemore

Ora G Steele

ATTACHMENT 2

Applicant Statement

This project is a lot line adjustment between Assessors Parcel No. 014-042-025 owned by Fred and Linda Blakemore and Parcel No. 014-042-026 owned by Ora G. Steele.

This lot line adjustment is to reconfigure the property so that the existing Agricultural Buildings are on the same parcel as the Agricultural operations. With this reconfiguration would allow for the replanting of walnuts. Which would return the current irrigated pasture, into a high producing orchard.

At the completion of this project the lots will be reconfigured to enhance Agricultural operations of the land. No Williamson Act land will be lost as a result of this lot line adjustment.

Government Code Section 51257 contains seven findings to be made related to lot line adjustments. These findings are each listed below with the justification following in italics.

- 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 the contract is 12.142± acres. After the lot line adjustment, all 12.94± acres will remain under contract. This would be an increase of 0.798 acres of Williamson Act Contract Land.

- 3) At least 90 percent of the land under the former contract remains under the new contract or contracts.

91% of the land originally under contract will remain under the new contract. The amount of land to be placed in the Williamson Act after approval of this lot line adjustment will be 12.94 acres. The Williamson Act contracted land will be increase by 0.798 acres after approval of this lot line adjustment.

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 California Government Code Section 51222.

Consistent with Section 51222, Parcel 1 will be larger than 10 acres after the lot line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size if it is prime farmland. Most of the subject property is consisting of Greenfield Sandy Loam according to "Soils of Eastern Stanislaus County" by Rodney J. Arkley. Greenfield Sandy Loam is considered prime farmland by the State of California.

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.

The result of this project will enhance the Agricultural production of Parcel 1 by allowing for existing Agricultural buildings to be on the same parcel as Agricultural lands. It would also allow for the replanting of Walnuts, which would return the current irrigated pasture, back into a high producing orchard.


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

Parcel 1 will remain under Williamson Act contract. There will be no loss in agricultural land as a result of this project.

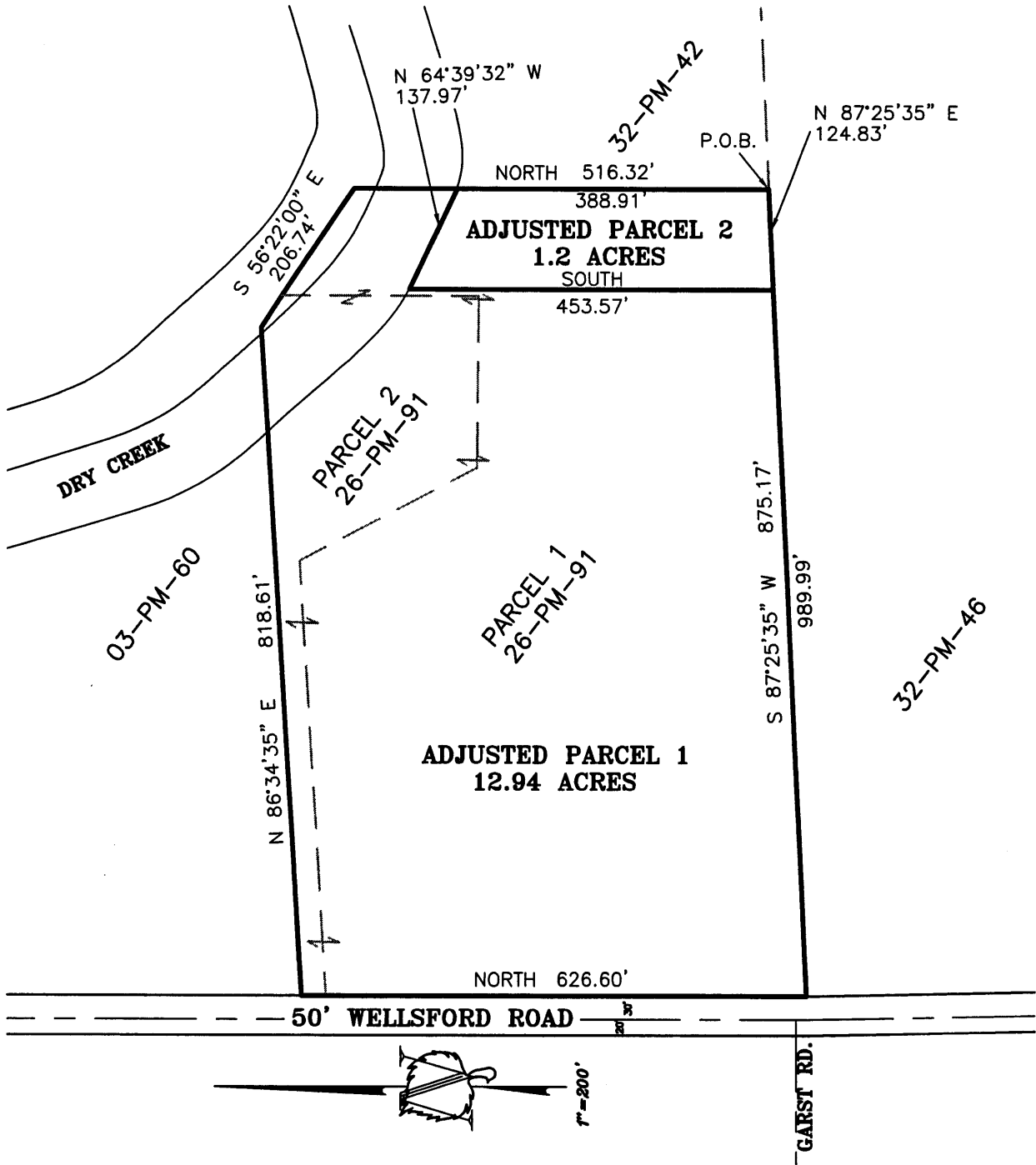
7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

This Lot Line Adjustment will not result in a greater number of parcels. All parcels involved with this Lot Line Adjustment will remain consistent with Stanislaus County General Plan.

In conclusion, the lot line adjustment is nothing more than the movement of a lot line to allow Agricultural Buildings to be on the same parcel as Agricultural Operation.


FRED BLAKEMORE
PROPERTY OWNER

9-12-08
Date



S:\dwg-2008\08-015\08-15 exhbc.dwg Plot Nov 06, 2008 at 4:59 PM

EXHIBIT C
 FOR
FRED AND LINDA BLAKEMORE



ASPEN JOB NO. 08-015



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10th Street, Suite 3400, Modesto, CA 95354
BOARD OF SUPERVISORS Phone: 209.525.6330 Fax: 209.525.5911

2008 DEC 22 P 3: 08

DATE: December 22, 2008

TO: Aspen Survey
Joe Musso
1121 Oakdale Road, Suite 5
Modesto, CA 95355

FROM: Kristin Doud, Assistant Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2008-24;
RECORDED COPY OF RECISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2008-18
BLAKEMORE & STEELE**

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: Fred & Linda Blakemore
Ora G. Steele
Board of Supervisor's Office
Cindy Schmidt, Assessor's Office

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. 2008-18**



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0128329-00

Monday, DEC 08, 2008 08:07:38
Ttl Pd \$0.00 Nbr-0002643839
OCE/R2/1-8

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into November 18, 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: Linda & Fred Blakemore
808 Wellsford Road
Modesto, CA 95357

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

ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
014-042-025	12.15	808 Wellsford Road, Modesto

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2008-788, relating to Lot Line Adjustment No. 2008-24 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 80-3728 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 or mark in the bottom right corner.

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)
Lynda Blakemore	<i>Lynda Blakemore</i>	11-4-08	Modesto
Fred Blakemore	<i>Fred Blakemore</i>	11-4-08	Modesto
Grace Steele	<i>Grace Steele</i>	11-4-08	Modesto

SECURITY HOLDERS:

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

EXHIBITS:

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

COUNTY: Stanislaus County

12/3/2008
Dated

Kirk Ford FOR
Chairman, Board of Supervisors
Kirk Ford for

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus }

On Nov. 4, 2008 before me, Esperanza C. Harris, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Lynda Blakemore, Fred Blakemore and Grace Steele
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.



Place Notary Seal Above

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 Esperanza C. Harris
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: _____

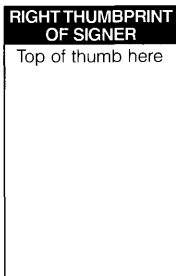
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

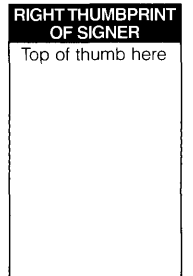
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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: _____

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 ESPERANZA C. HARRIS

COMMISSION NO. 1814070

DATE COMMISSION EXPIRES Oct 17, 2012

PLACE OF EXECUTION Stanislaus County

December 3, 2008

(Date)

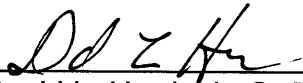


Crystal D Rein
Stanislaus County Planning &
Community Development Dept.

EXHIBIT "A"

PARCEL 1

Parcel 1 of that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 15, 1978 in Volume 26 of Parcel Maps, at page 91, being a portion of Section 21 and a portion of Section 28, Township 3 South, Range 10 East, Mount Diablo Base and Meridian.



David L. Harris, L. S. 5443
Expires 9-30-2010

Date: Nov 7, 2008



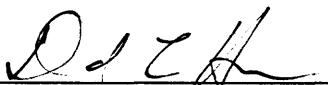
EXHIBIT "B"
12.94 Acre Parcel

PARCEL 1

All that portion of Parcel 1 and Parcel 2 of that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 15, 1978 in Volume 26 of Parcel Maps, at page 91, being a portion of Section 21 and a portion of Section 28, Township 3 South, Range 10 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

Beginning at the Southeast corner of said Parcel 1; Thence North along the East Line of said Parcel 1 a distance of 388.91 feet; Thence leaving said East Line North $64^{\circ}39'32''$ West a distance of 137.97 feet; Thence South and parallel with said East Line, a distance of 453.57 feet to a point on the South Line of said Parcel 1; Thence along said South Line, North $87^{\circ}25'35''$ East a distance of 124.83 or less to the point of beginning.



David L. Harris, L. S. 5443
Expires 9-30-2010

Date: Nov 7, 2008



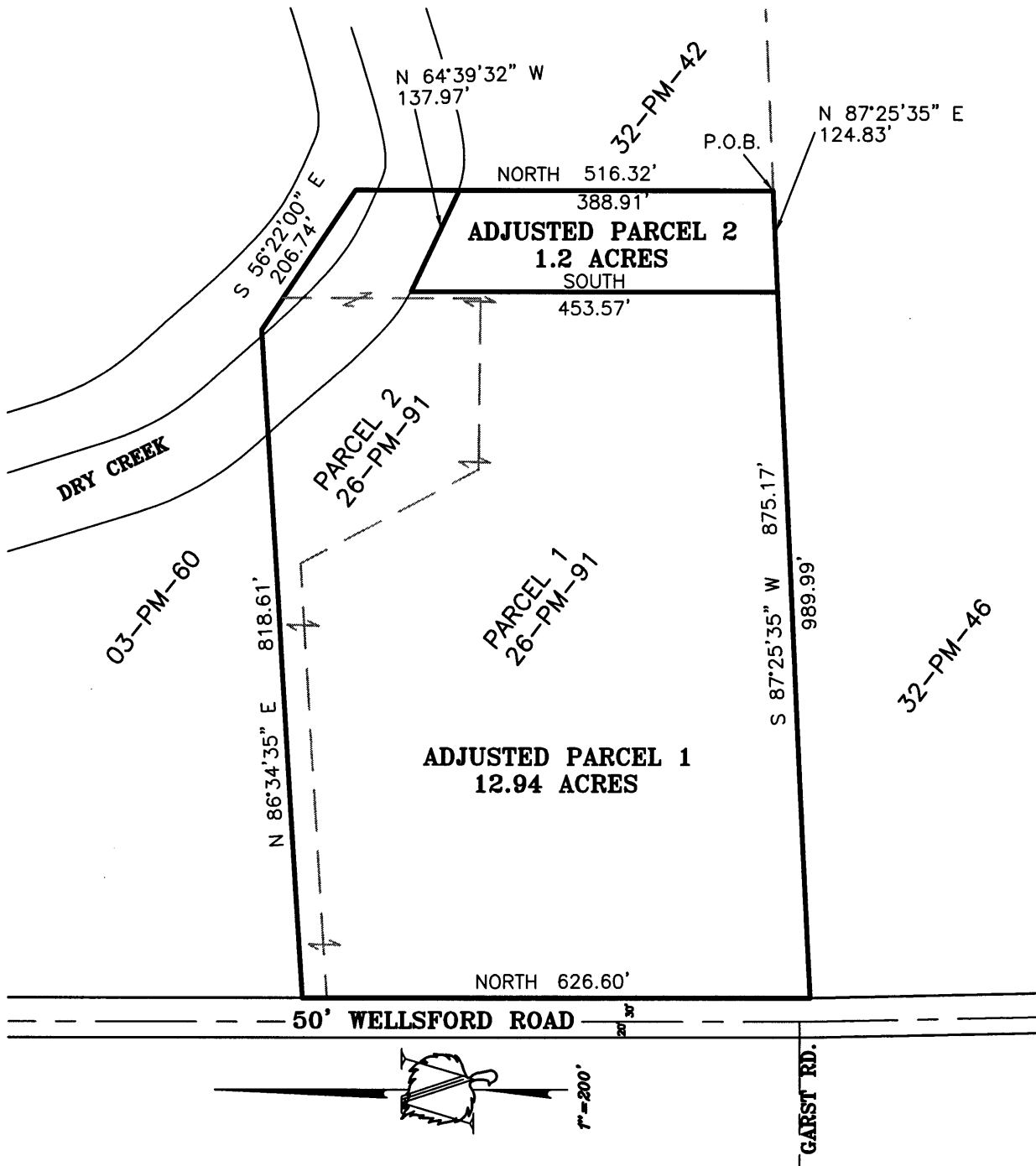


EXHIBIT B
FOR
FRED AND LINDA BLAKEMORE



1121 OAKDALE RD. SUITE 5, MODESTO, CA. 95355
PH: (209) 526-9724 FX: (209) 526-0472

ASPEN JOB NO. 08-015

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE November 18, 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. 80-3728 (Wellsford Road, Modesto) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2008-24, Blakemore and Steele, 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. 2008-788

On motion of Supervisor Monteith, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

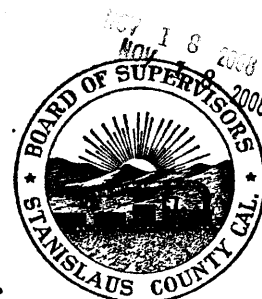
4) _____ Other:

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 Tallman
Guy Sibert



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2008-0128328-00
Acct 127-Planning - Special Rec
Monday, DEC 08, 2008 08:04:47
Ttl Pd \$35.00 Nbr-0002643838
OCE/R2/1-10

Space Above This Line for Recorder's Use

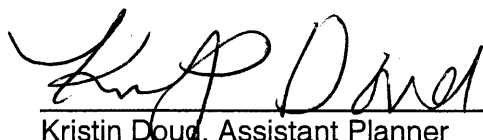
CERTIFICATE OF LOT LINE ADJUSTMENT

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 September 23, 2008 approved the lot line adjustment herein described submitted under the name of Blakemore & Steele Lot Line Adjustment No. 2008-24 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.

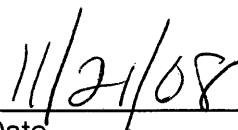
The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

KIRK FORD, INTERIM DIRECTOR

By:



Kristin Doug, Assistant Planner
Stanislaus County Department of Planning
and Community Development



Date

CE
10

LOT LINE NO. 2008-24

OWNERS:

NAME
(Print or type)

SIGNATURE
(All to be notarized)

DATE

SIGNED AT
(City)

Fred S. Blakemore

Fred S. Blakemore

10/7/08

Modesto

Lynda C. Blakemore

Lynda C. Blakemore

10/7/08

Modesto

Dea Grace Steele

Dea Grace Steele

10/7/08

Modesto

SECURITY HOLDERS:

NAME
(Print or type)

SIGNATURE
(All to be notarized)

DATE

SIGNED AT
(City)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus }

On Oct. 7, 2008 before me, Teresa Briandolo - Seely
Date Here Insert Name and Title of the Officer

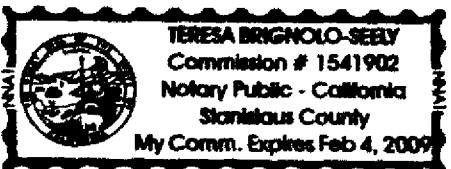
personally appeared Lynda C Blakemore & Fred S. Blakemore
Name(s) of Signer(s)

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.

Signature Teresa Briandolo Seely
Signature of Notary Public



Place Notary Seal Above

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus }

On Oct 7, 2008 before me, Teresa Briano-Scely, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Dra Grace Steele
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(x) whose name(x) (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(x) on the instrument the person(x), or the entity upon behalf of which the person(x) 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 Teresa Briano-Scely
Signature of Notary Public



Place Notary Seal Above

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 Teresa Brignolo-Seely
COMMISSION NO. 1541902
DATE COMMISSION EXPIRES Feb 4, 2009
PLACE OF EXECUTION Stanislaus County


December 2, 2008
(Date)

Crystal D Rein
Stanislaus County Planning &
Community Development Dept.

EXHIBIT "A"

PARCEL 1

Parcel 1 of that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 15, 1978 in Volume 26 of Parcel Maps, at page 91, being a portion of Section 21 and a portion of Section 28, Township 3 South, Range 10 East, Mount Diablo Base and Meridian.



David L. Harris, L. S. 5443
Expires 9-30-2010

Date: Nov 7, 2008

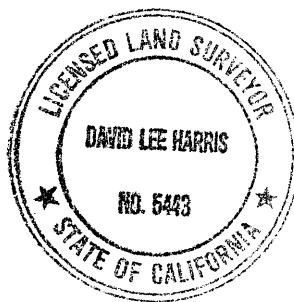
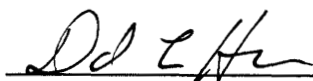


EXHIBIT "A"

PARCEL 2

Parcel 2 of that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 15, 1978 in Volume 26 of Parcel Maps, at page 91, being a portion of Section 21 and a portion of Section 28, Township 3 South, Range 10 East, Mount Diablo Base and Meridian.



David L. Harris, L. S. 5443
Expires 9-30-2010

Date: Nov. 7, 2008



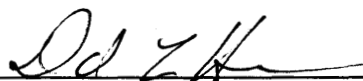
EXHIBIT "B"
12.94 Acre Parcel

PARCEL 1

All that portion of Parcel 1 and Parcel 2 of that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 15, 1978 in Volume 26 of Parcel Maps, at page 91, being a portion of Section 21 and a portion of Section 28, Township 3 South, Range 10 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

Beginning at the Southeast corner of said Parcel 1; Thence North along the East Line of said Parcel 1 a distance of 388.91 feet; Thence leaving said East Line North $64^{\circ}39'32''$ West a distance of 137.97 feet; Thence South and parallel with said East Line, a distance of 453.57 feet to a point on the South Line of said Parcel 1; Thence along said South Line, North $87^{\circ}25'35''$ East a distance of 124.83 or less to the point of beginning.



David L. Harris, L. S. 5443
Expires 9-30-2010

Date: Nov 7, 2008

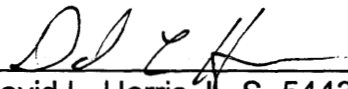


EXHIBIT "B"
1.2 Acre Parcel

PARCEL 2

All that portion of Parcel 1 of that certain Parcel Map filed in the Office of the Recorder of Stanislaus County, California, on March 15, 1978 in Volume 26 of Parcel Maps, at page 91, being a portion of Section 21 and a portion of Section 28, Township 3 South, Range 10 East, Mount Diablo Base and Meridian. Being more particularly described as follows:

Beginning at the Southeast corner of said Parcel 1; Thence North along the East Line of said Parcel 1 a distance of 388.91 feet; Thence leaving said East Line North $64^{\circ}39'32''$ West a distance of 137.97 feet; Thence South and parallel with said East Line, a distance of 453.57 feet to a point on the South Line of said Parcel 1; Thence along said South Line, North $87^{\circ}25'35''$ East a distance of 124.83 feet to the point of beginning.



David L. Harris, L. S. 5443
Expires 9-30-2010

Date: Nov 7, 2008



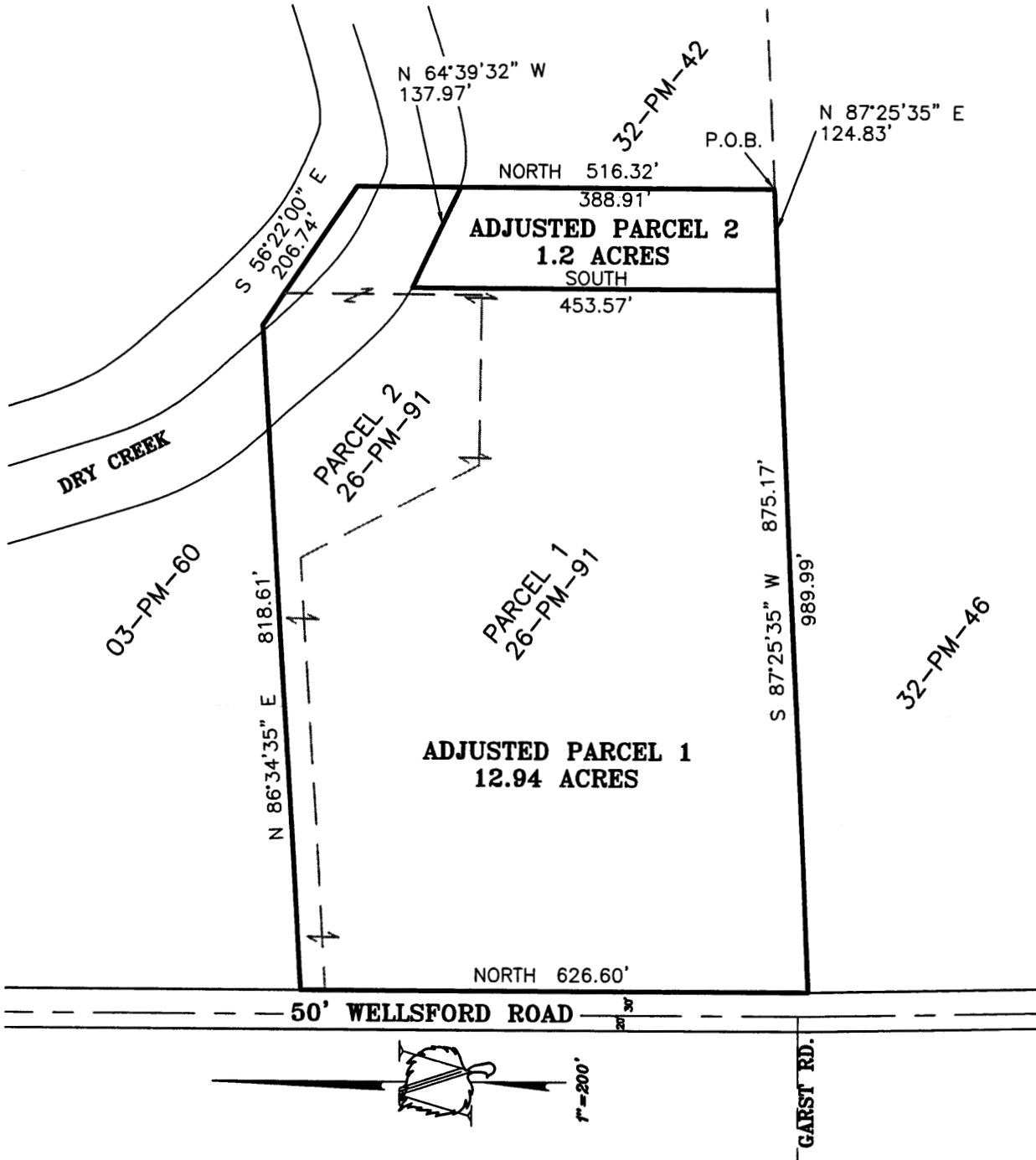


EXHIBIT B
 FOR
FRED AND LINDA BLAKEMORE



1121 OAKDALE RD. SUITE 5, MODESTO, CA. 95355
 PH: (209) 526-9724 FX: (209) 526-0472

ASPEN JOB NO. 08-015