

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 December 16, 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. 1978-3516 & 1982-3795 (Wren Road, in the Oakdale Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2006-37, Batezell, 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2008-859

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: District Two vacant

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. 1978-3516 & 1982-3795 (Wren Road, in Oakdale Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2006-37, Batezell, 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 010-039-036 and 042 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 43.83± acres located southwest of the City of Oakdale, in the unincorporated area of Stanislaus County. The existing parcel sizes are approximately 27.77± and 16.07± acres each. The proposed reconfiguration parcel sizes are 33.81± and 10.02±, respectfully.

The proposed lot line adjustment would align the new parcel boundary along an existing natural drainage. Both parcels will continue to obtain access from Wren Road via an unnamed private access road. Both parcels are currently under the same ownership.

The larger parcel (APN: 010-039-042) is covered by Contract No.1978-3516 and the smaller parcel (APN: 010-039-036) by Contract No. 1982-3795. 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 both parcels.

Approval to Rescind All or a Portion of Williamson Act Contract No. 1978-3516 & 1982-3795 (Wren Road, in Oakdale Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2006-37, Batezell, and Authorize the Planning Director to Execute a New Contract  
Page 3

Lot Line Adjustment Application 2006-37 was approved by staff pending the Board's action required by the Williamson Act.

Since both parcels are currently covered by a Williamson Act Contract and under different contracts, all or portions of both contracts 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. 1978-3516 & 1982-3795 (Wren Road, in Oakdale Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2006-37, Batezell, 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. 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 portions of Contract Nos. 1978-3516 and 1982-3795 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 2006-37
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

S _____ T _____ R _____
ZONE _____
RECEIVED _____
APPLICATION NO. _____
RECEIPT NO. _____

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

**Parcel 1**

Daniel R. & Kimberly A. Batezell  
 \_\_\_\_\_  
 Name  
 7990 Wren Road, Oakdale CA 95361  
 \_\_\_\_\_  
 Address, City, Zip  
 (209) 848-1879  
 \_\_\_\_\_  
 Phone  
 \_\_\_\_\_  
 Fax Number

**Parcel 2**

Daniel R. & Kimberly A. Batezell  
 \_\_\_\_\_  
 Name  
 7990 Wren Road, Oakdale CA 95361  
 \_\_\_\_\_  
 Address, City, Zip  
 (209) 848-1879  
 \_\_\_\_\_  
 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: Golden State Surveying and Engineering, Inc.  
488 South Stewart Street; Sonora, CA 95370; tel (209) 533-4797, fax (209) 533-4021

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

Parcel 1: Book 010 Page 039 No. 036      Parcel 2: Book 010 Page 039 No. 042  
 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>±27.77 Acres</u>	<u>±33.81 Acres</u>
Parcel 2:	<u>±16.07 Acres</u>	<u>±10.02 Acres</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC Parcels are being reconfigured to comport with existing topography and land use

\_\_\_\_\_

\_\_\_\_\_

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

Residential

Single Family

Duplex

Multiple

Commercial

Industrial

Other (Specify) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Agriculture

Row Crop - type \_\_\_\_\_

Trees - type \_\_\_\_\_

Vines - type \_\_\_\_\_

Range (unirrigated) \_\_\_\_\_

Pasture (irrigated) \_\_\_\_\_

Poultry \_\_\_\_\_

Dairy \_\_\_\_\_

Other (Specify) \_\_\_\_\_

7. List all structures on properties: Single Family Residence and appurtenant structures

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: January 10, 2000

Parcel 2: September 10, 2002

Parcel 3: \_\_\_\_\_

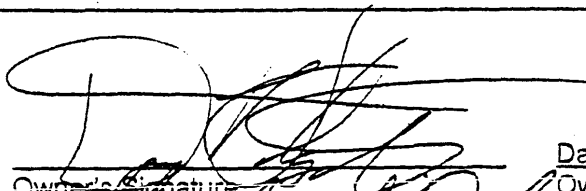
Parcel 4: \_\_\_\_\_

10. Is the property under Williamson Act Contract?  Yes  No If yes, contract number? 3516 & 3795

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

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

13. Signature of property owner(s)



Owner's Signature

Daniel R. Batzell

Owner's Name Printed

  
Owner's Signature

Kimberly A. Batzell

Owner's Name Printed

\_\_\_\_\_  
Owner's Signature

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

\_\_\_\_\_  
Owner's Signature

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



August 4, 2006

Golden State Surveying & Engineering Inc  
Robert L Ozbirn  
488 South Stewart Street  
Sonora, CA 95370

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2006-37  
BATEZELL - GOLDEN STATE ENG.**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **August 4, 2006**, and has tentatively approved your request, subject to the attached conditions.

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

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

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

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

Sincerely,

Joshua Mann  
Assistant Planner

Enclosure

cc: Daniel & Kimberly Batezell

**ATTACHMENT 2**

**Applicant Statement  
Project Description and Landowner Justification**

This project is a lot line adjustment between Assessors Parcel Number 010-039-036 ( $\pm 27.76$  Acres) owned by Daniel R. Batezell & Kimberly A. Batezell, and Assessors Parcel Number 010-039-042 ( $\pm 16.07$  Acres) owned by Daniel R. Batezell & Kimberly A. Batezell.

**REASONS FOR LOT LINE ADJUSTMENT ARE:**

Parcels are being reconfigured to comport with existing topography.

At the completion of the Lot Line adjustment, Parcel A-1 will have an adjusted area of  $\pm 33.81$  Acres and Parcel C-1 will have an adjusted area of  $\pm 10.02$  Acres. Both Parcels are currently enrolled in the Williamson Act.

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

**Finding (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 Williamson Act 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.*

**Finding (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  $\pm 43.83$  Acres. After the lot line adjustment, all  $\pm 43.83$  Acres will remain under contract.*

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

*No land will be changing ownership as a result of this lot line adjustment. As such 100% of the land under the former contract will remain within the contract. In addition, as set forth above in Finding (2), the entire amount of land included within this lot line adjustment will continue to remain under Williamson Act contract.*

**Finding (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, all parcels will be larger than 10 Acres both before and 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 prime farmland, or greater than 40 Acres in the case of non-prime farmland. The subject properties are all unidentified by the Natural Resource Conservation Service Farmland Mapping Program. However, using crop valuation data all parcels comport with the prime farmland definition.*

**Finding (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.**

*All of these parcels have been used for agricultural productivity, the lot line adjustment will in no way affect the long term agricultural productivity of any these parcels.*

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

*The parcels will continue to remain restricted by contract for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.*

**Finding (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. None of these parcels are currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.*

In conclusion, the lot line adjustment is nothing more than the movement of lot lines to comport with existing topography. As set forth previously, the properties will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of any parcel.

# Exhibit "A1"

Parcel "C"  
47 PM 5  
±16.07 Acres

Lot 47 and a  
Portion of Lot 42  
Oakdale Irrigated Acres Subdivision  
Sub-Tract No. TWO  
21-S-92  
±27.77 Acres

WREN ROAD

ADAMS NO. 2

LATERAL

O.I.D.

SOUTH

MAIN

CANAL

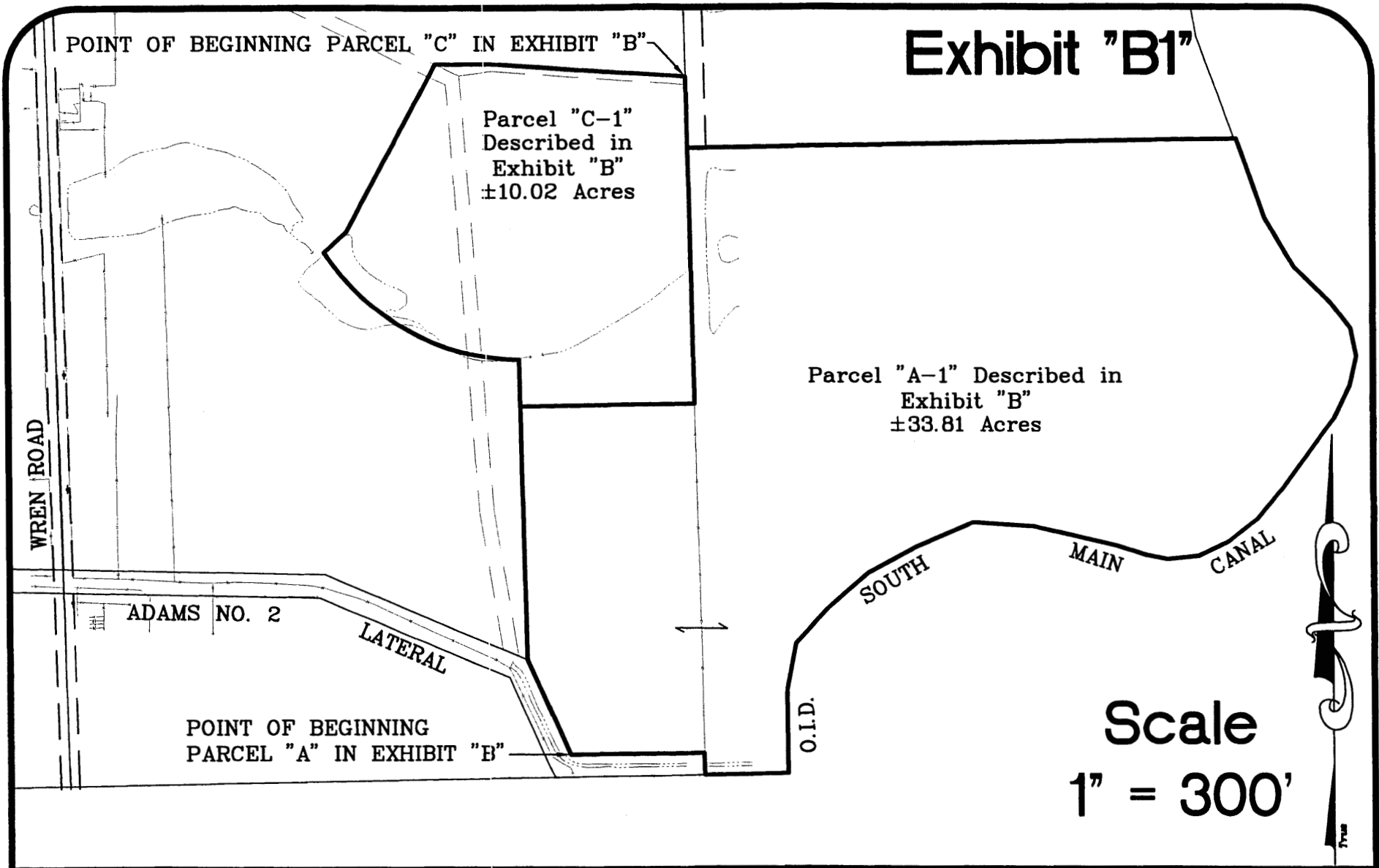
Scale  
1" = 300'



ATTACHMENT 4

SCALE: 1" = 300'	JOB NO: 0566	FILED: 0566-File
DATE: 06/24/2008	DRAWING FILE: 0566EX.dwg	DRAWN / CHECKED tah RLO

**Golden State**  
SURVEYING & ENGINEERING INC  
488 South Stewart Street  
Sonora, California 95370



SCALE: 1" = 300'	JOB NO: 0566	FILED: 0566-File
DATE: 06/24/2008	DRAWING FILE: 0566EX.dwg	DRAWN / CHECKED tah RLO

**Golden State**  
SURVEYING & ENGINEERING INC  
488 South Stewart Street  
Sonora, California 95370



BOARD OF SUPERVISORS  
2009 FEB 11 P 2 09

DATE: February 11, 2009

TO: Golden State Surveying & Engineering Inc.  
Attn: Robert L. Ozbirn  
488 South Stewart Street  
Sonora, CA 95370

FROM: Joshua Mann, Associate Planner

SUBJECT: **RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2006-37;  
RECORDED COPY OF RECISSION AND SIMULTANEOUS RE-ENTRY  
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2009-13  
BATEZELL - GOLDEN STATE ENG.**

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: Daniel & Kimberly Batezell  
Board of Supervisor's Office  
Cindy Schmidt, Assessor's Office



Stanislaus, County Recorder  
 Lee Lundrigan Co Recorder Office  
**DOC- 2009-0002750-00**

Acct 127-Planning - Special Rec  
 Tuesday, JAN 13, 2009 08:00:54  
 Ttl Pd \$38.00 Nbr-0002659450  
 OMK/R2/1-11

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

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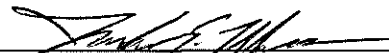
Space Above This Line for Recorder's Use

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 August 4, 2006 approved the lot line adjustment herein described and submitted under the name of Batezell - Golden State Eng. Lot Line Adjustment No. 2006-37 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" and Exhibit "C", 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, DIRECTOR

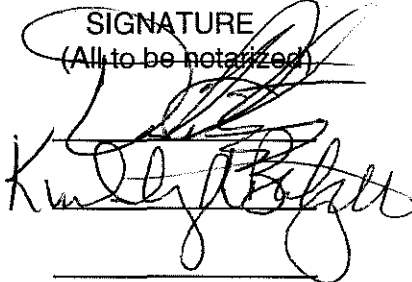
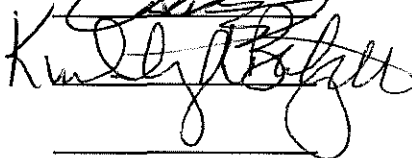
By:   
 Joshua Mann, Associate Planner  
 Stanislaus County Department of  
 Planning and Community Development

01-08-2009  
 Date

*Handwritten initials*

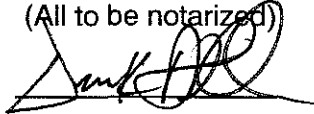
LOT LINE NO. 2006-37

**OWNERS:**

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Daniel R. Batezell</u>		<u>2.14.07</u> <sup>16 KB</sup>	<u>Modesto</u>
<u>Kimberly A. Batezell</u>		<u>2.14.07</u> <sup>16 KB</sup>	<u>Modesto</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**SECURITY HOLDERS:**

WASHINGTON MUTUAL BANK, FA

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Assistant Vice President Derek Dutcher</u>		<u>07-20-07</u> <sup>25 JD</sup>	<u>Florence</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Loan #908-3011177221

STATE OF California

COUNTY OF Stanislaus

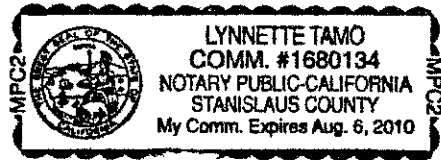
On February 16, 2007 before me, Lynnette Tamo, Notary Public  
(Name of Notary Public)

personally appeared DANIEL R. BATEZELL and KIMBERLY A. BATEZELL

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

WITNESS my hand and official seal.

Lynnette Tamo  
(Signature of Notary Public)




(This area for notarial 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                      Lynnette Tamo  
COMMISSION NO.                      1680134  
DATE COMMISSION EXPIRES        Aug. 6, 2010  
PLACE OF EXECUTION                Stanislaus County

January 9, 2009  
(Date)

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



Loan #908-3011177221

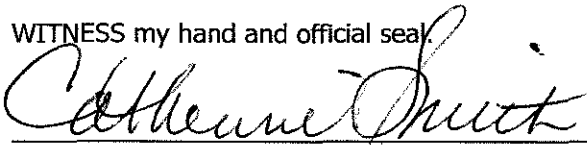
STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

On July 20, 2007 before me, Catherine Smith, Notary Public  
(Name of Notary Public)

personally appeared Derek Dutcher

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

WITNESS my hand and official seal.  
  
(Signature of Notary Public)

**Catherine Smith**  
**NOTARY PUBLIC**  
State of South Carolina

My Commission Expires:  
December 29, 2007

(This area for notarial seal)

**Exhibit "A"**  
**Original Parcel Configuration**

**Parcel "A"**

All that certain real property situate in a portion of Lot 42 and all of Lot 47 of the Oakdale Irrigated Acres Sub-Tract No. 2, according to the official map thereof filed for record in Volume 8 of Maps, at Page 44, Stanislaus County Records, located in Section 19, Township 2 South, Range 11 East, Mount Diablo Baseline and Meridian, in the County of Stanislaus, State of California, described as follows:

**BEGINNING** at the northwest corner of lot 39 of said Oakdale Irrigated Acres Sub-Tract No. 2

Thence S.01°13'26"E., along the west lines of said lots 39 and 42 distance of 1297.50 feet to the true point of beginning of this Description;

**BEGINNING** at a point on the westerly boundary of Said Lot 42 from which the northwest corner of said Lot 39 bears N.01°13'26"W., 1297.50 feet,

Thence N.89°03'00"E., parallel with the north line of said lot 39 a Distance of 1147.10 feet to the northwesterly right-of-way line of Oakdale Irrigation District's 100 foot wide south main canal,

Thence southerly and westerly along said northwesterly line of the south main canal the following 22 courses:

S.19°36'00"E., 189.72 feet,  
S.30°58'00"E., 121.63 feet,  
S.45°38'00"E., 105.57 feet,  
S.38°23'00"E., 69.29 feet,  
S.12°03'00"E., 60.07 feet,  
S.12°54'00"W., 66.07 feet,  
S.25°09'00"W., 78.62 feet,  
S.36°05'00"W., 184.83 feet,  
S.40°10'00"W., 85.28 feet,  
S.51°37'00"W., 78.03 feet,  
S.63°56'00"W., 70.60 feet,  
S.83°56'00"W., 65.95 feet,  
N.78°29'00"W., 44.34 feet,  
N.71°32'00"W., 64.52 feet,  
N.76°37'00"W., 178.04 feet,  
N.86°15'00"W., 132.12 feet,  
S.65°53'00"W., 127.92 feet,  
S.61°19'00"W., 114.68 feet,  
S.48°10'00"W., 116.07 feet,  
S.41°55'00"W., 99.64 feet,  
S.10°28'00"W., 104.05 feet,  
S.0°34'00"E., 176.9 feet to the south line of said Lot 47,

Thence S.89°02' 13"W., along said south line of lot 47 a distance of 175.96 feet to the southwest corner of said Lot 47,

Thence N.01°13'26"W., along the west lines of said Lots 47 and 42 a distance of 1349.63 feet to the **POINT OF BEGINNING**,

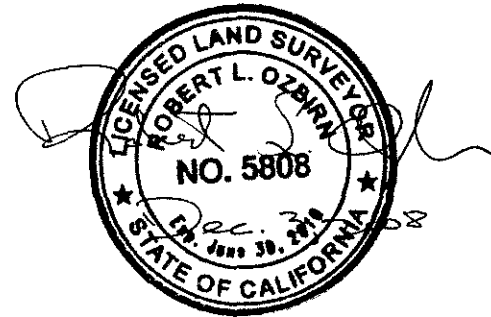
All That Certain 27.77 Acres Parcel of Land as shown in Volume 21 of Surveys at Page 92 on file in the office of the Stanislaus County Recorder,

**Parcel "C"**

Parcel "C", as shown in Book 47 of Parcel Maps, at Page 5 on file in the Office of the Stanislaus County Recorder,

The above described Parcels "A" and "C" comprise 43.84 acres more or less.

**End of Description**



## Exhibit "B"

### Parcel "A-1"

A Parcel of Land State in the State of California, County of Stanislaus, lying within a portion of the North ½ of Section 19, Township 2 South, Range 11 East, Mount Diablo Meridian, and more particularly described as follows:

**BEGINNING** at the southwest corner of Parcel "C" as shown in Book 47 of Parcel Maps at Page 5 on file in the Office of the Stanislaus County Recorder,

Thence N.23°28'26"W., along the westerly boundary of said Parcel "C", 221.63 feet,  
Thence N.01°15'38"W., along the westerly boundary of said Parcel "C", 541.70 feet,  
Thence leaving said westerly boundary, N.89°00'00"E., 364.21 feet, to the easterly  
boundary of said Parcel "C",

Thence N.01°15'38"W., along the easterly boundary of said Parcel "C", 553.90 feet,  
Thence N.89°00'30"E., 1146.46 feet to the westerly right-of-way line of Oakdale  
Irrigation District's 100 foot wide South Main Canal as shown in Volume 8 of  
Maps at Page 44 in the Office of the Stanislaus County Recorder,

Thence along said westerly right-of-way line the following 22 courses:

- (1.) S.19°38'16"E., 189.78 feet,
- (2.) S.31°00'05"E., 121.67 feet,
- (3.) S.45°40'05"E., 105.60 feet,
- (4.) S.38°25'05"E., 69.31 feet,
- (5.) S.12°05'05"E., 60.09 feet,
- (6.) S.12°48'38"W., 66.07 feet,
- (7.) S.25°03'38"W., 78.62 feet,
- (8.) S.35°59'38"W., 184.83 feet,
- (9.) S.40°04'38"W., 85.28 feet,
- (10.) S.51°31'38"W., 78.03 feet,
- (11.) S.63°50'38"W., 70.60 feet,
- (12.) S.83°57'42"W., 65.97 feet,
- (13.) N.78°27'18"W., 44.35 feet,
- (14.) N.71°30'18"W., 64.54 feet,
- (15.) N.76°35'18"W., 178.09 feet,
- (16.) N.86°13'18"W., 132.16 feet,
- (17.) S.65°49'42"W., 127.90 feet,
- (18.) S.61°15'42"W., 114.67 feet,
- (19.) S.48°06'42"W., 116.06 feet,
- (20.) S.41°51'42"W., 99.63 feet,
- (21.) S.10°24'42"W., 104.04 feet,
- (22.) S.00°37'18"E., 176.89 feet to the south boundary of Lot 47 as shown in  
Volume 8 of Maps at Page 44, on file in the Office of the Stanislaus  
County Recorder,

Exhibit "B" Continued on Page 2 of 3

Page 1 of 3

**Exhibit "B" continued**

Thence S.88°58'55"W., along the southerly boundary of said Lot 47, 175.94 feet to the southwest corner thereof,

Thence N.01°15'33"W., along the westerly boundary of said Lot 47, 47.74 feet to the southeast corner of Parcel "C" as shown in Book 47 of Parcel Maps at Page 5 in the Office of the Stanislaus County Recorder,

Thence S.89°17'34"W., along the southerly boundary of the afore mentioned Parcel "C", 280.43 feet to the **POINT OF BEGINNING**,

The above-described Parcel "A-1" contains 33.81 Acres more or less,

**Exhibit "B" Continued on Page 3 of 3**

## Exhibit "B" Continued

### Parcel "C-1"

A Parcel of Land State of California, County of Stanislaus, lying within a portion of the North ½ of Section 19, Township 2 South, Range 11 East, Mount Diablo Meridian, and more particularly described as follows:

**BEGINNING** at the northeast corner of Parcel "C" as shown in Book 47 of Parcel Maps, at Page 5 on file in the Office of the Stanislaus County Recorder,

Thence S.01°15'38"E., along the easterly boundary of said Parcel "C", 699.72 feet,  
Thence leaving said easterly boundary, S.89°00'00"W., 364.21 feet to the westerly  
boundary of said Parcel "C",

Thence N.01°15'38"W., along said westerly boundary, 101.10 feet,

Thence along the westerly boundary of the said Parcel "C", from a tangent which bears  
N.89°15'31"W., along a curve to the right, having a radius of  
500.00 feet, a central angle of 56°17'30", and an arc length of 491.24 feet,

Thence N.47°17'44"E., along the westerly boundary of said Parcel "C", 63.99 feet,

Thence N.28°04'30"E., along the westerly boundary of said Parcel "C", 409.85 feet to the  
northwest corner thereof,

Thence N.89°49'16"E., along the northerly boundary of said Parcel "C", 116.28 feet,

Thence S.86°00'42"E., along the northerly boundary of said Parcel "C", 408.81 feet to the

**POINT OF BEGINNING,**

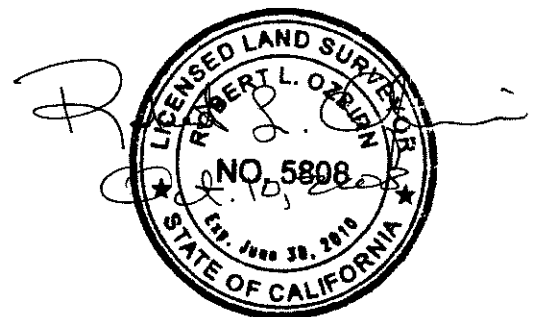
The above-described Parcel "C-1" contains 10.02 Acres more or less,

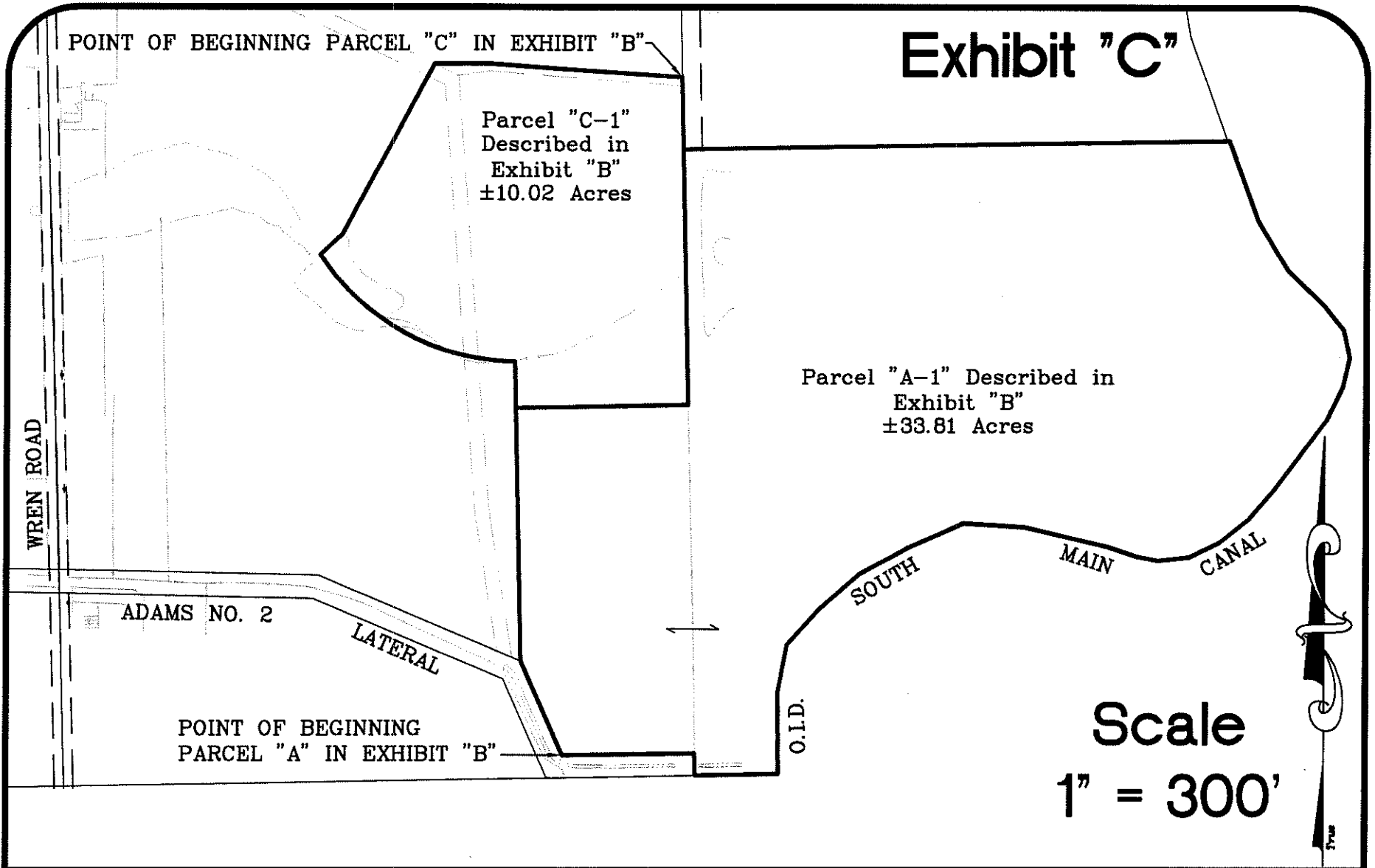
The purpose of the foregoing description is to complete a Lot Line Adjustment between a portion of Lot 42 and Lot 47 as shown in Volume 21 of Surveys at Page 92, and Parcel "C" as shown in Book 47 of Parcel Maps, at Page 5, on file in the Office of the Stanislaus County Recorder,

The above described Parcel "A-1" and Parcel "C-1" are generally shown and depicted on Exhibit "C" attached hereto and made a part hereof by reference,

The Basis of Bearings in the foregoing description is identical to Book 47 of Parcel Maps, at Page 5, on file in the Office of the Stanislaus County Recorder.

### End of Description





SCALE: 1" = 300'	JOB NO: 0566	FILED: 0566-File
DATE: 10/10/2008	DRAWING FILE: 0566EX.dwg	DRAWN / CHECKED tah RLO


**Golden State**  
SURVEYING & ENGINEERING INC  
488 South Stewart Street  
Sonora, California 95370

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. 2009-13**

RECORDED ONLY



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2009-0002751-00**  
Tuesday, JAN 13, 2009 08:01:03  
Ttl Pd \$0.00 Nbr-0002659451  
OMK/R2/2-12

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into December 16, 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: Daniel R. Batezell  
7990 Wren Road  
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)
010-039-036	33.81	7990 Wren Road, Oakdale, CA 95361
010-039-042	10.02	7842 Wren Road, Oakdale, CA 95361

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2008-859, relating to Lot Line Adjustment No. 2006-37 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 78-3516 & 82-3795 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.

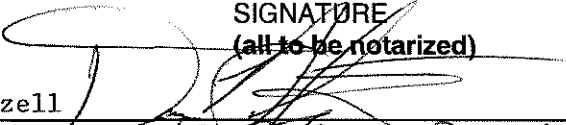
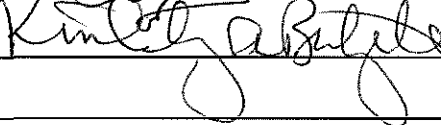
OMK



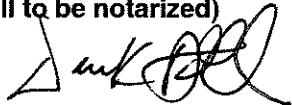
**NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT**  
**Page 2**

- (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)
Daniel R. Batezell		February 14 <sup>E</sup> , 2007	Modesto
Kimberly A. Batezell		February 14 <sup>KB</sup> , 2007	Modesto

**SECURITY HOLDERS:**

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
Washington Mutual Bank, FA Derek Dutcher, Assistant Vice President		July 20, 2007	Florence

**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

1/12/2009  
Dated

K. Ford FOR:  
Chairman, Board of Supervisors  
Kirk Ford for Jim DeMartini

Loan #908-3011177221

STATE OF California

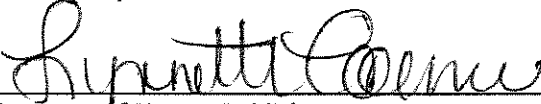
COUNTY OF Stanislaus

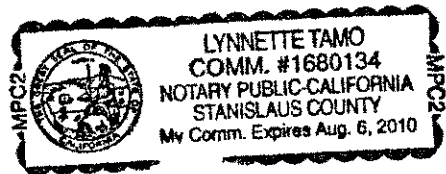
On February 16, 2007 before me, Lynnette Tamo, Notary Public  
(Name of Notary Public)

personally appeared DANIEL R. BATEZELL and KIMBERLY A. BATEZELL

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

WITNESS my hand and official seal.

  
(Signature of Notary Public)




(This area for notarial 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                      Lynette Tamo  
COMMISSION NO.                      1680134  
DATE COMMISSION EXPIRES        Aug. 6, 2010  
PLACE OF EXECUTION                Stanislaus County

January 9, 2009  
(Date)

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

Loan #908-3011177221

STATE OF SOUTH CAROLINA

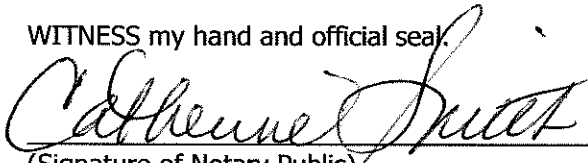
COUNTY OF FLORENCE

On July 20, 2007 before me, Catherine Smith, Notary Public  
(Name of Notary Public)

personally appeared Derek Dutcher

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

WITNESS my hand and official seal.

  
(Signature of Notary Public)

**Catherine Smith  
NOTARY PUBLIC  
State of South Carolina**

My Commission Expires:  
December 29, 2007

(This area for notarial seal)

**Exhibit "A"**  
**Original Parcel Configuration**

**Parcel "A"**

All that certain real property situate in a portion of Lot 42 and all of Lot 47 of the Oakdale Irrigated Acres Sub-Tract No. 2, according to the official map thereof filed for record in Volume 8 of Maps, at Page 44, Stanislaus County Records, located in Section 19, Township 2 South, Range 11 East, Mount Diablo Baseline and Meridian, in the County of Stanislaus, State of California, described as follows:

**BEGINNING** at the northwest corner of lot 39 of said Oakdale Irrigated Acres Sub-Tract No. 2

Thence S.01°13'26"E., along the west lines of said lots 39 and 42 distance of 1297.50 feet to the true point of beginning of this Description;

**BEGINNING** at a point on the westerly boundary of Said Lot 42 from which the northwest corner of said Lot 39 bears N.01°13'26"W., 1297.50 feet,

Thence N.89°03'00"E., parallel with the north line of said lot 39 a Distance of 1147.10 feet to the northwesterly right-of-way line of Oakdale Irrigation District's 100 foot wide south main canal,

Thence southerly and westerly along said northwesterly line of the south main canal the following 22 courses:

S.19°36'00"E., 189.72 feet,  
S.30°58'00"E., 121.63 feet,  
S.45°38'00"E., 105.57 feet,  
S.38°23'00"E., 69.29 feet,  
S.12°03'00"E., 60.07 feet,  
S.12°54'00"W., 66.07 feet,  
S.25°09'00"W., 78.62 feet,  
S.36°05'00"W., 184.83 feet,  
S.40°10'00"W., 85.28 feet,  
S.51°37'00"W., 78.03 feet,  
S.63°56'00"W., 70.60 feet,  
S.83°56'00"W., 65.95 feet,  
N.78°29'00"W., 44.34 feet,  
N.71°32'00"W., 64.52 feet,  
N.76°37'00"W., 178.04 feet,  
N.86°15'00"W., 132.12 feet,  
S.65°53'00"W., 127.92 feet,  
S.61°19'00"W., 114.68 feet,  
S.48°10'00"W., 116.07 feet,  
S.41°55'00"W., 99.64 feet,  
S.10°28'00"W., 104.05 feet,  
S.0°34'00"E., 176.9 feet to the south line of said Lot 47,

Thence S.89°02' 13"W., along said south line of lot 47 a distance of 175.96 feet to the southwest corner of said Lot 47,

Thence N.01°13'26"W., along the west lines of said Lots 47 and 42 a distance of 1349.63 feet to the **POINT OF BEGINNING**,

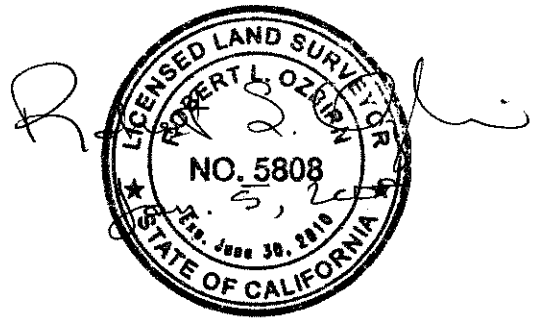
All That Certain 27.77 Acres Parcel of Land as shown in Volume 21 of Surveys at Page 92 on file in the office of the Stanislaus County Recorder,

**Parcel "C"**

Parcel "C", as shown in Book 47 of Parcel Maps, at Page 5 on file in the Office of the Stanislaus County Recorder,

The above described Parcels "A" and "C" comprise 43.84 acres more or less.

**End of Description**



## Exhibit "B"

### Parcel "A-1"

A Parcel of Land State in the State of California, County of Stanislaus, lying within a portion of the North ½ of Section 19, Township 2 South, Range 11 East, Mount Diablo Meridian, and more particularly described as follows:

**BEGINNING** at the southwest corner of Parcel "C" as shown in Book 47 of Parcel Maps at Page 5 on file in the Office of the Stanislaus County Recorder,

Thence N.23°28'26"W., along the westerly boundary of said Parcel "C", 221.63 feet,  
Thence N.01°15'38"W., along the westerly boundary of said Parcel "C", 541.70 feet,  
Thence leaving said westerly boundary, N.89°00'00"E., 364.21 feet, to the easterly boundary of said Parcel "C",

Thence N.01°15'38"W., along the easterly boundary of said Parcel "C", 553.90 feet,  
Thence N.89°00'30"E., 1146.46 feet to the westerly right-of-way line of Oakdale Irrigation District's 100 foot wide South Main Canal as shown in Volume 8 of Maps at Page 44 in the Office of the Stanislaus County Recorder,

Thence along said westerly right-of-way line the following 22 courses:

- (1.) S.19°38'16"E., 189.78 feet,
- (2.) S.31°00'05"E., 121.67 feet,
- (3.) S.45°40'05"E., 105.60 feet,
- (4.) S.38°25'05"E., 69.31 feet,
- (5.) S.12°05'05"E., 60.09 feet,
- (6.) S.12°48'38"W., 66.07 feet,
- (7.) S.25°03'38"W., 78.62 feet,
- (8.) S.35°59'38"W., 184.83 feet,
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- (11.) S.63°50'38"W., 70.60 feet,
- (12.) S.83°57'42"W., 65.97 feet,
- (13.) N.78°27'18"W., 44.35 feet,
- (14.) N.71°30'18"W., 64.54 feet,
- (15.) N.76°35'18"W., 178.09 feet,
- (16.) N.86°13'18"W., 132.16 feet,
- (17.) S.65°49'42"W., 127.90 feet,
- (18.) S.61°15'42"W., 114.67 feet,
- (19.) S.48°06'42"W., 116.06 feet,
- (20.) S.41°51'42"W., 99.63 feet,
- (21.) S.10°24'42"W., 104.04 feet,
- (22.) S.00°37'18"E., 176.89 feet to the south boundary of Lot 47 as shown in Volume 8 of Maps at Page 44, on file in the Office of the Stanislaus County Recorder,

Exhibit "B" Continued on Page 2 of 3

Page 1 of 3

**Exhibit "B" continued**

Thence S.88°58'55"W., along the southerly boundary of said Lot 47, 175.94 feet to the southwest corner thereof,

Thence N.01°15'33"W., along the westerly boundary of said Lot 47, 47.74 feet to the southeast corner of Parcel "C" as shown in Book 47 of Parcel Maps at Page 5 in the Office of the Stanislaus County Recorder,

Thence S.89°17'34"W., along the southerly boundary of the afore mentioned Parcel "C", 280.43 feet to the **POINT OF BEGINNING**,

The above-described Parcel "A-1" contains 33.81 Acres more or less,

**Exhibit "B" Continued on Page 3 of 3**



## Exhibit "B" Continued

### Parcel "C-1"

A Parcel of Land State of California, County of Stanislaus, lying within a portion of the North ½ of Section 19, Township 2 South, Range 11 East, Mount Diablo Meridian, and more particularly described as follows:

**BEGINNING** at the northeast corner of Parcel "C" as shown in Book 47 of Parcel Maps, at Page 5 on file in the Office of the Stanislaus County Recorder,

Thence S.01°15'38"E., along the easterly boundary of said Parcel "C", 699.72 feet,  
Thence leaving said easterly boundary, S.89°00'00"W., 364.21 feet to the westerly  
boundary of said Parcel "C",

Thence N.01°15'38"W., along said westerly boundary, 101.10 feet,

Thence along the westerly boundary of the said Parcel "C", from a tangent which bears  
N.89°15'31"W., along a curve to the right, having a radius of  
500.00 feet, a central angle of 56°17'30", and an arc length of 491.24 feet,

Thence N.47°17'44"E., along the westerly boundary of said Parcel "C", 63.99 feet,

Thence N.28°04'30"E., along the westerly boundary of said Parcel "C", 409.85 feet to the  
northwest corner thereof,

Thence N.89°49'16"E., along the northerly boundary of said Parcel "C", 116.28 feet,

Thence S.86°00'42"E., along the northerly boundary of said Parcel "C", 408.81 feet to the  
**POINT OF BEGINNING,**

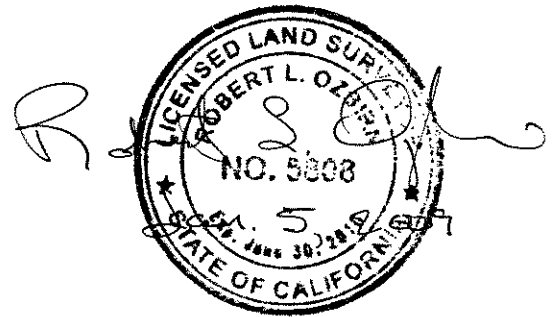
The above-described Parcel "C-1" contains 10.02 Acres more or less,

The purpose of the foregoing description is to complete a Lot Line Adjustment between a portion of Lot 42 and Lot 47 as shown in Volume 21 of Surveys at Page 92, and Parcel "C" as shown in Book 47 of Parcel Maps, at Page 5, on file in the Office of the Stanislaus County Recorder,

The above described Parcel "A-1" and Parcel "C-1" are generally shown and depicted on Exhibit "C" attached hereto and made a part hereof by reference,

The Basis of Bearings in the foregoing description is identical to Book 47 of Parcel Maps, at Page 5, on file in the Office of the Stanislaus County Recorder.

### End of Description



# Exhibit " B "

Parcel "C-1"  
Described in  
Exhibit "B"  
±10.02 Acres

Parcel "A-1" Described in  
Exhibit "B"  
±33.81 Acres

WREN ROAD

ADAMS NO. 2

LATERAL

SOUTH

MAIN

CANAL

O.I.D.

POINT OF BEGINNING  
PARCEL "A" IN EXHIBIT "B"

Scale

1" = 300'



SCALE: 1" = 300'	JOB NO: 0566	FILED: 0566-File
DATE: 10/10/2008	DRAWING FILE: 0566EX.dwg	DRAWN / CHECKED tah RLO

**Golden State**  
SURVEYING & ENGINEERING INC  
488 South Stewart Street  
Sonora, California 95370

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 December 16, 2008

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Rescind All or a Portion of Williamson Act Contract No. 1978-3516 & 1982-3795 (Wren Road, in the Oakdale Area) and Approve a New Contract Pursuant to Minor Lot Line Adjustment 2006-37, Batezell, 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. 2008-859

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: District Two vacant

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

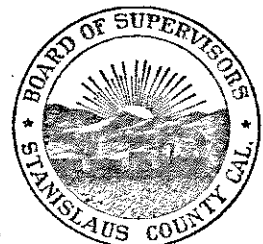
MOTION:

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

Christine Ferraro By [Signature]



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.