

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

DEPT: Planning and Community Development *VJ*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE January 13, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0341 (Fulkerth Road, in Turlock) and a Portion of Williamson Act Contract No. 81-3777 (Fulkerth Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-30 - Lucas, and Authorization for the Planning Director to Execute New Contracts

STAFF RECOMMENDATIONS:

Approval and the establishment of the following findings:

1. The new 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2009-55

On motion of Supervisor O'Brien, Seconded by Supervisor Grover

and approved by the following vote,

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

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 a Portion of Williamson Act Contract No. 1971-0341 (Fulkerth Road, in Turlock) and a Portion of Williamson Act Contract No. 81-3777 (Fulkerth Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-39 - Lucas, and Authorization for the Planning Director to Execute New Contracts
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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 portion of a Williamson Act Contract on Assessor's Parcel Number 022-040-004 (three legal parcels totaling 99.83 gross acres) and a portion of a Williamson Act Contract on Assessor's Parcel Number 022-040-003 (one legal parcel totaling 19.86 gross acres) and to reestablish new contracts 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 119.69± acres located in the Turlock area, in the unincorporated area of Stanislaus County. The existing parcel sizes are approximately 40.04 acres, 39.93 acres, 19.86 acres and 19.86 acres in size. The proposed reconfigured parcel sizes are 40.04 acres, 39.93 acres and 39.72 acres, respectfully. The larger assessor's parcel number is covered by Contract No.1971-0341 and the smaller assessor's parcel number is covered by Contract No. 1981-3777. 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 a Portion of Williamson Act Contract No. 1971-0341 (Fulkerth Road, in Turlock) and a Portion of Williamson Act Contract No. 81-3777 (Fulkerth Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-39 - Lucas, and Authorization for the Planning Director to Execute New Contracts
Page 3

There are four parcels involved in the lot line adjustment, which will be adjusted to three parcels by the merging of Parcel 3 and Parcel 4 (both are under separate contracts). Since all parcels involved in the lot line adjustment are currently covered by a Williamson Act Contract, all or portions of that contract must be rescinded and replaced with new contracts. Lot Line Adjustment Application 2008-30 - Lucas was approved by staff pending the Board's action required by the Williamson Act.

Government Code Section 51257 was revised in January 2000 to facilitate lot line adjustments on Williamson Act parcels. Seven (7) specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(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 a Portion of Williamson Act Contract No. 1971-0341 (Fulkerth Road, in Turlock) and a Portion of Williamson Act Contract No. 81-3777 (Fulkerth Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-39 - Lucas, and Authorization for the Planning Director to Execute New Contracts

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 new contracts replace Contracts No.81-3777 and 71-0341 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 2007) 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.

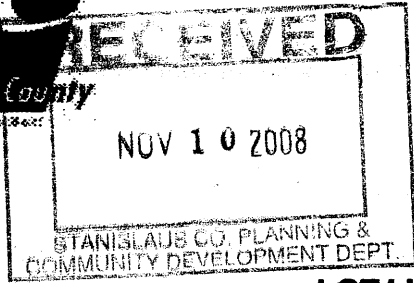
ATTACHMENTS:

1. Lot Line Adjustment Application 2008-30
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Maps 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 15 T 5 R 9
ZONE A-2-40
RECEIVED AG
APPLICATION NO.
RECEIPT NO.

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1
Norman E and Freda H Lucas, trustees
Lucas 1994 Trust

Name
11204 Fulkerth Rd., Turlock CA 95380

Address, City, Zip
(209) 634-5725

Phone

Fax Number

Parcel 2
Norman E and Freda H Lucas, Trustees
Lucas 1994 Trust

Name
11204 Fulkerth Rd., Turlock CA 95380

Address, City, Zip
(209) 634-5725

Phone

Fax Number

Parcel 3
Norman E and Freda H Lucas, trustees
Lucas 1994 Trust

Name
11204 Fulkerth Rd., Turlock CA 95380

Address, City, Zip
(209) 634-5725

Phone

Fax Number

Parcel 4
Norman E and Freda H Lucas, trustees
Lucas 1994 Trust

Name
11204 Fulkerth Rd., Turlock CA 95380

Address, City, Zip
(209) 634-5725

Phone

Fax Number

2. Name and address of person(s) preparing map: Roger L. Gregg, Civil Engineer - Surveyor, Inc.
628 Crane Ave., Turlock, CA 95380 phone (209) 632-2217

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

LOT 17
Parcel 1: Book 22 Page 40 No. 04

Parcel 3: Book 22 Page 40 No. 04
E 1/2 LOT 7

LOT 18
Parcel 2: Book 22 Page 40 No. 04

Parcel 4: Book 22 Page 40 No. 03
W 1/2 LOT 7

4. Size of all adjusted parcels:

Before
LOT 17 Parcel 1: 40.04 Ac Gross
LOT 18 Parcel 2: 39.93 Ac Gross
E 1/2 LOT 7 Parcel 3: 19.86 Ac Gross
W 1/2 LOT 7 Parcel 4: 19.86 Ac Gross

After
Parcel 1: 40.04 Ac Gross Lot 17
Parcel 2: 39.93 Ac Gross Lot 18
Parcel 3: 39.72 Ac Gross Lot 7
Parcel 4: _____

5. Why are the lot lines being changed? BE SPECIFIC

The adjusted parcel sizes and shapes will better
fit proposed agricultural uses.

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

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

7. List all structures on properties: 1 house

8. How have these parcels been utilized in the past, if different than current use? agriculture - no change

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

LOT 17 Parcel 1: 1971 - 0341 Parcel 2: 1971 LOT 18
 E 1/2 LOT 7 Parcel 3: 1971 Parcel 4: 1967 W 1/2 LOT 7
81-3777

10. What are the Williamson Act Contract numbers?

Parcel 1: 3777 Parcel 2: 3777
 Parcel 3: 3777 Parcel 4: 3777

11. Do the parcels irrigate? Yes No If yes, how? Flood irrigate from pipes & ditches

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)

Norman E. Lucas
Owner's Signature

Freda H. Lucas
Owner's Signature

Owner's Signature

Owner's Signature

LUCAS 1994 TRUST
By: Norman E. Lucas

Owner's Name Printed
LUCAS 1994 TRUST
by: Freda H. Lucas
Owner's Name Printed

Owner's Name Printed

Owner's Name Printed



December 5, 2008

Roger L. Gregg, Civil Engineer
Surveyor, Inc.
628 Crane Avenue
Turlock, CA 95380

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2008-30
LUCAS**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **December 5, 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: Norman & Freda Lucas

ATTACHMENT 2

This project is a lot line adjustment between Assessor's Parcel No. 22-40-03 (19.56 acres) and the lots in Assessor's Parcel No. 22-40-04 (98.12 acres) both owned by Norman E. Lucas and Freda H. Lucas, Trustees, Lucas 1994 Trust.

The lot line is being adjusted so that the adjusted parcel sizes and shapes will better fit proposed agricultural uses.

At the completion of the lot line adjustment, all parcels will have adjusted areas of approximately 40 acres. All existing parcels are currently enrolled in the Williamson Act.

Finding # 1

The new contract or contracts would enforcably 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 contracts for all existing parcels are not subject to a notice of non-renewal. At the conclusion of the lot line adjustment, both parcels will have a contract which will 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 restricted by the rescinded contracts.

The land currently under contract is 119.7 acres. After the lot line adjustment, all 119.7 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.

All of the land under the former contract will be under new contracts.

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.

After adjustment, all parcels will be as large as or larger than parcels before adjustment. No parcel will decrease in size. The smallest parcel after the lot line adjustment will be 2 times as large as the smallest parcel before the lot line adjustment and more capable of sustaining its agricultural use. Both parcels will continue to be used for the same historical agricultural use.

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 in their current configuration for a long time. The new lot configuration, after adjustment, will have larger parcels than before adjustment and will in no way affect the long term agricultural productivity of any of the 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 and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

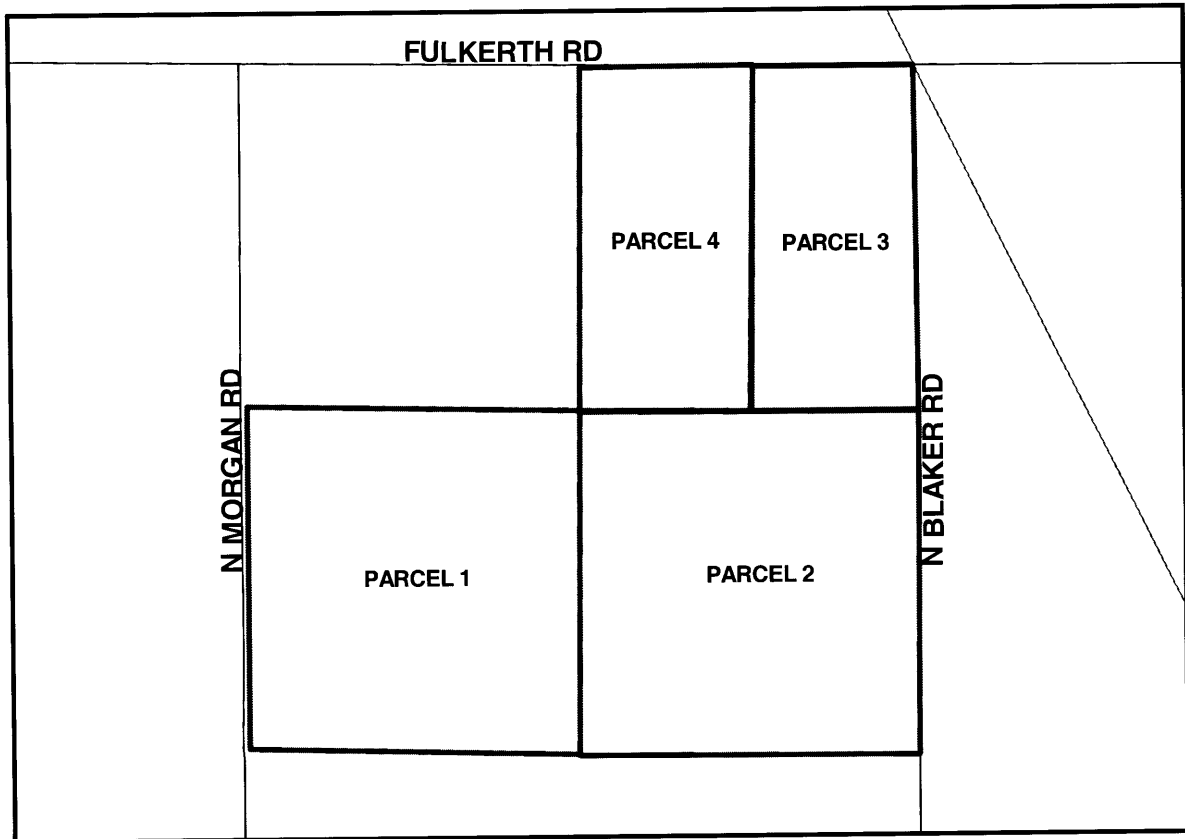
Finding #7

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.

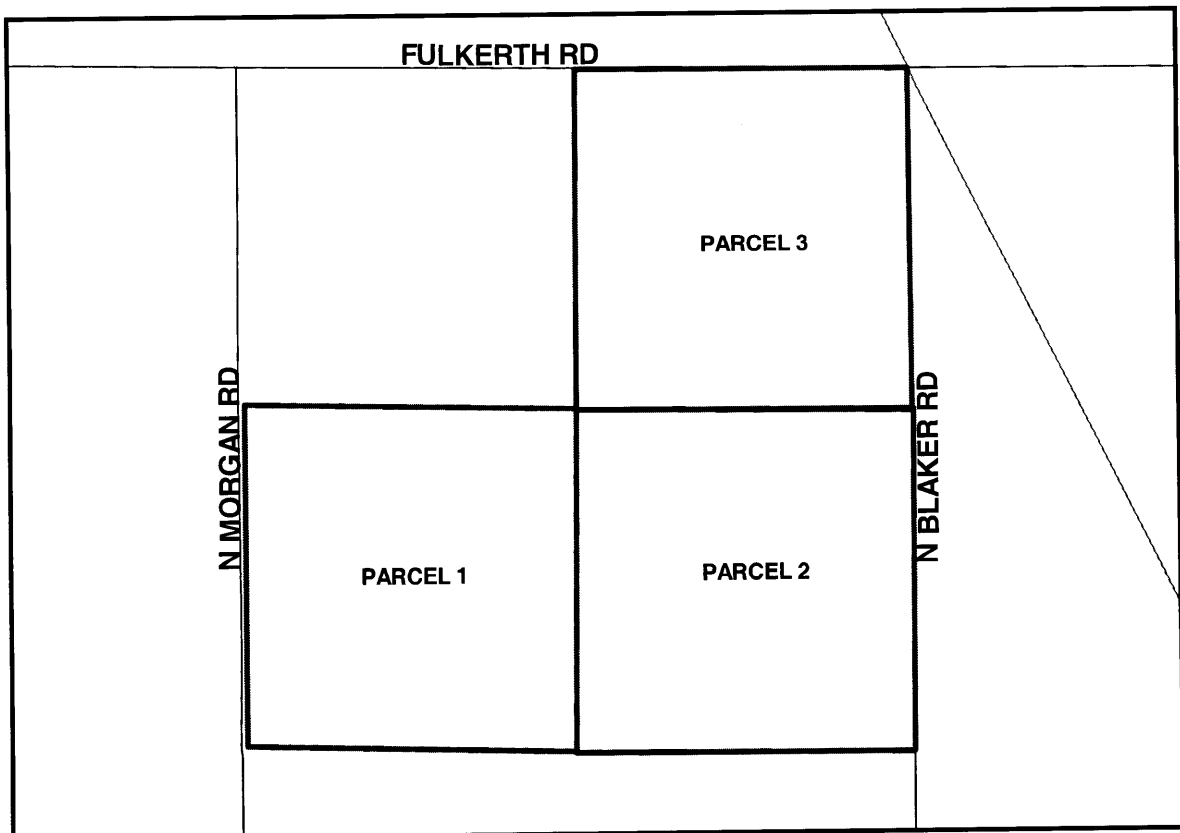
This lot line adjustment will result in a fewer number of parcels than existed prior to the adjustment. Four parcels currently exist, and after the lot line adjustment three parcels will exist. None of the existing four parcels is currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcel sizes be inconsistent with the Stanislaus County General Plan.

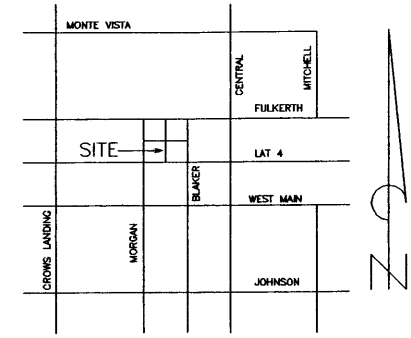
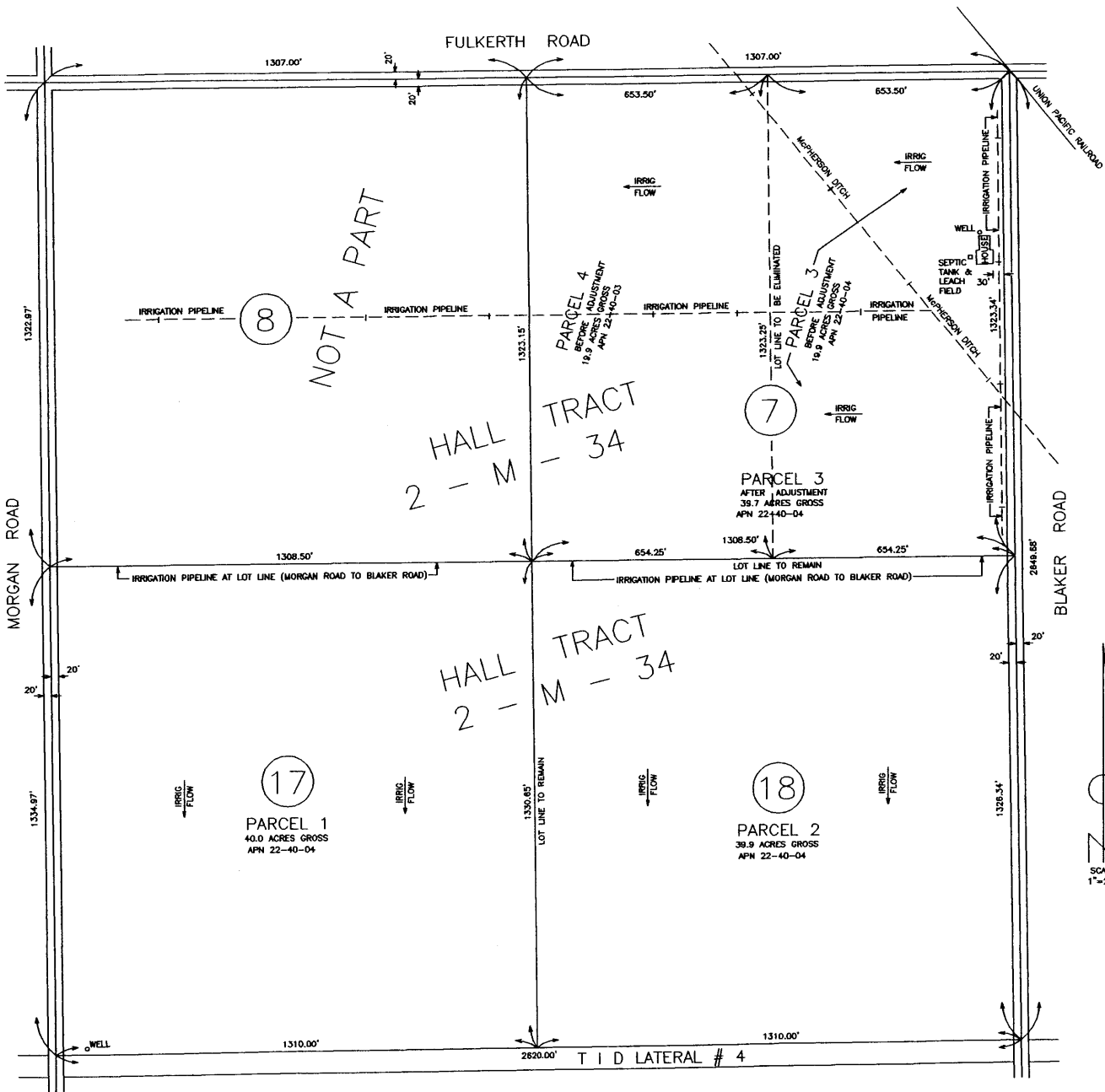
In conclusion, the lot line adjustment is nothing more than the elimination of a lot line so that the adjusted parcel sizes and shapes will better fit proposed agricultural uses. As set forth previously, the properties will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of any parcel.

LLA2008-30 - LUCAS
BEFORE LOT LINE ADJUSTMENT



AFTER LOT LINE ADJUSTMENT





OWNERS: MR & MRS NORMAN LUCAS
11204 FULKERTH ROAD
TURLOCK, CA 95380
PHONE (209) 634-5725

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

A.P.N.: 22-40-03 & 22-40-04

ZONING: A-2-40

WATER TABLE DEPTH: 4.7' PER T.I.D. RECORDS

SOIL TYPE:
MIA - HILMAR LOAMY SAND, 0 - 1% SLOPES
DWA - DENUBA SANDY LOAM, 0 - 1% SLOPES
SLIGHTLY SALINE-ALKALI

SCALE
1"=200'

JOB #	N. LUCAS
DR. BY	JLH
CK. BY	RLG
DATE	11-05-08
SHEET NO.	1
OF	1 SHEETS

VESTING TENTATIVE LOT LINE ADJUSTMENT MAP
IN THE NW 1/4 OF SECTION 15, T. 5 S., R. 9 E. M.D.M.

STANISLAUS COUNTY CALIFORNIA

ROGER L. GREGG, CIVIL ENGINEER-SURVEYOR, INC.
628 CRANE AVENUE, TURLOCK, CALIFORNIA
(209) 632-2217



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

2009 FEB 26 P 2 14

DATE: February 26, 2009

TO: Roger L Gregg
Surveyor Inc.
628 Crane Avenue
Turlock, CA 95380

FROM: Kristin Doud, Assistant Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2008-30;
RECORDED COPY OF RECISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2008-14 & 2008-15
LUCAS**

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: Norman & Freda Lucas
Board of Supervisor's Office
Cindy Schmidt, Assessor's Office



Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2009-0005984-00

Acct 127-Planning - Special Rec
 Thursday, JAN 22, 2009 10:04:08
 Ttl Pd \$29.00 Nbr-0002663920
 OMK/R2/1-8

RECORDING REQUESTED BY AND
 WHEN RECORDED RETURN TO:

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

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 December 5, 2008 approved the lot line adjustment herein described submitted under the name of Lucas Lot Line Adjustment No. 2008-30 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*
 Kristin Doud, Assistant Planner
 Stanislaus County Department of Planning
 and Community Development

1/16/09
 Date

BOARD OF SUPERVISORS
 2009 FEB 26 1 P 2 14

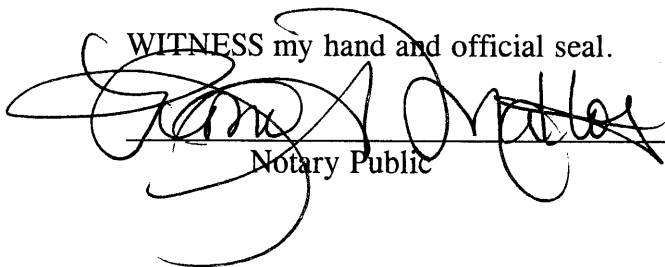
Smk

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS)

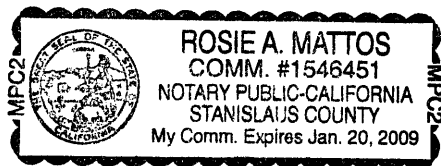
On December 23, 2008, before me, ROSIE A. MATTOS, a Notary Public, personally appeared NORMAN E. LUCAS and FRED A. H. LUCAS, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity(ies) upon behalf of which the persons 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.



Notary Public



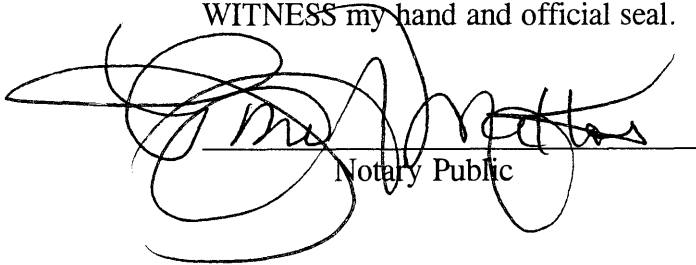
(S E A L)

STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS)

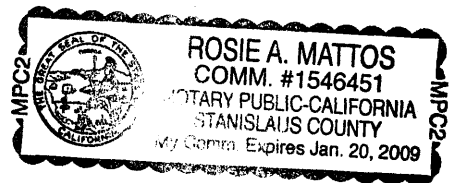
On December 23, 2008, before me, ROSIE A. MATTOS,
a Notary Public, personally appeared MICHAEL LUCAS, who proved to me on the basis
of satisfactory evidence to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized capacity,
and that by his signature on the instrument the person, or the entity upon behalf of which
the persons 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.



Notary Public



(S E A L)

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 ROSIE A. MATTOS

COMMISSION NO. 1546451

DATE COMMISSION EXPIRES Jan. 20, 2009

PLACE OF EXECUTION Stanislaus County

January 20, 2009
(Date)



Crystal D Rein
Stanislaus County Planning &
Community Development Dept.

EXHIBIT A

LEGAL DESCRIPTION BEFORE ADJUSTMENT

PARCEL 1 - SOUTHWESTERLY PARCEL

Lot 17 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

PARCEL 2 - SOUTHEASTERLY PARCEL

Lot 18 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

PARCEL 3 - NORTHEASTERLY PARCEL

The east half of Lot 7 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

PARCEL 4 - NORTHWESTERLY PARCEL

The west half of Lot 7 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.



Roger L. Gregg
CAP 13693

EXHIBIT B

LEGAL DESCRIPTION AFTER ADJUSTMENT

PARCEL 1 - SOUTHWESTERLY PARCEL

Lot 17 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

PARCEL 2 - SOUTHEASTERLY PARCEL

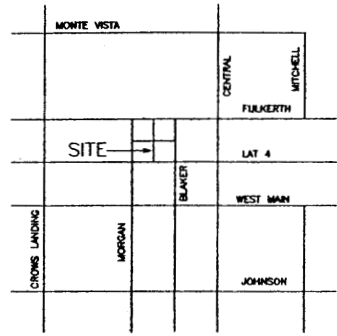
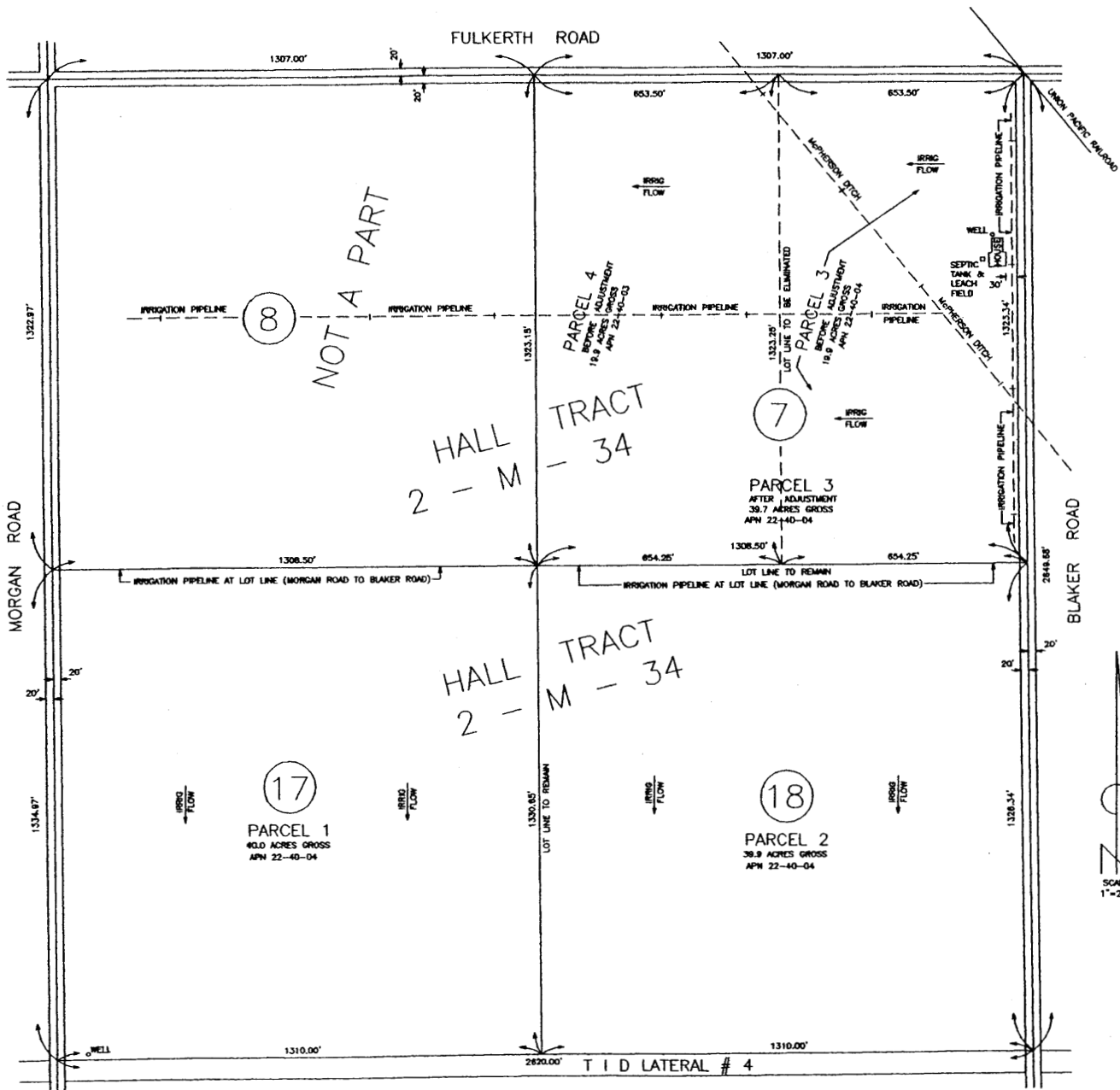
Lot 18 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

PARCEL 3 - NORTHEASTERLY PARCEL

Lot 7 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.



R. L. Gregg
SEP 31 1909



VICINITY MAP

OWNERS: MR & MRS NORMAN LUCAS
 11204 FULKERTH ROAD
 TURLOCK, CA 95380
 PHONE (209) 634-5725

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

A.P.N.: 22-40-03 & 22-40-04

ZONING: A-2-40

WATER TABLE DEPTH: 4.7' PER T.I.D. RECORDS

SOIL TYPE:
 HA - HELMAR LOAMY SAND, 0 - 1% SLOPES
 Dwa - DORUBA SANDY LOAM, 0 - 1% SLOPES
 SLIGHTLY SALINE-ALKALI



EXP 12/31/69

JOB #	N. LUCAS
DR. BY	JLH
CK. BY	RLG
DATE	11-05-0
SHEET NO.	1
OF 1 SHEET!	

TENTATIVE LOT LINE ADJUSTMENT MAP
 IN THE NW 1/4 OF SECTION 15, T. 5 S., R. 9 E. M.D.M.

STANISLAUS COUNTY CALIFORNIA

ROGER L. GREGG, CIVIL ENGINEER-SURVEYOR, INC.
 628 CRANE AVENUE, TURLOCK, CALIFORNIA (209) 632-2217

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. 2009-14**



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2009-0005985-00

Thursday, JAN 22, 2009 10:04:21
Ttl Pd \$0.00 Nbr-0002663921
OMK/R2/2-8

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into January 13, 2009, 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: Norman E. Lucas
11204 Fulkerth Road
Turlock, CA 95380

(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>022-040-004</u>	<u>100</u>	<u>S/W corner Fulkerth & Blaker Roads</u>

BOARD OF SUPERVISORS
2009 FEB 26 P 2:14

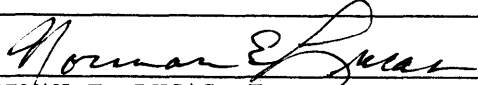
Pursuant to Stanislaus County Board of Supervisors Resolution No. 2009-55, relating to Lot Line Adjustment No. 2008-30 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 71-0341 which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

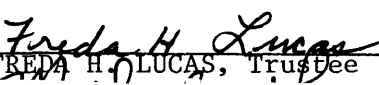
NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (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)
NORMAN E. LUCAS & FREDA H. LUCAS, Trustees, LUCAS 1994 TRUST			

By		12/23/08	Turlock
	NORMAN E. LUCAS, Trustee		

By		12/23/08	Turlock
	FREDA H. LUCAS, Trustee		

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
NONE			

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

1/21/09
Dated

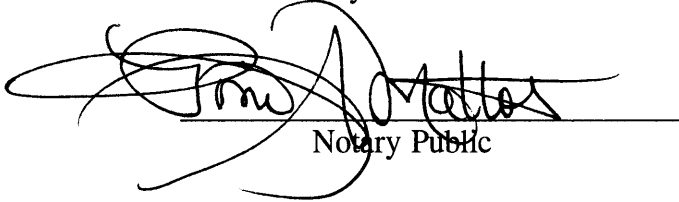
 FOR:
Chairman, Board of Supervisors
Kirk Ford for Jim DeMartini

STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS)

On December 23, 2008, before me, ROSIE A. MATTOS, a Notary Public, personally appeared NORMAN E. LUCAS and FREDA H. LUCAS, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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.



Notary Public



(S E A L)

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 ROSIE A. MATTOS

COMMISSION NO. 1546451

DATE COMMISSION EXPIRES Jan. 20, 2009

PLACE OF EXECUTION Stanislaus County

January 20, 2009
(Date)



Crystal D Rein
Stanislaus County Planning &
Community Development Dept.

Exhibit "A"

The East one-half of Lot 7 and all of Lots 17 and 18 of the Hall Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on October 22, 1906 in Volume 2 of Maps, at page 34.

EXCEPTING and reserving an undivided one-half interest in all oil, gas and other minerals beneath the surface or which may be produced from said land, as excepted and reserved in the Deed from the Union Central Life Insurance Company, dated July 15, 1941 and recorded August 30, 1941 in Volume 739 of Official Records, at page 223, as Instrument No. 11688.

A.P.N. 022-040-004

Exhibit "B"

Lot 17 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

Lot 18 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

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 January 13, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0341 (Fulkerth Road, in Turlock) and a Portion of Williamson Act Contract No. 81-3777 (Fulkerth Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-30 - Lucas, and Authorization for the Planning Director to Execute New Contracts

STAFF RECOMMENDATIONS:

Approval and the establishment of the following findings:

1. The new 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. 2009-55

On motion of Supervisor O'Brien, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

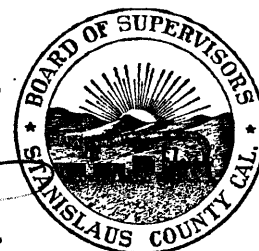
I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By

Christine Ferraro

Deji Sibert



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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. 2009-15**



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2009-0005986-00

Thursday, JAN 22, 2009 10:04:28
Ttl Pd \$0.00 Nbr-0002663922
OMK/R2/2-9

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into January 13, 2009, 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: Norman E. Lucas
11204 Fulkerth Road
Turlock, CA 95380

- (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>022-040-003</u>	<u>20</u>	<u>Fulkerth Road, Turlock</u>
<u>022-040-004 (Portion)</u>	<u>20</u>	<u>Fulkerth Road, Turlock</u>

BOARD OF SUPERVISORS
2009 FEB 26 1 P 2:14

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2009-55, relating to Lot Line Adjustment No. 2008-30 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 81-3777 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.

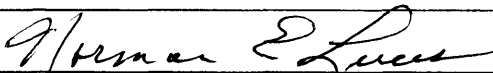
OMK

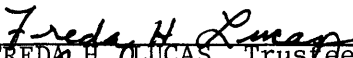
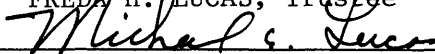
NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (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)
NORMAN E. LUCAS & FREDA H. LUCAS, Trustees, LUCAS 1994 TRUST			

By		12/23/08	Turlock
	NORMAN E. LUCAS, Trustee		

By		12/23/08	Turlock
	FREDA H. LUCAS, Trustee		
		12/23/08	Turlock
	MICHAEL E. LUCAS		

SECURITY HOLDERS:


NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
NONE			

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

Dated 1/21/09

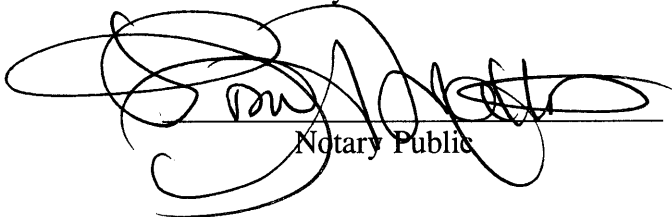
 FOR
Chairman, Board of Supervisors
Kirk Ford for Jim DeMartini

STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS)

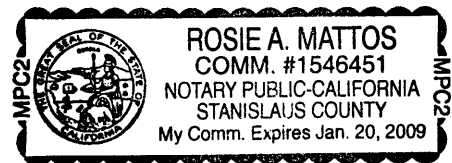
On December 23, 2008, before me, ROSIE A. MATTOS, a Notary Public, personally appeared NORMAN E. LUCAS and FREDA H. LUCAS, who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons 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.



Notary Public



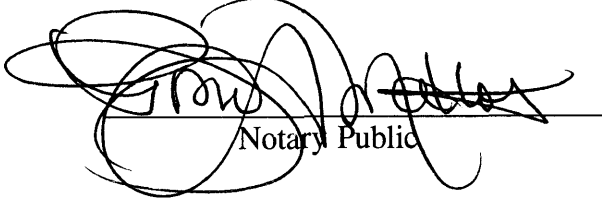
(S E A L)

STATE OF CALIFORNIA)
)
COUNTY OF STANISLAUS)

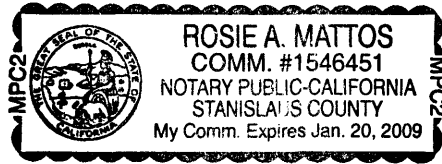
On December 23, 2008, before me, ROSIE A. MATTOS,
a Notary Public, personally appeared MICHAEL LUCAS, who proved to me on the basis
of satisfactory evidence to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in his authorized capacity,
and that by his signature on the instrument the person, or the entity upon behalf of which
the persons 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.



Notary Public




(S E A L)

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 ROSIE A. MATTOS
COMMISSION NO. 1546451
DATE COMMISSION EXPIRES Jan. 20, 2009
PLACE OF EXECUTION Stanislaus County

January 20, 2009
(Date)



Crystal D Rein
Stanislaus County Planning &
Community Development Dept.

Exhibit "A"

The West half of Lot 7 of the Hall Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California on October 22, 1906 in Volume 2 of Maps, at page 34.

A.P.N. 022-040-003

The East one-half of Lot 7 of the Hall Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on October 22, 1906 in Volume 2 of Maps, at page 34.

A.P.N. – a portion of 022-040-004

Exhibit "B"

Lot 7 of the Hall Tract, according to the map thereof, filed on October 22, 1906 in Volume 2 of Maps at Page 34, Stanislaus County Records.

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 January 13, 2009

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0341 (Fulkerth Road, in Turlock) and a Portion of Williamson Act Contract No. 81-3777 (Fulkerth Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-30 - Lucas, and Authorization for the Planning Director to Execute New Contracts

STAFF RECOMMENDATIONS:

Approval and the establishment of the following findings:

1. The new 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. 2009-55

On motion of Supervisor O'Brien, Seconded by Supervisor Grover

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

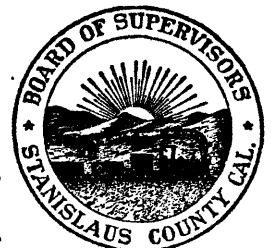
MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN

Clerk of the Board of Supervisors of the County of Stanislaus, State of California

Christine Ferraro By Suzi Gilbert



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.