

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 March 3, 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. 77-2827, all of Williamson Act Contract No. 78-3069 and a Portion of Williamson Act Contract No. 78-3333 (all located on N. Kilroy Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-16 - James J. And Norma N. Fernandez Family L.P., 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2009-139

On motion of Supervisor Chiesa, 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:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind a Portion of Williamson Act Contract No. 77-2827, all of Williamson Act Contract No. 78-3069 and a Portion of Williamson Act Contract No. 78-3333 (all located on N. Kilroy Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-16 - James J. And Norma N. Fernandez Family L.P., and Authorization for the Planning Director to Execute New Contracts

**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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 three properties involved in this request consist of a total of 48 acres located in the Turlock area, in the unincorporated area of Stanislaus County. Parcel 1 is currently 19.3 acres in size and is covered by Contract No. 77-2827. Parcel 2 is currently 19.3 acres in size and is covered by Contract No. 78-3069. Parcel 3 is currently 9.4 acres in size and is covered by Contract No. 78-3333. The Lot Line Adjustment proposes eliminating the lot line between parcel 1 and 2, to leave a total of two parcels, one 29.4 acre parcel and one 18.7 acre parcel, respectfully. The proposal includes the cancellation of a portion of a Williamson Act Contract on Assessor's Parcel Numbers 044-043-004 and 044-043-014 and the entire Williamson Act Contract on Assessor's Parcel Number 044-043-005. One new contract will be established to cover both parcels pursuant to Section 51257 of the Government Code regulating Williamson Act contracts. 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.

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 a new contract. Lot Line Adjustment Application 2008-16 - James J. And Norma N. Fernandez Family L.P. was approved by staff pending the Board's action required by the Williamson Act.

Approval to Rescind a Portion of Williamson Act Contract No. 77-2827, all of Williamson Act Contract No. 78-3069 and a Portion of Williamson Act Contract No. 78-3333 (all located on N. Kilroy Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-16 - James J. And Norma N. Fernandez Family L.P., and Authorization for the Planning Director to Execute New Contracts

Government Code Section 51257 was revised in January 2008 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")*

- (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.

Approval to Rescind a Portion of Williamson Act Contract No. 77-2827, all of Williamson Act Contract No. 78-3069 and a Portion of Williamson Act Contract No. 78-3333 (all located on N. Kilroy Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-16 - James J. And Norma N. Fernandez Family L.P., and Authorization for the Planning Director to Execute New Contracts

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. 77-2827, 78-3069 and 78-3333 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 December 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 2008-16 James J. And Norma N. Fernandez Family L.P.
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Proposed Changes



ORIGINAL

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
James J. Fernandes &
Norma N. Fernandes Family L.P.
Name
4018 S. Tegner Rd., Turlock CA 95380
Address, City, Zip
(209) 667-2344
Phone
Fax Number

Parcel 2
James J. Fernandes &
Norma N. Fernandes Family L.P.
Name
4018 S. Tegner Rd., Turlock CA 95380
Address, City, Zip
(209) 667-2344
Phone
Fax Number

Parcel 3
James J. Fernandes &
Norma N. Fernandes Family L.P.
Name
4018 S. Tegner Rd., Turlock CA 95380
Address, City, Zip
(209) 667-2344
Phone
Fax Number

Parcel 4
Name
Address, City, Zip
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 209 632-2217

3. Assessor's Parcel No. of parcels adjusted:
Parcel 1: Book 44 Page 43 No. 4
Parcel 2: Book 44 Page 43 No. 5
Parcel 3: Book 44 Page 43 No. 14
Parcel 4: Book \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

4. Size of all adjusted parcels:
Before After
Parcel 1: 19.3 29.4
Parcel 2: 19.3 18.7
Parcel 3: 9.4
Parcel 4:

5. Why are the lot lines being changed? BE SPECIFIC
TO ELIMINATE LAND LOCKED PARCEL AND TO
FACILITATE ESTATE PLANNING.

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

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

7. List all structures on properties: NONE

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

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

Parcel 1: DEC 1991  
Parcel 3: APR, 1979

Parcel 2: Sept, 1981  
Parcel 4: \_\_\_\_\_

10. Is the property under Williamson Act Contract?  Yes  No If yes, contract number? \_\_\_\_\_

11. Do the parcels irrigate?  Yes  No If yes, how? FLOOD IRRIGATE FROM PIPE LINES

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

13. Signature of property owner(s) James J. Fernandes JAMES J FERNANDES  
Owner's Signature Owner's Name Printed

Norma N. Fernandes NORMA N FERNANDES  
Owner's Signature Owner's Name Printed

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

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



August 20, 2008

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

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2008-16  
JAMES J. FERNANDES & NORMA N. FERNANDES FAMILY L.P.**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **August 20, 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 Dobb  
Assistant Planner

Enclosure

cc: James J. Fernandes & Norma N. Fernandes Family L.P.

**ATTACHMENT 2**

**CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2008-16**

**JAMES J. FERNANDES & NORMA N. FERNANDES FAMILY L.P.**

**PLANNING DEPARTMENT**

1. Following Staff approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
2. A deed shall be prepared and recorded for all parcels which reflect the lot line adjustment.
3. A Record of Survey shall be filed if required by Section 8762 of the Business and Professions Code.
4. Because all parcels are currently covered by Williamson Act Contracts, all contracts must be rescinded and replaced with new contracts for the new parcels. The Board of Supervisors MUST approve the new contracts as Per Section 51257 of the Government Code:

To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

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

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

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

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. (Govt. Code §51222. ... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land)

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.



**CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2008-16**

**JAMES J. FERNANDES & NORMA N. FERNANDES FAMILY L.P.**

**Page 2**

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

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

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

**NOTE: A record of survey would be very helpful in documenting this lot line adjustment, to accommodate any future transaction involving your property**

.....

August 11, 2008

**APPLICANT STATEMENT**  
**Lot Line Adjustment Application 2008-16 Fernandes**

**Project Description and Landowner Justification**

This project is a lot line adjustment between Assessors Parcel No. 44-43-4 (19.3 acres) Assessors Parcel #44-43-5 (19.3 acres) and APN 44-43-14 (9.4 acres) owned by James J. And Norma N. Fernandes Family LP.

This lot line adjustment is being requested to enable entry into parcel now land locked. This adjustment will enhance our agricultural operations, by creating a larger parcel.

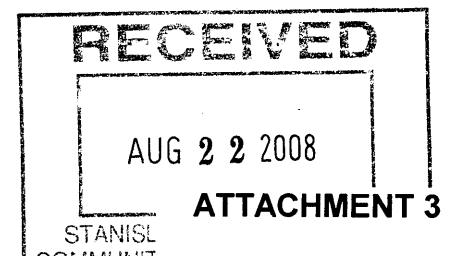
At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 29.4 acres, while the Parcel 2 adjusted acreage will be 18.7 acres. All parcels are currently enrolled in the Williamson Act.

1. None of the contracts are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, both contracts will continue to be in force and effect for a period of at least 10 years.
2. The land currently under contract is 48.1 acres. After the lot line adjustment, all 48.1 acres will remain under contract.
3. More than 90% of the land under each of the former contracts will remain within each 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.
4. Consistent with Section 51222, both parcels will be larger than 10 acres, after the lot line adjustment.
5. Both of these parcels have been used for agricultural productivity in their current configuration for a long time. The new lot configuration, after adjustment will no way affect the long term agricultural productivity of either of the parcels.
6. 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.
7. Three parcels currently exist, and after the lot line adjustment two parcels will continue to exist.

In conclusion, the lot line adjustment is nothing more than the movement of a lot line to create larger more manageable parcels and to enable entry into a parcel now land locked. 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 either parcel.

  
James J. Fernandes

  
Norma N. Fernandes







Parcel alignment  
before  
Adjustment

044-043-004  
77-2827  
19.3 Acres

044-043-005  
78-3069  
19.3 Acres

044-043-014  
78-3333  
5.4 Acres

S KILBOY RD



Parcel alignment  
after  
Adjustment

29.4 Acres  
New Williamson Act Contract

18.7 Acres  
New Williamson Act Contract

S KILBOY RD



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

BOARD OF SUPERVISORS

2009 APR 23 P 1:51

DATE: April 21, 2009

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

FROM: Kristin Doud, Assistant Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2008-16;  
RECORDED COPY OF RESCISSION AND SIMULTANEOUS RE-ENTRY  
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2009-16  
JAMES J. FERNANDES & NORMA N. FERNANDES FAMILY, L.P.**

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: James J. Fernandes & Norma N. Fernandes Family, L.P.  
Board of Supervisor's Office  
Cindy Schmidt, Assessor's Office



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2009-0022237-00**

Acct 127-Planning - Special Rec  
Tuesday, MAR 10, 2009 08:11:24  
Ttl Pd \$29.00 Nbr-0002687031  
OMC/R2/1-8

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

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 20, 2008 approved the lot line adjustment herein described submitted under the name of James J. Fernandes & Norma N. Fernandes Family L.P. Lot Line Adjustment No. 2008-16 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 Doyd*  
Kristin Doyd, Assistant Planner  
Stanislaus County Department of Planning  
and Community Development

2/10/09  
Date

*FLC*

LOT LINE NO. 2008-16

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>James Joseph Fernandes</u>	<u><i>James J. Fernandes</i></u> JAMES J. FERNANDES	<u>11/5/08</u>	<u>Turlock, CA 95380</u>
<u>Norma Jean Fernandes</u>	<u><i>Norma N. Fernandes</i></u> NORMA N. FERNANDES	<u>11/5/08</u>	<u>Turlock, CA 95380</u>
<u>James J. &amp; Norma N. Fernandes</u>	_____	_____	_____
<u>Family LP</u>	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

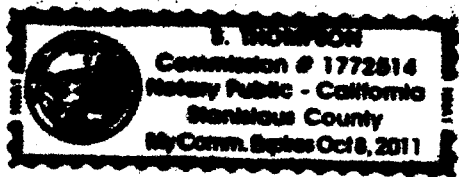
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Stanislaus }

On 11-5-08 before me, S. Thompson Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Norma Jean Fernandes  
James Joseph Fernandes  
Name(s) of Signer(s)



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.

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.

Place Notary Seal Above

Signature S. Thompson  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

Description of Attached Document  
Title or Type of Document: Certificate of Lot Line Adjustment

Document Date: 11-5-08 Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

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

RIGHT THUMBPRINT OF SIGNER  
Top of thumb here

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

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

RIGHT THUMBPRINT OF SIGNER  
Top of thumb here

Signer Is Representing: \_\_\_\_\_




GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

NAME OF NOTARY                      S. THOMPSON  
COMMISSION NO.                      1772514  
DATE COMMISSION EXPIRES        Oct 8, 2011  
PLACE OF EXECUTION                STANISLAUS COUNTY

March 9, 2009  
(Date)

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



## EXHIBIT A

### LEGAL DESCRIPTION BEFORE ADJUSTMENT

#### NORTHERLY PARCEL

All that portion of the southeast quarter of the northwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, described as follows: Commencing at the northwest corner of said Section 33; thence East 1320 feet on the north line of said Section 33; thence South on the quarter quarter section line 1668.7 feet to the true point of beginning; thence continuing South on the quarter quarter section line 655.3 feet; thence East 1284.95 feet to the west line of Lateral No. 5 of the Turlock Irrigation District; thence North along the west line of said Lateral 655.3 feet to the southeast corner of the parcel conveyed to Oral L. Tucker and Greta E. Tucker, husband and wife, as joint tenants, by deed recorded January 21, 1948 in Volume 918 of Official Records at Page 522 as Instrument No. 1564; thence West along the south line of said Tucker parcel 1284.97 feet to the point of beginning.

#### MIDDLE PARCEL

All that portion of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, bounded and particularly described as follows: Commencing at the northwest corner of said Section 33, in Township and Range aforesaid; thence East on the north line of said Section 33, 1320 feet; thence South on the quarter quarter section line 2324 feet to the true point of beginning; thence continuing South 655.3 feet; thence East 1284.9 feet to the right of way of Lateral No. 5 1/2 of the Turlock Irrigation District's system of canals; thence North along said right of way 655.3 feet; thence West 1284.95 feet to the place of beginning.

#### SOUTHERLY PARCEL

All that portion of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, bounded and particularly described as follows: Commencing at the northwest corner of said Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian; thence East on the north line of said Section 33, a distance of 1320 feet; thence South on the quarter section line 2979.3 feet to the place of commencement; thence same course 983.4 feet; thence East 417.049 feet; thence North and parallel to the quarter section line 983.4 feet; thence West 417.049 feet to the place of beginning.

EXHIBIT B

LEGAL DESCRIPTION AFTER ADJUSTMENT

page 1 of 2

NORTHERLY PARCEL

All that portion of the southeast quarter of the northwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, more particularly described as follows:

Commencing at the northwest corner of said Section 33; thence East, along the north line of said Section 33, a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 33; thence South along the quarter quarter section line, a distance of 1668.7 feet to the true point of beginning; thence continuing South along the quarter quarter section line, a distance of 994.59 feet, more or less, to the northwest corner of the northeast quarter of the southwest quarter of Section 33; thence easterly, along the south line of the northwest quarter of Section 33, a distance of 1284.95 feet, more or less, to the west line of Lateral No. 5 1/2 of the Turlock Irrigation District; thence North along the west line of said Lateral, a distance of 996.22 feet, more or less to the southeast corner of the parcel conveyed to Oral L. Tucker and Greta E. Tucker, husband and wife, as joint tenants, by deed recorded January 21, 1948 in Volume 918 of Official Records at Page 522 as Instrument No. 1564; thence West, along the south line of said Tucker parcel a distance of 1284.97 feet, more or less to the point of beginning.



EX-212131109  
Rog L, G

EXHIBIT B

LEGAL DESCRIPTION AFTER ADJUSTMENT

page 2 of 2

SOUTHERLY PARCEL

All that portion of the northeast quarter of the southwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, more particularly described as follows:

Commencing at the northwest corner of said Section 33; thence East, along the north line of said Section 33, a distance of 1320 feet, more or less, to the northeast corner of the northwest quarter of the northwest quarter of Section 33; thence South along the quarter quarter section line, a distance of 2663.29 feet, more or less, to the northwest corner of the northeast quarter of the southwest quarter of Section 33 and the true point of beginning; thence South, continuing along the quarter quarter line, a distance of 1299.41 feet, more or less, to a point on the quarter quarter line which is 3962.7 feet, as measured along the quarter quarter line, from the north line of Section 33; thence East, a distance of 417.049 feet; thence North and parallel to the quarter quarter line, a distance of 983.4 feet; thence East, a distance of 867.85 feet to the west line of Lateral No. 5 1/2 of the Turlock Irrigation District; thence North along the west line of said Lateral, a distance of 314.38 feet, more or less, to a point on the north line of the southwest quarter of Section 33; thence westerly, along the north line of the southwest quarter of Section 33, a distance of 1284.95 feet, more or less, to the point of beginning.



EX 213131109  
Roger L. Gregg




THIS SPACE FOR RECORDER ONLY

RECORDING REQUESTED BY  
STANISLAUS COUNTY BOARD OF  
SUPERVISORS

WHEN RECORDED RETURN TO  
STANISLAUS COUNTY PLANNING  
DEPARTMENT

NOTICE OF RESCISSION AND  
SIMULTANEOUS RE-ENTRY INTO  
CALIFORNIA LAND CONSERVATION  
CONTRACT NO. 2009-16



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2009-0022238-00**  
Tuesday, MAR 10, 2009 08:13:35  
Ttl Pd \$0.00 Nbr-0002687033  
OMC/R2/2-8

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into March 3, 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: James J or Norma N Fernandes

4018 S. Tegner 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>044-043-004</u>	<u>19.3</u>	<u>S Kilroy, Turlock</u>
<u>044-043-005</u>	<u>19.3</u>	<u>3937 S Kilroy, Turlock</u>
<u>044-043-014</u>	<u>9.4</u>	<u>S Tegner, Turlock</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2009-139, relating to Lot Line Adjustment No. 2008-16 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 77-2827, 78-3069 & 78-3333 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

*RMC*

**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)
----------------------------------	------------------------------------	------	---------------------

JAMES J & NORMA N FERNANDES FAMILY LP

	<i>[Signature]</i>	2/10/09	Turlock, CA 95380
	JAMES J FERNANDES, PARTNER		

	<i>[Signature]</i>	2/10/09	Turlock, CA 95380
	NORMA N FERNANDES, PARTNER		

**SECURITY HOLDERS:**

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


**EXHIBITS:**

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

COUNTY: Stanislaus County

3/9/09  
Dated

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

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Stanislaus

On 2/10/09 before me,

Here Insert Name and Title of the Officer

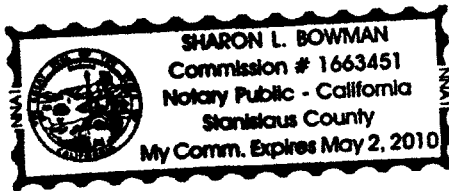
personally appeared

Name(s) of Signer(s)

José J. Ferrnandes  
and Yohana Ferrnandes

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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

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

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: \_\_\_\_\_





*Roger L. Gregg*  
E 21,312-108

EXHIBIT A

LEGAL DESCRIPTION BEFORE ADJUSTMENT

NORTHERLY PARCEL

All that portion of the southeast quarter of the northwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, described as follows: Commencing at the northwest corner of said Section 33; thence East 1320 feet on the north line of said Section 33; thence South on the quarter quarter section line 1668.7 feet to the true point of beginning; thence continuing South on the quarter quarter section line 655.3 feet; thence East 1284.95 feet to the west line of Lateral No. 5 of the Turlock Irrigation District; thence North along the west line of said Lateral 655.3 feet to the southeast corner of the parcel conveyed to Oral L. Tucker and Greta E. Tucker, husband and wife, as joint tenants, by deed recorded January 21, 1948 in Volume 918 of Official Records at Page 522 as Instrument No. 1564; thence West along the south line of said Tucker parcel 1284.97 feet to the point of beginning.

MIDDLE PARCEL

All that portion of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, bounded and particularly described as follows: Commencing at the northwest corner of said Section 33, in Township and Range aforesaid; thence East on the north line of said Section 33, 1320 feet; thence South on the quarter quarter section line 2324 feet to the true point of beginning; thence continuing South 655.3 feet; thence East 1284.9 feet to the right of way of Lateral No. 5 1/2 of the Turlock Irrigation District's system of canals; thence North along said right of way 655.3 feet; thence West 1284.95 feet to the place of beginning.

SOUTHERLY PARCEL

All that portion of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, bounded and particularly described as follows: Commencing at the northwest corner of said Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian; thence East on the north line of said Section 33, a distance of 1320 feet; thence South on the quarter section line 2979.3 feet to the place of commencement; thence same course 983.4 feet; thence East 417.049 feet; thence North and parallel to the quarter section line 983.4 feet; thence West 417.049 feet to the place of beginning.

EXHIBIT B

LEGAL DESCRIPTION AFTER ADJUSTMENT

page 1 of 2

NORTHERLY PARCEL

All that portion of the southeast quarter of the northwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, more particularly described as follows:

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*Roger L. Gregg*  
GRP: 136109

EXHIBIT B

LEGAL DESCRIPTION AFTER ADJUSTMENT

page 2 of 2

SOUTHERLY PARCEL

All that portion of the northeast quarter of the southwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian, more particularly described as follows:

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Handwritten signature and date: 10/12/09

TUCKER PROPERTY

918 - O.R. - 522

APN 44-43-4

19.3 AC NET

1284.95'

LOT LINE TO BE ELIMINATED

NLY PARCEL  
29.4 AC NET

APN 44-43-5  
19.3 AC NET

1284.95'

PROPOSED LOT LINE

N LINE SW 1/4 SEC 33

E-W 1/4 SECTION LINE

PARCEL

L.L.T.B.E.

1284.90'

SLY PARCEL  
18.7 AC NET

867.85'

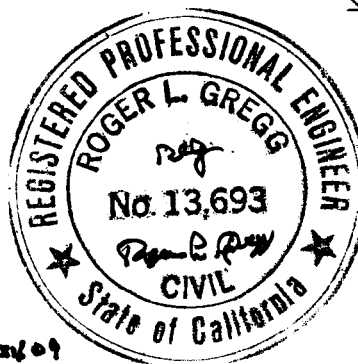
983.40'

1299.41'  
+/-

APN 44-43-14  
9.4 AC NET

983.40'

NOT A PART



KILROY ROAD

LAT 5 1/2

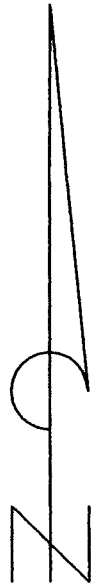
W. LINE LAT 5 1/2

983.40'

417.049'

LAT 5 1/2

L.L.T.B.E. = LOT LINE TO BE ELIMINATED



SCALE  
1"=300'

LOT LINE ADJUSTMENT 2008-  
EXHIBIT "B"

APPLICANTS: JAMES & NORMA FERNANDES

DATE: 2-21-08

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

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 March 3, 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. 77-2827, all of Williamson Act Contract No. 78-3069 and a Portion of Williamson Act Contract No. 78-3333 (all located on N. Kilroy Road, in Turlock), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2008-16 - James J. And Norma N. Fernandez Family L.P., 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. 2009-139

On motion of Supervisor Chiesa, 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)  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 Suber

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

