

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

DEPT: Planning and Community Development *107*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE March 24, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 77-2530 (located on McDonald Avenue, west of Modesto), Approve New Contract Pursuant to Minor Lot Line Adjustment 2009-01, Vermeulen-Storer, and Authorize the Planning Director to Execute New Contract

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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2009-176

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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind all of Williamson Act Contract No. 77-2530 (located on McDonald Avenue, west of Modesto), Approve New Contract Pursuant to Minor Lot Line Adjustment 2009-01, Vermeulen-Storer, and Authorize the Planning Director to Execute New Contract

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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 two properties involved in this request consist of a total of 11.1 acres located in the west of Modesto area, in the unincorporated area of Stanislaus County. Lot 1, Assessor Parcel Number 081-005-004, is currently 10.41 acres in size and is covered by Contract No. 77-2530. Lot 2, Assessor Parcel Number 081-003-010, is currently 0.69 acres in size and is not currently enrolled in the Williamson Act. The Lot Line Adjustment proposes to exchange the acreage so that Lot 1, currently 10.41 acres in size, becomes 0.69 acres and Lot 2, currently 0.69 acres in size, will become 10.41 acres. The proposal includes the cancellation of the entire Williamson Act Contract on Assessor's Parcel Number 081-005-004 and the creation of a new contract covering adjusted Lot 2 (10.41 acres). 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 one parcel involved in the lot line adjustment is 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 2009-01 - Vermeulen-Storer was approved by staff pending the Board's action required by the Williamson Act.

Approval to Rescind all of Williamson Act Contract No. 77-2530 (located on McDonald Avenue, west of Modesto), Approve New Contract Pursuant to Minor Lot Line Adjustment 2009-01, Vermeulen-Storer, and Authorize the Planning Director to Execute New Contract

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 all of Williamson Act Contract No. 77-2530 (located on McDonald Avenue, west of Modesto), Approve New Contract Pursuant to Minor Lot Line Adjustment 2009-01, Vermeulen-Storer, and Authorize the Planning Director to Execute New Contract

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. 77-2530 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 2009-01 - Vermeulen & Storer
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Proposed Changes

LLA2009-01VermeulenandStorer.wpd



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S	<u>73</u>	T	<u>3</u>	R	<u>8</u>
ZONE	<u>A-2-18</u>				
RECEIVED	<u>11/2/09</u>				
APPLICATION NO.	<u>LLK209-01</u>				
RECEIPT NO.	<u>LLK209-01</u>				

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Richard and/or Karen Vermeulen
 Name
 3349 McDonald Ave., Modesto, CA 95358
 Address, City, Zip
 (209) 522-0436
 Phone
 Fax Number

Parcel 2

Storers Personalized Tours
 Name
 3519 McDonald Avenue, Modesto, CA 95358
 Address, City, Zip
 (209) 758-7325
 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: MVE Civil Solutions 1117 L Street
Modesto, CA 95354

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

Parcel 1: Book 081 Page 005 No. 004 Parcel 2: Book 081 Page 003 No. 010
 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>10.41 acres</u>	<u>0.69 acres</u>
Parcel 2:	<u>0.69 acres</u>	<u>10.41 acres</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC To ensure agricultural operations are compatible with neighboring business. To increase almond orchard acreage for improved farming efficiency. Parcel 2 owner also owns an adjacent almond orchard which irrigates from same pipeline as for parcels 1 & 2.

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 Almond (9.2 acres)
 - Vines – type _____
 - Range (unirrigated) _____
 - Pasture (irrigated) _____
 - Poultry _____
 - Dairy _____
 - Other (Specify) _____

7. List all structures on properties: One home on each parcel, 1 equipment shed on parcel 1.

8. How have these parcels been utilized in the past, if different than current use? 24 years ago, parcel 1 had 0.7 acres of pasture and 8.5 acres of Thompson Seedless Grapes.

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

Parcel 1: 1973 Parcel 2: 1996
 Parcel 3: _____ Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: 77-2530 Parcel 2: N/A
 Parcel 3: _____ Parcel 4: _____

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

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)

Richard E. Vermeulen
 Owner's Signature

Karen A. Vermeulen
 Owner's Signature

Dan Walburn
 Owner's Signature

Richard E. Vermeulen
 Owner's Name Printed

Karen A. Vermeulen
 Owner's Name Printed

Storers Personalized Tours
 Owner's Name Printed

Owner's Signature

Owner's Name Printed



January 9, 2009

MVE Civil Solutions
1117 L Street
Modesto, CA 95354

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2009-01
VERMEULEN & STORER**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **January 9, 2009**, 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: Richard / Karen Vermeulen

Storers Personalized Tours

ATTACHMENT 2

APPLICANT STATEMENT

Project Description and Justification

This project is a Lot Line Adjustment between Assessors Parcel No. 081-005-004 (10.41 acres) owned by Richard E. and Karen A. Vermeulen and Parcel 081-003-010 (0.69 acres) owned by Donald Storer.

This proposed Lot Line Adjustment was created and designed to maintain the agricultural use of the property as required by the Williamson Act Contract (WAC).

Mr Vermeulen, who farmed the almond orchard on Parcel 1, had heart surgery in June 2007 and a removal of most of his colon due to cancer in December 2007. As a result of these operations his ability to farm the almond orchard has been impaired. Also, the owner of Parcel 2 was seeking to increase his agricultural acreage in the area. He already owns several Parcels in the area and the addition of the orchard currently on Parcel 1 would improve the efficiency of his total farm operations. By farming the acreage being transferred he would also insure that the agricultural uses and practices would be compatible with his immediately adjacent properties. The fact that he has another orchard that irrigates from the same irrigation pipeline would contribute to more efficient irrigation scheduling. This adjustment will insure that productive and compatible agricultural uses will be continuing on the land and in the neighborhood.

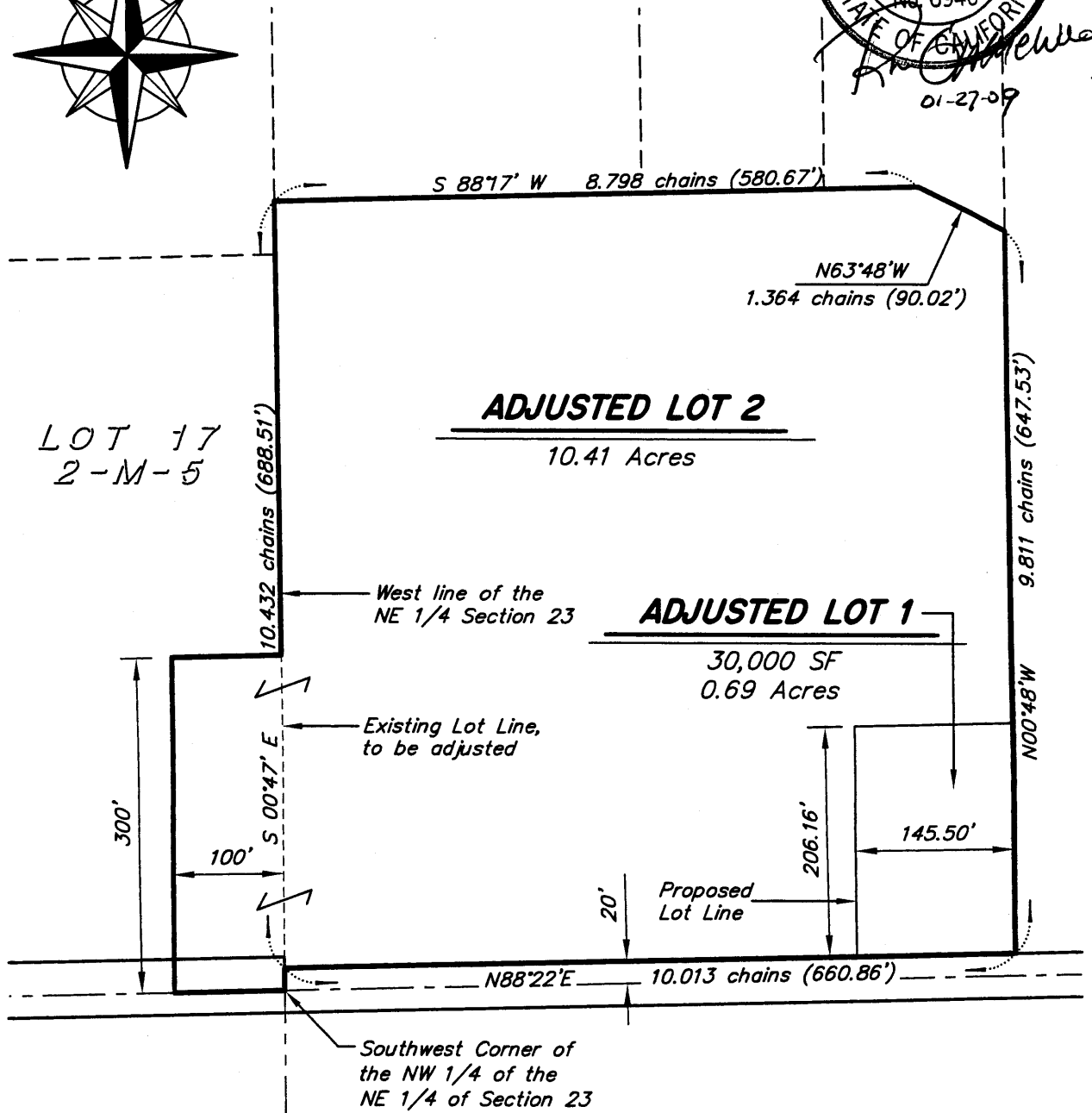
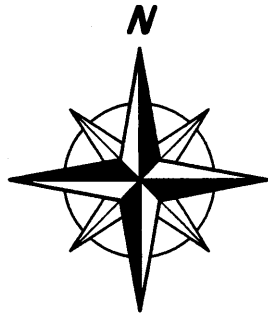
The seven required findings as specified in Government Code Section 51257 can be made based on the following explanations and justifications.

1. Parcel 2 owner will comply with requirement for a new Williamson Act Contract.
2. There will be no net decrease in the amount of restricted acreage. Parcel 1 originally contained 10.41 acres. A lot adjustment of 9.72 acres from Parcel 1 to Parcel 2 acreage of 0.69 would total 10.41 acres which would result in Parcel 2 meeting the criteria for a Williamson Act Contract.
3. The proposed transfer will result in 94% of the land under the former contract will become part of the new contract. There will be no net decrease in the amount of land covered by a Williamson Act Contract after the Lot Line Adjustment.
4. After the lot line adjustment Parcel 2 will become the same size as Parcel 1 before the Lot Line Adjustment. The amount of area devoted to agriculture will remain the same as before the adjustment. This size Parcel was presumed to be large enough to sustain its agricultural use when Parcel 1 entered into California Land Conservation Contract No. 77-2530.

5. The proposed lot line adjustment will not compromise the long term agriculture productivity of the Parcel. No other Parcels adjacent to Parcel 1 or Parcel 2 are under the Williamson Act contract. Currently both Parcel 1 and Parcel 2 can be flood irrigated using the same irrigation pipeline. After the LLA, Parcel 2 will continue to be irrigated with same irrigation system.
6. The new Parcel 2 will be restricted by contract and used for agricultural uses. As a result, no adjacent farmland will be removed from agricultural production or adversely affected. After the Lot Line Adjustment, Parcel 1 will be the same size and nearly the same shape as the current Parcel 2.
7. The proposed lot adjustment will not create more Parcels than currently exist. Two Parcels currently exist, each with one home, which will be the same configuration after the Lot Line Adjustment. Currently one Parcel is under Williamson Contract and one is not, which will be the same status after the Lot Line Adjustment.

In conclusion, the Lot Line Adjustment is a means to insure that one of the most productive soils in the world will continue to be farmed properly, safely and in a compatible manner in the future. After the Lot Line Adjustment, there will be the same number of Parcels, the same number of homes, the same irrigation method and system, the same property owners and the same agricultural use of the land.

EXHIBIT 'C'



Drawn By: RG	<p>PLAT TO ACCOMPANY LEGAL DESCRIPTION</p> <p>BEING A PORTION OF THE NORTHWEST AND NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 8 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA</p>		SHEET
Date: 01/26/09			1
Scale: 1"=150'			OF 1
Job No.: CV07225			ATTACHMENT 4
Phone: 866.526.4214			



BOARD OF SUPERVISORS

2009 MAY 14 A 11:05

DATE: May 12, 2009

TO: MVE Civil Solutions
1117 L Street
Modesto, CA 95354

FROM: Kristin Doud, Assistant Planner


**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2009-01;
RECORDED COPY OF RESCISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2009-17
VERMEULEN & STORER**

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: Richard & Karen Vermeulen
Storers Personalized Tours
Board of Supervisor's Office
Cindy Schmidt, Assessor's Office

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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


Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2009-0030456-00
Acct 127-Planning - Special Rec
Monday, MAR 30, 2009 08:04:16
Ttl Pd \$38.00 Nbr-0002698387
OMK/R2/1-11

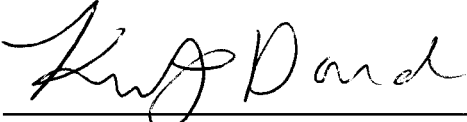
Space Above This Line for Recorder's Use

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 January 9, 2009 approved the lot line adjustment herein described submitted under the name of Vermeulen & Storer Lot Line Adjustment No. 2009-01 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, DIRECTOR

By: 

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

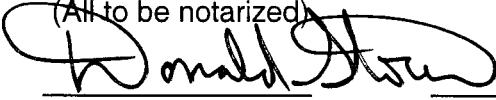
3/25/09

Date

11/15

LOT LINE NO. 2009-01

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>DONALD STORER</u>	<u></u>	<u>2-10-09</u>	<u>Ripon, CA</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

LOT LINE NO. 2009-01

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Richard Vermeulen</u>	<u>x Richard Vermeulen</u>	<u>2/12/09</u>	_____
<u>Karen Vermeulen</u>	<u>Karen Vermeulen</u>	<u>2/12/09</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 San Joaquin }

On 2-10-09 before me, H. Thomas Beck, Notary Public
Date Here Insert Name and Title of the Officer

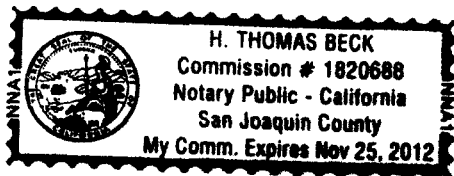
personally appeared Donald Storer
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature H. Thomas Beck
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: Certificate of Lot Line Adjustment

Document Date: 2-10-09 Number of Pages: _____

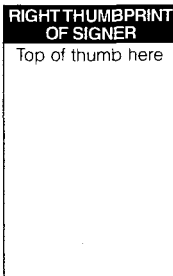
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

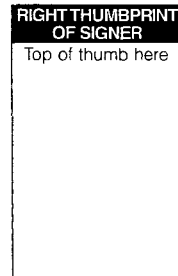
Signer Is Representing: _____



Signer's Name: _____

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

Signer Is Representing: _____




GOVERNMENT CODE 27361.7

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

NAME OF NOTARY H. THOMAS BECK
COMMISSION NO. 1820688
DATE COMMISSION EXPIRES Nov 25, 2012
PLACE OF EXECUTION Stanislaus County

March 26, 2009
(Date)



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

GENERAL CALIFORNIA ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF Stanislaus

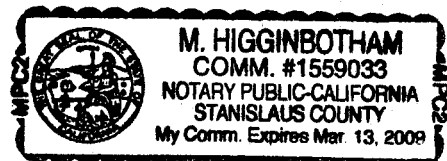
On 2-12-09 before me, M. Higginbotham, Notary Public, (here insert name and title of the officer)

personally appeared * Karen Vermeulen + Richard Vermeulen *

, 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 [Handwritten Signature]

(Seal)

GENERAL CALIFORNIA ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF _____

On _____ before me, _____, (here insert name and title of the officer)

personally appeared _____

, 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 _____

(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 M. HIGGINBOTHAM

COMMISSION NO. 1559033

DATE COMMISSION EXPIRES Mar 13, 2009

PLACE OF EXECUTION Stanislaus County

March 26, 2009

(Date)



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

EXHIBIT "A"
LEGAL DESCRIPTION OF EXISTING PARCELS
LOT LINE ADJUSTMENT NO. 2009-01

PARCEL 1

All that portion of the Northwest quarter of the Northeast quarter of Section 23, in Township 3 South, Range 8 East, M.D.B. & M., bounded and particularly described as follows:


BEGINNING at a point 20 feet North of the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 23, above Township and Range; thence along the North side of County Road, North 88°22' East, 10.013 chains; thence North 00°48' West, 9.811 chains to center of drainage canal; thence along center of drainage canal, North 63°48' West, 1.364 chains; thence South 88°17' West, 8.798 chains; thence to West line of Northeast quarter of said Section 23, South 00°47' East, 10.432 chains to the point of beginning.

PARCEL 2

Real property in the County of Stanislaus, State of California, described as:

The East 100 feet of the South 300 feet of Lot 17 of the WOOD TRACT, as per map filed October 11, 1904 in Volume 2 of Maps, Page 5, Stanislaus County Records.

EXCEPTING THEREFROM an undivided one-half interest in all oil, gas, minerals, and/or other hydrocarbon substances in and under said land as reserved in the Deed from Daniel F. Wolf, et ux, to Walter W. Storer, et ux, dated December 20, 1962 and recorded January 24, 1963 as Instrument No. 3266.


Rien Groenewoud, P.L.S. 6946
License expiration date: 09-30-2009



01-27-09

EXHIBIT "B"

**LEGAL DESCRIPTION OF PROPOSED PARCELS
LOT LINE ADJUSTMENT NO. 2009-01**

ADJUSTED PARCEL 1

Real property in the County of Stanislaus, State of California, described as:

The East 100 feet of the South 300 feet of Lot 17 of the WOOD TRACT, as per map filed October 11, 1904 in Volume 2 of Maps, Page 5, Stanislaus County Records.

TOGETHER WITH all that portion of the Northwest quarter of the Northeast quarter of Section 23, in Township 3 South, Range 8 East, M.D.B. & M., bounded and particularly described as follows:

BEGINNING at a point 20 feet North of the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 23, above Township and Range; thence along the North side of County Road, North 88°22' East, 10.013 chains; thence North 00°48' West, 9.811 chains to center of drainage canal; thence along center of drainage canal, North 63°48' West, 1.364 chains; thence South 88°17' West, 8.798 chains; thence to West line of Northeast quarter of said Section 23, South 00°47' East, 10.432 chains to the point of beginning.

EXCEPTING THEREFROM the East 145.50 feet of the South 206.16 feet.

ALSO EXCEPTING THEREFROM an undivided one-half interest in all oil, gas, minerals, and/or other hydrocarbon substances in and under said land as reserved in the Deed from Daniel F. Wolf, et ux, to Walter W. Storer, et ux, dated December 20, 1962 and recorded January 24, 1963 as Instrument No. 3266.

SUBJECT TO all easements and/or rights of way of record.

Containing 10.41 Acres more or less.

ADJUSTED PARCEL 2

The East 145.50 feet of the South 206.16 feet of the following described parcel:

All that portion of the Northwest quarter of the Northeast quarter of Section 23, in Township 3 South, Range 8 East, M.D.B. & M., bounded and particularly described as follows:

BEGINNING at a point 20 feet North of the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 23, above Township and Range; thence along the North side of County Road, North 88°22' East, 10.013 chains; thence North 00°48' West,

9.811 chains to center of drainage canal; thence along center of drainage canal, North 63°48' West, 1.364 chains; thence South 88°17' West, 8.798 chains; thence to West line of Northeast quarter of said Section 23, South 00°47' East, 10.432 chains to the point of beginning.

SUBJECT TO all easements and/or rights of way of record.

Containing 30,000 square feet (0.69 Acres) more or less.

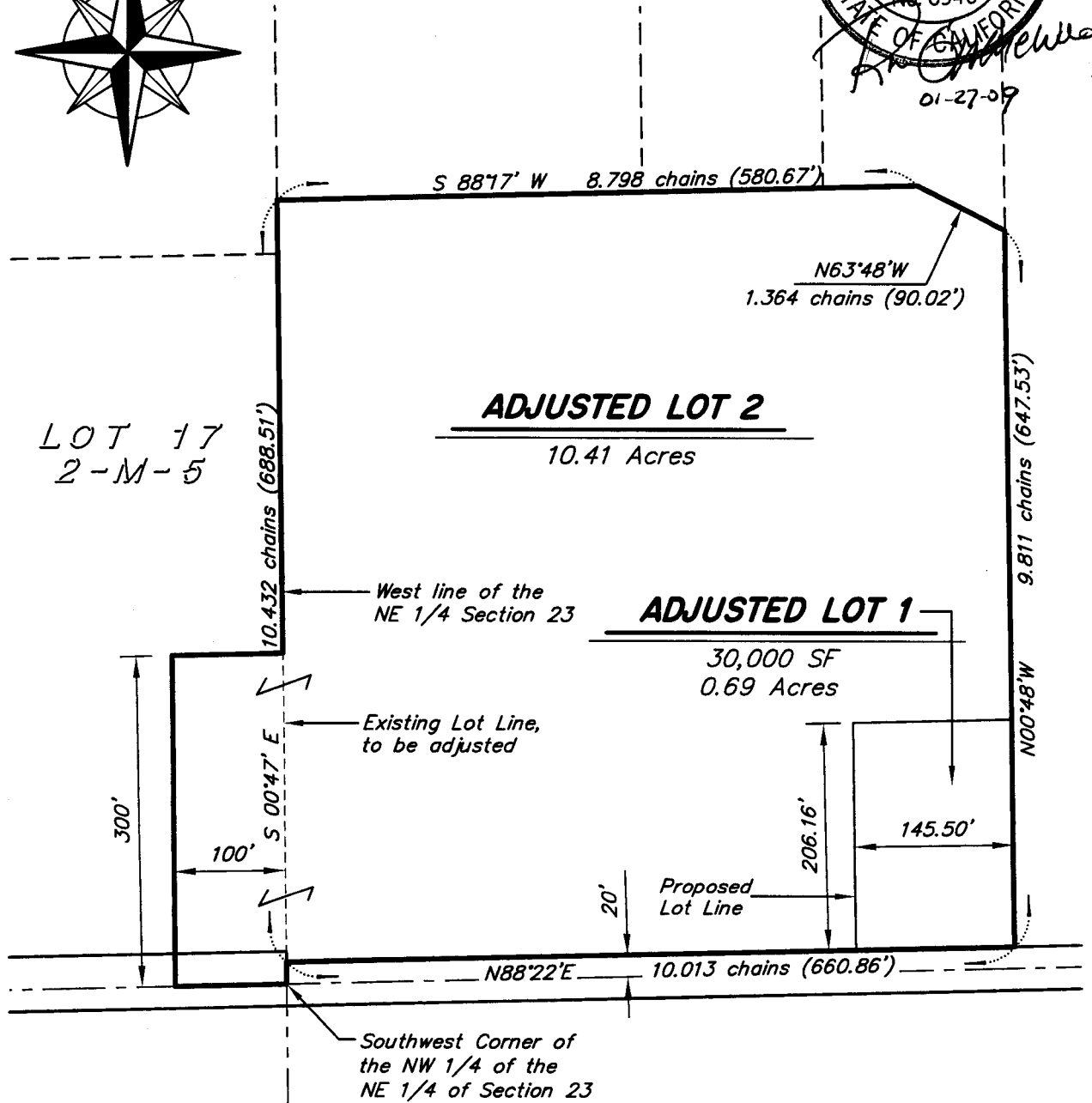
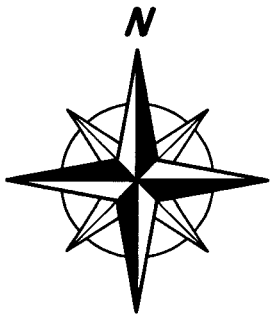
END OF DESCRIPTION.


Rien Groenewoud, P.L.S. 6946
License expiration date: 09-30-2009



01-27-09

EXHIBIT B



Drawn By: **RG**
 Date: 01/26/09
 Scale: 1"=150'
 Job No.: CV07225
 Phone: 866.526.4214

**PLAT TO ACCOMPANY
 LEGAL DESCRIPTION**
 BEING A PORTION OF THE NORTHWEST AND
 NORTHEAST QUARTER OF SECTION 23,
 TOWNSHIP 3 SOUTH, RANGE 8 EAST, M.D.M.
 STANISLAUS COUNTY CALIFORNIA



SHEET
1
 OF **1**

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. 2009-17

Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2009-0030458-00
 Monday, MAR 30, 2009 08:06:13
 Ttl Pd \$0.00 Nbr-0002698390
 OMC/R2/2-7

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into March 24, 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: Donald Storer
3519 McDonald Avenue
Modesto, CA 95358

- (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)
081-003-010 & 081-005-004	10.41	3507 McDonald Ave., Modesto

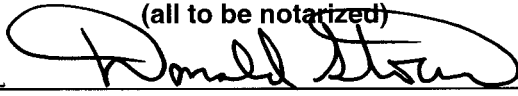
Pursuant to Stanislaus County Board of Supervisors Resolution No. 2009-176, relating to Lot Line Adjustment No. 2009-01 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 77-2530 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

MLC

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)
DONALD STORER		2-10-09	Ripon, CA

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

3/27/09
Dated


Chairman, Board of Supervisors
Kirk Ford for Jim DeMartini

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Joaquin }

On 2-10-09 before me, H. Thomas Beck Notary Public,
Date Here Insert Name and Title of the Officer

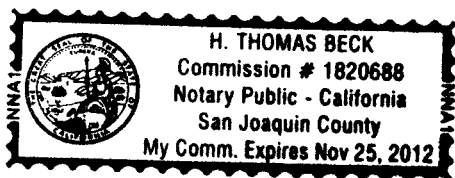
personally appeared Ronald Stever
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature [Handwritten 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: Notice of Rescission

Document Date: 2-10-09 Number of Pages: _____

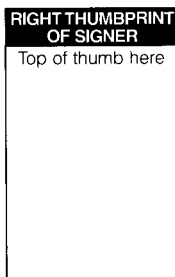
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

Signer Is Representing: _____



Signer's Name: _____

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

Signer Is Representing: _____

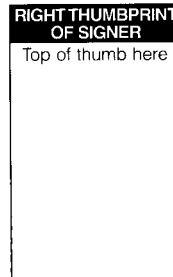


EXHIBIT "A"
LEGAL DESCRIPTION OF EXISTING PARCEL
LOT LINE ADJUSTMENT NO. 2009-01

All that portion of the Northwest quarter of the Northeast quarter of Section 23, in Township 3 South, Range 8 East, M.D.B. & M., bounded and particularly described as follows:

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SUBJECT TO all easements and/or rights of way of record.

Containing 10.41 Acres more or less.


Rien Groenewoud, P.L.S. 6946
License expiration date: 09-30-2009



01-27-09

EXHIBIT "B"
LEGAL DESCRIPTION OF PROPOSED PARCEL
LOT LINE ADJUSTMENT NO. 2009-01

Real property in the County of Stanislaus, State of California, described as:

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EXCEPTING THEREFROM the East 145.50 feet of the South 206.16 feet.

ALSO EXCEPTING THEREFROM an undivided one-half interest in all oil, gas, minerals, and/or other hydrocarbon substances in and under said land as reserved in the Deed from Daniel F. Wolf, et ux, to Walter W. Storer, et ux, dated December 20, 1962 and recorded January 24, 1963 as Instrument No. 3266.

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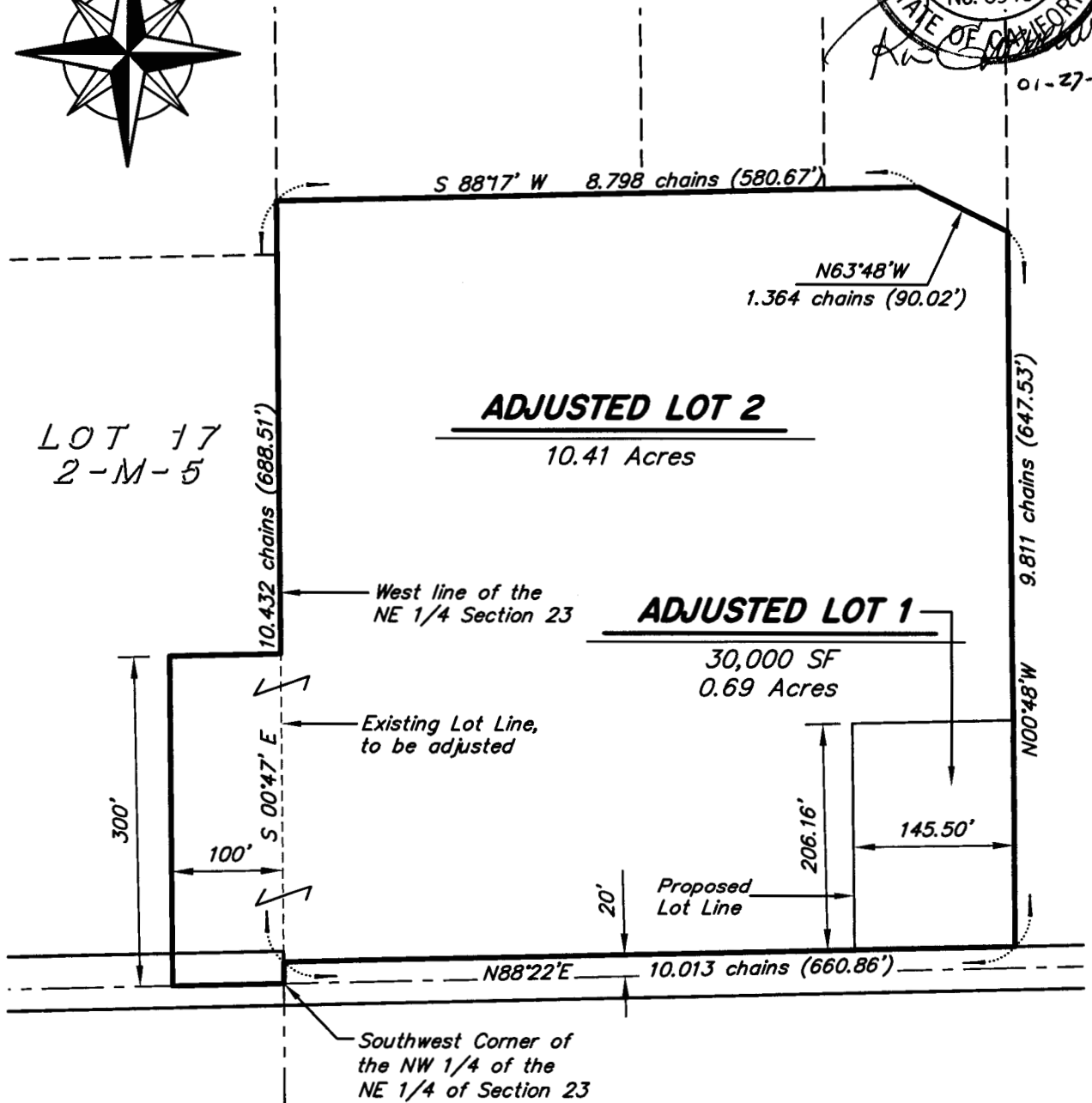
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Rien Groenewoud, P.L.S. 6946
License expiration date: 09-30-2009



01-27-09

EXHIBIT B



Drawn By: *RG*
 Date: 01/26/09
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 TOWNSHIP 3 SOUTH, RANGE 8 EAST, M.D.M.
 STANISLAUS COUNTY CALIFORNIA

MVE SHEET
1
 MVE | CIVIL SOLUTIONS OF **1**

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 24, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind all of Williamson Act Contract No. 77-2530 (located on McDonald Avenue, west of Modesto), Approve New Contract Pursuant to Minor Lot Line Adjustment 2009-01, Vermeulen-Storer, and Authorize the Planning Director to Execute New Contract

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. 2009-176

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:

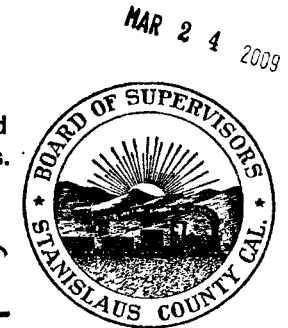
MOTION:

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 Tallman
Guy Sibert

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk



File No.