

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

DEPT: Planning and Community Development Af

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE October 20, 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. 2003-4514 (Located on Clausen Road, East of Patterson), Approval to Rescind Part of Williamson Act Contract No. 1973-1352 (Located on Bradbury Road, East of Patterson), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa, and Authorization for the Planning Director to Execute New Contracts

STAFF RECOMMENDATIONS:

1. Approve and establish the following findings:

- a. 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee.

BOARD ACTION AS FOLLOWS:

No. 2009-707

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
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 All of Williamson Act Contract No. 2003-4514 (Located on Clausen Road, East of Patterson), Approval to Rescind Part of Williamson Act Contract No. 1973-1352 (Located on Bradbury Road, East of Patterson), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa, and Authorization for the Planning Director to Execute New Contracts
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STAFF RECOMMENDATION CONTINUED:

- b. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - c. 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.
 - d. 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.
 - e. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - f. 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.
2. Rescind all of Williamson Act Contract No. 2003-4514 (Located on Clausen Road, East of Patterson).
 3. Rescind part of Williamson Act Contract No. 1973-1352 (Located on Bradbury Road, East of Patterson).
 4. Approve new contracts pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa.
 5. Authorize the Planning Director to execute the new contracts pursuant to Minor Lot Line Adjustment 2009-04.

DISCUSSION:

Lot Line Adjustment Application No. 2009-04 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on Clausen Road and Bradbury Road, east of Patterson, between the City of Patterson and City of Turlock, in the unincorporated area of Stanislaus County. The lot line adjustment request is to go from three parcels consisting of 40.2±, 40.17±, and 40.2± acres to two larger parcels consisting of 60.2± acres each.

Proposed parcels "A" and "B" involved in the lot line request are currently enrolled in a Williamson Act Contract. New contracts will be required to reflect the adjusted boundaries of the parcels. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson

Approval to Rescind All of Williamson Act Contract No. 2003-4514 (Located on Clausen Road, East of Patterson), Approval to Rescind Part of Williamson Act Contract No. 1973-1352 (Located on Bradbury Road, East of Patterson), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa, and Authorization for the Planning Director to Execute New Contracts

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Act. The request involves canceling Williamson Act Contract No. 2003-4514 on proposed Parcel "A", which is on a 40.2± acre parcel (APN 058-024-003), and a portion of Williamson Act Contract No. 1973-1352 for proposed Parcel "B", which is on a 40.17± acre parcel (APN 058-024-006). The third parcel included in this lot line adjustment is Parcel "C" (APN 058-024-007), which is not under a Williamson Act Contract. Half of Parcel "C" will be merged with proposed Parcel "A" and the other half with proposed Parcel "B", eliminating the parcel. New contracts will include the newly merged land that is not currently under a Williamson Act Contract. The new contracts would restrict the adjusted parcels as required in Government Code Section 51257 and would not affect the existing contracted area.

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")

Approval to Rescind All of Williamson Act Contract No. 2003-4514 (Located on Clausen Road, East of Patterson), Approval to Rescind Part of Williamson Act Contract No. 1973-1352 (Located on Bradbury Road, East of Patterson), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa, and Authorization for the Planning Director to Execute New Contracts

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- (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 applicants have provided written evidence to support the seven findings listed above, and staff agrees with that evidence. 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.

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. 2003-4514 and a portion of 1973-1352 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. The Board should determine if this action supports the Board's priority of a strong agricultural economy/heritage.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2009-04
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Proposed Changes



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S 33 T 9 R 5
 ZONE _____
 RECEIVED _____
 APPLICATION NO. _____
 RECEIPT NO. _____

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1
 WENDEL K. Jr. & HEIDE TRINKLER
 Name
 7136 CROWS LANDING ROAD
 Address, City, Zip
 CERES, CA. 95307 A.P.N. 058-024-003
 Phone
 Fax Number

Parcel 2
 ARMELIM F. & MARIA M. de SOUSA
 Name
 3030 SOUTH CENTRAL AVE.
 Address, City, Zip
 TURLOCK, CA. 95380 A.P.N. 058-024-006
 Phone
 Fax Number

Parcel 3
 BAXTER M. GILTON et.al
 Name
 12530 Clausen Road A.P.N. 058-024-007
 Address, City, Zip
 Crows Landing, Ca. 95313
 Phone
 Fax Number

Parcel 4
 Name
 Address, City, Zip
 Phone
 Fax Number

2. Name and address of person(s) preparing map: JESSE STANLEY, LAND SURVEYING-ENGINEERING
440 SOUTH YOSEMITE AVE. OAKDALE, CA. 95361

3. Assessor's Parcel No. of parcels adjusted:
 Parcel 1: Book 058 Page 024 No. 003 Parcel 2: Book 058 Page 024 No. 006
 Parcel 3: Book 058 Page 024 No. 007 Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels: *Before* *After*
 Parcel 1: 40.20 Ac. Parcel 1: 60.2 Ac.
 Parcel 2: 40.08 Ac. - 17 sq per *Jess Stanley JPC* Parcel 2: 60.2 Ac.
 Parcel 3: 40.2 Parcel 3: 0.00
 Parcel 4: _____ Parcel 4: _____

5. Why are the lot lines being changed? BE SPECIFIC de SOUSA, AND TRINKLER ARE EACH TAKING 1/2 OF
THE BAXTER GILTON PARCEL.

Approved as to description
 ON 03/18/09
 BY Rickard Br

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

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

7. List all structures on properties: HOUSE AND BARN ON THE GILTON PARCEL. THIS IS THE LOT BEING ADJUSTED.

8. How have these parcels been utilized in the past, if different than current use? NOT DIFFERENT

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

Parcel 1: MAY 18, 2002 Parcel 2: SEPT. 28, 2001
 Parcel 3: SEPT. 22, 1965 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? T.I.D.

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

13. Signature of property owner(s) Armelim F. de Sousa Armelim F. de Sousa
 Owner's Signature Owner's Name Printed

Maria M. de Sousa Maria M. de Sousa
 Owner's Signature Owner's Name Printed

 Owner's Signature Owner's Name Printed

 Owner's Signature Owner's Name Printed

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

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

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Parcel 1: MAY 18, 2002
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Parcel 2: SEPT. 28, 2001
Parcel 4: _____

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11. Do the parcels irrigate? Yes No If yes, how? T.I.D.

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

13. Signature of property owner(s)

<p><u>Wendel K Trinkler Jr</u> Owner's Signature</p> <p><u>Heide Trinkler</u> Owner's Signature</p> <p>_____ Owner's Signature</p> <p>_____ Owner's Signature</p>	<p><u>Wendel K. Trinkler Jr</u> Owner's Name Printed</p> <p><u>Heide Trinkler</u> Owner's Name Printed</p> <p>_____ Owner's Name Printed</p> <p>_____ Owner's Name Printed</p>
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6. How are these parcels currently utilized? Please check appropriate uses

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

7. List all structures on properties: HOUSE AND BARN ON THE GILTON PARCEL. THIS IS THE LOT BEING ADJUSTED.

8. How have these parcels been utilized in the past, if different than current use? NOT DIFFERENT

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

Parcel 1: MAY 18, 2002 Parcel 2: SEPT. 28, 2001
 Parcel 3: SEPT. 22, 1965 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? T.I.D.

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

13. Signature of property owner(s)

Baxter M. Gilton
 Owner's Signature

BAXTER M. GILTON
 Owner's Name Printed

Tamara E. Gilton
 Owner's Signature

TAMARA E. GILTON
 Owner's Name Printed

Owner's Signature

Owner's Name Printed

Owner's Signature

Owner's Name Printed



March 19, 2009

Jesse Stanley
Land Surveying-Engineering
440 S. Yosemite Avenue
Oakdale, CA 95361

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2009-04
TRINKLER AND DE SOUSA**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **March 19, 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,



Javier Camarena
Assistant Planner

Enclosure

cc: Wendel & Heide Trinkler
Armelim & Maria De Sousa

ATTACHMENT 2

Project Description and Landowner Justification

This project is a lot line adjustment between the following Parcels:

APN: 058-024-007 (Gilton) & 058-024-003 (Trinkler)

APN: 058-024-007 (Gilton) & 058-024-006 (De Sousa Dairy)

This lot line adjustment is necessary to incorporate APN 058-024-007 into two separate agricultural operations. APN 058-024-007 will be bisected by the new lot line and will expand the agricultural operations of Trinkler and De Sousa Dairy. See Tentative Map for more information.

At the completion of this lot line adjustment, the Proposed New Lot "A" (Trinkler Parcel) will have an adjusted area of 60.2 acres and the Proposed New Lot "B" (De Sousa Dairy Parcel) will have an adjusted area of 60.2 acres. Both the Trinkler and De Sousa Dairy Parcels are currently enrolled in the Williamson Act. The Gilton Parcel is not currently enrolled in the Williamson Act. It is the intent of the parties involved to enroll all lands in the William Act at the conclusion of this Lot Line Adjustment.

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

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

The contract is not subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, all parcels will be under Williamson Act Contract.

(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.

Of the lands involved in this subdivision, the total land currently under contract totals +/-80.25 acres. After the lot line adjustment, the lands under contract will total +/-120.4 acres, which is a net increase.

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

All adjusted parcels will be under contract. As such, more than 90% of the land under each of the former contracts will remain within contract. In addition, as set forth above in finding (2), the entire amount of land included within this lot line adjustment will be under Williamson Act contract.

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

Consistent with Section 51222, all parcels will be larger than 10 acres both before and after the lot line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size if prime farmland, or greater than 40 acres in the case of non-prime farmland. Since the all adjusted lots are in excess of 40 acres they will all be large enough to sustain their agricultural use according to 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.

This parcel has been used for agricultural purposes in its current configuration for quite some time. The moving of the lot lines is to facilitate better use of the existing parcel resources and it will in no way adversely affect the long term agricultural productivity of any of the lots.

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

The lots currently under contract 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) 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.

Three 2 lots currently exist, and after the lot line adjustment 2 Lots will exist. None of the lots are currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.

LLA 2009-04
Trinkler and De Sousa
Before

CLAUSEN RD.

CROWS LANDING RD.

C

40.2 acres

A

40.2 acres

B

40.17 acres

BRADBURY RD.



LLA 2009-04
Trinkler and De Sousa
After

CLAUSEN RD.

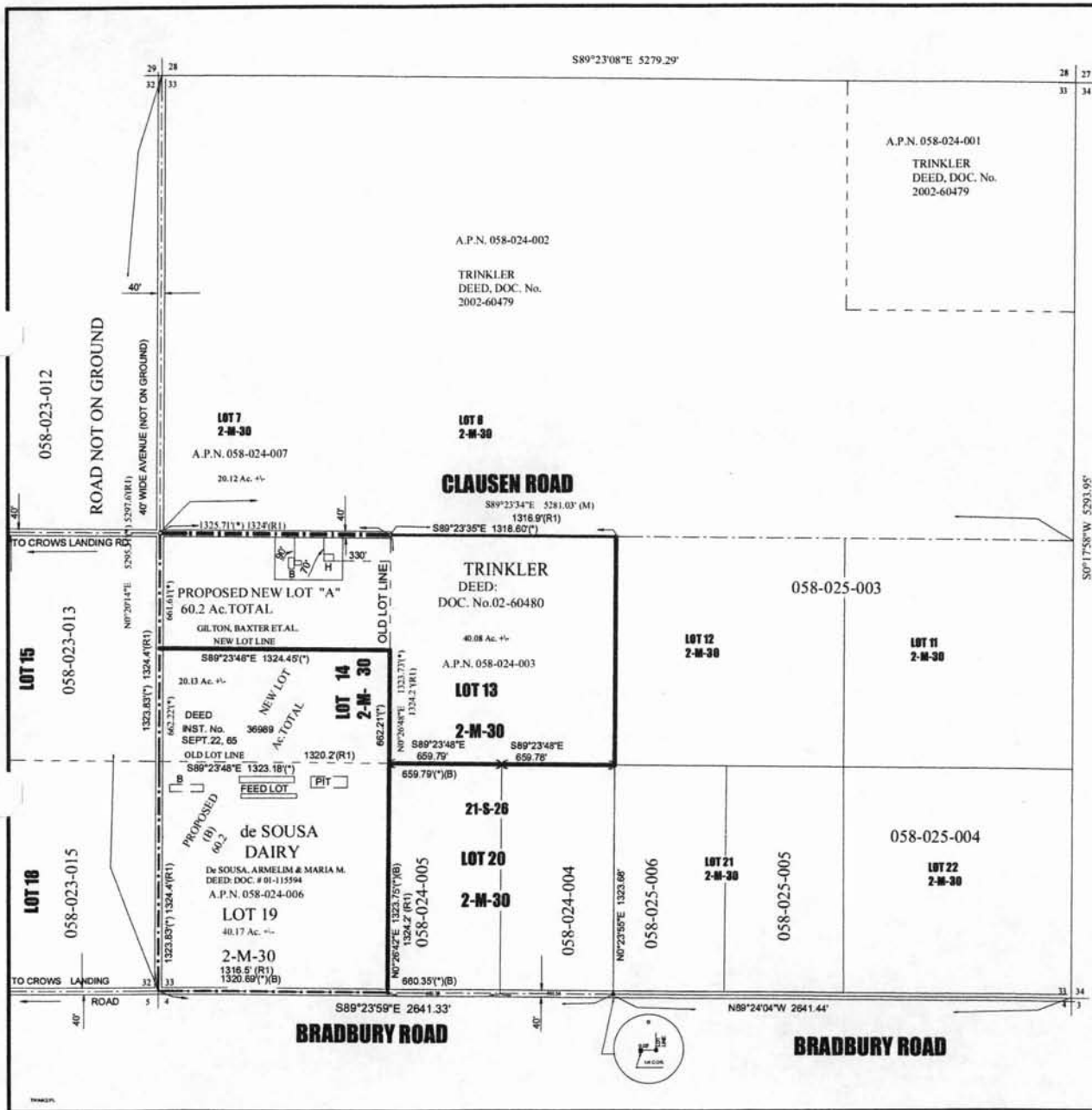
CROWS LANDING RD.

A
60.2 acres

B
60.2 acres

BRADBURY RD.





OWNERS

De SOUSA, ARMEILIM F. & MARIA M.
 MAIL: 3030 S. CENTRAL AVE.
 TURLOCK, CA. 95380
 A.P.N. 058-024-003

TRINKLER, WENDEL K. JR & HEIDE
 MAIL: 7136 CROWS LANDING ROAD
 CERES, CA. 95307
 A.P.N. 058-024-007

GILTON, BAXTER M. ET.AL.
 MAIL: 12530 CLAUSEN RD.
 CROWS LANDING, CA. 95313
 A.P.N. 058-024-007

REFERENCES

(R1) 2-M-30 S.C.R.

(B) 21-S-26 S.C.R.

LEGEND

H= HOUSE

B= BARN

(*) CALCULATED
 FROM RECORD
 MAPS.



SCALE 1" = 400'

PLAT

LOT LINE ADJUSTMENT 2009-04

BETWEEN LOT 19 AND 14, De SOUSA AND GILTON &
 BETWEEN GILTON AND TRINKLER LOT'S 14 & 13,
 OF DENAIR LAND AND DEVELOPMENT COMPANY'S
 COLONY NUMBER 2, LYING IN SECTION 33,
 T.5S., R.9E., M.D.M.
 STANISLAUS COUNTY, CALIFORNIA.

SCALE 1"=200'

JAN. 2009

JESSE STANLEY
 LAND SURVEYING-ENGINEERING
 440 SOUTH YOSEMITE AVE.
 OAKDALE, CALIFORNIA 95361
 e-mail: stanleysurveying@gmail.com



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 DEC 11 A 11:53

DATE: December 10, 2009

TO: Jesse Stanley
440 S Yosemite Avenue
Oakdale, CA 95361

FROM: Carole Maben, Associate Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2009-04;
RECORDED COPY OF RESCISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2009-22 & 2009-23
TRINKLER AND DE SOUSA**

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: Wendel & Heide Trinkler
Armelim & Maria De Sousa
Baxter M Gilton, et al
Board of Supervisor's Office
Cindy Schmidt, Assessor's Office



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2009-0106119-00

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Acct 121-Planning.
Monday, NOV 02, 2009 08:10:12
Ttl Pd \$53.00 Nbr-0002804218
AAE/R2/1-17

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 March 19, 2009 approved the lot line adjustment herein described submitted under the name of Trinkler and De Sousa Lot Line Adjustment No. 2009-04 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: Javier Camarena
Javier Camarena, Assistant Planner
Stanislaus County Department of Planning
and Community Development

10/26/09
Date

17
CT BW

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2009-04

TRINKLER AND DE SOUSA

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. 2009-04

TRINKLER AND DE SOUSA

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(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.

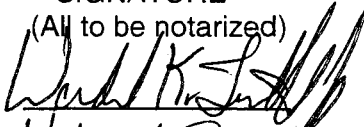

You must provide written evidence to support the seven findings listed above.

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

.....

LOT LINE NO. 2009-04

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Wendel K. Trinkler Jr.</u>	<u></u>	<u>4-9-09</u>	<u>Modesto, CA</u>
<u>Heide A. Trinkler</u>	<u></u>	<u>4-9-09</u>	<u>Modesto, CA</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

LOT LINE NO. 2009-04

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Armelin deSousa</u>	<u><i>Armelin deSousa</i></u>	<u>3/30/09</u>	<u>Turlock, CA</u>
<u>Maria M. deSousa</u>	<u><i>Maria M. deSousa</i></u>	<u>3/30/09</u>	<u>Turlock, CA</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

LOT LINE NO. 2009-04

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Baxter M. Gilton</u>	<u>Baxter M. Gilton</u>	<u>8/11/09</u>	<u>Hughson, CA</u>
<u>Tamara E. Gilton</u>	<u>Tamara E. Gilton</u>	<u>8/11/09</u>	<u>Hughson, CA</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:


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

LOT LINE NO. 2009-04

OWNERS:

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

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>F&M Bank</u>		<u>5/13/09</u>	<u>Lodi, CA</u>
<u>By R. Erichson EVP.</u>	_____	_____	_____
F&M Bank	_____	_____	_____
<u>Richard S. Erichson, Executive Vice President</u>	_____	_____	_____
_____	_____	_____	_____

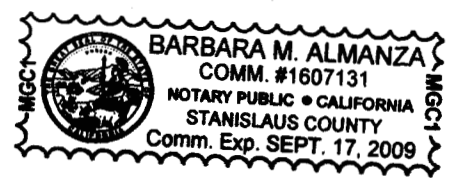
State of California)
County of Stanislaus)

On April 9, 2009 before me, Barbara M. Almanza, a notary public, personally appeared Wendel K. Trinkler, Jr. & Heide A. Trinkler, 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~~/they executed the same in ~~his~~/their authorized capacity(ies), and that by ~~his~~/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 *Barbara M. Almanza* (Seal)

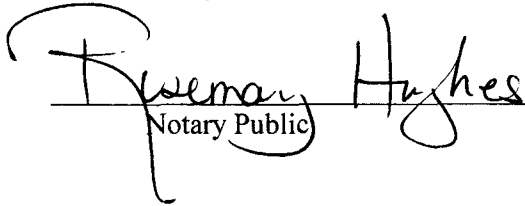


STATE OF CALIFORNIA)
COUNTY OF STANISLAUS)

On March 30, 2009, before me, ROSEMARY HUGHES, a Notary Public, personally appeared **ARMELIM DE SOUSA**, 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 his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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



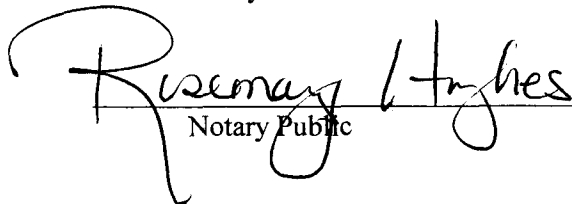
(SEAL)

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS)

On March 30, 2009, before me, ROSEMARY HUGHES, a Notary Public, personally appeared **MARIA M. DE SOUSA**, 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 she executed the same her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person 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



(SEAL)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of STANISLAUS

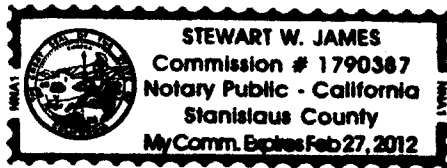
On Aug. 11, 2009 before me, Stewart W. James, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Baxter M. Gilton and Tamara E. Gilton
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.



Place Notary Seal Above

Signature Stewart W. James
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

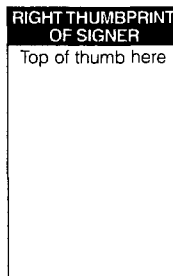
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

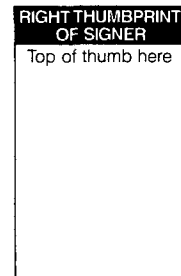
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

CERTIFICATE OF ACKNOWLEDGEMENT

State of California
County of San Joaquin

On May 13, 2009 before me, Susan Barsetti, a Notary Public, personally appeared, Richard S. Erichson, 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 Susan Barsetti



(Seal)

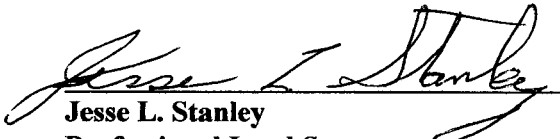
EXHIBIT "A"
L.L.A. 2009-04
LEGAL DESCRIPTION
De SOUSA BEFORE LOT LINE ADJUSTMENT

APRIL 6, 2009

All that certain Lot, Piece or Parcel of Land situate in a the Denair Land and Development Company 's Colony Number 2. Located in the West 1/2 of Section 33, T.5S., R. 9E., M.D.M. Stanislaus County California being more particularly described as follows:

Lot 19, of the Denair Land and Development Company's Colony Number 2, lying in The West 1/2 of Section 33. T.5S., R.9E., M.D.M. and delineated upon Map filed in Book 2 of Maps at Page 30, Stanislaus County, California.

End Description


Jesse L. Stanley
Professional Land Surveyor
No. 5230

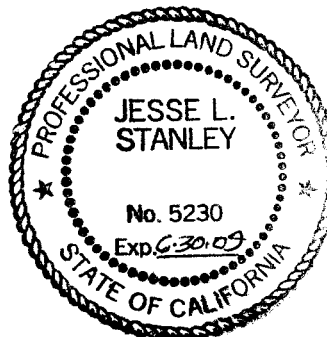


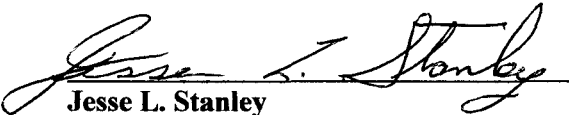
EXHIBIT "A"
L.L.A. 2009-04
LEGAL DESCRIPTION
TRINKLER BEFORE LOT LINE ADJUSTMENT

APRIL 6, 2009

All that certain Lot, Piece or Parcel of Land situate in a the Denair Land and Development Company 's Colony Number 2. Located in the West 1/2 of Section 33, T.5S., R. 9E., M.D.M. Stanislaus County California being more particularly described as follows:

Lot 13, of the Denair Land and Development Company's Colony Number 2, lying in The West 1/2 of Section 33. T.5S., R.9E., M.D.M. and delineated upon Map filed in Book 2 of Maps at Page 30, Stanislaus County, California.

End Description



Jesse L. Stanley
Professional Land Surveyor
No. 5230



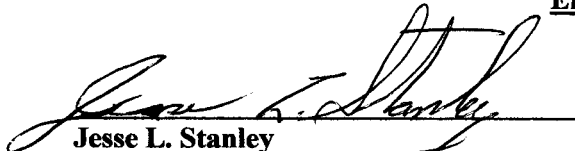
EXHIBIT "A"
L.L.A. 2009-04
LEGAL DESCRIPTION
GILTON BEFORE LOT LINE ADJUSTMENT

JULY 22, 2009

All that certain Lot, Piece or Parcel of Land situate in a the Denair Land and Development Company 's Colony Number 2. Located in the West 1/2 of Section 33, T.5S., R. 9E., M.D.M. Stanislaus County California being more particularly described as follows:

Lot 14, of the Denair Land and Development Company's Colony Number 2, lying in The West 1/2 of Section 33. T.5S., R.9E., M.D.M. and delineated upon Map filed in Book 2 of Maps at Page 30, Stanislaus County, California.

End Description


Jesse L. Stanley
Professional Land Surveyor
No. 5230

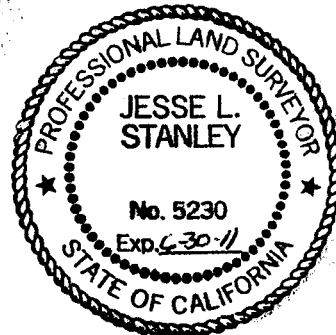


EXHIBIT "B"
L.L.A. 2009-04
LEGAL DESCRIPTION
De SOUSA AFTER LOT LINE ADJUSTMENT

APRIL 6, 2009

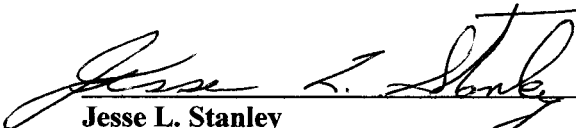
All that certain Lot, Piece or Parcel of Land situate in a the Denair Land and Development Company 's Colony Number 2, Located in the West 1/2 of Section 33, T.5S., R. 9E., M.D.M. Stanislaus County California being more particularly described as follows:

Lot 19, of the Denair Land and Development Company's Colony Number 2, lying in The West 1/2 of Section 33. T.5S., R.9E., M.D.M. and delineated upon Map filed in Book 2 of Maps at Page 30, Stanislaus County, California.

Together With: The South 1/2 of Lot 14, of the Denair Land and Development Company's Colony Number 2, lying in the West 1/2 of Section 33, T.5S., R.9E., M.D.M. and delineated upon Map Filed in Book 2 of Maps at Page 30, Stanislaus County Records, Stanislaus County, California also together with all Easements of Record.

SUBJECT TO: All Easements of Record.

End Description



Jesse L. Stanley
Professional Land Surveyor
No. 5230



EXHIBIT "B"
L.L.A. 2009-04
LEGAL DESCRIPTION
TRINKLER AFTER LOT LINE ADJUSTMENT

APRIL 6, 2009

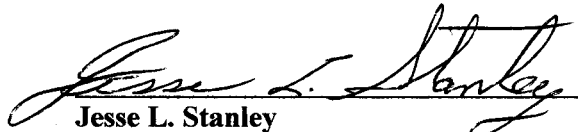
All that certain Lot, Piece or Parcel of Land situate in a the Denair Land and Development Company 's Colony Number 2. Located in the West 1/2 of Section 33, T.5S., R. 9E., M.D.M. Stanislaus County California being more particularly described as follows:

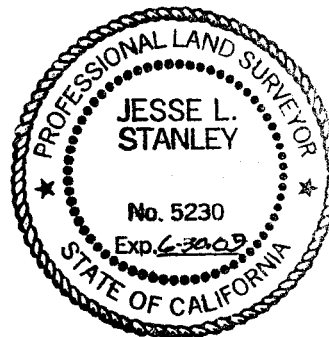
Lot 13, of the Denair Land and Development Company's Colony Number 2, lying in The West 1/2 of Section 33. T.5S., R.9E., M.D.M. and delineated upon Map filed in Book 2 of Maps at Page 30, Stanislaus County, California.

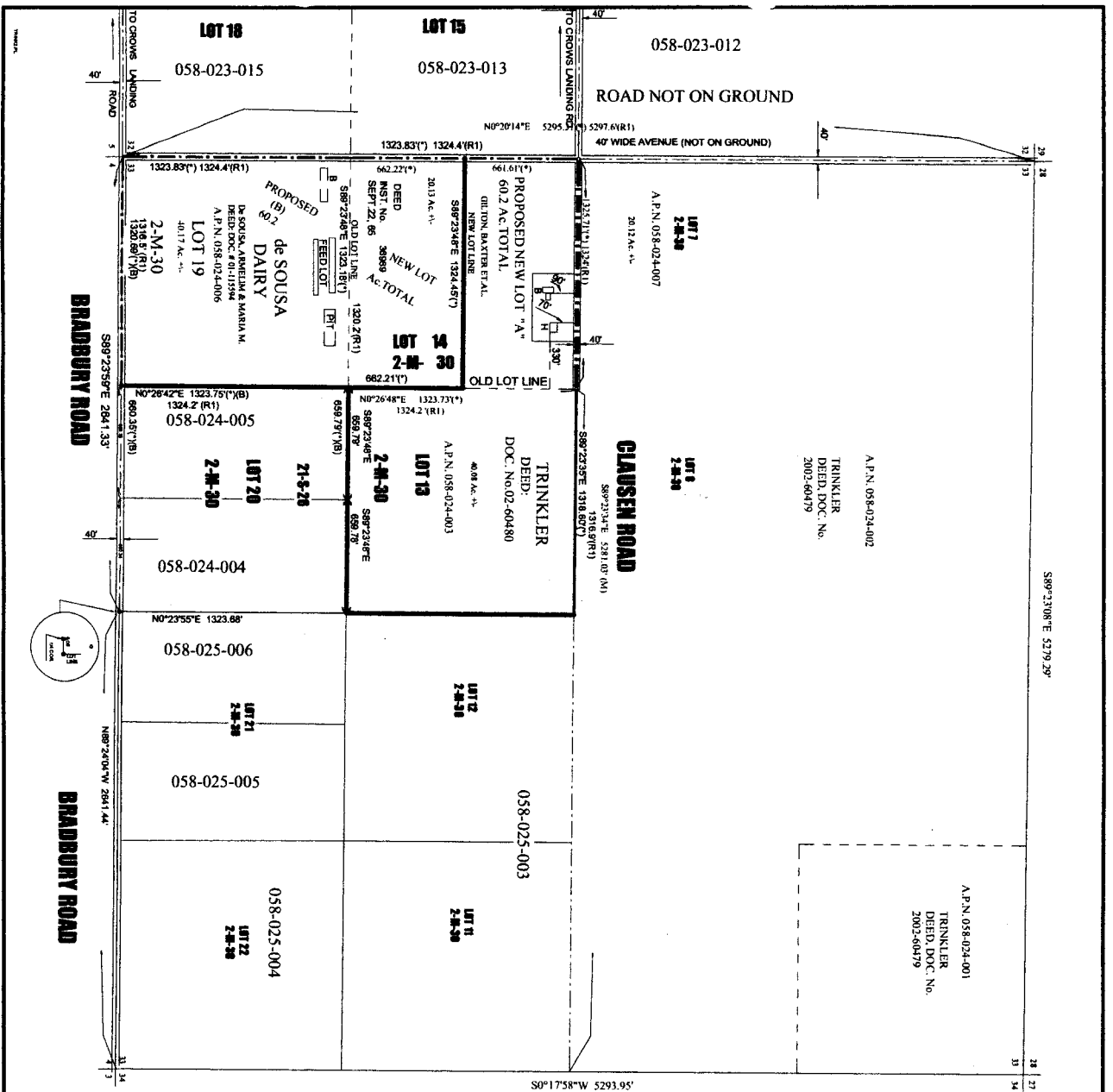
Together With: The North 1/2 of Lot 14, of the Denair Land and Development Company's Colony No. 2, lying in the West 1/2 of Section 33, T.5S., R.9E., M.D.M. and delineated upon Map Filed in Book 2 of Maps at Page 30, Stanislaus County Records, Stanislaus County California, also together with all Easements of Record.

SUBJECT TO: All Easements of Record.

End Description


Jesse L. Stanley
Professional Land Surveyor
No. 5230





S89°23'08\"/>

S0°17'58\"/>

OWNERS

DE SOUSA, ARMELIM F. & MARIA M.
 MAIL: 3030 S. CENTRAL AVE.
 TURLOCK, CA. 95380
 A.P.N. 058-024-003

A.P.N. 058-024-001
 TRINKLER
 DEED, DOC. No.
 2002-60479

TRINKLER, WENDEL K. JR & HEIDE
 MAIL: 7136 CROWS LANDING ROAD
 CERES, CA. 95307
 A.P.N. 058-024-007

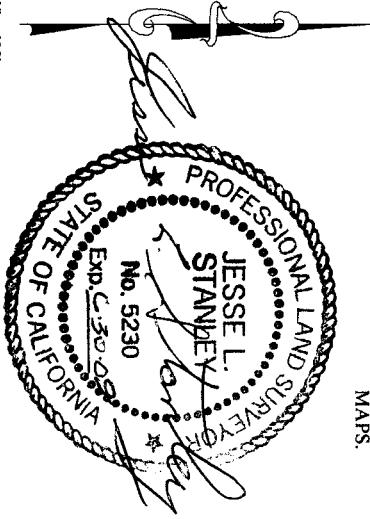
GILTON, BAXTER M. ET AL.
 MAIL: 12530 CLAUSSEN RD.
 CROWS LANDING, CA. 95313
 A.P.N. 058-024-007

REFERENCES

(R1) 2-M-30 S.C.R.
 (B) 21-S-26 S.C.R.

LEGEND

H=HOUSE
 B=BARN
 (*) CALCULATED FROM RECORD MAPS.



SCALE 1" = 400'

PLAT

BETWEEN LOT 19 AND 14, De SOUSA AND GILTON & BETWEEN GILTON AND TRINKLER LOTS 14 & 13, OF DENAIR LAND AND DEVELOPMENT COMPANY'S COLONY NUMBER 2, LYING IN SECTION 33, T.5S., R.9E., M.D.M., STANISLAUS COUNTY, CALIFORNIA.

SCALE 1"=400'
 JESSE STANLEY
 LAND SURVEYING-ENGINEERING
 440 SOUTH YOSEMITE AVE.
 OAKDALE, CALIFORNIA 95361
 e-mail: stanleysurveying@gmail.com
 MARCH 2009

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. 2009-22

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2009-0106123-00
Monday, NOV 02, 2009 08:11:45
Ttl Pd \$0.00 Nbr-0002804230
ARE/R2/1-11

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into October 20, 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: Wendel K. Jr. & Heide Trinkler
7136 Crows Landing Road
Ceres, CA 95313

(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)
058-024-003	60.2	See Attached

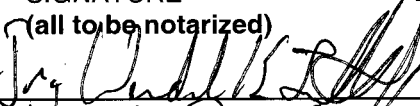

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2009-707, relating to Lot Line Adjustment No. 2009-04 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 03-4514 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

11
110 DW
CT

(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)
Wendell K Trinkler Jr		4/24/09	Modesto
Heide Trinkler		4/24/09	modesto

SECURITY HOLDERS:

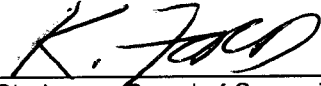
NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

EXHIBITS:

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

COUNTY: Stanislaus County

10/28/09
Dated


Chairman, Board of Supervisors
Kirk Ford for Jim DeMartini

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND AND 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)
Wendell K. Trinkler	<i>Wendell K. Trinkler</i>	4/24/09	Modesto
Heide Trinkler	<i>Heide Trinkler</i>	4/24/09	Modesto
Baxter M. Gilton	<i>Baxter M. Gilton</i>	7/9/09	Hughson, CA
TAMARA E. Gilton	<i>Tamara E. Gilton</i>	7/9/09	Hughson, 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

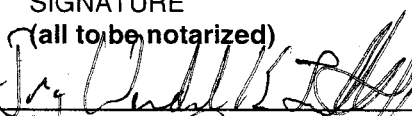

Dated _____

Chairman, Board of Supervisors
Kirk Ford for

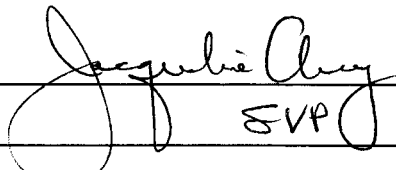
NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (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)
Wendell K Trinkler Jr		4/24/09	Modesto
Heide Trinkler		4/24/09	Modesto

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
JACQUELINE AVERY	 SVP	7/13/09	Kodi, CA
Jacqueline Avery, F&M Bank - Senior Vice President			

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

Chairman, Board of Supervisors
Kirk Ford for

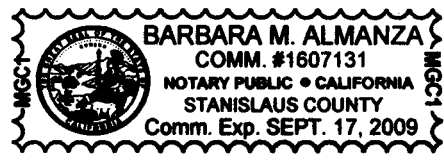
State of California)
County of Stanislaus)

On April 24, 2009 before me, Barbara M Almanza, a notary public,
personally appeared Wendel K Trinkler Jr. & Heide Trinkler, 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 *Barbara M Almanza* (Seal)



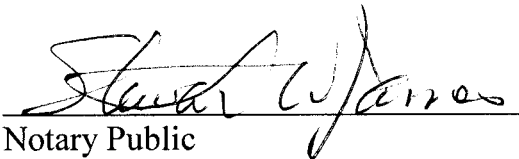
STATE OF CALIFORNIA)

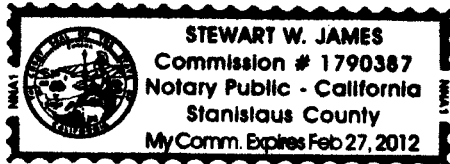
COUNTY OF STANISLAUS)

On July 9, 2009, before me, STEWART W. JAMES, Notary Public, personally appeared BAXTER M. GILTON and TAMARA E. GILTON, 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



CERTIFICATE OF ACKNOWLEDGEMENT

State of California

County of San Joaquin

On July 13, 2009 before me, Susan Barsetti, a Notary Public, personally appeared, Jacqueline Avery 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 Susan Barsetti

(Seal)

EXHIBIT "A"

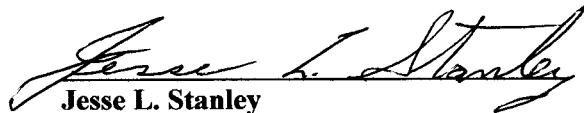
LEGAL DESCRIPTION
TRINKLER BEFORE LOT LINE ADJUSTMENT

MARCH 10, 2009

All that certain Lot, Piece or Parcel of Land situate in a the Denair Land and Development Company 's Colony Number 2. Located in the West 1/2 of Section 33, T.5S., R. 9E., M.D.M. Stanislaus County California being more particularly described as follows:

Lot 13, of the Denair Land and Development Company's Colony Number 2, lying in The West 1/2 of Section 33. T.5S., R.9E., M.D.M. and delineated upon Map filed in Book 2 of Maps at Page 30, Stanislaus County, California.

End Description



Jesse L. Stanley
Professional Land Surveyor
No. 5230

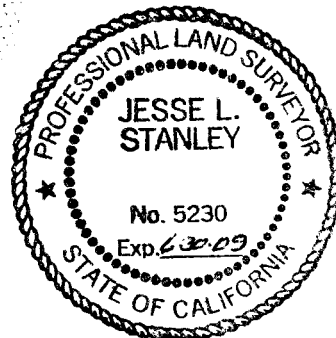


EXHIBIT "B"
L.L.A. 2009-04
LEGAL DESCRIPTION
TRINKLER AFTER LOT LINE ADJUSTMENT

OCT. 22, 2009

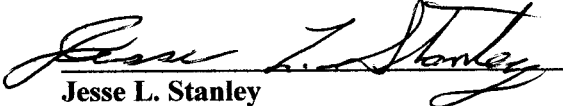
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Lot 13, of the Denair Land and Development Company's Colony Number 2, lying in The West 1/2 of Section 33. T.5S., R.9E., M.D.M. and delineated upon Map filed in Book 2 of Maps at Page 30, Stanislaus County, California.

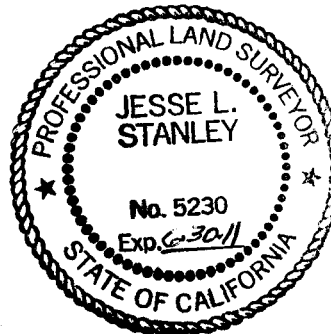
Together With: The North 1/2 of Lot 14, of the Denair Land and Development Company's Colony No. 2, lying in the West 1/2 of Section 33, T.5S., R.9E., M.D.M. and delineated upon Map Filed in Book 2 of Maps at Page 30, Stanislaus County Records, Stanislaus County California, also together with all Easements of Record.

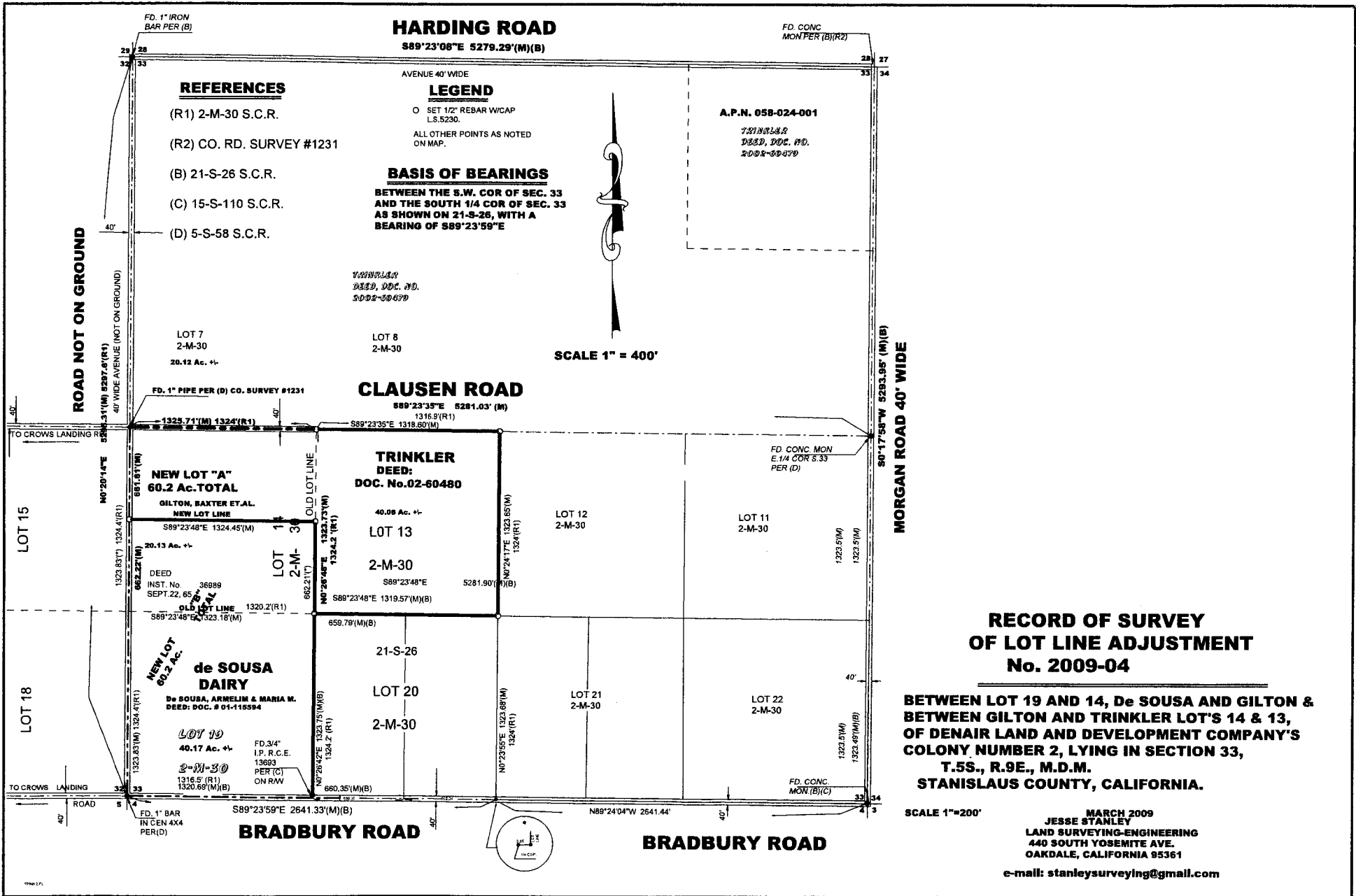
SUBJECT TO: All Easements of Record.

End Description



Jesse L. Stanley
Professional Land Surveyor
No. 5230





REFERENCES

- (R1) 2-M-30 S.C.R.
- (R2) CO. RD. SURVEY #1231
- (B) 21-S-26 S.C.R.
- (C) 15-S-110 S.C.R.
- (D) 5-S-58 S.C.R.

LEGEND

- SET 1/2" REBAR W/ CAP L.S. 5230.
- ALL OTHER POINTS AS NOTED ON MAP.

BASIS OF BEARINGS

BETWEEN THE S.W. COR OF SEC. 33 AND THE SOUTH 1/4 COR OF SEC. 33 AS SHOWN ON 21-S-26, WITH A BEARING OF S89°23'59"E

A.P.N. 058-024-001

T.S. STANLEY
D.S.S., D.C., P.D.
2002-00079

T.S. STANLEY
D.S.S., D.C., P.D.
2002-00079

SCALE 1" = 400'

CLAUSEN ROAD

S89°23'35"E 5281.03'(M)
1315.8'(R1)

TRINKLER DEED:
DOC. No.02-60480

40.08 Ac. +/-
LOT 13
2-M-30
S89°23'48"E
S89°23'48"E 1319.57'(M)(B)

NEW LOT "A"
60.2 Ac. TOTAL

GILTON, BAXTER ET AL.
NEW LOT LINE
S89°23'48"E 1324.45'(M)
20.13 Ac. +/-
DEED
INST. No 36889
SEPT. 22, 65
OLD LOT LINE 1320.2'(R1)
S89°23'48"E 1323.18'(M)

NEW LOT
60.2 Ac.
de SOUSA DAIRY

De SOUSA, ARMELIM & MARIA M.
DEED: DOC. # 01-115594
LOT 10
40.17 Ac. +/-
FD. 3/4" I.P. R.C.E. 13693 PER (C) ON RAW
S89°23'59"E 2641.33'(M)(B)
S89°23'59"E 2641.33'(M)(B)

RECORD OF SURVEY
OF LOT LINE ADJUSTMENT
No. 2009-04

BETWEEN LOT 19 AND 14, De SOUSA AND GILTON & BETWEEN GILTON AND TRINKLER LOT'S 14 & 13, OF DENAIR LAND AND DEVELOPMENT COMPANY'S COLONY NUMBER 2, LYING IN SECTION 33, T.5S., R.9E., M.D.M. STANISLAUS COUNTY, CALIFORNIA.

SCALE 1"=200'

MARCH 2009
JESSE STANLEY
LAND SURVEYING-ENGINEERING
440 SOUTH YOSEMITE AVE.
OAKDALE, CALIFORNIA 95361
e-mail: stanleysurveying@gmail.com

EXHIBIT C

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

DEPT: Planning and Community Development AF

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE October 20, 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. 2003-4514 (Located on Clausen Road, East of Patterson), Approval to Rescind Part of Williamson Act Contract No. 1973-1352 (Located on Bradbury Road, East of Patterson), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa, and Authorization for the Planning Director to Execute New Contracts

STAFF RECOMMENDATIONS:

1. Approve and establish the following findings:

- a. 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.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee.

BOARD ACTION AS FOLLOWS:

No. 2009-707

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien
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:

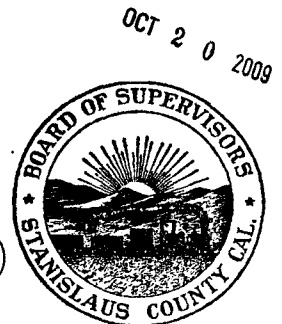
MOTION:

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 Spina



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk


File No.

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. 2009-23


 Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2009-0106124-00
 Monday, NOV 02, 2009 08:12:05
 Ttl Pd \$0.00 Nbr-0002804232
 AAE/R2/1-~~30~~ 11

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into October 20, 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: Armelim F. & Maria M. DeSousa

3030 S. Central Avenue

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)
058-024-006	60.2	See Attached

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2009-707, relating to Lot Line Adjustment No. 2009-04 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 73-1352 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.

11
10
Cl
BW

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)
Armelim F. DeSousa	<i>Armelim F. de sausa</i>	6/24/09	Turlock, CA
Maria M. DeSousa	<i>Maria M. de Sousa</i>	6/24/09	Turlock, 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

10/29/09
Dated

K Ford
Chairman, Board of Supervisors
Kirk Ford for Jim DeMartini

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

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Maria M. DeSousa	<i>Maria M. de Sousa</i>	6/24/09	Turlock, CA
<hr/>			
<i>Baxter M. Gilton</i>	<i>Baxter M. Gilton</i>	7/9/09	Hughson, CA
<i>TAMARA E. Gilton</i>	<i>Tamara Gilton</i>	7/9/09	Hughson, CA

SECURITY HOLDERS:

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

EXHIBITS:

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- (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

Chairman, Board of Supervisors
Kirk Ford for

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

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Maria M. DeSousa	<i>Maria M. de Sousa</i>	6/24/09	Turlock, CA

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
JACQUELINE AVERY	<i>Jacqueline Avery</i> SVP	7/13/09	Lodi, CA

Jacqueline Avery, F&M Bank - Senior Vice President

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

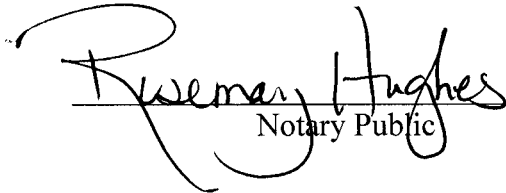
Chairman, Board of Supervisors
Kirk Ford for

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS)

On June 24, 2009, before me, ROSEMARY, a Notary Public, personally appeared **ARMELIM F. DeSOUSA and MARIA M. DeSOUSA**, 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 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 July 9, 2009, before me, STEWART W. JAMES, Notary Public, personally appeared BAXTER M. GILTON and TAMARA E. GILTON, 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



CERTIFICATE OF ACKNOWLEDGEMENT

State of California
County of San Joaquin

On July 13, 2009 before me, Susan Barsetti, a Notary Public, personally appeared, Jacqueline Avery, 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 Susan Barsetti



(Seal)

EXHIBIT "A"

LEGAL DESCRIPTION

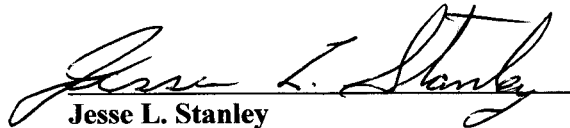
De SOUSA BEFORE LOT LINE ADJUSTMENT

MARCH 10, 2009

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End Description



**Jesse L. Stanley
Professional Land Surveyor
No. 5230**

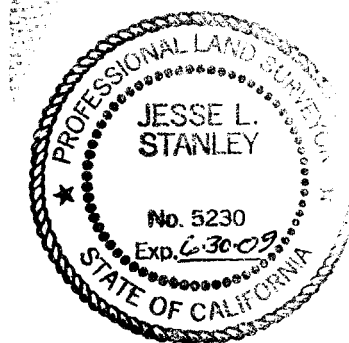


EXHIBIT "B"
L.L.A. 2009-04
LEGAL DESCRIPTION
De SOUSA AFTER LOT LINE ADJUSTMENT

OCT. 22, 2009

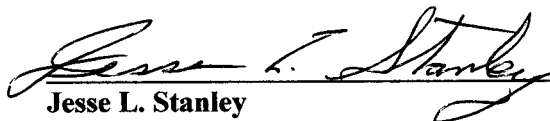
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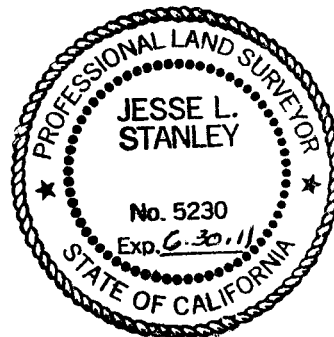
Together With: The South 1/2 of Lot 14, of the Denair Land and Development Company's Colony Number 2, lying in the West 1/2 of Section 33, T.5S., R.9E., M.D.M. and delineated upon Map Filed in Book 2 of Maps at Page 30, Stanislaus County Records, Stanislaus County, California also together with all Easements of Record.

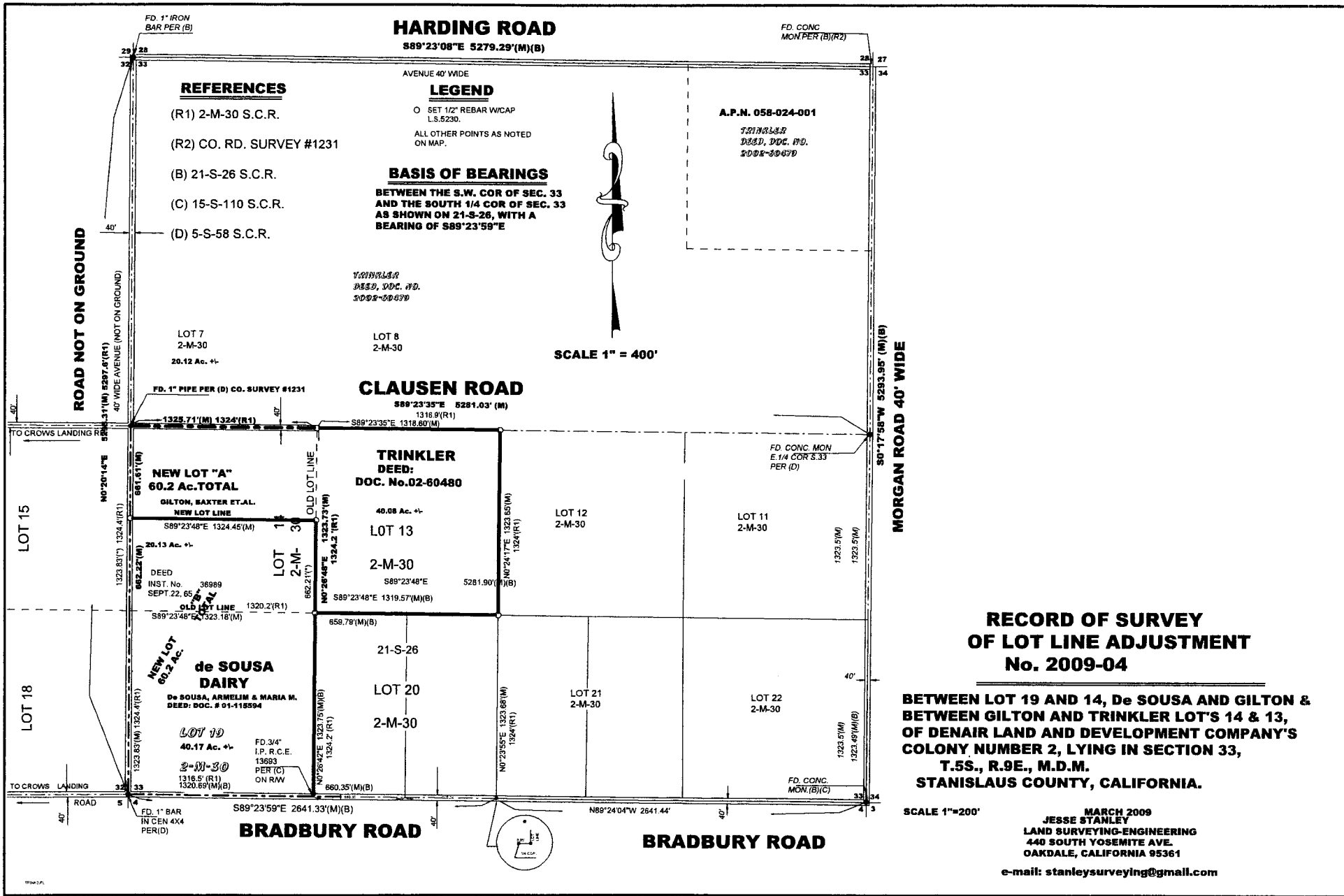
SUBJECT TO: All Easements of Record.

End Description



Jesse L. Stanley
Professional Land Surveyor
No. 5230





REFERENCES

- (R1) 2-M-30 S.C.R.
- (R2) CO. RD. SURVEY #1231
- (B) 21-S-26 S.C.R.
- (C) 15-S-110 S.C.R.
- (D) 5-S-58 S.C.R.

LEGEND

- O SET 1/2" REBAR W/CAP L.S.5230.
- ALL OTHER POINTS AS NOTED ON MAP.

BASIS OF BEARINGS

BETWEEN THE S.W. COR OF SEC. 33 AND THE SOUTH 1/4 COR OF SEC. 33 AS SHOWN ON 21-S-26, WITH A BEARING OF S89°23'59"E

A.P.N. 058-024-001

TRINKLER DEED, DDC. #0. 2002-80490

TRINKLER DEED, DDC. #0. 2002-80490

SCALE 1" = 400'

CLAUSEN ROAD

S89°23'35"E 5261.03' (M) 1316.9'(R1)

TRINKLER DEED:

DOC. No.02-60480

LOT 13

2-M-30

40.08 Ac. +/-

NEW LOT "A"

60.2 Ac. TOTAL

GILTON, BAXTER ET AL. NEW LOT LINE

S89°23'48"E 1324.46'(M)

20.13 Ac. +/-

DEED INST. No. 36989 SEPT 22, 65

OLD LOT LINE 1320.2'(R1)

S89°23'48"E 1323.18'(M)

de SOUSA DAIRY

De SOUSA, ARMEJIN & MARIA M. DEED: DOC. # 01-115594

LOT 19

40.17 Ac. +/-

2-M-30

1316.5'(R1) 1320.69'(M)(B)

FD. 3/4" I.P. R.C.E. 13693 PER (C) ON R/W

BRADBURY ROAD

S89°23'59"E 2641.33'(M)(B)

BRADBURY ROAD

N69°24'04"W 2641.44'

RECORD OF SURVEY OF LOT LINE ADJUSTMENT No. 2009-04

BETWEEN LOT 19 AND 14, De SOUSA AND GILTON & BETWEEN GILTON AND TRINKLER LOT'S 14 & 13, OF DENAIR LAND AND DEVELOPMENT COMPANY'S COLONY NUMBER 2, LYING IN SECTION 33, T.5S., R.9E., M.D.M. STANISLAUS COUNTY, CALIFORNIA.

SCALE 1"=200'

MARCH 2009
 JESSE STANLEY
 LAND SURVEYING-ENGINEERING
 440 SOUTH YOSEMITE AVE.
 OAKDALE, CALIFORNIA 95361
 e-mail: stanleysurveying@gmail.com

EXHIBIT C

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

DEPT: Planning and Community Development AF

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE October 20, 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. 2003-4514 (Located on Clausen Road, East of Patterson), Approval to Rescind Part of Williamson Act Contract No. 1973-1352 (Located on Bradbury Road, East of Patterson), Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2009-04, Trinkler and De Sousa, and Authorization for the Planning Director to Execute New Contracts

STAFF RECOMMENDATIONS:

1. Approve and establish the following findings:
 - a. 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.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee.

BOARD ACTION AS FOLLOWS:

No. 2009-707

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

and approved by the following vote,

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

Noes: Supervisors: None

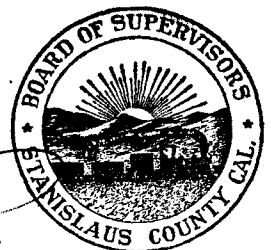
Excused or Absent: Supervisors: None

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



ATTEST: Christine Ferraro Tallman
CHRISTINE FERRARO TALLMAN, Clerk

File No.