

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 February 16, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1978-3332 (Located on S. Tegner Road, South of W. Harding Road, in the Turlock area), Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2008-11, Fernandes and Fernandes, and Authorization for the Director of Planning and Community Development to Execute a New Contract

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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2010-088

On motion of Supervisor DeMartini, Seconded by Supervisor Monteith

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

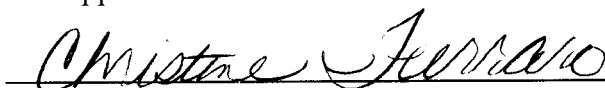
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: * Please note that the Application Number listed in this agenda item for the Minor Lot Line Adjustment contained a typographical error. The correct Minor Lot Line Adjustment Application Number is 2008-17.



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind All of Williamson Act Contract No. 1978-3332 (Located on S. Tegner Road, South of W. Harding Road, in the Turlock area), Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2008-11, Fernandes and Fernandes, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 2

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. 1978-3332 (Located on S. Tegner Road, in the Turlock area).
 3. Approve a new contract pursuant to Minor Lot Line Adjustment 2008-11, Fernandes and Fernandes.
 4. Authorize the Director of Planning and Community Development to execute the new contract pursuant to Minor Lot Line Adjustment 2008-11.

DISCUSSION:

Lot Line Adjustment Application No. 2008-11 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on S. Tegner Road, south of W. Harding Road, in the Turlock area, in the unincorporated area of Stanislaus County. The lot line adjustment is requesting to go from 19.5 and 36.3 acres to 18.3 and 37.4 acres.

The 37.4 acre parcel involved in the lot line request is currently enrolled in a Williamson Act Contract No. 1978-3332, however, when the lot line is completed both parcels will be enrolled in a new contract. The new contract 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 Act. 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

Approval to Rescind All of Williamson Act Contract No. 1978-3332 (Located on S. Tegner Road, South of W. Harding Road, in the Turlock area), Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2008-11, Fernandes and Fernandes, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 3

(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.

Approval to Rescind All of Williamson Act Contract No. 1978-3332 (Located on S. Tegner Road, South of W. Harding Road, in the Turlock area), Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2008-11, Fernandes and Fernandes, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 4

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 December. Because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a new contract replaces Contract No. 1978-3332 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.

CONTACT PERSON:

Kirk Ford, Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2008-11
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 _____	T _____	R _____
ZONE _____		
RECEIVED _____		
APPLICATION NO. _____		
RECEIPT NO. _____		

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1
 Scott J. Fernandes & Krissa B. Fernandes
 Trustees of: S & K Fernandes Revocable Trust dated Jan 29, 2005
 Name _____
 Address, City, Zip: 3812 S. Tegner Rd., Turlock CA 95380
 (209) 648-1940
 Phone _____
 Fax Number _____

Parcel 2
 James J. Fernandes & Norma N. Fernandes
 Family, L.P.
 Name _____
 Address, City, Zip: 4018 S. Tegner Rd., Turlock CA, 95380
 (209) 667-2344
 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: Roger L Gregg, Civil Engineer -
 Surveyor, Inc., 628 Crane Ave, Turlock, CA 95380 209 632-2217

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

Parcel 1: Book 44 Page 43 No. 10
 Parcel 3: Book _____ Page _____ No. _____

Parcel 2: Book 44 Page 43 No. 25
 Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

Before
 Parcel 1: 19.5 AC NET
 Parcel 2: 36.3 AC NET
 Parcel 3: _____
 Parcel 4: _____

After
 Parcel 1: 37.4 AC NET
 Parcel 2: 18.3 AC NET
 Parcel 3: _____
 Parcel 4: _____

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

~~TO FACILITATE ESTATE PLANNING~~

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

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

7. List all structures on properties: NONE

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

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

Parcel 1: NOV, 2007 Parcel 2: SEPT 1997
 Parcel 3: _____ Parcel 4: _____

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

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

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

13. Signature of property owner(s)

<p><u><i>James J. Fernandes</i></u> Owner's Signature</p> <p><u><i>Norma N. Fernandes</i></u> Owner's Signature</p> <p><u><i>Scott J. Fernandes</i></u> Owner's Signature</p> <p><u><i>Krissa E. Fernandes</i></u> Owner's Signature</p>	<p><u>James J. Fernandes</u> Owner's Name Printed</p> <p><u>Norma N. Fernandes</u> Owner's Name Printed</p> <p><u>Scott J. Fernandes</u> Owner's Name Printed</p> <p><u>Krissa E. Fernandes</u> Owner's Name Printed</p>
--	--



August 20, 2008

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

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2008-17
FERNANDES & FERNANDES**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **August 20, 2008**, and has tentatively approved your request, subject to the attached conditions.

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

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

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

As stated in the Conditions of Approval a new deed reflecting this lot line adjustment will need to be recorded.

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

Sincerely,

Kristin Doud
Assistant Planner

Enclosure

cc: James J. Fernandes & Norma N. Fernandes Family L.P.
Scott J. & Krissa B. Fernandes S&K Fernandes Revocable Tr

ATTACHMENT 2

August 18, 2008

APPLICANT STATEMENT

Lot Line Adjustment Application 2008-17 Fernandes

Project Description and Landowner Justification

This project is a lot line adjustment between Assessors Parcel No. 44-43-10 (19.5 acres) and Assessors Parcel No 44-43-25 (37.4 acres). A.P.N 44-43-10 is owned by the S & K Fernandes Revocable Trust under instrument dated January 20, 2005. A.P.N. 44-43-25 is currently owned by James J. Fernandes & Norma N. Fernandes Family Limited Partnership.

This lot line adjustment is being requested to enhance the agricultural productivity of the current parcels due to their proximity and ability to support specific crops.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 37.4 acres, while the Parcel 2 adjusted acreage will be 18.3 acres. The newly approved parcel will be enrolled in the Williamson Act while Parcel 2 will continue to be enrolled.


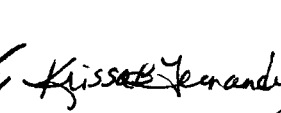


1. At the conclusion of the lot line adjustment Parcel 1 will share a deep well and pumping station to be constructed on current A.P.N. 44-43-10. This will enhance the irrigation efficiency of the larger parcel and conserve valuable water for other agricultural uses.
2. Both of these parcels have been used for agricultural productivity in their current configuration for a long time. The new lot configuration, after adjustment will in no way affect the long term agricultural productivity of either of the parcels. There will be increased agricultural value in Parcel 1 due to its size, ability to support more permanent crops and improvement in irrigation design and delivery systems.
3. Consistent with Section 51222, both parcels will be larger than 10 acres, after the lot line adjustment.
4. Two parcels currently exist, and after the lot line adjustment two parcels will continue to exist.
5. The parcels will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.
6. The approval of this lot line adjustment will not result in the removal of agricultural land from its use.

In conclusion, the lot line adjustment is nothing more than the movement of a lot line to create a larger more manageable parcel while not jeopardizing the size of the adjacent parcel. As set

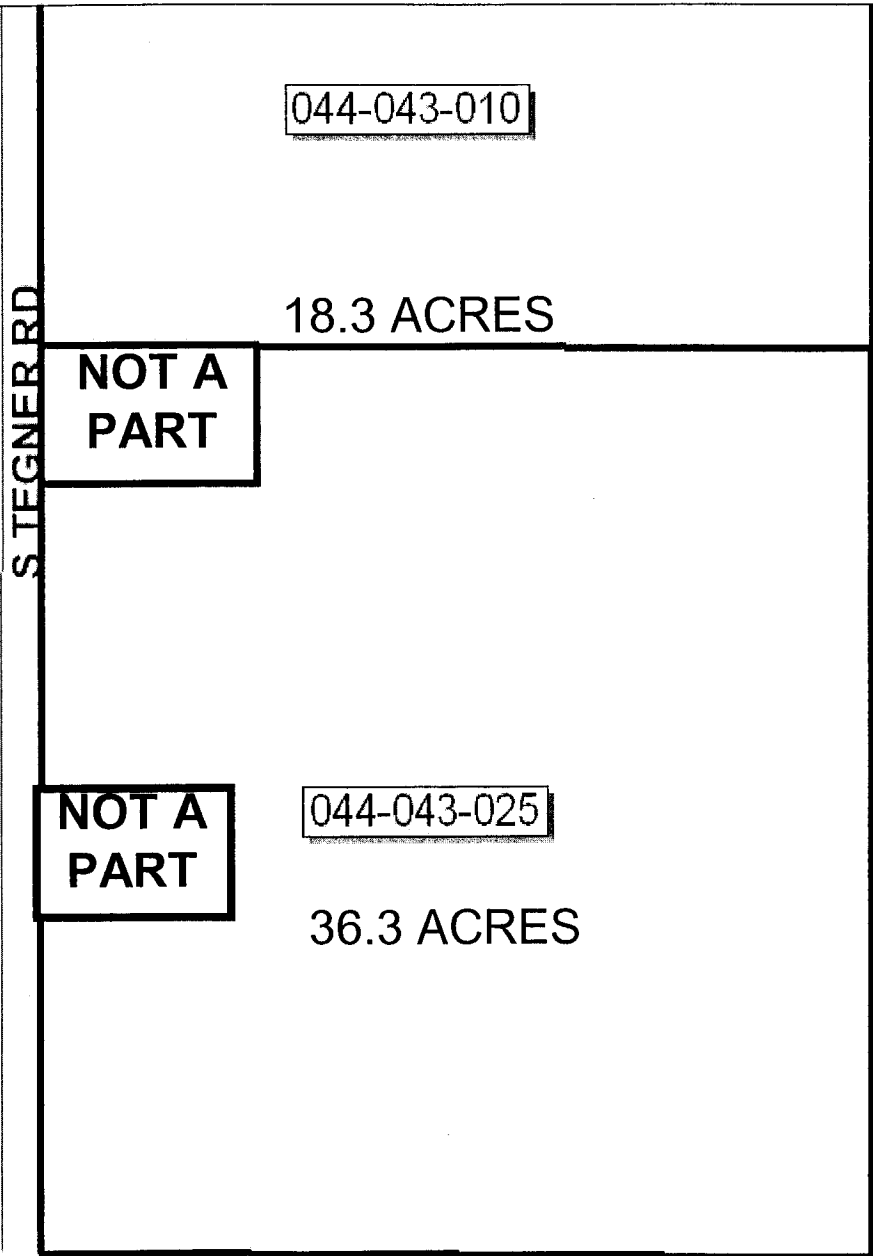
forth previously, the properties will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of either parcel.

Thank you for considering this manner.

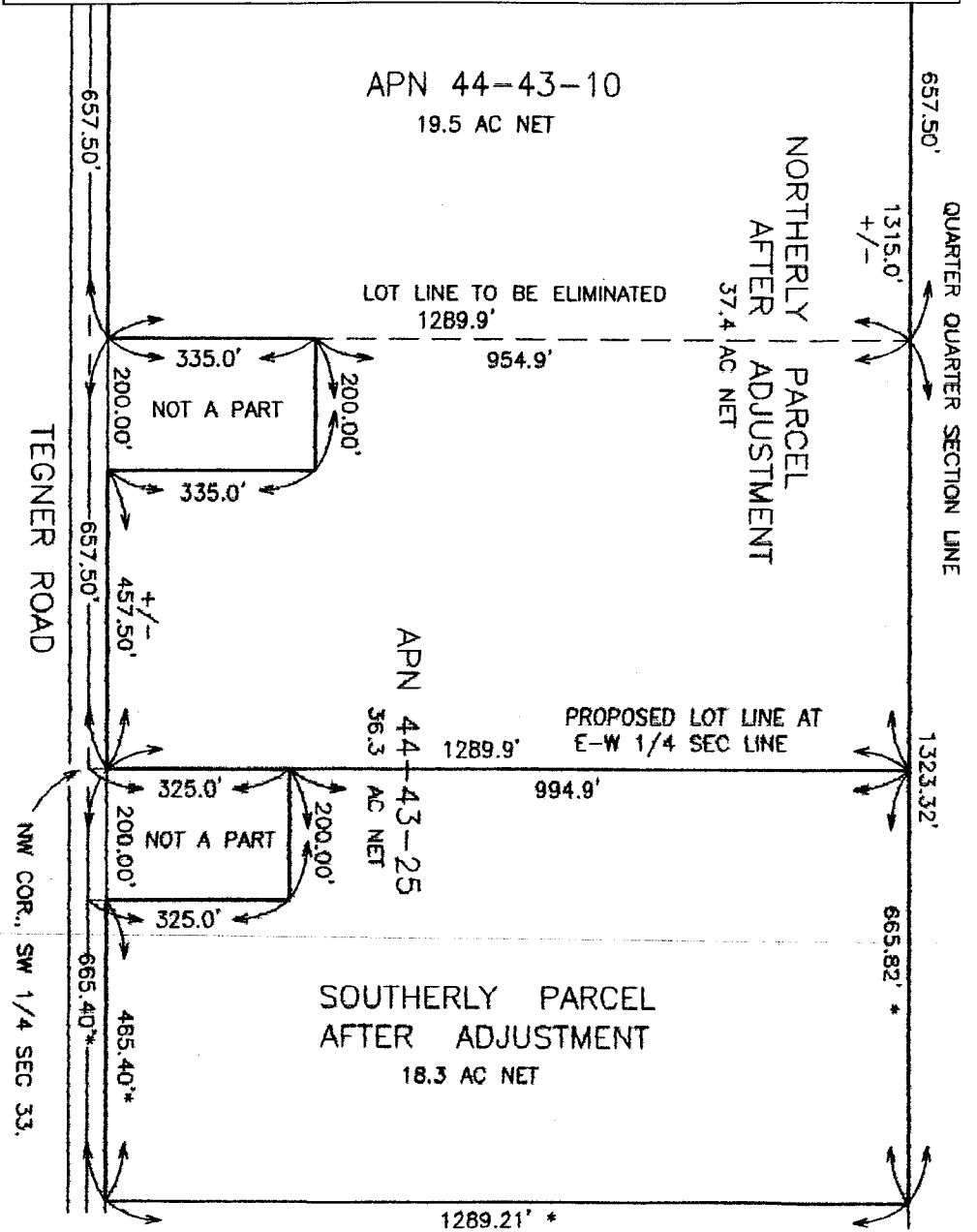
Sincerely,

			
Scott I. Fernandes	Krissa B. Fernandes	James J. Fernandes	Norma N. Fernandes
Trustee	Trustee	L.P. Owner	L.P. Owner

LLA 2008-11 – FERNANDES & FERNANDES - BEFORE



LLA 2008-11 – FERNANDES & FERNANDES - AFTER





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

2010 MAY - 6 A 11: 35
BOARD OF SUPERVISORS

DATE: May 5, 2010

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

FROM: Carole Maben, Associate Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2008-17;
RECORDED COPY OF RESCISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2010-10
FERNANDES & FERNANDES**

Enclosed are recorded copies of the above described documents for your files. A copy has also been sent to the person(s) listed below.

cc: James J. Fernandes & Norma N. Fernandes Family LP
Scott J. & Krissa B Fernandes, S&K Fernandes Revocable Tr
Board of Supervisor's Office
Don Hosley, Assessor's Office



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2010-0023505-00

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Acct 121-Planning.
Friday, MAR 12, 2010 08:09:43
Ttl Pd \$29.00 Nbr-0002863897
OGM/R2/1-8

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

Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on August 20, 2008 approved the lot line adjustment herein described submitted under the name of Fernandes & Fernandes Lot Line Adjustment No. 2008-17 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: Carole Maben
Carole Maben, Associate Planner
Stanislaus County Department of Planning
and Community Development

February 23, 2010
Date

Sm 8

LOT LINE NO. 2008-17

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
James J & Norma N Fernandes Family L.P.	<i>James J Fernandes</i> BY: James J Fernandes, Partner	12/29/09	Turlock, CA
	<i>Norma N Fernandes</i> BY: Norma N Fernandes, Partner	12/29/09	Turlock, CA
Scott J Fernandes & Krissa B Fernandes, Trustees of the S & K Fernandes Revocable Trust U/T/D/ January 20, 2005	<i>Scott J Fernandes</i> BY: Scott J Fernandes, Trustee	12/31/09	Turlock, CA
	<i>Krissa B Fernandes</i> BY: Krissa B Fernandes, Trustee	12/31/09	Turlock, CA
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2008-17

SECURITY HOLDERS:

OWNERS:

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

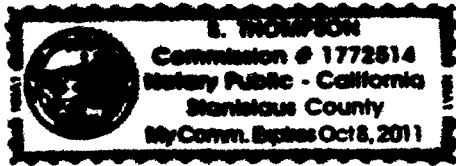
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus }

On 12-29-09 before me, J. Thompson Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Norma N. Fernandes and James J. Fernandes
Name(s) of Signer(s)



personally known to me

(or proved to me on the basis of satisfactory evidence)

to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in his/~~her~~/their authorized capacity(ies), and that by ~~his~~ her/~~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 J. Thompson
Signature of Notary Public

OPTIONAL

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

2008-17

Description of Attached Document

Title or Type of Document: Certificate of Lot Line Adj

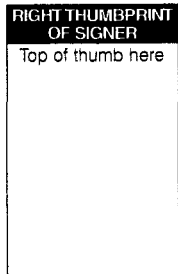
Document Date: 8-20-08 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

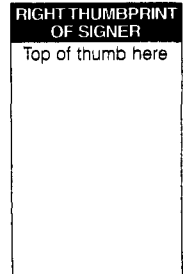
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



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

February 22, 2010
(Date)



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

ALL PURPOSE ACKNOWLEDGMENT

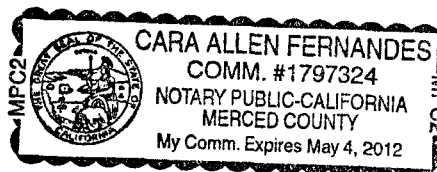
State of California
County of Stanislaus

On December 31, 2009 before me, Cara Allen Fernandes, personally appeared Scott J Fernandes and Krissa B Fernandes, 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 Cara Allen-Fernandes (Seal)



ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE **MUST** BE ATTACHED TO
THE DOCUMENT DESCRIBED AT RIGHT.

Title of Document Type _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

EXHIBIT A

LEGAL DESCRIPTION BEFORE ADJUSTMENT

NORTHERLY PARCEL

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

Commencing at the northwest corner of said Section 33; thence East on the north line of said Section 33, a distance of 30 feet; thence South along the east side of the county road 1348 feet to the true point of beginning; thence South along the east side of the county road 657.5 feet; thence East and parallel with the north line of said Section 33 a distance of 1289.9 feet; thence North 657.5 feet; thence West 1290 feet to the east side of said county road and the point of beginning.

SOUTHERLY PARCEL

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

Commencing at the northwest corner of said Section 33; thence easterly, along the north line of said Section 33, a distance of 30 feet to a point on the east line of Tegner Road; thence southerly, along the east line of Tegner Road, a distance of 2005.5 feet to the true point of beginning; thence easterly, along a line parallel to the north line of Section 33, a distance of 1289.9 feet; thence southerly, a distance of 657.5 feet; thence westerly, a distance of 1289.9 feet; thence northerly, along the east line of Tegner Road, a distance of 657.5 feet to the point of beginning.

Excepting therefrom the northerly 200.00 feet of the westerly 335.00 feet thereof.

Together with the north half of the northwest quarter of the southwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian.

Excepting from the north half of the northwest quarter of the southwest quarter, the north 200 feet of the west 325 feet thereof.

Roger L. Gregg



EXHIBIT B

LEGAL DESCRIPTION AFTER ADJUSTMENT

NORTHERLY PARCEL

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

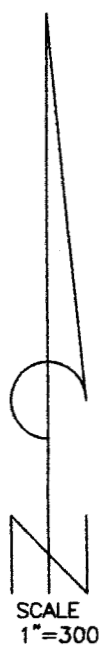
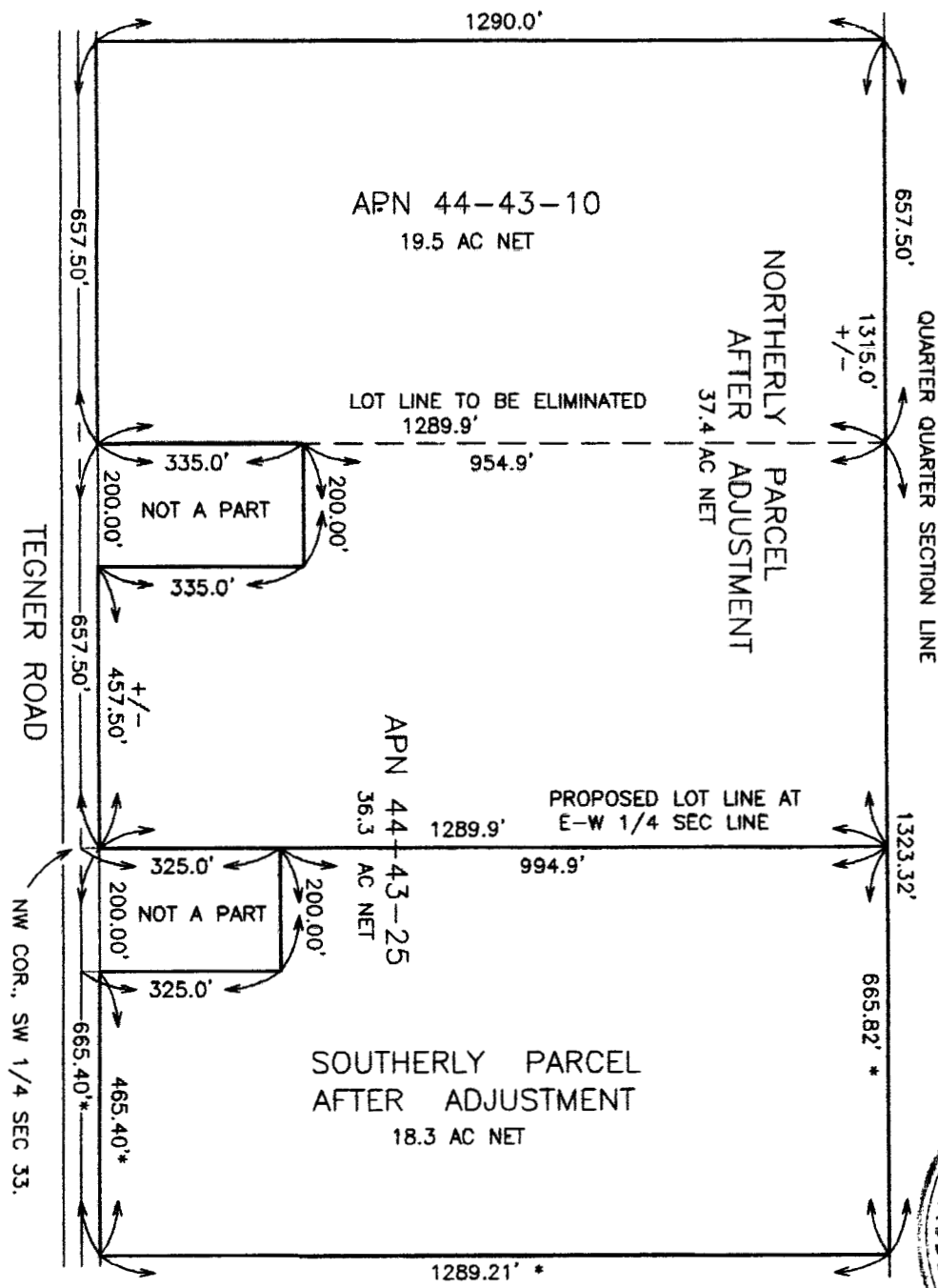
Commencing at the northwest corner of said Section 33; thence easterly, along the north line of said Section 33, a distance of 30 feet to a point on the east line of Tegner Road; thence southerly, along the east line of Tegner Road, a distance of 1348 feet to the true point of beginning; thence easterly, along a line parallel to the north line of Section 33, a distance of 1290 feet, more or less to a point on the quarter quarter section line along the east line of the west half of the northwest quarter of Section 33; thence southerly, along said quarter quarter section line, a distance of 1315 feet, more or less, to the northeast corner of the northwest quarter of the southwest quarter of Section 33; thence westerly, along the north line of the north half of the northwest quarter of the southwest quarter of Section 33, a distance of 1289.9 feet, more or less to a point on the east line of Tegner Road; thence northerly, along the east line of Tegner road, a distance of 457.5 feet, more or less to a point on the east line of Tegner Road which lies 2205.5 feet south (along the east line of Tegner Road) from the north line of Section 33; thence easterly, along a line parallel to the north line of Section 33, a distance of 335.0 feet; thence northerly, along a line parallel to and 335.0 feet east of the east line of Tegner road, a distance of 200.0 feet; thence westerly, along a line parallel to the north line of Section 33, a distance of 335.0 feet; thence northerly, along the east line of Tegner road, a distance of 657.5 feet to the point of beginning.

SOUTHERLY PARCEL

The north half of the northwest quarter of the southwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian.
Excepting therefrom the north 200 feet of the west 325 feet thereof.

Roger L. Gregg





* = CALCULATED FROM RECORD SURVEY FILED
IN VOL 10 OF SURVEYS AT PAGE 94
STANISLAUS COUNTY RECORDS

LIC EXP
3/31/11

Roger L. Gregg

LOT LINE ADJUSTMENT 2008-17	
APPLICANTS: JAMES FERNANDES & SCOTT FERNANDES	DATE: 2-21-08
ROGER L. GREGG, CIVIL ENGINEER-SURVEYOR, INC. 628 CRANE AVENUE, TURLOCK, CALIFORNIA (209) 632-2217	



RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2010-10**

Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2010-0023506-00
 Acct 121-Planning.
 Friday, MAR 12, 2010 08:10:53
 Ttl Pd \$0.00 Nbr-0002863898
 OGM/R2/1-8

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into February 16, 2010, 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: Scott Fernandes and James or Norma Fernandes
4018 S. Tegner Road
Turlock, CA 95380

(16) Owner desires to place the following parcels of real property under Contract:

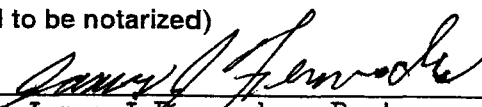

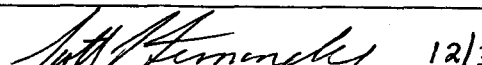
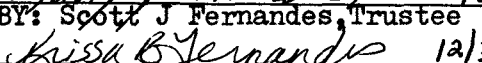
ASSESSORS PARCEL NUMBER	ACREAGE	SITUS ADDRESS (If none, please provide Legal Description)
044-043-010	19.5	3706 S. Tegner Road, Turlock
044-043-025	36.3	S. Tegner Road, Turlock

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2010-088, relating to Lot Line Adjustment No. 2008-17 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 78-3332 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.

J/Sm

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code - General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNER(S) NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
James J & Norma N Fernandes Family L.P.	 BY: James J Fernandes, Partner	12/30/09	Turlock, CA
	 BY: Norma N Fernandes, Partner	12/30/09	Turlock, CA
Scott J Fernandes & Krissa B Fernandes, Trustees of the S & K Fernandes Revocable Trust U/T/D January 20, 2005	 BY: Scott J Fernandes, Trustee	12/31/09	Turlock, CA
	 BY: Krissa B Fernandes, Trustee	12/31/09	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

3/1/2010
Dated


DIRECTOR, PLANNING
& COMMUNITY DEV.
FOR
Chairman, Board of Supervisors
Kirk Ford for Jeff Grover

ALL PURPOSE ACKNOWLEDGMENT

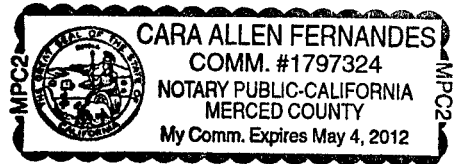
State of California
County of Stanislaus

On December 30, 2009 before me, Cara Allen-Fernandes, personally appeared James J Fernandes and Norma N Fernandes, 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 Cara Allen-Fernandes (Seal)



ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE **MUST** BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT.

Title of Document Type _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

ALL PURPOSE ACKNOWLEDGMENT

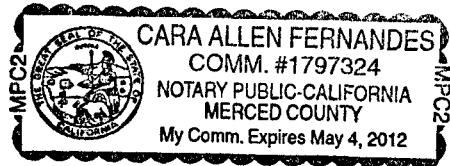
State of California
County of Stanislaus

On December 31, 2009 before me, Cara Allen Fernandes, personally appeared Scott J Fernandes and Krissa B Fernandes, 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 Cara Allen Fernandes (Seal)



ATTENTION NOTARY: Although the information requested below is OPTIONAL, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE **MUST** BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT.

Title of Document Type _____
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____

EXHIBIT A

LEGAL DESCRIPTION BEFORE ADJUSTMENT

NORTHERLY PARCEL

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

Commencing at the northwest corner of said Section 33; thence East on the north line of said Section 33, a distance of 30 feet; thence South along the east side of the county road 1348 feet to the true point of beginning; thence South along the east side of the county road 657.5 feet; thence East and parallel with the north line of said Section 33 a distance of 1289.9 feet; thence North 657.5 feet; thence West 1290 feet to the east side of said county road and the point of beginning.

SOUTHERLY PARCEL

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

Commencing at the northwest corner of said Section 33; thence easterly, along the north line of said Section 33, a distance of 30 feet to a point on the east line of Tegner Road; thence southerly, along the east line of Tegner Road, a distance of 2005.5 feet to the true point of beginning; thence easterly, along a line parallel to the north line of Section 33, a distance of 1289.9 feet; thence southerly, a distance of 657.5 feet; thence westerly, a distance of 1289.9 feet; thence northerly, along the east line of Tegner Road, a distance of 657.5 feet to the point of beginning.

Excepting therefrom the northerly 200.00 feet of the westerly 335.00 feet thereof. Together with the north half of the northwest quarter of the southwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian.

Excepting from the north half of the northwest quarter of the southwest quarter, the north 200 feet of the west 325 feet thereof.



Roger L. Gregg
Exp. 2/7/11

EXHIBIT B

LEGAL DESCRIPTION AFTER ADJUSTMENT

NORTHERLY PARCEL

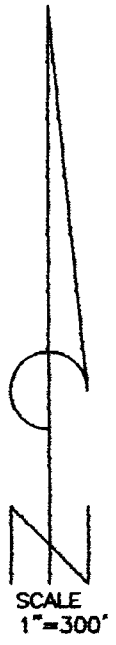
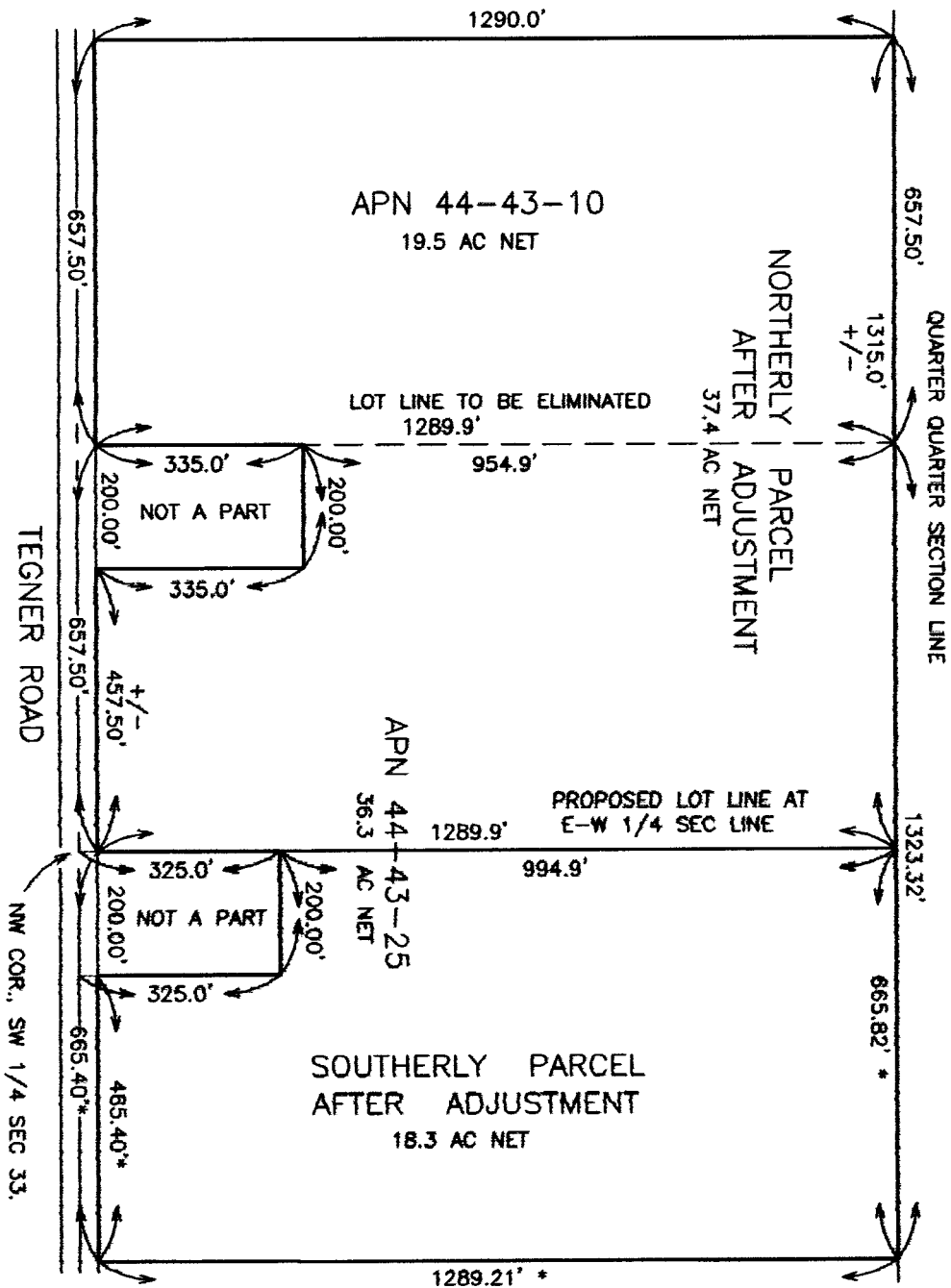
All that portion of the west half of the northwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian more particularly described as follows:

Commencing at the northwest corner of said Section 33; thence easterly, along the north line of said Section 33, a distance of 30 feet to a point on the east line of Tegner Road; thence southerly, along the east line of Tegner Road, a distance of 1348 feet to the true point of beginning; thence easterly, along a line parallel to the north line of Section 33, a distance of 1290 feet, more or less to a point on the quarter quarter section line along the east line of the west half of the northwest quarter of Section 33; thence southerly, along said quarter quarter section line, a distance of 1315 feet, more or less, to the northeast corner of the northwest quarter of the southwest quarter of Section 33; thence westerly, along the north line of the north half of the northwest quarter of the southwest quarter of Section 33, a distance of 1289.9 feet, more or less to a point on the east line of Tegner Road; thence northerly, along the east line of Tegner road, a distance of 457.5 feet, more or less to a point on the east line of Tegner Road which lies 2205.5 feet south (along the east line of Tegner Road) from the north line of Section 33; thence easterly, along a line parallel to the north line of Section 33, a distance of 335.0 feet; thence northerly, along a line parallel to and 335.0 feet east of the east line of Tegner road, a distance of 200.0 feet; thence westerly, along a line parallel to the north line of Section 33, a distance of 335.0 feet; thence northerly, along the east line of Tegner road, a distance of 657.5 feet to the point of beginning.

SOUTHERLY PARCEL

The north half of the northwest quarter of the southwest quarter of Section 33, Township 5 South, Range 10 East, Mount Diablo Meridian.
Excepting therefrom the north 200 feet of the west 325 feet thereof.





* = CALCULATED FROM RECORD SURVEY FILED
IN VOL 10 OF SURVEYS AT PAGE 94
STANISLAUS COUNTY RECORDS

LOT LINE ADJUSTMENT 2008-17

APPLICANTS: JAMES FERNANDES & SCOTT FERNANDES

DATE: 2-21-08

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

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE February 16, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind All of Williamson Act Contract No. 1978-3332 (Located on S. Tegner Road, South of W. Harding Road, in the Turlock area), Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2008-11, Fernandes and Fernandes, and Authorization for the Director of Planning and Community Development to Execute a New Contract

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)

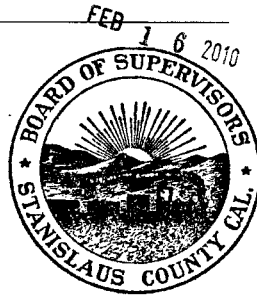
FISCAL IMPACT:

There are no fiscal impacts associated with this item.

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

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

By *Gezi Seibert*



BOARD ACTION AS FOLLOWS:

No. 2010-088

On motion of Supervisor DeMartini, Seconded by Supervisor Monteith and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION: * Please note that the Application Number listed in this agenda item for the Minor Lot Line Adjustment contained a typographical error. The correct Minor Lot Line Adjustment Application Number is 2008-17.

ATTEST: *Christine Ferraro Tallman*
CHRISTINE FERRARO TALLMAN, Clerk

File No.