

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE March 1, 2011

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Rescind Williamson Act Contracts No. 1971-0449 and 1973-~~1403~~1404, Located on Sonora Road, in the Knights Ferry Area, Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2011-01, Roen, and Authorization for the Director of Planning and Community Development to Execute New Contracts

STAFF RECOMMENDATIONS:

1. Approve and establish the following findings:

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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue.

BOARD ACTION AS FOLLOWS:

No. 2011-130

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

and approved by the following vote,

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

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 this Item contains a clerical error regarding a Williamson Contract number. The correct Williamson Contract numbers are 1971-0449 and 1973-1404 (not 1973-1403).

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATION: (Continued)

- b. 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - d. 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.
 - e. 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.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. 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 Williamson Act Contracts No. 1971-0449 and 1973-1404 (Located on Sonora Road, in the Knight Ferry area).
 - 3. Approve a new contract pursuant to Minor Lot Line Adjustment 2011-01 – Roen.
 - 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Minor Lot Line Adjustment 2011-01.

DISCUSSION:

Lot Line Adjustment Application No. 2011-01 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on Sonora Road, in the Knights Ferry area, in the unincorporated area of Stanislaus County. The lot line adjustment is requesting to go from 45.1 and 2,080.8 acres to 205.3 and 1,920.6 acres, a proposed adjustment of 160.2 acres.

The proposed parcels involved in the lot line request are currently enrolled in Williamson Act Contracts No. 1971-0449 and 1973-44031404, and when the lot line is completed, both parcels will be enrolled in new contracts. The 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 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 (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 except as authorized under the County's implementation of SB 863.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(Note: the definition in Govt. Code §51222 is as follows: "... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land")

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

- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.”

The 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 new contracts replace Contracts No. 1971-0449 and 1973-44031404 upon recording. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of SB863, pursuant to the Board of Supervisors action on November 9, 2010.

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. Thus, 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, Planning & Community Development Director. Telephone: (209) 525-6330

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2011-01
2. Lot Line Adjustment Approval Letter
3. Applicant’s Statement of Findings
4. Map of Proposed Changes



January 25, 2011

Troy J. Erickson, PLS
Muir Consulting, Inc.
139 Church Avenue
Oakdale, CA 95361

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2011-01
LANDS OF ROEN**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **January 25, 2011**, 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 \$628.00, 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,

Bill Carlson
Senior Planner

Enclosure

cc: Erik O. & Frieda Roen



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S	1	T	11	R	03,04,05,06,12
ZONE	A-2-40				
RECEIVED	BC				
APPLICATION NO.	LLA 2011-01				
RECEIPT NO.					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Name Erik O. & Frieda Roen
 Address, City, Zip 14815 Sonoma Rd, Knights Ferry 95361
 Phone 209-918-5073
 Fax Number _____

Parcel 2

Name Same
 Address, City, Zip _____
 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: Troy J. Erickson, PLS
Muir Consulting, Inc. 139 Church Ave, Oakdale, CA 95361

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

Parcel 1: Book 002 Page 021 No. 074 Parcel 2: Book 002 Page 021 No. 005
 Parcel 3: Book _____ Page _____ No. _____ Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>45.1 acres</u>	<u>205.3 acres</u>
Parcel 2:	<u>2080.8 acres</u>	<u>1920.6 acres</u>
Parcel 3:	_____	_____
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC Selling Part of Parcel.

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: (1) single family residence (5) farm buildings

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

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

Parcel 1: 10/10/97 Parcel 2: 10/10/97
 Parcel 3: _____ Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: 73-1404 Parcel 2: 71-0449
 Parcel 3: _____ Parcel 4: _____

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

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

13. Signature of property owner(s) Frieda Roen Frieda Roen
 Owner's Signature Owner's Name Printed

Owner's Signature Owner's Name Printed

Owner's Signature Owner's Name Printed

Owner's Signature Owner's Name Printed



MUIR CONSULTING, Inc.

Land Surveying • G.P.S. • Planning

December 17, 2010

Kirk Ford, Director
Stanislaus County Planning and
Community Development
1010 Tenth Street
Suite 3400, 3rd Floor
Modesto, CA 95354

Subject: Sonora Road Lot Line Adjustment

Dear Mr. Ford,

Attached is our application package for a Lot Line Adjustment between 2 properties located at 14815 Sonora Road in the unincorporated area of Stanislaus County.

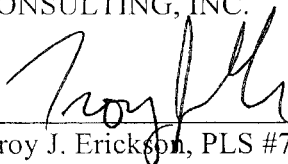
This lot line adjustment is being done solely for agricultural purposes and any other use is strictly incidental to the approved agricultural uses of the property. The subject properties are currently used as open grazing land and are in compliance with all applicable provisions of the Williamson Act and Title 21 of the Stanislaus County Code and will remain so upon completion of the Lot Line Adjustment.

Please call if you have any questions or need any additional information.

Sincerely,

MUIR CONSULTING, INC.

By


Troy J. Erickson, PLS #7735
Vice-President

Corporate Office: 139 Church Avenue • Oakdale, CA 95361 • (209) 845-8630 • (209) 845-8639 FAX

Satellite Office: 35 Stillman Street • Suite 126 • San Francisco, CA 94107 • (415) 759-0208

www.muirconsulting.com

EXHIBIT "C"

LANDS OF RICHEY
001-016-006

LANDS OF RODDEN
001-016-007

LANDS OF KEILBAR
002-021-004

N00°19'07"W 5312.82'

SECTION 4
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 3
T1S, R11E
M.D.B. & M.

N00°30'02"W 5255.24'

LANDS OF SCHONHOFF
900-120-200



LANDS OF BRICHETTO
002-021-015

N00°05'45"W 5267.16'

PARCEL B
2080.8 ACRES±

SECTION 5
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 6
T1S, R11E
M.D.B. & M.

N00°29'52"W 5292.91'

LANDS OF SCHONHOFF
700-120-200

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°24'25"W	460.92'
L2	S69°33'40"E	1158.49'
L3	S78°20'00"E	67.36'
L4	S08°10'00"W	1519.13'
L5	S57°42'07"W	438.20'
L6	S89°35'35"W	550.00'
L7	N00°24'25"W	2649.81'
L8	N00°24'25"W	1699.07'

S89°48'13"W 5326.43'

PARCEL 1
44 PM 46

PARCEL 2
44 PM 46

PARCEL 3
44 PM 46

PARCEL 4
44 PM 46

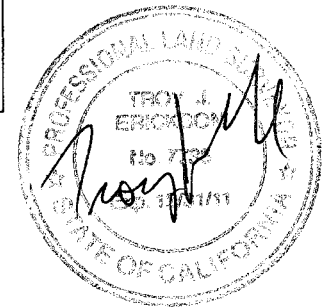
PARCEL 5
44 PM 46

PARCEL 6
44 PM 46

NW 1/4
SECTION 11
T1S, R11E
M.D.B. & M.

LOT LINE TO
BE REMOVED

LANDS OF
FOGARTY
2649.04'
S00°29'55"E



SONORA ROAD
(66' R/W)

N89°42'59"W
2635.38'

PARCEL A
45.1 ACRES±

LANDS OF CLARK
002-021-021



MUIR CONSULTING, INC.

139 CHURCH AVE.
OAKDALE, CA 95361
(209) 845-8630 FAX (209) 845-8639
www.muirconsulting.com

Subject LANDS OF ROEN

LOT LINE ADJUSTMENT - EXISTING

Job No. 4118-01

By TJE Date 12/16/10 Chkd. JMS

Scale 1"=2000' Sheet 1 of 2

LANDS OF RICHEY
001-016-006

LANDS OF RODDEN
001-016-007

EXHIBIT "C"

LANDS OF KEILBAR
002-021-004

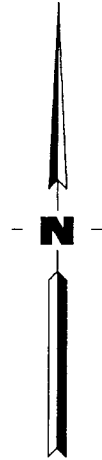
N00°19'07"W 5312.82'

SECTION 4
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 3
T1S, R11E
M.D.B. & M.

LANDS OF SCHONHOFF
000-120-200

N00°30'02"W 5255.24'



LANDS OF BRICHETTO
010-120-015

N00°05'45"W 5267.16'

PARCEL B
1920.6 ACRES±

SECTION 5
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 6
T1S, R11E
M.D.B. & M.

LINE TABLE		
LINE	BEARING	DISTANCE
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L4	S08°10'00"W	1519.13'
L5	S57°42'07"W	438.20'
L6	S89°35'35"W	550.00'
L7	N00°24'25"W	950.74'

N00°29'52"W 5292.91'

LANDS OF SCHONHOFF
000-120-200

S89°48'13"W 5326.43'

S89°41'54"E 2631.15'

PARCEL 1
44 PM 46

PARCEL 2
44 PM 46

PARCEL 3
44 PM 46

PARCEL 4
44 PM 46

PARCEL 5
44 PM 46

PARCEL 6
44 PM 46

PARCEL 7
44 PM 46

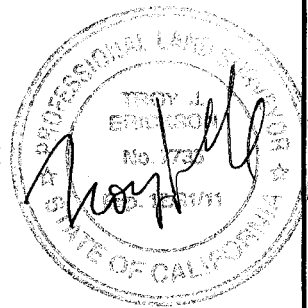
NW 1/4
SECTION 11
T1S, R11E
M.D.B. & M.

PARCEL A
205.3 ACRES±

NEW LOT LINE

2649.04'

LANDS OF FOGARTY
000-291-555



SONORA ROAD
(66' R/W)

N89°42'59"W
2635.38'

LANDS OF CLARK
002-021-021



MUIR CONSULTING, INC.

139 CHURCH AVE.
OAKDALE, CA 95361
(209) 845-8630 FAX (209) 845-8639
www.muirconsulting.com

Subject LANDS OF ROEN

LOT LINE ADJUSTMENT - ADJUSTED

Job No. 4118-01

By TJE Date 12/16/10 Chkd. JMS

Scale 1"=2000' Sheet 2 of 2



BOARD OF SUPERVISORS
2011 APR 12 P 2:21

DATE: April 13, 2011

TO: Troy J. Erickson, PLS
Muir Consulting, Inc.
139 Church Avenue
Oakdale, CA 95361

FROM: Bill Carlson, Senior Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2011-01;
RECORDED COPY OF RESCISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2011-09
LANDS OF ROEN**

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: Erik O. & Frieda Roen
Board of Supervisor's Office
Don Hosley, Assessor's Office

I:\Planning\Lot Lines and Mergers\LLA\WAC RE RE & LLA- Notice of Recording Letters\2011\RE RE WAC 2011-09 and LLA 2011-01.wpd

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. 2011-09**


Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2011-0025932-00
Thursday, MAR 24, 2011 09:30:38
Ttl Pd \$0.00 Nbr-0003033402
LLP/R2/2-10

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into March 1, 2011, 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: Frieda Roen
14815 Sonora Road
Knights Ferry, CA 95361

(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)
002-021-074	205.3±	14815 Sonora Road, Knights Ferry
002-021-005	1920.6±	Exhibit "B" Parcel B

BOARD OF SUPERVISORS
2011 APR 12 P 2 21

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2011-130, relating to Lot Line Adjustment No. 2011-01 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 1971-0449 & 1973-1404 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.

10
28

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)
Frieda Roen	<i>Frieda Roen</i>	Feb 25 2011	Oakdale

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

3/23/11
Dated

Kirk Ford
Chairman, Board of Supervisors
Kirk Ford for Dick Monteith

ACKNOWLEDGMENT

State of California
County of Stanislaus

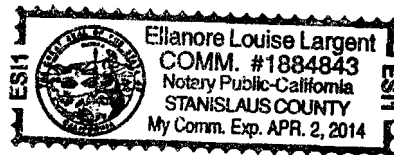
On 02/08/2011 before me, Ellanore Louise Largent
Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)




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 ELLANORE LOUISE LARGENT
COMMISSION NO. 1884843
DATE COMMISSION EXPIRES APR. 2, 2014
PLACE OF EXECUTION STANISLAUS COUNTY

March 24, 2011
(Date)



Crystal D. Rein
Stanislaus County Department of
Planning & Community Development

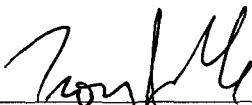
January 28, 2011
Job No. 4118-01

EXHIBIT "A"
EXISTING LOT DESCRIPTIONS
(PARCEL A)

All that real property situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 6 as per Parcel Map thereof recorded August 27, 1991 in Book 44 of Parcel Maps, Page 46, Stanislaus County Records.

This description was prepared by me or under my direct supervision.



Troy J. Erickson, PLS 7735
Expires: 12/31/11



1/28/11
Dated

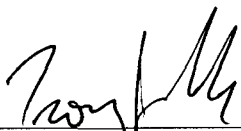
January 28, 2011
Job No. 4118-01

EXHIBIT "A"
EXISTING LOT DESCRIPTIONS
(PARCEL B)

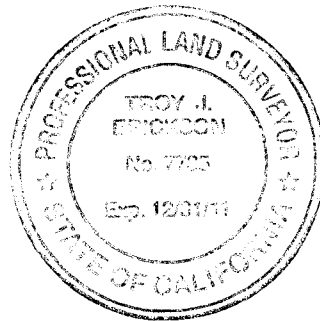
That certain property in the County of Stanislaus, State of California, and described according to "ALBERT PACKARD'S PRIVATE SURVEY OF THREE AND ONE-HALF (3 ½) LEAGUES OF EL RANCHERIA DEL RIO ESTANISLAO", according to the map thereof, filed in the Office of the County Recorder of Stanislaus County, California, on June 20, 1864, in Vol. 1 of Maps at page 4, as follows, to wit:

All of Sections 4 and 5, the West One-Half of Section 3, the West One-Half of Section 6, and the Northwest Quarter of Section 11, all in Township 1 South, Range 11 East, Mount Diablo Base and Meridian.

This description was prepared by me or under my direct supervision.



Troy J. Erickson, PLS 7735
Expires: 12/31/11



1/28/11
Dated

January 28, 2011
Job No. 4118-01

EXHIBIT "B"
NEW LOT DESCRIPTIONS
(PARCEL A)

All that real property situate in the County of Stanislaus, State of California, being a portion of the lands shown on that certain Parcel Map filed for record on August 27, 1991 in Book 44 of Parcel Maps at Page 46, in the Office of the Recorder of Stanislaus County, and also a portion of the lands shown on that certain map entitled "ALBERT PACKARD'S PRIVATE SURVEY OF THREE AND ONE-HALF (3 ½) LEAGUES OF EL RANCHERIA DEL RIO ESTANISLAO", filed for record on June 20, 1864 in Volume 1 of Maps at page 4, in the Office of the Recorder of Stanislaus County, and being more particularly described as follows:

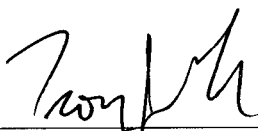
All of Parcel 6, as said Parcel is shown on said Parcel Map;

TOGETHER WITH:

All of the Northwest Quarter of Section 11, Township 1 South, Range 11 East, Mount Diablo Base and Meridian.

A plat showing the above description is attached hereto and made part hereof.

This description was prepared by me or under my direct supervision.



Troy J. Erickson, PLS 7735
Expires: 12/31/11



1/28/11
Dated

January 28, 2011
Job No. 4118-01

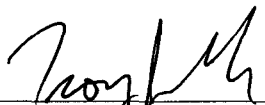
EXHIBIT "B"
NEW LOT DESCRIPTIONS
(PARCEL B)

All that real property situate in the County of Stanislaus, State of California, being a portion of the lands shown on that certain map entitled "ALBERT PACKARD'S PRIVATE SURVEY OF THREE AND ONE-HALF (3 ½) LEAGUES OF EL RANCHERIA DEL RIO ESTANISLAO", filed for record on June 20, 1864 in Volume 1 of Maps at page 4, in the Office of the Recorder of Stanislaus County, and being more particularly described as follows:

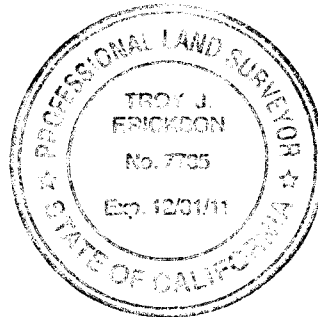
All of Sections 4 and 5, the West One-Half of Section 3, and the West One-Half of Section 6, Township 1 South, Range 11 East, Mount Diablo Base and Meridian.

A plat showing the above description is attached hereto and made part hereof.

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Troy J. Erickson, PLS 7735
Expires: 12/31/11



1/28/11
Dated

LANDS OF RICHEY
001-016-006

LANDS OF RODDEN
001-016-007

LANDS OF KEILBAR
002-021-004

N00°19'07"W 5312.82'

SECTION 4
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 3
T1S, R11E
M.D.B. & M.

N00°30'02"W 5255.24'

LANDS OF SCHONHOFF
002-021-006

LANDS OF BRICHETTO
010-120-000

N00°05'45"W 5267.16'

PARCEL B
1920.6 ACRES±

SECTION 5
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 6
T1S, R11E
M.D.B. & M.

N00°29'52"W 5292.91'

LANDS OF SCHONHOFF
002-020-000

S89°48'13"W 5326.43'

S89°41'54"E 2631.15'

PARCEL 1
44 PM 46

PARCEL 2
44 PM 46

PARCEL 3
44 PM 46

PARCEL 4
44 PM 46

PARCEL 5
44 PM 46

PARCEL 6
44 PM 46

PARCEL 7
44 PM 46

NW 1/4
SECTION 11
T1S, R11E
M.D.B. & M.

PARCEL A
205.3 ACRES±

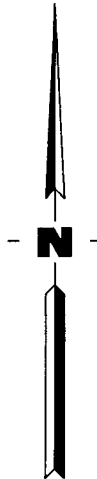
N89°42'59"W
2635.38'

NEW LOT LINE

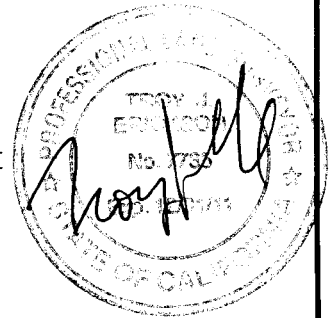
2649.04'
LANDS OF FOGARTY
002-020-000

SONORA ROAD
(66' R/W)

LANDS OF CLARK
002-021-021



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°24'25"W	460.92'
L2	S69°33'40"E	1158.49'
L3	S78°20'00"E	67.36'
L4	S08°10'00"W	1519.13'
L5	S57°42'07"W	438.20'
L6	S89°35'35"W	550.00'
L7	N00°24'25"W	950.74'



MUIR CONSULTING, INC.
139 CHURCH AVE.
OAKDALE, CA 95361
(209) 845-8630 FAX (209) 845-8639
www.muirconsulting.com

Subject LANDS OF ROEN
LOT LINE ADJUSTMENT - ADJUSTED
Job No. 4118-01
By TJE Date 12/16/10 Chkd. JMS
Scale 1"=2000' Sheet 2 of 2

EXHIBIT C

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE March 1, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind Williamson Act Contracts No. 1971-0449 and 1973-~~1403~~1404, Located on Sonora Road, in the Knights Ferry Area, Approval of New Contracts Pursuant to Minor Lot Line Adjustment 2011-01, Roen, and Authorization for the Director of Planning and Community Development to Execute New Contracts

STAFF RECOMMENDATIONS:

1. Approve and establish the following findings:

- a. 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.

(Continued on page 2)

FISCAL IMPACT:

All costs associated with this item are included in the Lot Line Adjustment application fee. It is anticipated that there will be no net change in property tax or other revenue.

BOARD ACTION AS FOLLOWS:

No. 2011-130

On motion of Supervisor O'Brien and approved by the following vote, Seconded by Supervisor Chiesa

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

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: Please note that this Item contains a clerical error regarding a Williamson Contract number. The correct Williamson Contract numbers are 1971-0449 and 1973-1404 (not 1973-1403).

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.

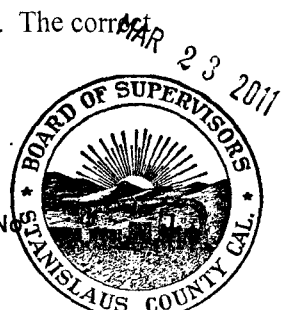
CHRISTINE FERRARO TALLMAN

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

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

By Suzi Sibert





Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2011-0025930-00

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.
 Thursday, MAR 24, 2011 09:30:11
 Ttl Pd \$44.00 Nbr-0003033400
 LLP/R2/1-11

Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on January 25, 2011 approved the lot line adjustment herein described submitted under the name of Lands of Roen Lot Line Adjustment No. 2011-01 was approved to adjust the lines between contiguous parcels whereby the boundary lines of the real property described as Exhibit "A", attached hereto and made a part hereof, will be adjusted to result in parcels described in Exhibit "B", also attached and incorporated herein. The approved lot line adjustment shall not result in the creation of a greater number of parcels than originally existed. The above described lot line adjustment shall be reflected in a deed which shall be recorded as required by Section 66412 (d) of the California Government Code.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

KIRK FORD, DIRECTOR

By: Bill Carlson
 Bill Carlson, Senior Planner
 Stanislaus County Department of Planning
 and Community Development

3/2/11
 Date

11
 20

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2011-01

LANDS OF ROEN

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. 2011-01

LANDS OF ROEN

Page 2

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

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

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

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

.....

LOT LINE NO. 2011-01

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Frieda Roen</u>	<u>Frieda Roen</u>	<u>Feb 3 2011</u>	<u>Edendale</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

CERTIFICATE OF ACKNOWLEDGMENT

State of California)
County of Stanislaus)


On 02/03/2010 before me, Ellanore Louise Largent
Date (Here insert name and title of the officer)
Notary Public
personally appeared Frieda Roen
Name(s) of Signer(s)

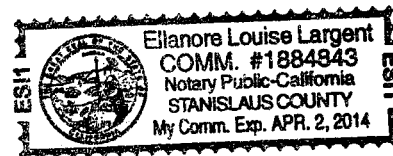
who proved to me on the basis of satisfactory evidence to be the person (s) whose name (s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature (s) on the instrument the person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

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

WITNESS my hand and official seal.

Signature


Signature of Notary Public



Place Notary Seal Above

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:

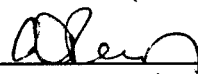
NAME OF NOTARY ELLANORE LOUISE LARGENT

COMMISSION NO. 1884843

DATE COMMISSION EXPIRES APR. 2, 2014

PLACE OF EXECUTION STANISLAUS COUNTY

March 24, 2011
(Date)



Crystal D. Rein
Stanislaus County Department of
Planning & Community Development

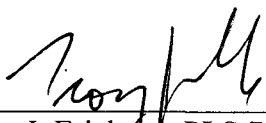
January 28, 2011
Job No. 4118-01

EXHIBIT "A"
EXISTING LOT DESCRIPTIONS
(PARCEL A)

All that real property situate in the County of Stanislaus, State of California, being more particularly described as follows:

Parcel 6 as per Parcel Map thereof recorded August 27, 1991 in Book 44 of Parcel Maps, Page 46, Stanislaus County Records.

This description was prepared by me or under my direct supervision.



Troy J. Erickson, PLS 7735
Expires: 12/31/11



1/28/11
Dated

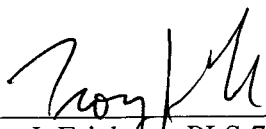
January 28, 2011
Job No. 4118-01

EXHIBIT "A"
EXISTING LOT DESCRIPTIONS
(PARCEL B)

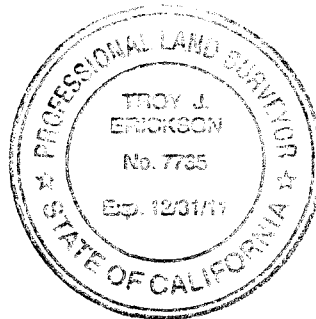
That certain property in the County of Stanislaus, State of California, and described according to "ALBERT PACKARD'S PRIVATE SURVEY OF THREE AND ONE-HALF (3 ½) LEAGUES OF EL RANCHERIA DEL RIO ESTANISLAO", according to the map thereof, filed in the Office of the County Recorder of Stanislaus County, California, on June 20, 1864, in Vol. 1 of Maps at page 4, as follows, to wit:

All of Sections 4 and 5, the West One-Half of Section 3, the West One-Half of Section 6, and the Northwest Quarter of Section 11, all in Township 1 South, Range 11 East, Mount Diablo Base and Meridian.

This description was prepared by me or under my direct supervision.



Troy J. Erickson, PLS 7735
Expires: 12/31/11



1/28/11
Dated

January 28, 2011
Job No. 4118-01

EXHIBIT "B"
NEW LOT DESCRIPTIONS
(PARCEL A)

All that real property situate in the County of Stanislaus, State of California, being a portion of the lands shown on that certain Parcel Map filed for record on August 27, 1991 in Book 44 of Parcel Maps at Page 46, in the Office of the Recorder of Stanislaus County, and also a portion of the lands shown on that certain map entitled "ALBERT PACKARD'S PRIVATE SURVEY OF THREE AND ONE-HALF (3 ½) LEAGUES OF EL RANCHERIA DEL RIO ESTANISLAO", filed for record on June 20, 1864 in Volume 1 of Maps at page 4, in the Office of the Recorder of Stanislaus County, and being more particularly described as follows:

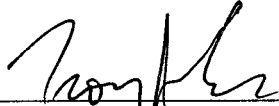
All of Parcel 6, as said Parcel is shown on said Parcel Map;

TOGETHER WITH:

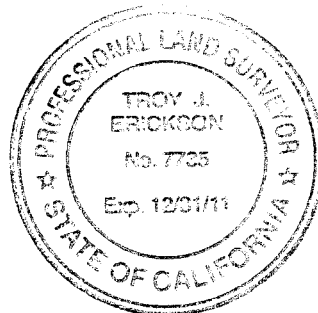
All of the Northwest Quarter of Section 11, Township 1 South, Range 11 East, Mount Diablo Base and Meridian.

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This description was prepared by me or under my direct supervision.



Troy J. Erickson, PLS 7735
Expires: 12/31/11



1/28/11
Dated

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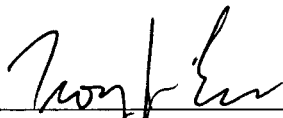
EXHIBIT "B"
NEW LOT DESCRIPTIONS
(PARCEL B)

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A plat showing the above description is attached hereto and made part hereof.

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LANDS OF RICHEY
001-016-006

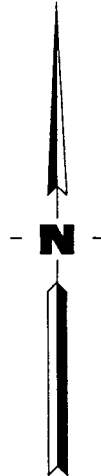
LANDS OF RODDEN
001-016-007

LANDS OF KEILBAR
002-021-004

SECTION 4
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 3
T1S, R11E
M.D.B. & M.

LANDS OF SCHONHOFF
900-120-200



LANDS OF BRICHETTO
002-021-015

PARCEL B
1920.6 ACRES±

SECTION 5
T1S, R11E
M.D.B. & M.

WEST 1/2
SECTION 6
T1S, R11E
M.D.B. & M.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°24'25"W	460.92'
L2	S69°33'40"E	1158.49'
L3	S78°20'00"E	67.36'
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LANDS OF SCHONHOFF
700-120-200

S89°48'13"W 5326.43'

S89°41'54"E 2631.15'

PARCEL 1
44 PM 46

PARCEL 2
44 PM 46

PARCEL 3
44 PM 46

PARCEL 4
44 PM 46

PARCEL 5
44 PM 46

PARCEL 6
44 PM 46

L7

NW 1/4
SECTION 11
T1S, R11E
M.D.B. & M.

NEW LOT LINE

2649.04'
FOGARTY
OF SANDY T

520-120-200



PARCEL A
205.3 ACRES±

N89°42'59"W
2635.38'

LANDS OF CLARK
002-021-021

SONORA ROAD
(66' R/W)

L3



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Subject LANDS OF ROEN

LOT LINE ADJUSTMENT - ADJUSTED

Job No. 4118-01

By TJE Date 1/28/11 Chkd. JMS

Scale 1"=2000' Sheet 2 of 2