

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 June 14, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0220, Located at 5361 Oakdale/Waterford Highway, South of Alvarado and North of Claribel Road, in the Oakdale Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2010-23, Lutz 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. 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.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. 2011-359

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow
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) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0220, Located at 5361 Oakdale/Waterford Highway, South of Alvarado and North of Claribel Road, in the Oakdale Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2010-23, Lutz and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 2

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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 a Portion of Williamson Act Contract No. 1971-0220 (Located at 5361 Oakdale/Waterford Highway, south of Alvarado and north of Claribel Road, in the Oakdale area).
 3. Approve a new contract pursuant to Minor Lot Line Adjustment 2010-23 - Lutz.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2010-23.

DISCUSSION:

Lot Line Adjustment Application No. 2010-23 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on the Oakdale/Waterford Highway, in the Oakdale area, in the unincorporated area of Stanislaus County. The lot line adjustment is requesting 4 parcels go from 36.09+/-, 2.20+/-, 7.44+/- and 2.69+/- acres to 39.78+/-, 5.08+/-, 1.17+/- and 2.39+/- acres. The total acreage of 48.42 for the 4 parcels remains unchanged with the adjustment. Parcel "1" is the only parcel enrolled in a Williamson Act Contract (1971-0220) and is increasing from 36.09+/- to 39.78+/- acres (3.69+/- acres) with this proposed lot line adjustment.

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0220, Located at 5361 Oakdale/Waterford Highway, South of Alvarado and North of Claribel Road, in the Oakdale Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2010-23, Lutz and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 3

The purpose of the lot line adjustment is to adjust the lot lines to the natural boundary of a drainage ditch in preparation of planting an almond orchard and to increase the productivity of the land; establish a more logical boundary between the existing residence and the productivity of the land; rectify some errors of the deeds that were made during the dissolving of the Claribel Livestock Company in 1997; and to establish lot lines according to the current use by Richard and James Lutz.

The 36.09-acre parcel involved in the lot line request is currently enrolled in Williamson Act Contract No. 1971-0220 (the parcel is just a portion of the Contract), and when the lot line is completed, the parcel 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 (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 a Portion of Williamson Act Contract No. 1971-0220, Located at 5361 Oakdale/Waterford Highway, South of Alvarado and North of Claribel Road, in the Oakdale Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2010-23, Lutz and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 4

- (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 a new contract will replace a portion of Contract No. 1971-0220, upon recording. Because the provisions of SB 863, adopted by the Board of Supervisors on November 9, 2010, have been rescinded for next year by the State Legislature (in SB 80, signed into law in March of this year), new contracts will revert back to 10-year terms instead of the current 9-year terms.

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

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0220, Located at 5361 Oakdale/Waterford Highway, South of Alvarado and North of Claribel Road, in the Oakdale Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2010-23, Lutz and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 5

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2010-23
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Proposed Changes

(i:\planning\board of supervisors\lotlineadjustments\2010\davis & rossi\board report.doc)



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S	<u>36</u>	T	<u>2</u>	R	<u>10</u>
ZONE	<u>A-2-40</u>				
RECEIVED	<u>BC JAA</u>				
APPLICATION NO.	<u>2011-23</u>				
RECEIPT NO.	_____				

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

F. RICHARD & LETA LUTZ
 Name
5700 OAKDALE-WATERFORD HWY
 Address, City, Zip
OAKDALE, CA 95361 209-847-1196
 Phone
N/A
 Fax Number

Parcel 2

JAMES A. & EMMA J. LUTZ
 Name
9030 ALVARADO RD. OAKDALE CA 95361
 Address, City, Zip
209-847-1461
 Phone
N/A
 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: RIEN GROENEWOUD, PLS MVE | CIVIL SOLUTIONS
1117 'L' STREET, MODESTO CA 95354 209-526-4214

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

Parcel 1: Book 064 Page 032 No. 046 Parcel 2: Book 064 Page 032 No. 064
 Parcel 3: Book 064 Page 032 No. 065 Parcel 4: Book 064 Page 032 No. 066

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>36.09 +/- AC</u>	<u>39.78 +/- AC</u>
Parcel 2:	<u>2.20 +/- AC</u>	<u>5.08 +/- AC</u>
Parcel 3:	<u>7.44 +/- AC</u>	<u>1.17 +/- AC</u>
Parcel 4:	<u>2.69 +/- AC</u>	<u>2.39 +/- AC</u>

5. Why are the lot lines being changed? BE SPECIFIC TO ADJUST LOT LINES TO THE NATURAL BOUNDARY OF A DRAINAGE DITCH IN PREPARATION OF PLANTING AN ALMOND ORCHARD TO INCREASE THE PRODUCTIVITY OF THE LAND; TO RECTIFY ERRORS OF PREVIOUS DEEDS SO PROPOSED BOUNDARIES FOLLOW EXISTING OCCUPANCIES.

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Residential | <input checked="" type="checkbox"/> Agriculture |
| <input checked="" type="checkbox"/> Single Family | <input type="checkbox"/> Row Crop – type _____ |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Trees – type _____ |
| <input type="checkbox"/> Multiple | <input type="checkbox"/> Vines – type _____ |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Range (unirrigated) _____ |
| <input type="checkbox"/> Industrial | <input checked="" type="checkbox"/> Pasture (irrigated) _____ |
| <input type="checkbox"/> Other (Specify) _____ | <input type="checkbox"/> Poultry _____ |
| _____ | <input type="checkbox"/> Dairy _____ |
| _____ | <input type="checkbox"/> Other (Specify) _____ |

7. List all structures on properties: RESIDENCE; SHOP

8. How have these parcels been utilized in the past, if different than current use? RAILROAD PROPERTY ALONG THE OAKDALE WATERFORD HWY

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

Parcel 1: <u>1998</u>	Parcel 2: <u>1998</u>
Parcel 3: <u>1998</u>	Parcel 4: <u>1998</u>

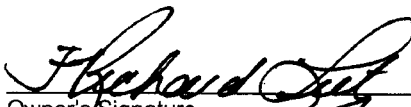
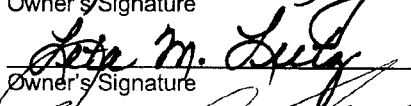
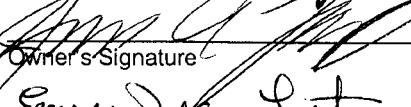
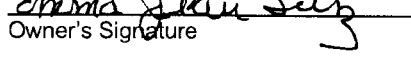
10. What are the Williamson Act Contract numbers?

Parcel 1: <u>71-220</u>	Parcel 2: <u>NONE</u>
Parcel 3: <u>NONE</u>	Parcel 4: <u>NONE</u>

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

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

13. Signature of property owner(s)

 Owner's Signature	<u>F. RICHARD LUTZ</u> Owner's Name Printed
 Owner's Signature	<u>Leta M. Lutz</u> Owner's Name Printed
 Owner's Signature	<u>JAMES A LUTZ</u> Owner's Name Printed
 Owner's Signature	<u>Emma Jean Lutz</u> Owner's Name Printed



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

1010 L Street, Suite 3400, Modesto, CA 95354
Phone: 209.525-6330 Fax: 209.525.5911

March 31, 2011

Rien Groenewoud
MVE Civil Solutions
1117 L Street
Modesto, CA 95354

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2010-23
LUTZ**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **March 31, 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,

Carole Maben
Associate Planner

Enclosure

cc: F. Richard & Leta Lutz

James A. & Emma J. Lutz

STRIVING TO BE THE BEST COUNTY IN AMERICA

ATTACHMENT 2

Project Description and Landowner Justification

The proposed Lutz Ranch project is a lot line adjustment involving Assessor's Parcel No. 064-032-046, 064-032-064, 064-032-065 and 064-032-066. The legal parcels have areas of 36.2 Acres, 2.3 Acres, 7.6 acres and 2.8 acres. The project area encompasses approximately 48.9 acres, and is owned by F. Richard Lutz and Leta Lutz, and James A. Lutz and Emma Jean Lutz. The project area is a general agriculture zone (AG-40) comprised of pasture and an existing single family residence and shop.

This lot line adjustment will help establish a more logical boundary between the existing residence and the productive land to accommodate the planting of a new orchard and to increase the productivity of the land. Additionally, it will rectify some of the errors in deeds that were made during the dissolving of the Claribel Livestock Company in 1997. The proposed lot line adjustment will establish the lot lines according to the current use by Richard and James Lutz and follows the intent of the dissolution.

The Lutz Ranch project proposes to adjust the first lot, which is under Williamson Act Contract #71-220, from 36.2 acres to 39.88 acres, the second (non-Williamson Act) lot would adjust from 2.3 acres to 5.08 acres, the third (non-Williamson Act) lot would adjust from 7.6 Acres to 1.17 Acres, and the fourth (non-Williamson Act) lot would adjust from 2.8 Acres to 2.39 acres. Only lot 1 (which is a portion of APN 064-032-046) is currently enrolled in a Williamson Act contract, but it would remain under Williamson Act contract.

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 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, the preexisting contract will continue to be in force and effect for a period of at least 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.

The total land currently under the contract for the one Williamson Act lot is 36.2± acres. After the lot line adjustment, this will increase to 39.88± acres and will remain under contract.

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

All the land under the former contract will remain under contract, with an increase proposed to 39.88± Acres. This increased acreage will remain under a 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.

According to Section 51222, parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size when designated as prime farmland, or 40 acres when designated as non-prime farmland. Adjusted Lot 1 will fit this criteria.

(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 designated as a Williamson Act property for a long time, and the land will continue to be used primarily for agricultural purposes. The proposed lot line adjustment will in no way affect the long term agricultural productivity of any of the parcels, and will increase the acreage of the land that will be under a Williamson Act contract. The change from pasture to almond orchard will also increase the agricultural productivity of the land.

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

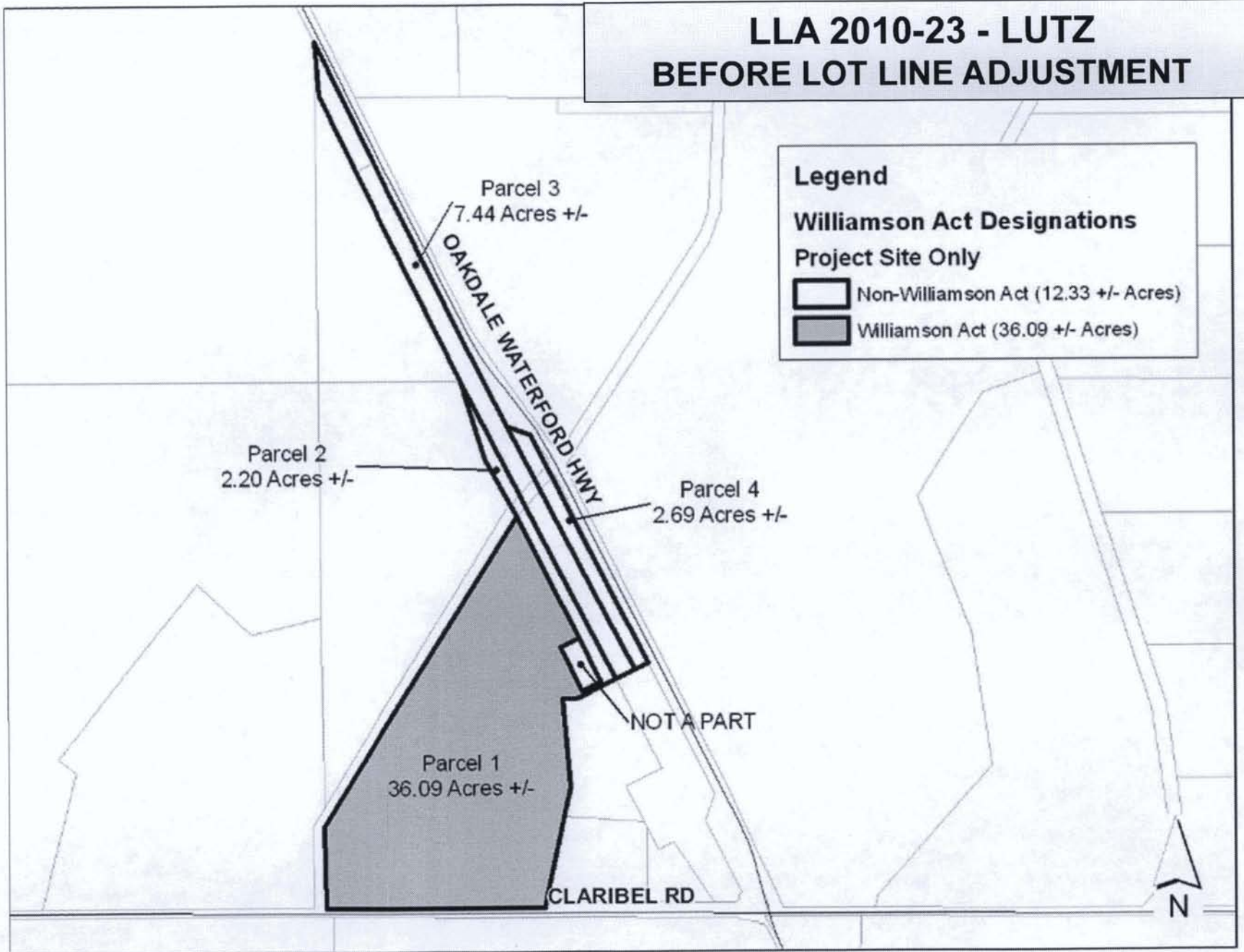
The Williamson Act parcel will continue to remain restricted by contract and the acreage under contract will be increased by this proposed lot line adjustment. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

(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.

Four legal parcels currently exist, and all are smaller than the required minimum acreage set forth by the A-2-40 zoning ordinance; after the lot line adjustment, the number of developable parcels will not increase. The land will continue to be primarily for the agriculture use designated by the General Plan and current zoning. The adjusted parcels will continue to adhere to the integrity and intent of section 21.20.010 of the Stanislaus County Zoning Ordinance.

In short, the properties will continue to be used as they have been in the past, and this lot line adjustment will not disrupt the land's primarily agricultural use.

LLA 2010-23 - LUTZ BEFORE LOT LINE ADJUSTMENT





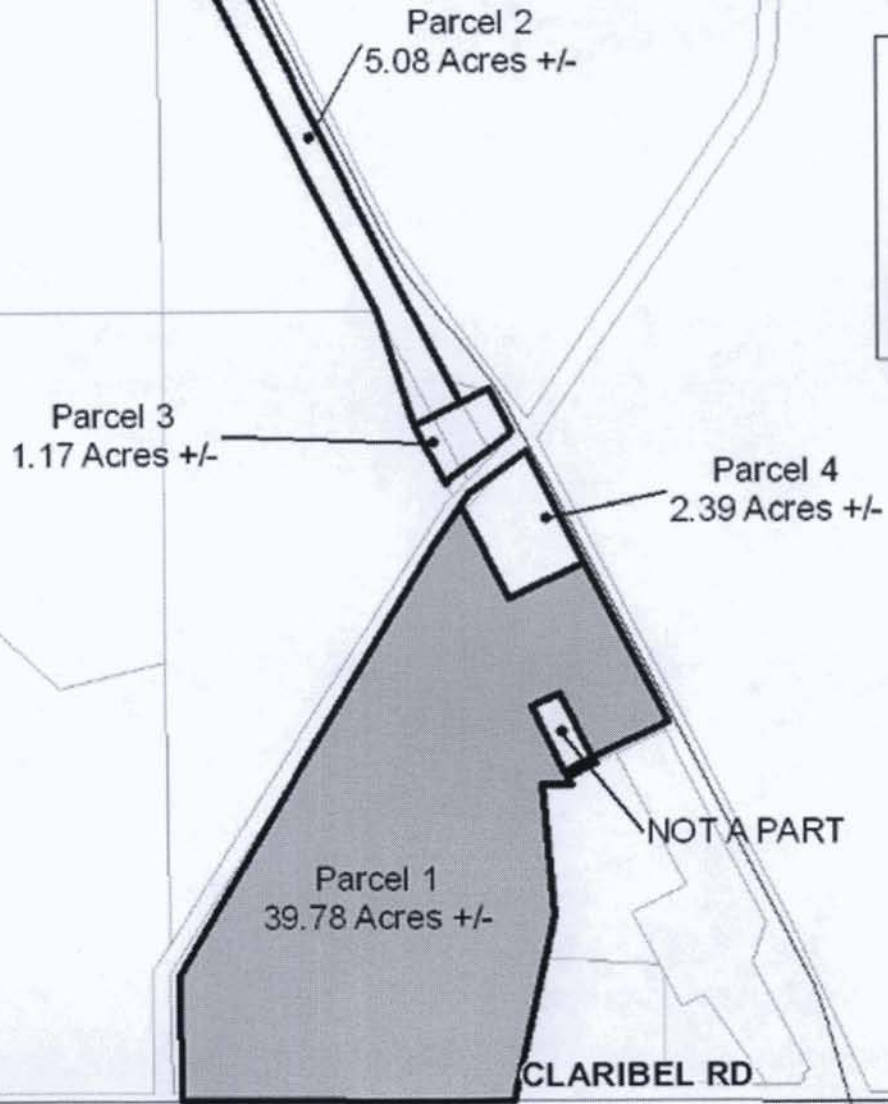
LLA 2010-23 - LUTZ AFTER LOT LINE ADJUSTMENT

Legend

Williamson Act Designations

Project Site Only

-  Non-Williamson Act (8.64 +/- Acres)
-  Williamson Act (39.78 +/- Acres)





DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

1010 10TH Street, Suite 3400, Modesto, CA 95354
Phone: 209.525-6330 Fax: 209.525.5911

BOARD OF SUPERVISORS

2011 JUL 20 1 P 2:25

DATE: July 19, 2011

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

FROM: Carole Maben, Associate Planner

**SUBJECT: RECORDED COPY OF LOT LINE ADJUSTMENT NO. 2010-23;
RECORDED COPY OF RESCISSION AND SIMULTANEOUS RE-ENTRY
CALIFORNIA LAND CONSERVATION CONTRACT NO. - 2011-11
LUTZ**

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: F. Richard & Leta Lutz
James A. & Emma J. Lutz
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 2011-11 and LLA 2010-23.wpd

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. 2011-11**


 Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2011-0052394-00
 Acct 121-Planning.
 Friday, JUN 24, 2011 08:14:18
 Ttl Pd \$0.00 Nbr-0003072632
 OCE/R3/1-15

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into June 14, 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: Florin Richard Lutz

5700 Oakdale Waterford Highway

Oakdale, 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)
064-032-046	39.88±	5361 Oakdale Waterford Highway

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2011-359, relating to Lot Line Adjustment No. 2010-23 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 1971-0220 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.

CE 15

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)
Florin Richard Lutz	<i>Florin Richard Lutz</i>	4-14-11	MODESTO, CA
Leta Maxine Lutz	<i>Leta Maxine Lutz</i>	4-14-11	Modesto, CA
JAMES A LUTZ	<i>James A Lutz</i>	4-20-11	Modesto Ca
Emma Jean Lutz	<i>Emma Jean Lutz</i>	4/26/11	Modesto, Ca.

SECURITY HOLDERS:

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
Joseph R. Manay V.P / Br. Mgr	<i>Joseph Manay</i>	4.18.11	Modesto, CA
Yosemite Farm Credit			

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

6/20/2011
Dated

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

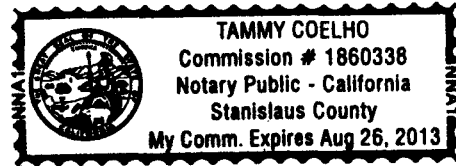
State of California)
County of Stanislaus)

On April 14, 2011 before me, Tammy Coelho, a notary public, personally appeared Florin Richard Lutz and Leta Maxine Lutz, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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.

Signature Tammy Coelho (Seal)



ACKNOWLEDGMENT

State of California
County of Stanislaus)

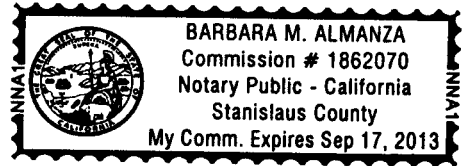
On April 26, 2011 before me, Barbara M. Almanza, Notary Public
(insert name and title of the officer)

personally appeared James A. Lutz and Emma Jean Lutz,
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 April 18, 2011 before me, Janna L. Earhart, a notary public, personally appeared Joseph C. Mauzy, 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 Janna L. Earhart (seal)



EXHIBIT 'A'

Current Parcel Description

Existing Parcel 1:

All that portion of the parcel of land described as Description No. 1, conveyed in the grant deed dated January 22, 1998 from Claribel Livestock Co. to F. Richard and Leta Lutz recorded in Document Number 1998-0005696, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

Existing Parcel 2:

The West Parcel of the parcels of land described as Parcel Two in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

Existing Parcel 3:

All that portion of the parcel of land described and Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

Existing Parcel 4:

The East Parcel of the parcels of land described as Parcel Two in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

END OF DESCRIPTIONS



EXHIBIT 'B'

Resultant Parcel Description

RESULTANT PARCEL 1:

All that portion of the parcel of land described as Description No. 1, conveyed in the grant deed dated January 22, 1998 from Claribel Livestock Co. to F. Richard and Leta Lutz recorded in Document Number 1998-0005696, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California,

TOGETHER WITH:

A portion of the East Parcel and West Parcel of the parcels of land described as Parcel Two and a portion of Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California lying Southerly of a line lying 596.58 feet Northerly, measured at right angles, of the Easterly prolongation of the Southerly line of that parcel of land conveyed by deed dated March 17, 1896 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast corner of the above described Lands of Description No. 1; thence along the Westerly, Northerly and Easterly lines of said Lands of Description No. 1 the following four (4) consecutive courses and distances:

1. North 00°54'56" West for a distance of 483.33 feet;
2. North 29°45'36" East for a distance of 1621.82 feet;
3. North 33°56'27" East for a distance of 160.07 feet;
4. South 27°02'16" East for a distance of 380.25 feet to a point on said Easterly line lying 596.58 feet Northerly, measured at right angles, of said Easterly prolongation of said Southerly line; thence leaving said Easterly line at right angles North 62°57'44" East for a distance of 270.00 feet to a point on the Westerly line of the above described East Parcel thence South 27°02'16" East along said Easterly line for a distance of 596.58 feet to a point lying 270.00 feet, measured at right angles, from the Southwesterly corner of the above described Lands of Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County; thence leaving said Easterly line at right angles South 62°57'44" West for a distance of 270.00 feet to the Southeasterly corner of said Lands of Southern Pacific Railroad Company; thence along the Easterly and Northerly lines of said Lands of Southern Pacific Railroad Company the following two (2) consecutive courses and distances:

1. North 27°02'16" West for a distance of 240.00 and
2. South 62°57'44" West for a distance of 100.00; to a point on the Easterly line of the above described lands of Description No. 1; thence along the Easterly and Southerly lines of said Lands of Description No. 1 the following five (5) consecutive courses and distances:

1. South 27°02'16" East for a distance of 289.14 feet;
2. South 88°27'54" West for a distance of 95.89 feet;
3. South 05°40'06" East for a distance of 440.45 feet;
4. South 11°41'54" West for a distance of 632.32 feet and
5. South 89°45'17" West for a distance of 1083.43 feet to the point of beginning

Containing: 41.02 acres, more or less.

END OF DESCRIPTION FOR RESULTANT PARCEL 1.

RESULTANT PARCEL 2:

A portion of the West Parcel of the parcels of land described as Parcel Two in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California lying Northerly of the Easterly and Westerly prolongation of a line, measured at right angles, from survey station 1185+20 of the centerline of the railroad as described in the deed dated November 20, 1890 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 1, 1890 in Book 48 of Deeds at page 265, Records of Stanislaus County,

EXCEPTING THEREFROM:

A portion of the above described West Parcel lying Southerly of the above described Easterly and Westerly prolongation of a line,

TOGETHER WITH:

A portion of the parcel of land described as Parcel Three in said Certificate of Compliance Northerly of said prolongation of a line,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

Beginning at a point on the Westerly line of the above described West Parcel, said point being 120.00 feet measured at right angles from survey station 1185+20 of the above described centerline of the railroad; thence along said Westerly line of said West Parcel North 17°06'42" West for a distance of 406.07 to the Northwesterly most corner of said West Parcel, said point also being on the Westerly line of the above described Parcel Three; thence along the Westerly and Easterly lines of said Parcel 3 the following three (3) consecutive courses and distances:

1. North 27°02'16" West for a distance of 1572.50;
2. North 00°54'56" West for a distance of 227.12 and
3. South 27°02'16" East for a distance of 2176.43; thence leaving said Easterly line at right angles South 62°57'44" West for a distance of 170.00 feet to the point of beginning.

Containing: 5.08 acres, more or less.

END OF DESCRIPTION FOR RESULTANT PARCEL 2.

RESULTANT PARCEL 3:

A portion of the East Parcel and West Parcel of the parcels of land described as Parcel Two and a portion of Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California,

EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and Parcel Three lying Northerly of the Easterly and Westerly prolongation of a line, measured at right angles, from survey station 1185+20 of the centerline of the railroad as described in the deed dated November 20, 1890 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 1, 1890 in Book 48 of Deeds at page 265, Records of Stanislaus County,

ALSO EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and Parcel Three lying Southerly of the centerline of the Claribel Lateral as shown and designated on the Map of the Survey of Claribel Tract, according to the Official Map thereof, filed for record on September 11, 1914 in Volume 8 of Maps, at Page 21, Stanislaus County Records,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

Beginning at a point on the Westerly line of the above described West Parcel, said point being 120 feet measured at right angles from survey station 1185+20 of the centerline of the above described railroad centerline; thence at right angles to said Westerly line North 62°57'44" East for a distance of 270.00 feet to a point on the Easterly line of the above described East Parcel; thence South 27°02'16" East along said Easterly line for a distance of 158.06 feet to a point on the centerline of the above described Claribel Lateral; thence leaving said Easterly line along said centerline the following three (3) consecutive courses and distances:

1. South 32°55'21" West for a distance of 6.74 feet;
2. South 52°38'20" West for a distance of 232.86 feet and
3. South 33°56'27" West for a distance of 40.11 feet to a point on the Westerly line of the above described West Parcel; thence North 27°02'16" West along said Westerly line for a distance of 222.97 feet to the point of beginning.

Containing: 1.37 acres, more or less.

END OF DESCRIPTION FOR RESULTANT PARCEL 3.

RESULTANT PARCEL 4:

A portion of the East Parcel and West Parcel of the parcels of land described as Parcel Two and a portion of Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California,

EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and Parcel Three lying Southerly of a line lying 596.58 feet Northerly, measured at right angles, of the Easterly prolongation of the Southerly line of that parcel of land conveyed by deed dated March 17, 1896 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County,

ALSO EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and those portions of Parcel Three lying Northerly of the centerline of the Claribel Lateral as shown and designated on the Map of the Survey of Claribel Tract, according to the Official Map thereof, filed for record on September 11, 1914 in Volume 8 of Maps, at Page 21, Stanislaus County Records.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

Beginning at the intersection of the Westerly line of the above described West Parcel and the centerline of the above described Claribel Lateral, thence along said centerline the following three (3) consecutive courses and distances:

1. North 33°56'27" East for a distance of 40.11 feet;
2. North 52°38'20" East for a distance of 232.86 feet and
3. North 32°55'21" East for a distance of 6.74 feet to a point on the Easterly line of

the above described East Parcel; thence South 27°02'16" East along said Easterly line for a distance of 412.00 feet to a point lying 596.58 feet Northerly measured at right angles, of the Easterly prolongation of the Southerly line of that parcel of land conveyed by deed dated March 17, 1896 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County; thence at right angles South 62°57'44" West for a distance of 270.00 feet to a point on the above described Westerly line; thence North 27°02'16" West along said Westerly line for a distance of 345.93 feet to the point of beginning.

Containing: 2.59 acres, more or less.

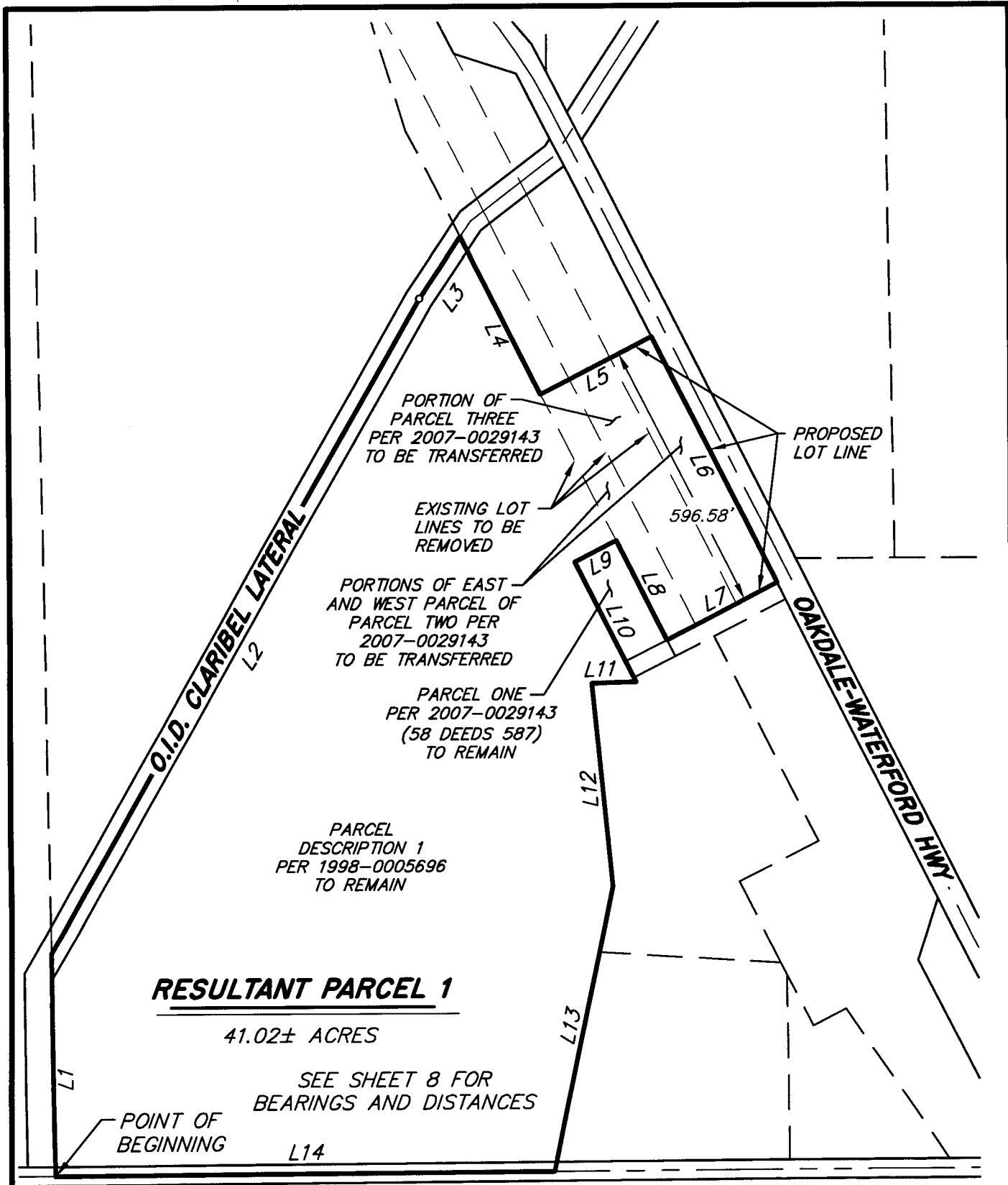
END OF DESCRIPTION FOR RESULTANT PARCEL 4.

BASIS OF BEARINGS:

The basis of bearings for the above descriptions is the centerline of the Southern Pacific Railroad, said bearing taken to be North 27°02'16" West.

END OF DESCRIPTIONS





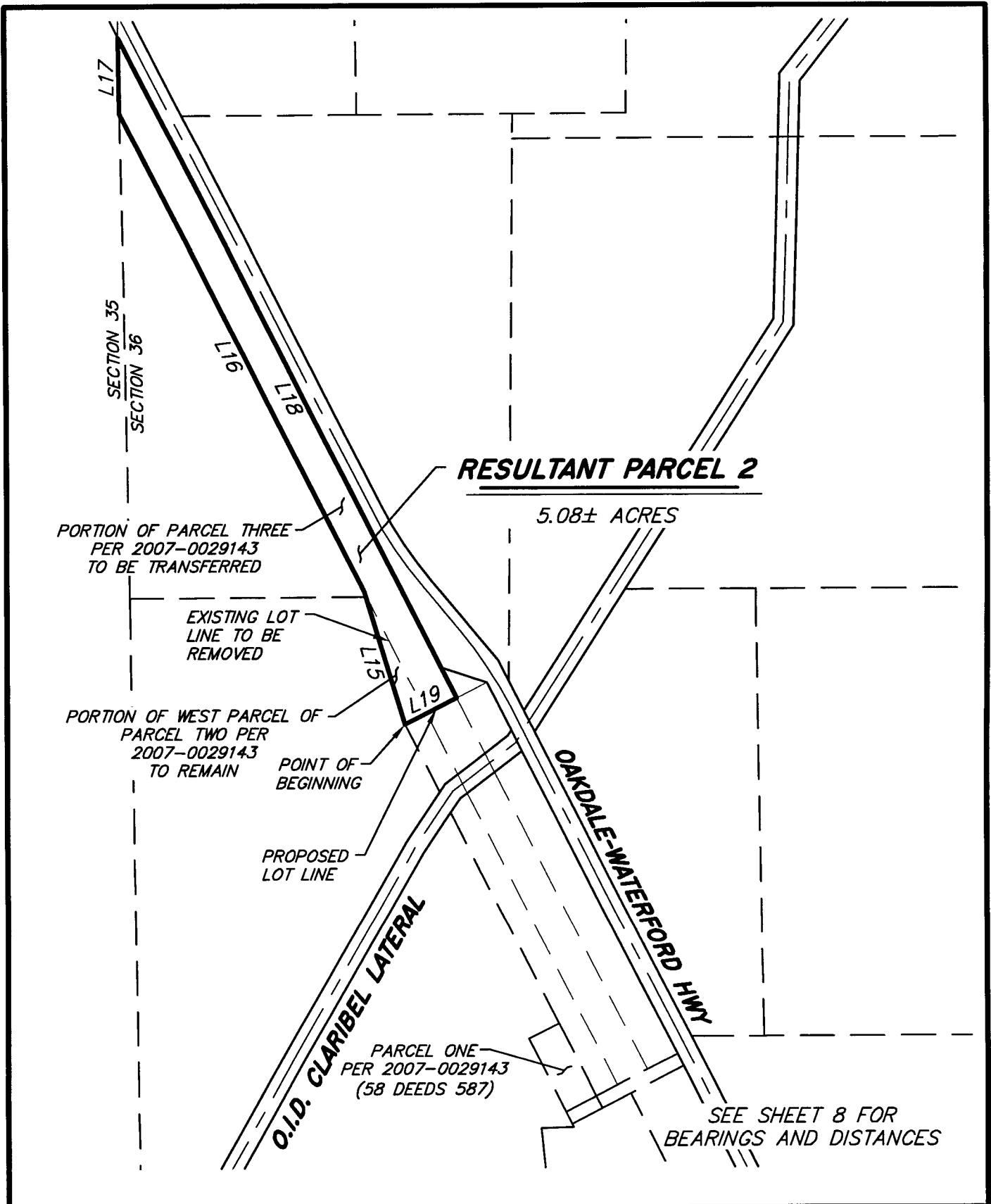
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 Date: 6/2/2011
 Scale: 1"=300'
 Job No.: NC10186
 Phone: 866.526.4214

**LOT LINE ADJUSTMENT
 RESULTANT PARCEL 1
 LUTZ**

STANISLAUS CALIFORNIA



SHEET **5** OF **8**



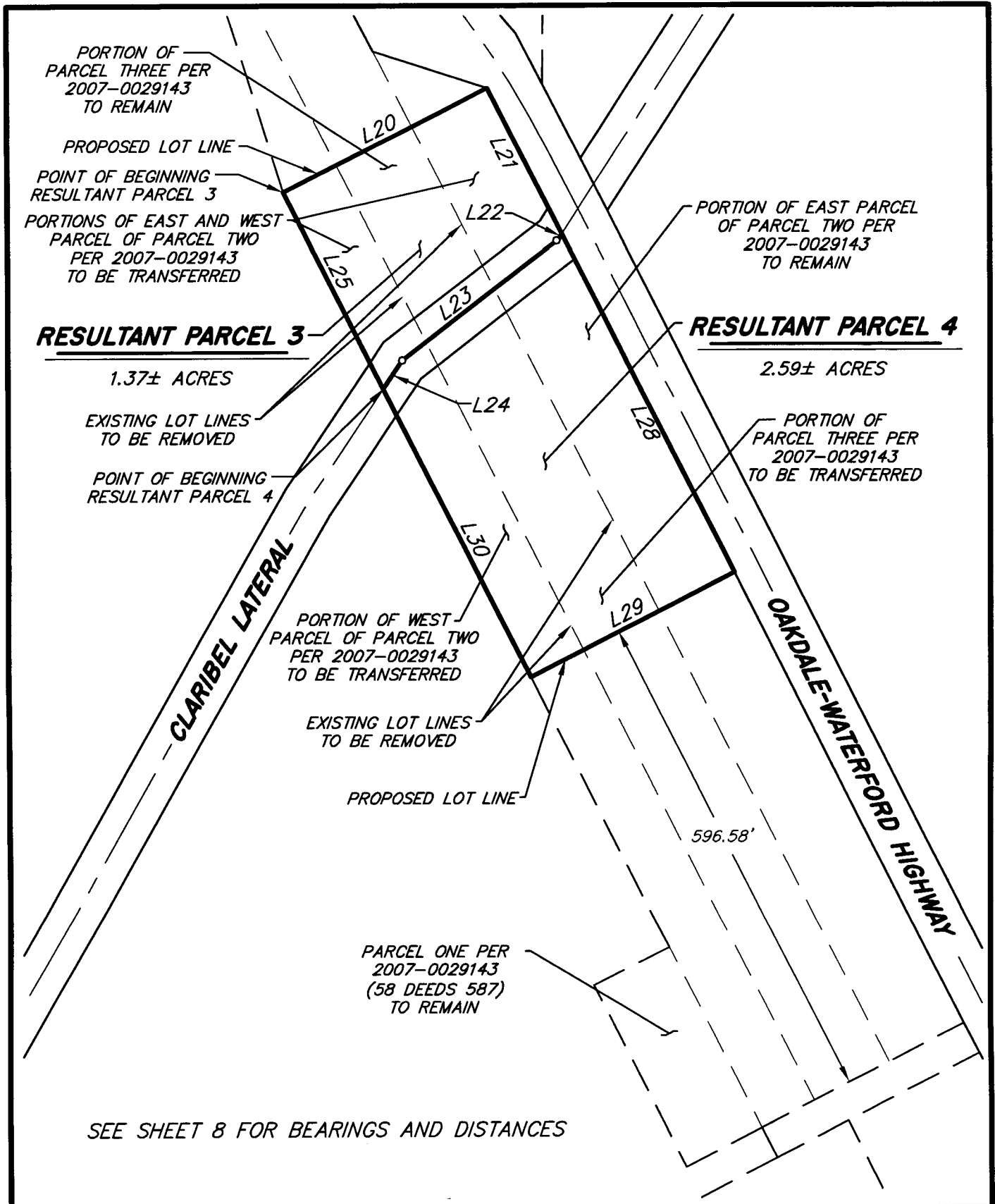
Drawn By: PTM
 Date: 6/2/2011
 Scale: 1"=400'
 Job No.: NC10186
 Phone: 866.526.4214

**LOT LINE ADJUSTMENT
 RESULTANT PARCEL 2
 LUTZ**

STANISLAUS CALIFORNIA



SHEET
6
 OF **8**



PORTION OF
PARCEL THREE PER
2007-0029143
TO REMAIN

PROPOSED LOT LINE

POINT OF BEGINNING
RESULTANT PARCEL 3

PORTIONS OF EAST AND WEST
PARCEL OF PARCEL TWO
PER 2007-0029143
TO BE TRANSFERRED

RESULTANT PARCEL 3

1.37± ACRES

EXISTING LOT LINES
TO BE REMOVED

POINT OF BEGINNING
RESULTANT PARCEL 4

CLARIBEL LATERAL

PORTION OF WEST
PARCEL OF PARCEL TWO
PER 2007-0029143
TO BE TRANSFERRED

EXISTING LOT LINES
TO BE REMOVED

PROPOSED LOT LINE

PARCEL ONE PER
2007-0029143
(58 DEEDS 587)
TO REMAIN

PORTION OF EAST PARCEL
OF PARCEL TWO PER
2007-0029143
TO REMAIN

RESULTANT PARCEL 4

2.59± ACRES

PORTION OF
PARCEL THREE PER
2007-0029143
TO BE TRANSFERRED

OAKDALE-WATERFORD HIGHWAY

596.58'

SEE SHEET 8 FOR BEARINGS AND DISTANCES

Drawn By: PTM
Date: 6/2/2011
Scale: 1"=160'
Job No.: NC10186
Phone: 866.526.4214

**LOT LINE ADJUSTMENT
RESULTANT PARCELS 3 & 4
LUTZ**
STANISLAUS CALIFORNIA



SHEET
7
OF **8**

P:\June 13, 2011 at 8:26 AM F:\CAD\NC10186\MAP\EXHIBITS\NC10186LLA-EXC-S7-RP3-4.dwg

LINE TABLE RESULTANT PARCEL 1		
LINE	BEARING	LENGTH
L1	N00°54'56"W	483.33'
L2	N29°45'36"E	1621.82'
L3	N33°56'27"E	160.07'
L4	S27°02'16"E	380.25'
L5	N62°57'44"E	270.00'
L6	S27°02'16"E	596.58'
L7	S62°57'44"W	270.00'
L8	N27°02'16"W	240.00'
L9	S62°57'44"W	100.00'
L10	S27°02'16"E	289.14'
L11	S88°27'54"W	95.89'
L12	S05°40'06"E	440.45'
L13	S11°41'54"W	632.32'
L14	S89°45'17"W	1083.43'

LINE TABLE RESULTANT PARCEL 2		
LINE	BEARING	LENGTH
L15	N17°06'42"W	406.08'
L16	N27°02'16"W	1572.51'
L17	N00°54'56"W	227.12'
L18	S27°02'16"E	2176.43'
L19	S62°57'44"W	170.00'

LINE TABLE RESULTANT PARCEL 3		
LINE	BEARING	LENGTH
L20	N62°57'44"E	270.00'
L21	S27°02'16"E	192.72'
L22	S32°55'21"W	6.74'
L23	S52°38'20"W	232.86'
L24	S33°56'27"W	40.11'
L25	N27°02'16"W	257.28'

LINE TABLE RESULTANT PARCEL 4		
LINE	BEARING	LENGTH
L24	N33°56'27"E	40.11'
L23	N52°38'20"E	232.86'
L22	N32°55'21"E	6.74'
L28	S27°02'16"E	444.81'
L29	S62°57'44"W	270.00'
L30	N27°02'16"W	380.25'

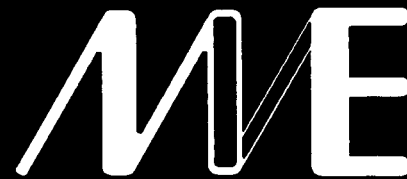
BASIS OF BEARINGS: THE BASIS OF BEARINGS FOR THESE EXHIBITS IS THE CENTERLINE OF THE SOUTHERN PACIFIC RAILROAD, SAID BEARING TAKEN TO BE NORTH 27°02'16" WEST.

Drawn By: PTM
 Date: 6/2/2011
 Scale: NONE
 Job No.: NC10186
 Phone: 866.526.4214

**LOT LINE ADJUSTMENT
 BEARING DISTANCE TABLE
 LUTZ**

STANISLAUS

CALIFORNIA



MVE | CIVIL SOLUTIONS

SHEET
8
 OF **8**

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 June 14, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1971-0220, Located at 5361 Oakdale/Waterford Highway, South of Alvarado and North of Claribel Road, in the Oakdale Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2010-23, Lutz 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. 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. 2011-359

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

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:

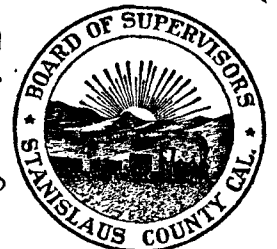
MOTION:

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 [Signature]



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2011-0052393-00

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

Acct 121-Planning.
Friday, JUN 24, 2011 08:14:12
Ttl Pd \$59.00 Nbr-0003072631
OCE/R3/1-16

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 31, 2011 approved the lot line adjustment herein described submitted under the name of Lutz Lot Line Adjustment No. 2010-23 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

June 20, 2011
Date

06/16

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2010-23

LUTZ

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. 2010-23

LUTZ

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. 2010-23

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Flavia Richard Lutz</u>	<u>Flavia Richard Lutz</u>	<u>4-14-11</u>	<u>Modesto, CA</u>
<u>Leta Maxine Lutz</u>	<u>Leta Maxine Lutz</u>	<u>4-14-11</u>	<u>Modesto, CA</u>
<u>JAMES A LUTZ</u>	<u>[Signature]</u>	<u>4-26-11</u>	<u>Modesto Ca</u>
<u>Emma Jean Lutz</u>	<u>Emma Jean Lutz</u>	<u>4-26-11</u>	<u>Modesto Ca.</u>
_____	_____	_____	_____

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Joseph C. Manzy</u> <u>V.P. / Br. Mgr.</u>	<u>Joseph C. Manzy</u>	<u>4.18.11</u>	<u>Modesto, CA</u>
<u>Yosemite Farm</u> <u>Credit</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

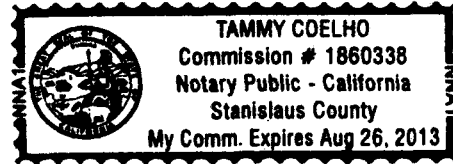
State of California)
County of Stanislaus)

On April 14, 2011 before me, Tammy Coelho, a notary public, personally appeared Florin Richard Lutz and Leta Maxine Lutz, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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.

Signature Tammy Coelho (Seal)



ACKNOWLEDGMENT

State of California
County of Stanislaus)

On April 26, 2011 before me, Barbara M. Almanza, Notary Public
(insert name and title of the officer)

personally appeared James A. Lutz and Emma Jean Lutz,
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.

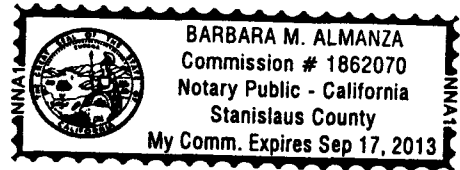
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Barbara M. Almanza

(Seal)



State of California)
County of Stanislaus)

On April 18, 2011 before me, Janna L. Earhart, a notary public, personally appeared Joseph C. Mautz, 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 Janna L. Earhart (Seal)

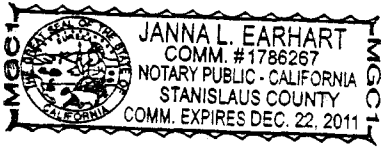


EXHIBIT 'A'

Current Parcel Description

Existing Parcel 1:

All that portion of the parcel of land described as Description No. 1, conveyed in the grant deed dated January 22, 1998 from Claribel Livestock Co. to F. Richard and Leta Lutz recorded in Document Number 1998-0005696, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

Existing Parcel 2:

The West Parcel of the parcels of land described as Parcel Two in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

Existing Parcel 3:

All that portion of the parcel of land described and Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

Existing Parcel 4:

The East Parcel of the parcels of land described as Parcel Two in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

END OF DESCRIPTIONS



EXHIBIT 'B'

Resultant Parcel Description

RESULTANT PARCEL 1:

All that portion of the parcel of land described as Description No. 1, conveyed in the grant deed dated January 22, 1998 from Claribel Livestock Co. to F. Richard and Leta Lutz recorded in Document Number 1998-0005696, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California,

TOGETHER WITH:

A portion of the East Parcel and West Parcel of the parcels of land described as Parcel Two and a portion of Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California lying Southerly of a line lying 596.58 feet Northerly, measured at right angles, of the Easterly prolongation of the Southerly line of that parcel of land conveyed by deed dated March 17, 1896 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Southeast corner of the above described Lands of Description No. 1; thence along the Westerly, Northerly and Easterly lines of said Lands of Description No. 1 the following four (4) consecutive courses and distances:

1. North 00°54'56" West for a distance of 483.33 feet;
2. North 29°45'36" East for a distance of 1621.82 feet;
3. North 33°56'27" East for a distance of 160.07 feet;
4. South 27°02'16" East for a distance of 380.25 feet to a point on said Easterly line lying 596.58 feet Northerly, measured at right angles, of said Easterly prolongation of said Southerly line; thence leaving said Easterly line at right angles North 62°57'44" East for a distance of 270.00 feet to a point on the Westerly line of the above described East Parcel thence South 27°02'16" East along said Easterly line for a distance of 596.58 feet to a point lying 270.00 feet, measured at right angles, from the Southwesterly corner of the above described Lands of Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County; thence leaving said Easterly line at right angles South 62°57'44" West for a distance of 270.00 feet to the Southeasterly corner of said Lands of Southern Pacific Railroad Company; thence along the Easterly and Northerly lines of said Lands of Southern Pacific Railroad Company the following two (2) consecutive courses and distances:

1. North 27°02'16" West for a distance of 240.00 and
2. South 62°57'44" West for a distance of 100.00; to a point on the Easterly line of the above described lands of Description No. 1; thence along the Easterly and Southerly lines of said Lands of Description No. 1 the following five (5) consecutive courses and distances:

1. South 27°02'16" East for a distance of 289.14 feet;
2. South 88°27'54" West for a distance of 95.89 feet;
3. South 05°40'06" East for a distance of 440.45 feet;
4. South 11°41'54" West for a distance of 632.32 feet and
5. South 89°45'17" West for a distance of 1083.43 feet to the point of beginning

Containing: 41.02 acres, more or less.

END OF DESCRIPTION FOR RESULTANT PARCEL 1.

RESULTANT PARCEL 2:

A portion of the West Parcel of the parcels of land described as Parcel Two in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California lying Northerly of the Easterly and Westerly prolongation of a line, measured at right angles, from survey station 1185+20 of the centerline of the railroad as described in the deed dated November 20, 1890 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 1, 1890 in Book 48 of Deeds at page 265, Records of Stanislaus County,

EXCEPTING THEREFROM:

A portion of the above described West Parcel lying Southerly of the above described Easterly and Westerly prolongation of a line,

TOGETHER WITH:

A portion of the parcel of land described as Parcel Three in said Certificate of Compliance Northerly of said prolongation of a line,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

Beginning at a point on the Westerly line of the above described West Parcel, said point being 120.00 feet measured at right angles from survey station 1185+20 of the above described centerline of the railroad; thence along said Westerly line of said West Parcel North 17°06'42" West for a distance of 406.07 to the Northwestern most corner of said West Parcel, said point also being on the Westerly line of the above described Parcel Three; thence along the Westerly and Easterly lines of said Parcel 3 the following three (3) consecutive courses and distances:

1. North 27°02'16" West for a distance of 1572.50;
2. North 00°54'56" West for a distance of 227.12 and
3. South 27°02'16" East for a distance of 2176.43; thence leaving said Easterly line at right angles South 62°57'44" West for a distance of 170.00 feet to the point of beginning.

Containing: 5.08 acres, more or less.

END OF DESCRIPTION FOR RESULTANT PARCEL 2.

RESULTANT PARCEL 3:

A portion of the East Parcel and West Parcel of the parcels of land described as Parcel Two and a portion of Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California,

EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and Parcel Three lying Northerly of the Easterly and Westerly prolongation of a line, measured at right angles, from survey station 1185+20 of the centerline of the railroad as described in the deed dated November 20, 1890 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 1, 1890 in Book 48 of Deeds at page 265, Records of Stanislaus County,

ALSO EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and Parcel Three lying Southerly of the centerline of the Claribel Lateral as shown and designated on the Map of the Survey of Claribel Tract, according to the Official Map thereof, filed for record on September 11, 1914 in Volume 8 of Maps, at Page 21, Stanislaus County Records,

BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

Beginning at a point on the Westerly line of the above described West Parcel, said point being 120 feet measured at right angles from survey station 1185+20 of the centerline of the above described railroad centerline; thence at right angles to said Westerly line North 62°57'44" East for a distance of 270.00 feet to a point on the Easterly line of the above described East Parcel; thence South 27°02'16" East along said Easterly line for a distance of 158.06 feet to a point on the centerline of the above described Claribel Lateral; thence leaving said Easterly line along said centerline the following three (3) consecutive courses and distances:

1. South 32°55'21" West for a distance of 6.74 feet;
2. South 52°38'20" West for a distance of 232.86 feet and
3. South 33°56'27" West for a distance of 40.11 feet to a point on the Westerly line of the above described West Parcel; thence North 27°02'16" West along said Westerly line for a distance of 222.97 feet to the point of beginning.

Containing: 1.37 acres, more or less.

END OF DESCRIPTION FOR RESULTANT PARCEL 3.

RESULTANT PARCEL 4:

A portion of the East Parcel and West Parcel of the parcels of land described as Parcel Two and a portion of Parcel Three in that certain Certificate of Compliance dated March 06, 2007 recorded in Document Number 2007-0029143, Stanislaus County Records, situate in Section 36, Township 2 South, Range 10 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California,

EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and Parcel Three lying Southerly of a line lying 596.58 feet Northerly, measured at right angles, of the Easterly prolongation of the Southerly line of that parcel of land conveyed by deed dated March 17, 1896 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County,

ALSO EXCEPTING THEREFROM:

Those portions of the above described East Parcel, West Parcel and those portions of Parcel Three lying Northerly of the centerline of the Claribel Lateral as shown and designated on the Map of the Survey of Claribel Tract, according to the Official Map thereof, filed for record on September 11, 1914 in Volume 8 of Maps, at Page 21, Stanislaus County Records.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:

Beginning at the intersection of the Westerly line of the above described West Parcel and the centerline of the above described Claribel Lateral, thence along said centerline the following three (3) consecutive courses and distances:

1. North 33°56'27" East for a distance of 40.11 feet;
2. North 52°38'20" East for a distance of 232.86 feet and
3. North 32°55'21" East for a distance of 6.74 feet to a point on the Easterly line of

the above described East Parcel; thence South 27°02'16" East along said Easterly line for a distance of 412.00 feet to a point lying 596.58 feet Northerly measured at right angles, of the Easterly prolongation of the Southerly line of that parcel of land conveyed by deed dated March 17, 1896 from Jacob Haslacher and L. Kahn to Southern Pacific Railroad Company recorded December 8, 1896 in Book 58, Page 587, records of Stanislaus County; thence at right angles South 62°57'44" West for a distance of 270.00 feet to a point on the above described Westerly line; thence North 27°02'16" West along said Westerly line for a distance of 345.93 feet to the point of beginning.

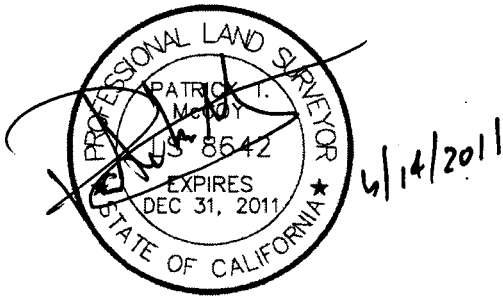
Containing: 2.59 acres, more or less.

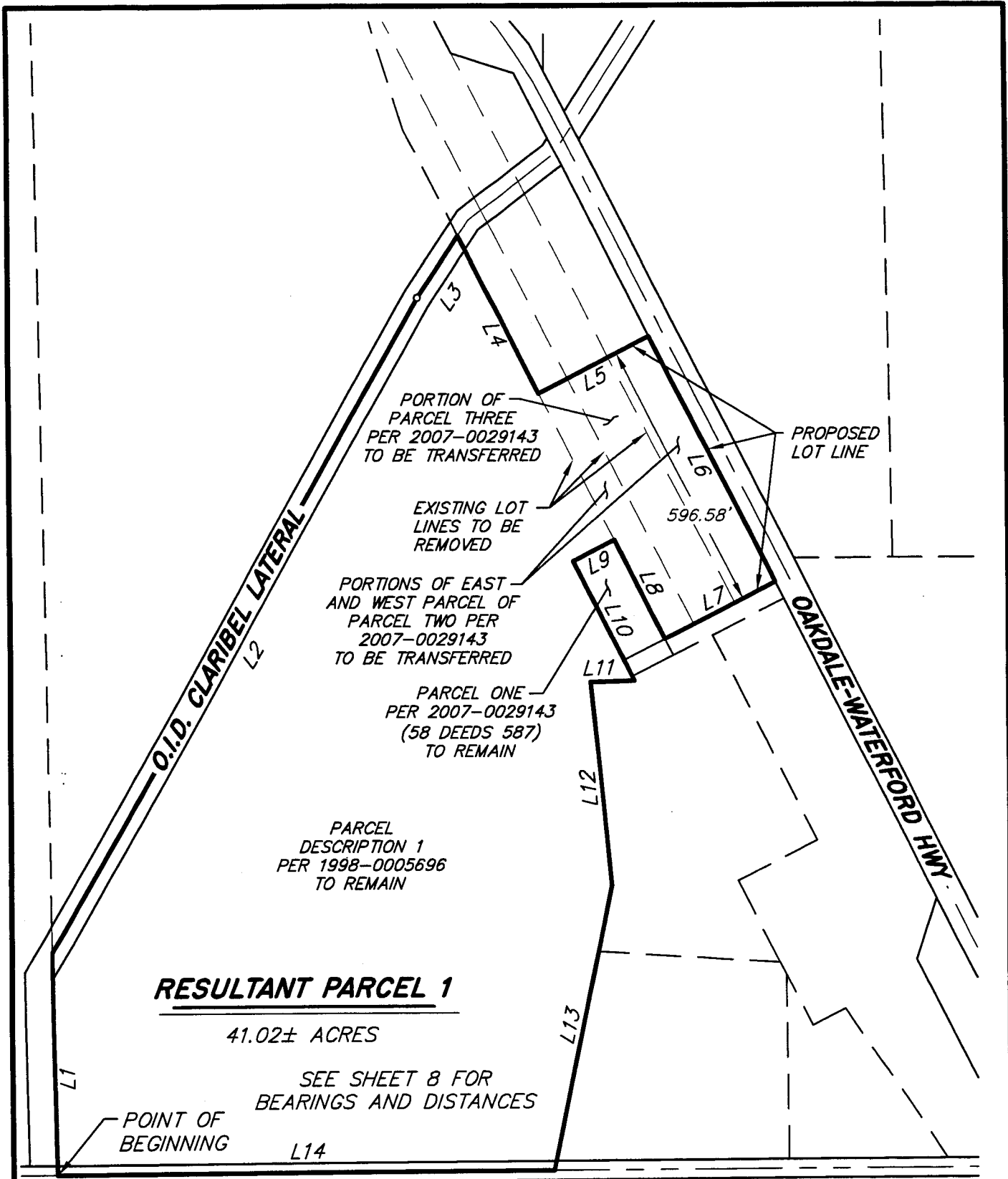
END OF DESCRIPTION FOR RESULTANT PARCEL 4.

BASIS OF BEARINGS:

The basis of bearings for the above descriptions is the centerline of the Southern Pacific Railroad, said bearing taken to be North 27°02'16" West.

END OF DESCRIPTIONS



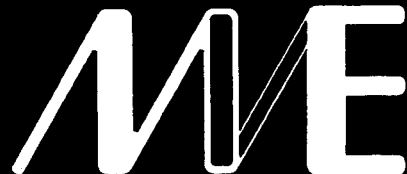


Drawn By: PTM
 Date: 6/2/2011
 Scale: 1"=300'
 Job No.: NC10186
 Phone: 866.526.4214

**LOT LINE ADJUSTMENT
 RESULTANT PARCEL 1
 LUTZ**

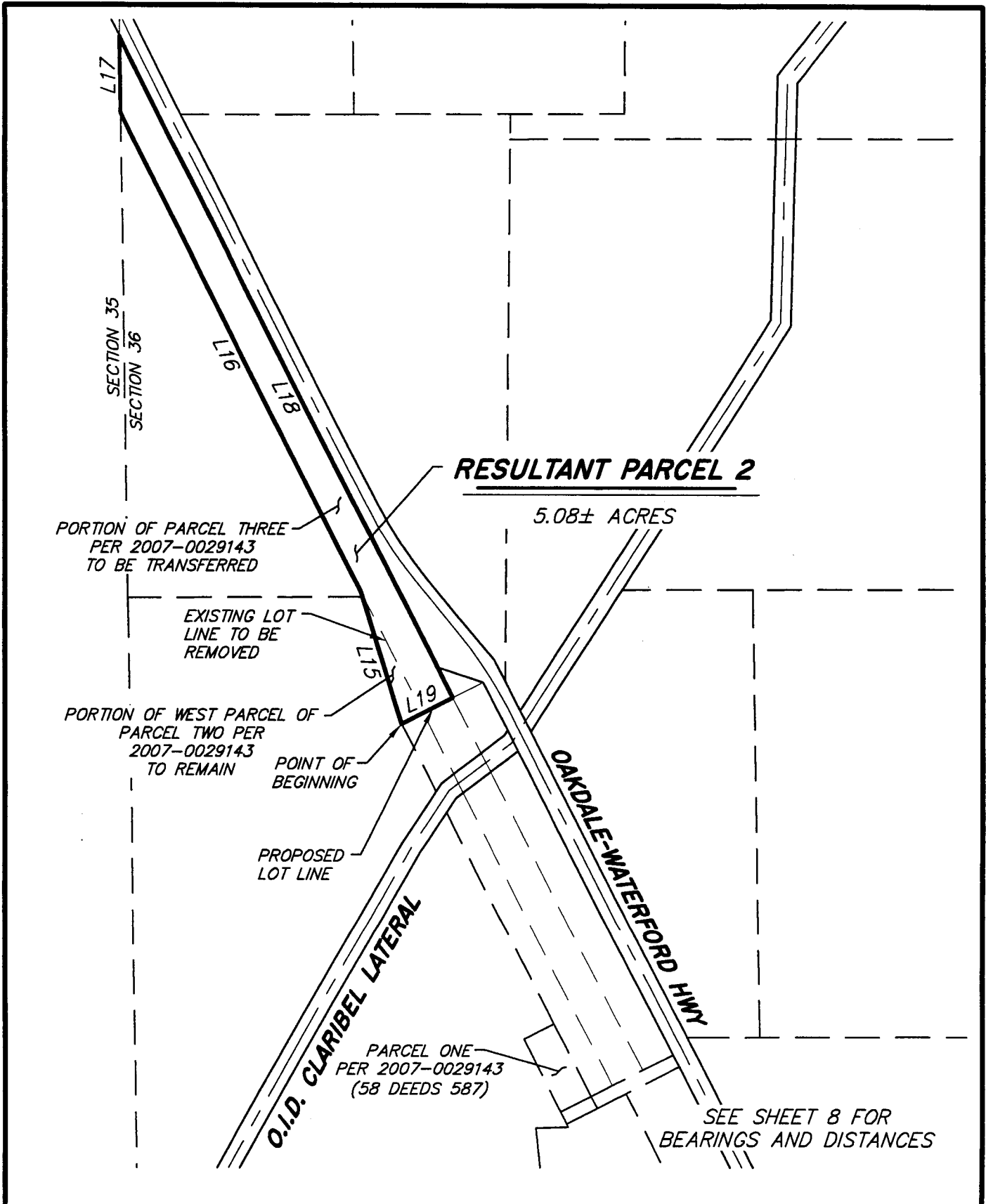
STANISLAUS

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 OF **8**

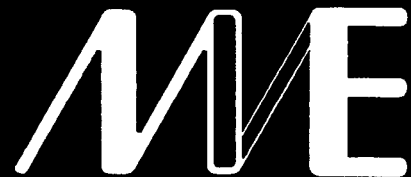


Drawn By: PTM
 Date: 6/2/2011
 Scale: 1"=400'
 Job No.: NC10186
 Phone: 866.526.4214

**LOT LINE ADJUSTMENT
 RESULTANT PARCEL 2
 LUTZ**

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SHEET
6
 OF **8**

LINE TABLE RESULTANT PARCEL 1		
LINE	BEARING	LENGTH
L1	N00°54'56"W	483.33'
L2	N29°45'36"E	1621.82'
L3	N33°56'27"E	160.07'
L4	S27°02'16"E	380.25'
L5	N62°57'44"E	270.00'
L6	S27°02'16"E	596.58'
L7	S62°57'44"W	270.00'
L8	N27°02'16"W	240.00'
L9	S62°57'44"W	100.00'
L10	S27°02'16"E	289.14'
L11	S88°27'54"W	95.89'
L12	S05°40'06"E	440.45'
L13	S11°41'54"W	632.32'
L14	S89°45'17"W	1083.43'

LINE TABLE RESULTANT PARCEL 2		
LINE	BEARING	LENGTH
L15	N17°06'42"W	406.08'
L16	N27°02'16"W	1572.51'
L17	N00°54'56"W	227.12'
L18	S27°02'16"E	2176.43'
L19	S62°57'44"W	170.00'

LINE TABLE RESULTANT PARCEL 3		
LINE	BEARING	LENGTH
L20	N62°57'44"E	270.00'
L21	S27°02'16"E	192.72'
L22	S32°55'21"W	6.74'
L23	S52°38'20"W	232.86'
L24	S33°56'27"W	40.11'
L25	N27°02'16"W	257.28'

LINE TABLE RESULTANT PARCEL 4		
LINE	BEARING	LENGTH
L24	N33°56'27"E	40.11'
L23	N52°38'20"E	232.86'
L22	N32°55'21"E	6.74'
L28	S27°02'16"E	444.81'
L29	S62°57'44"W	270.00'
L30	N27°02'16"W	380.25'

BASIS OF BEARINGS: THE BASIS OF BEARINGS FOR THESE EXHIBITS IS THE CENTERLINE OF THE SOUTHERN PACIFIC RAILROAD, SAID BEARING TAKEN TO BE NORTH 27°02'16" WEST.

Drawn By: PTM
 Date: 6/2/2011
 Scale: NONE
 Job No.: NC10186
 Phone: 866.526.4214

**LOT LINE ADJUSTMENT
 BEARING DISTANCE TABLE
 LUTZ**

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8
 OF **8**