

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

DEPT: Planning and Community Development *KJ*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE November 1, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 0.95 Acre Portion of Williamson Act Contract No. 1975-2011, Garner (Original Contract Name: Archer and Sandra Duncan)

STAFF RECOMMENDATIONS:

1. Find that the condition and contingencies of the Tentative Certificate of Cancellation have been satisfied; and,
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by November 4, 2011.

FISCAL IMPACT:

There are no fiscal impacts associated with this item. The County will receive approximately \$8 additional property tax for the 0.95 acre property. Payment in the amount of \$6,812.50 to the Auditor-Controller's office was made on October 6, 2011, and will be forwarded the State of California as required.

BOARD ACTION AS FOLLOWS:

No. 2011-662

On motion of Supervisor O'Brien, Seconded by Supervisor De Martini
 and approved by the following vote,
 Ayes: Supervisors: O'Brien, Chiesa, Withrow, De Martini, 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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

On June 14, 2011, the Board of Supervisors granted tentative approval of a petition to cancel a 0.95 acre portion of Williamson Act Contract No. 1975-2011 for property owned by Leland and Virginia Garner. On June 23, 2011, a Certificate of Tentative Cancellation was recorded as Document Number 2011-0052193-00 Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$6,812.50. Said payment was made to the County Auditor-Controller on October 6, 2011.

State law requires the landowner to notify the County Board of Supervisors when they have complied with the conditions of tentative cancellation and the landowner has done so. A Certificate of Cancellation is to be executed by the Board of Supervisors within 30 days of such notice and recorded with the County Recorder. Within 30 days of the execution of the Certificate of Cancellation by the Board of Supervisors, the County Treasurer shall transfer the entire cancellation fee amount to the State Controller.

POLICY ISSUES:

Government Code Section 51283.4(b) provides that the notification, execution and recordation of a Certificate of Cancellation takes place as outlined above. This authorization is consistent with the Board's priority of a Strong Agricultural Economy/Heritage by following standard procedures for Williamson Act Contract cancellation requests.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: 525-6330


ATTACHMENTS:

1. Stanislaus County Deposit Permit
2. Draft Certificate of Cancellation

RECORDING REQUESTED BY
Stanislaus County Board of Supervisors

AND WHEN RECORDED MAIL TO:

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354


Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2011-0091034-00
Wednesday, NOV 02, 2011 09:41:30
Ttl Pd \$0.00 Rcpt # 0003127796
OMK/R2/1-2

CERTIFICATE OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NUMBER 1975-2011

WHEREAS, Leland and Virginia Garner, owner of the property described herein, gave written notice of the cancellation a portion of the Williamson Act Contract No. 1975-2011 entered into between the previous owner, Archer and Sandra Duncan and the County of Stanislaus; and

WHEREAS, the amount of the cancellation fee as set forth by the Board of Supervisors has been paid in the sum of \$6,812.50;


NOTICE IS HEREBY GIVEN that on November 1, 2011, the Board of Supervisors of the County of Stanislaus, State of California, determines that the conditions and contingencies enumerated in the Certificate of Tentative Cancellation, recorded June 23, 2011, as Document No. 2009-0052193-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that a portion of Williamson Act Contract No. 1975-2011 originally recorded in Volume 2686 of the Official Records of Stanislaus County, on February 26, 1975, as Instrument Number 32834, affecting the land and improvements located on Assessor's Parcel Nos. 002-010-014, owned by Leland and Virginia Garner, has been cancelled. The property is more fully identified on the attached map (Exhibit A).

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.

DATED: November 1, 2011

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

By: 
Elizabeth A. King, Assistant Clerk of the Board

2011

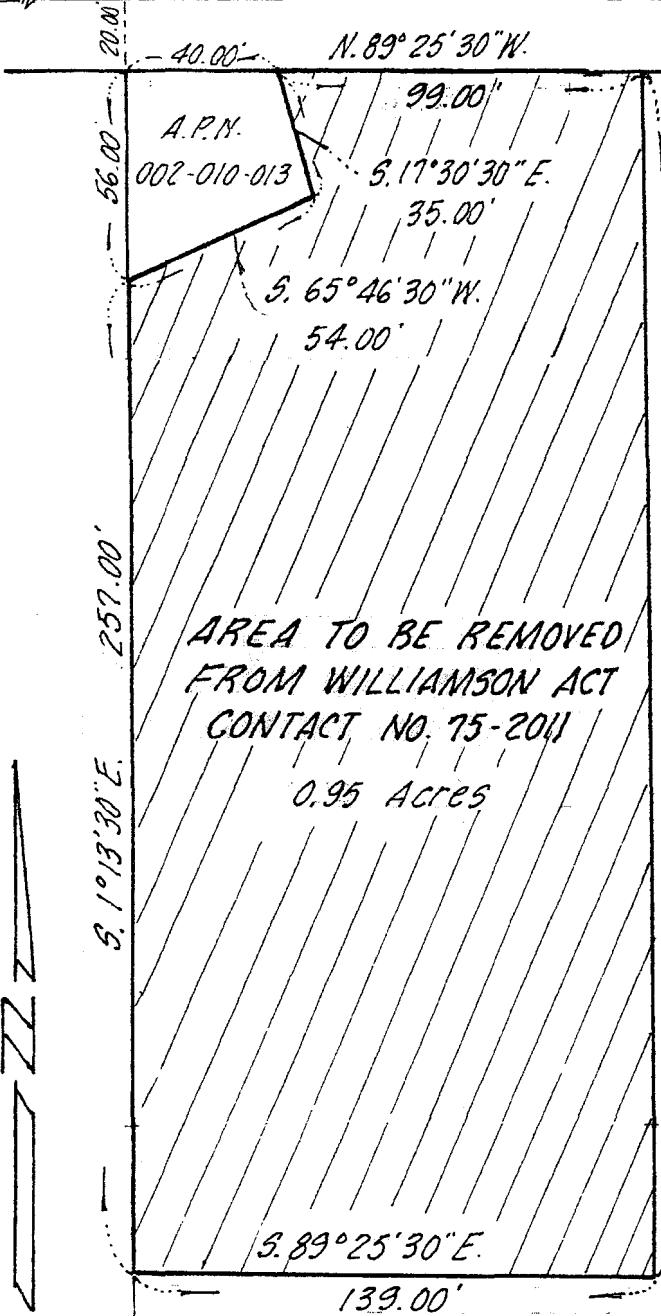
EXHIBIT "A"

AREA TO BE REMOVED FROM
WILLIAMSON ACT CONTRACT NO. 75-2011

N. 1/4 Cor. Sec. 30

LONE TREE ROAD

VALLEY HOME RD.



A.P.N.
002-010-013

AREA TO BE REMOVED
FROM WILLIAMSON ACT
CONTACT NO. 75-2011

0.95 Acres

A.P.N.
002-010-014

Scale: 1" = 50'



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

November 2, 2011

Derek Chernow, Acting Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 1975-2011

Dear Mr. Chernow:

Enclosed is a copy of the Certificate of Cancellation for a Portion of Williamson Act Contract No. 1975-2011. On November 1, 2011, the Board of Supervisors found that all conditions and contingencies of the Tentative Certificate of Cancellation have been satisfied.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors



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Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

November 2, 2011

LELAND G & VIRGINIA J GARNER
12961 VALLEY HOME RD
OAKDALE CA 95361

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 75-2011

Dear Mr. and Mrs. Garner:

Please find enclosed a copy of the Certificate of Cancellation of a Portion of Williamson Act Contract No. 75-2011 approved by the Board of Supervisors on November 1, 2011. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on November 2, 2011 as Document No. 11-0091034-00.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors