

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

DEPT: Planning and Community Development Af

BOARD AGENDA # 6:40 p.m.

Urgent Routine

AGENDA DATE August 21, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Lot Line Adjustment Application No. 2012-12 and Williamson Act Cancellation Application No. 2012-01, Berryhill Vineyards

STAFF RECOMMENDATIONS:

1. Find the project is categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption.
2. Find, based on the discussion in this report and the whole of the record:
 - A) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the California Government Code.
 - B) That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.

(Continued on page 2)

FISCAL IMPACT:

If this application is approved, there will not be a fiscal impact to the County. The County will receive a minimal amount in additional property tax revenue if 1.97 acres is not in a Williamson Act Contract. Also, the applicant will pay a cancellation penalty of \$11,250 to the Department of Conservation.

BOARD ACTION AS FOLLOWS:

No. 2012-430

On motion of Supervisor Chiesa, Seconded by Supervisor De Martini

and approved by the following vote,

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

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.

STAFF RECOMMENDATIONS: (Continued)

- (C) That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.
 - (D) That cancellation will not result in discontinuous patterns of urban development.
 - (E) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.
 - (F) That other public concerns substantially outweigh the objectives of the Williamson Act (Government Code Section 51200-51297.4).
3. Accept the cancellation value of the subject property as \$90,000 as determined by the County Assessor.
 4. Certify to the County Auditor the cancellation fee which must be paid as deferred taxes to be 12½% of the accepted cancellation value (\$11,250).
 5. Approve the Tentative Cancellation of a portion of Williamson Act Contract No. 71-0062 subject to payment of the cancellation fee. Unless the fee is paid within one year of the filing of the Certificate of Tentative Cancellation, the fee shall be re-computed as provided by State law.
 6. Direct the Clerk of the Board to record a Certificate of Tentative Cancellation within 30 days of this action.
 7. Direct the Clerk of the Board, within 30 days of the Board action, to publish the Notice of the Decision, pursuant to Government Code, and to deliver a copy of the published Notice of the Decision to the Director of Conservation.
 8. Rescind a portion of Williamson Act Contract No. 71-0062 and approve a new contract pursuant to Minor Lot Line Adjustment 2012-12 – Berryhill Vineyards.
 9. Approve the Lot Line Adjustment Application No. 2012-12 – Berryhill Vineyards, subject to the completion of Williamson Act Contract Cancellation No. 2012-12.
 10. Authorize the Planning and Community Development Director to execute a new contract pursuant to Minor Lot Line Adjustment 2012-12 and Williamson Act Contract Cancellation No. 2012-01.

DISCUSSION:

This is a request to cancel a portion of Williamson Act Contract No. 71-0062 and a request for a Lot Line Adjustment to allow parcel lines of three parcels totaling 34.47 acres to adjust from 1.93, 16.32, and 16.22 acre parcels to 15.75, 1.97 and 16.75 acre parcels (Attachment 3). The parcels are zoned A-2-40 (General Agriculture) and located on E. Taylor Road, west of Central Avenue and east of Bystrum Road, in the Ceres area (APNs: 022-011-018, 023 and 025).

The parcels are covered under two separate Williamson Act Contracts. Contract No. 71-0062 covers the existing 16.32 and 16.22 acre parcels and 71-0182 covers the existing 1.93 acre parcel. The lot line adjustment cannot be approved without cancelling a 1.97 acre portion of Contract No. 71-0062. The proposed 1.97 acre parcel cannot be covered by a new Williamson Act Contract, since it is less than the current 10-acre minimum requirement for enrollment in a Williamson Act Contract. If approved, the 15.75 and 16.75 acre parcels will go into a new Williamson Act Contract.

The purpose of the lot line adjustment is so the property lines conform to the agricultural uses of the properties. The proposed 1.97 acre parcel is requested to separate the residence from the existing almond orchard on site. Currently, the 16.32 acre site is owned by Berryhill Vineyards, but is farmed by William and Triana Berryhill who also owns and farms the 16.22 acres.

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make several findings as required by State law. Listed below are the findings required by Government Code Section 51282 for tentative approval for cancellation of a contract:

1. That the cancellation is consistent with the purposes of this chapter; or
2. That cancellation is in the public interest.

Stanislaus County has modified this action through language in the contract itself which states that BOTH findings must be made. Based on these and subsequent analysis, Department staff believes both findings for cancellation of the contract could be made.

Government Code Section 51282 specifies that cancellation is consistent with the purposes of this chapter only if the Board of Supervisors makes all of the following findings:

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
2. That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.

3. That cancellation is for an alternative use which is consistent with the applicable provision of the city or county general plan.
4. That cancellation will not result in discontinuous patterns of urban development.
5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

In addition to, cancellation of a contract shall be in the public interest only if the Board makes the following findings:

1. That other public concerns substantially outweigh the objectives of the Williamson Act (Government Code Section 51200-51297.4); and
2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

If the cancellation is approved, the proposed Lot Line Adjustment is subject to meeting all findings required for approval on property enrolled under the Williamson Act; and a rescission of the existing contracts and re-entry into a new contract is required to reflect the adjusted boundaries of the parcels. The findings required for approval of a Lot Line Adjustment involving Williamson Act contracted land are as follow:

- (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 authorized under the County's implementation of AB 1265.
- (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 both the cancellation and lot line adjustment findings (See Attachment 2). This project has been sent to the Department of Conservation for review and comment. On June 21, 2012, staff received an e-mail from Meri Meraz, Environmental Planner, for the Department of Conservation stating they have no comments to the cancellation of the Williamson Act contract. Stanislaus County Planning staff believes that, in this case, the necessary findings for approval can be made. The existing 1.93 acre parcel does not meet current size requirements for enrollment under a contract and approval of this request will not increase the number of developable parcels.

If approved, the applicant will pay a cancellation penalty of \$11,250 to the Department of Conservation. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of AB 1265 pursuant to the Board of Supervisors' actions on August 2, 2011.

POLICY ISSUES:

The Board should determine if the Williamson Act Cancellation and Lot Line Adjustment meet the goals of supporting A Strong Agricultural Economy/Heritage by establishing parcels are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Angela Freitas, Interim Planning and Community Development Director.
Telephone: (209) 525-6330

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2012-12
2. Applicant's Statement of Findings
3. Map of Proposed Changes
4. Letter from David E. Cogdill Sr., Stanislaus County Assessor dated July 13, 2012
5. Certificate of Tentative Cancellation
6. Notice of Exemption



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

| | | | | | |
|-----------------|------------------|---|----------|---|----------|
| S | <u>3</u> | T | <u>5</u> | R | <u>9</u> |
| ZONE | <u>A-2-40</u> | | | | |
| RECEIVED | <u>9-26-2012</u> | | | | |
| APPLICATION NO. | <u>2012-12</u> | | | | |
| RECEIPT NO. | _____ | | | | |

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

William Berryhill & Triana Perez Berryhill
 Name
 1912 E. Taylor Road Ceres, CA 95307
 Address, City, Zip
 209-602-2104
 Phone
 Fax Number

Parcel 2

Berryhill Vineyards, Inc.
 Name
 1842 E. Taylor Road Ceres, CA 95307
 Address, City, Zip
 209-872-3895
 Phone
 Fax Number

Parcel 3

William Berryhill & Triana Perez Berryhill
 Name
 1912 E. Taylor Road Ceres, CA 95307
 Address, City, Zip
 209-602-2104
 Phone
 Fax Number

Parcel 4

N/A
 Name
 Address, City, Zip
 Phone
 Fax Number

2. Name and address of person(s) preparing map: GDR Engineering, Inc. 3525 Mitchell Road, Suite G Ceres, CA 95307 Phone: (209) 538-3360, Fax: (209) 538-7370, email: seanharp@gdreng.com

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

Parcel 1: Book 022 Page 011 No. 018 Parcel 2: Book 022 Page 011 No. 023
 Parcel 3: Book 022 Page 011 No. 025 Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

| | | |
|-----------|-------------------------|--------------------------|
| | <u>Before</u> | <u>After</u> |
| Parcel 1: | <u>1.93 Ac. (gross)</u> | <u>15.75 Ac. (gross)</u> |
| Parcel 2: | <u>16.32 Ac (gross)</u> | <u>1.97 Ac (gross)</u> |
| Parcel 3: | <u>16.22 Acres</u> | <u>16.75 Acres</u> |
| Parcel 4: | _____ | _____ |

5. Why are the lot lines being changed? BE SPECIFIC See attached Project Description

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 checked="" type="checkbox"/> Trees - type <u>Almond</u> |
| <input type="checkbox"/> Multiple | <input type="checkbox"/> Vines - type _____ |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Range (irrigated) _____ |
| <input type="checkbox"/> Industrial | <input 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: APN 022-011-018: None. APN 022-011-23 : One house with septic and well, one shop, Irrigation line & appurtenances. APN 018-011-025 : Irrigation line & appurtenances.

8. How have these parcels been utilized in the past, if different than current use? Same use for many years.

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

| | |
|-----------------------|-----------------------|
| Parcel 1: <u>2006</u> | Parcel 2: <u>1972</u> |
| Parcel 3: <u>2012</u> | Parcel 4: _____ |

10. What are the Williamson Act Contract numbers?

| | |
|--------------------------|--------------------------|
| Parcel 1: <u>71-0182</u> | Parcel 2: <u>71-0062</u> |
| Parcel 3: <u>71-0062</u> | Parcel 4: _____ |

11. Do the parcels irrigate? Yes No If yes, how? Flood & Drip.

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

13. Signature of property owner(s) _____

| | | |
|--|-------|----------------------|
| <u>William R. Bell</u> Owner's Signature | _____ | Owner's Name Printed |
| <u>Thomas Bay</u> Owner's Signature | _____ | Owner's Name Printed |
| <u>Michael C. Bennett</u> Owner's Signature | _____ | Owner's Name Printed |
| <u>Parvaneh Perry</u> Owner's Signature | _____ | Owner's Name Printed |

Berryhill Lot Line Adjustment Project Description

This project is a lot line adjustment involving the following three properties:

- APN 022-011-0018 (1.93 gross acres) owned by William and Triana Berryhill. This property is a long, narrow strip of land (61' x 1380') that is used by the owners as a driveway for access to their home and the almond orchard and irrigation pump on APN 022-011-025.
- APN 022-011-023 (16.32 gross acres) owned by Berryhill Vineyards, Inc. It has a home site area that consists of a house, shop and small family fruit orchard consisting of peaches, apricots, nectarines, apples, plums, oranges, berries, etc. The remainder of the property is planted with young almond trees that are farmed by William and Triana Berryhill. The orchard's main source of irrigation is drip, though the property has an irrigation pipeline and is capable of flood irrigating
- APN 022-011-025 (16.22 acres) owned by William and Triana Berryhill and is planted with young almond trees. The orchard's main source of irrigation is drip, though the property has an irrigation pipeline and is capable of flood irrigating.

The purpose of the Lot Line Adjustment is to adjust the property lines to conform to the agricultural land use of the properties. The owners are requesting to adjust the existing property lines to separate the residence of Michael and Francesca Berryhill (Berryhill Vineyards, Inc.) from the almond orchard that is farmed by William and Triana Berryhill. The Lot line Adjustment will combine the long driveway parcel with the almond orchard that they farm. The owners will record an access easement along the paved driveway for the benefit of Proposed Parcel 3 and APN 022-011-019 to the east. Along with this request for Lot Line Adjustment, is a Williamson Act Cancellation application for the home site parcel (Proposed Parcel No. 2), to be processed concurrently. The following applicant statement pertains only to the larger parcels (Proposed Parcels 1 and 3) which will continue to be used for agricultural purposes, and subject to the Williamson Act Contract.

At the conclusion of the Lot Line Adjustment, Proposed Parcel 1 will have an adjusted area of 15.75 gross acres. Proposed Parcel 3 will have an adjusted area of 16.75 gross acres. Both parcels will 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 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.

None of the contracts are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, all contracts will 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 contract for all three parcels is +/-34.47 gross acres, while the total of the two existing large parcels is +/- 32.54 gross acres. After the lot line adjustment, Proposed Parcels 1 and 3 will have a total of 32.50 gross acres that will remain under contract. Proposed Parcel 3 (home site area) is not being used for agricultural purposes; therefore there is no loss of agricultural land.

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

94% of the land under the former contracts will remain under the new contract.

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

Consistent with Section 51222, the adjusted parcels will be large enough to sustain their agricultural use as an almond orchard.

(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.

Both parcels have been used for agricultural productivity in their current configuration for a long period of time. The new configuration, after adjustment, will in no way affect the long term agricultural productivity. The configuration of the actual agricultural use will remain the same. The property lines are being adjusted to conform to the agricultural land use.

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

The parcels will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural productivity.

(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.

This lot line adjustment will not result in more parcels than currently exist, nor are they inconsistent with the General Plan.

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

Berryhill Williamson Act Cancellation

The landowner may petition the Board for cancellation of any contract as to all or any part of the subject property. The landowner's petition must be accompanied by a proposal for a specified alternative use of the land and a Notice of Non-Renewal shall be recorded prior to the petition being submitted for consideration. The Board may grant tentative approval for cancellation of a contract only if it makes the following findings as required by Government Code Section 51282:

1. That the cancellation is consistent with the purposes of the Williamson Act (California Government Code Sections 51200-51207); and

Cancellation is consistent with the purposes of the Williamson Act as it will remove a residential home site area from the Williamson Act.

2. That cancellation is in the public interest.

Cancellation is in the public interest as it will remove a residential home site area from the Williamson Act.

A contract cancellation shall be consistent with the purposes of the Williamson Act only if the Board makes all of the following findings:

1. That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Government Codes Section 51242.

A notice of nonrenewal is being filed concurrently with the Cancellation Application.

2. That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

No adjacent lands will be removed from agricultural use.

3. That cancellation is for an alternative use which is consistent with the applicable provisions of the county general plan.

The area of nonrenewal is a home site with a family orchard, consistent with the General plan.

4. That cancellation will not result in discontinuous patterns of urban development.

The cancellation will not result in any other urban development.

5. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

No development will occur on the parcel.

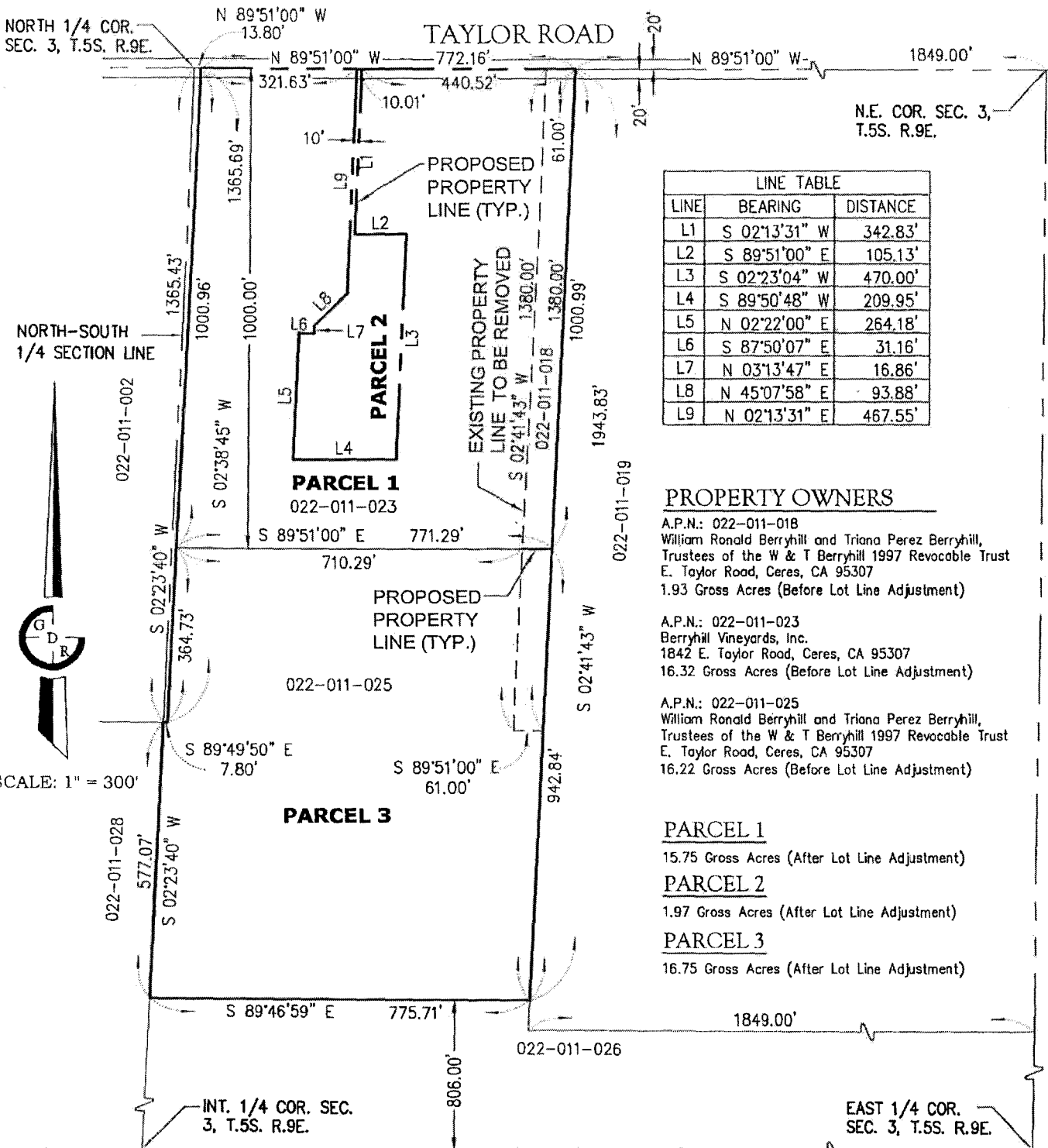
Cancellation of a contract shall be in the public interest only if the board makes the following findings:

1. That other public concerns substantially outweigh the objectives of this chapter;

The area of nonrenewal is a home site with a family orchard, consistent with the General plan.

2. That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

No development will occur on the parcel.



| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 02°13'31" W | 342.83' |
| L2 | S 89°51'00" E | 105.13' |
| L3 | S 02°23'04" W | 470.00' |
| L4 | S 89°50'48" W | 209.95' |
| L5 | N 02°22'00" E | 264.18' |
| L6 | S 87°50'07" E | 31.16' |
| L7 | N 03°13'47" E | 16.86' |
| L8 | N 45°07'58" E | 93.88' |
| L9 | N 02°13'31" E | 467.55' |

PROPERTY OWNERS

A.P.N.: 022-011-018
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 1.93 Gross Acres (Before Lot Line Adjustment)

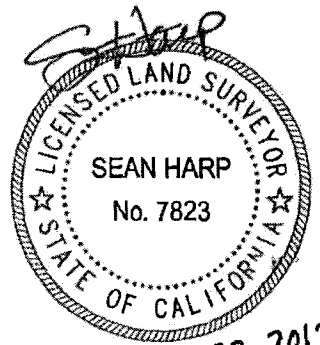
A.P.N.: 022-011-023
 Berryhill Vineyards, Inc.
 1842 E. Taylor Road, Ceres, CA 95307
 16.32 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-025
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 16.22 Gross Acres (Before Lot Line Adjustment)

PARCEL 1
 15.75 Gross Acres (After Lot Line Adjustment)

PARCEL 2
 1.97 Gross Acres (After Lot Line Adjustment)

PARCEL 3
 16.75 Gross Acres (After Lot Line Adjustment)



3-22-2012

GDR ENGINEERING, Inc.
 ENGINEERING/SURVEYING/PLANNING
 3525 MITCHELL ROAD, SUITE G CERES, CA 95307
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
 E-MAIL: gdrngr@gdreng.com

EXHIBIT "C"
LOT LINE ADJUSTMENT

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 9 EAST, M. D. B. & M.

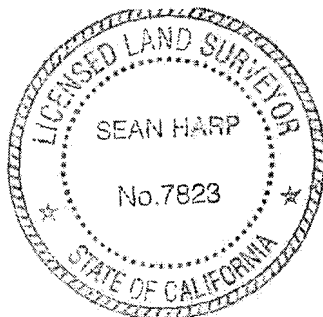
STANISLAUS COUNTY CALIFORNIA MARCH 2012
 JOB NO. 12016 SHEET 1 OF 1

PARCEL 2:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northwest corner of said northeast quarter of Section 3; thence along the north line of said Section 3, South 89°51'00" East, a distance of 13.80 feet to the northwest corner of the property conveyed to Berryhill Vineyards, Inc. by Grant Deed recorded November 21, 2008 as Document Number 0123774, Stanislaus County Records; thence continuing along said north line, South 89°51'00" East, a distance of 321.63 feet to the **Point of Beginning**; thence continuing along said north line, South 89°51'00" East, a distance of 10.01 feet; thence South 02°13'31" West, a distance of 342.83 feet; thence South 89°51'00" East, a distance of 105.13 feet; thence South 02°23'04" West, a distance of 470.00 feet; thence South 89°50'48" West, a distance of 209.95 feet; thence North 02°22'00" East, a distance of 264.18 feet; thence South 87°50'07" East, a distance of 31.16 feet; thence North 03°13'47" East, a distance of 16.86 feet; thence North 45°07'58" East, a distance of 93.88 feet; thence North 02°13'31" East, a distance of 467.55 feet to the point of beginning.

Contains 1.97 acres, more or less.



Sean Harp 3-22-2012
Sean Harp, L.S. 7823 Date



**David E. Cogdill Sr., MAI, RM
Stanislaus County Assessor**

Don Gaekle
Assistant Assessor
Valuation

Mercy Maya
Assistant Assessor
Administration

1010 Tenth St., Suite 2400
Modesto, CA 95354-0847

Phone: (209) 525-6461
Fax: (209) 525-6586

July 13, 2012

REVISED

Stanislaus County Board of Supervisors
c/o Planning and Community Development
1010 Tenth Street, Suite 3400
Modesto, CA 95354

Dear Board Members:

Reference: Property Owner: Berryhill Vineyards
Assessor's Parcel Number: 022-011-023
Williamson Act Contract Number: 1971-0062

In accordance with California Government Code Section 51283, the Assessor's Office has made the following determination:

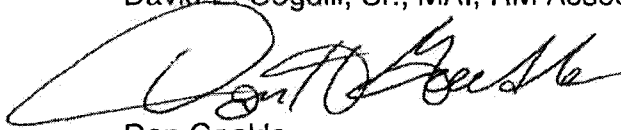
The cancellation valuation of 1.97 acres of the above referenced property restricted under the California Land Conservation Act is ninety thousand dollars (\$90,000) representing current fair market value. The cancellation fee is an amount equal to 12½% of the cancellation valuation, or a total of eleven thousand two hundred fifty dollars (\$11,250).

I hereby certify the cancellation valuation of the above parcel to be \$90,000.

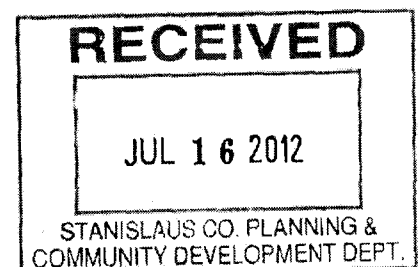
Respectfully,

David E. Cogdill, Sr., MAI, RM Assessor

BY:


Don Gaekle
Assistant Assessor - Valuation
Stanislaus County

cc: Berryhill Vineyards
California Department of Conservation



ATTACHMENT 4

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 71-0062

NOTICE IS HEREBY GIVEN that on August 21, 2012, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.71-0062, affecting the land and improvements located on Assessor's Parcel No. 002-011-023, owned by Berryhill Vineyards, Inc. The property is more fully identified on the attached map and legal description as Parcel "2."

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 71-0062 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$11,250.00.
2. Unless the fee is paid, or a certificate of cancellation of a portion of the contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when he has satisfied the conditions and contingencies enumerated in this Certificate of Tentative Cancellation.

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: August 21, 2012

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

*Original contract recorded on December 9, 1970, in Volume 2362, Pages 57-66, Instrument #41086. Owner: Ronald W. and Gloria Berryhill.

STANISLAUS COUNTY
DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT
1010 10th Street, Suite 3400
Modesto, California 95354

NOTICE OF EXEMPTION

Project Title: Lot Line Adjustment Application No. 2012-12 and Williamson Act Cancellation Application No. 2012-01 - Berryhill Vineyards

Applicant Information: Sean Harp, GDR Engineering, 3525 Mitchell Road, Suite G, Ceres, CA 95307, (209) 538-3360.

Project Location: 1842 Taylor Road, west of Central Avenue and east of Bystrum Road, in the Ceres area (APNs: 022-011-018, 023 and 025).

Description of Project: Request to cancel a portion of Williamson Act Contract No. 71-0062 and a request for a lot line adjustment to allow parcel lines of three parcels totaling 34.47 acres to adjust from 1.93, 16.32, and 16.22 acre parcels to 15.75, 1.97 and 16.75 acre parcels in the A-2-40 (General Agriculture) zoning district.

Name of Agency Approving Project: Stanislaus County Board of Supervisors

Lead Agency Contact Person: Carole Maben, Associate Planner

Telephone: (209) 525-6330

Exempt Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15061(b)(3) and 15305
- Statutory Exemptions. State code number: _____

Reasons why project is exempt: This project is exempt from CEQA since the project will not have any impacts on the environment and will not result in a change in land use or density.

**LOT LINE ADJUSTMENT APPLICATION
NO. 2012-12 AND WILLIAMSON ACT
CANCELLATION APPLICATION
NO. 2012-01**

BERRYHILL VINEYARDS



Planning & Community Development

PROJECT

Request to cancel a 1.97 acre portion of Williamson Act Contract No. 71-0062.

Lot Line Adjustment to adjust from 1.93, 16.32, and 16.22 acre parcels to 15.75, 1.97, and 16.75 acre parcels .

This LLA cannot be approved without a canceling 1.97 acres of the Williamson Act Contract.

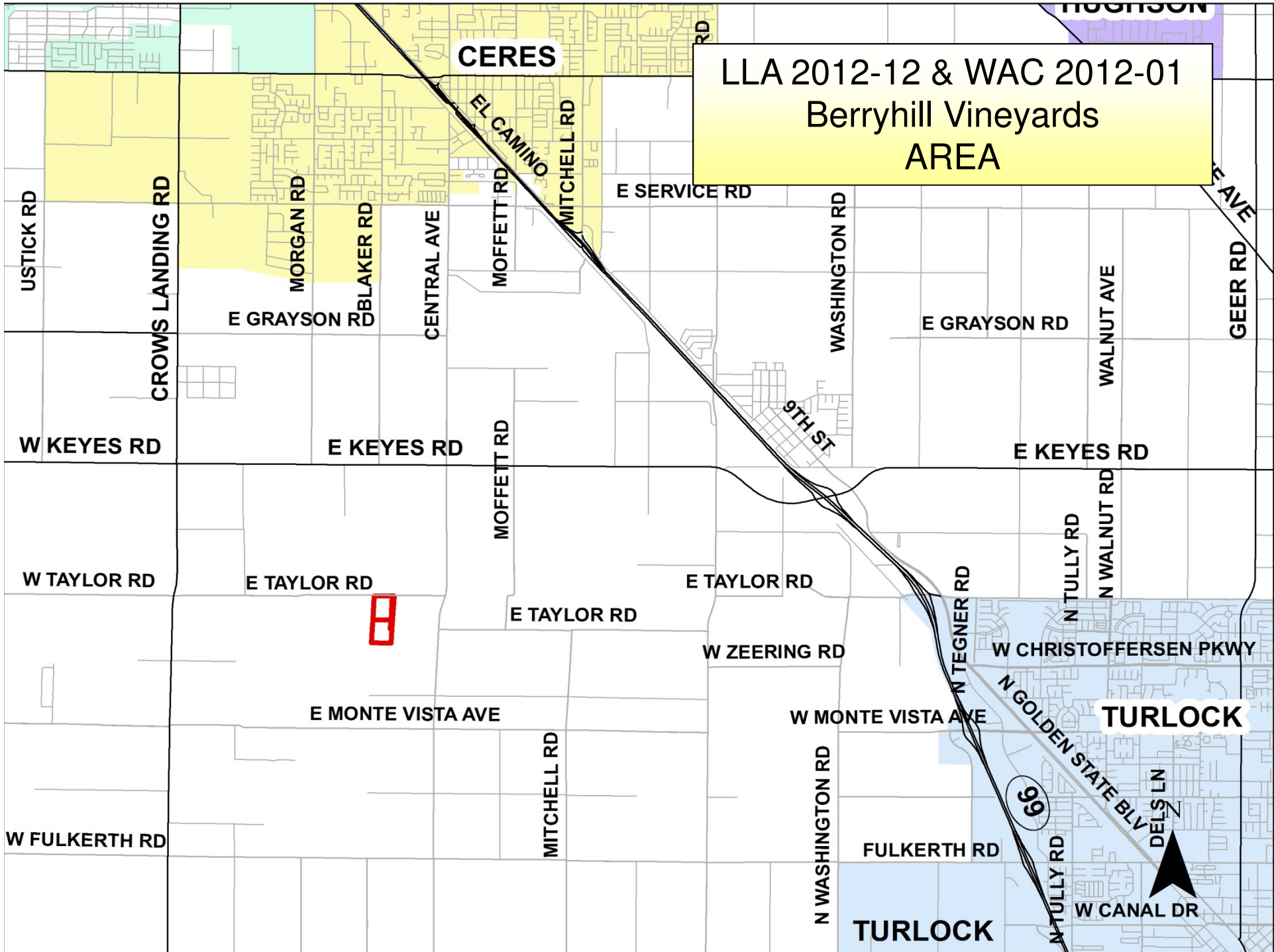


DISCUSSION

The property is located on E. Taylor Road, west of Central Avenue in the Ceres area.

The project site consists of three parcels totaling 34.47 acres with one single-family dwelling and almond orchards.





LLA 2012-12 & WAC 2012-01
Berryhill Vineyards
AREA

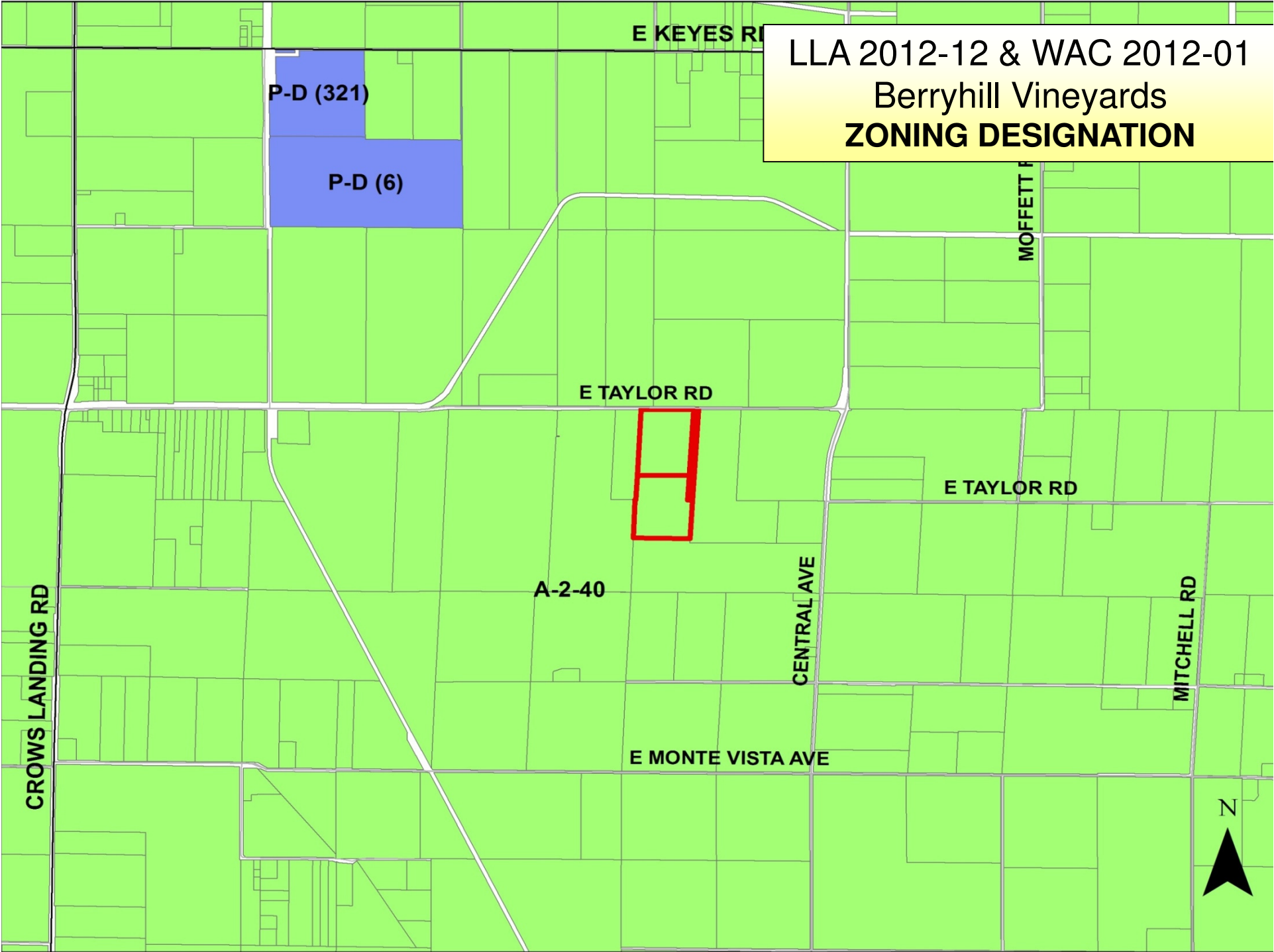
CERES

TURLOCK

TURLOCK

99

LLA 2012-12 & WAC 2012-01
Berryhill Vineyards
ZONING DESIGNATION



P-D (321)

P-D (6)

E KEYES RD

E TAYLOR RD

E TAYLOR RD

A-2-40

E MONTE VISTA AVE

CENTRAL AVE

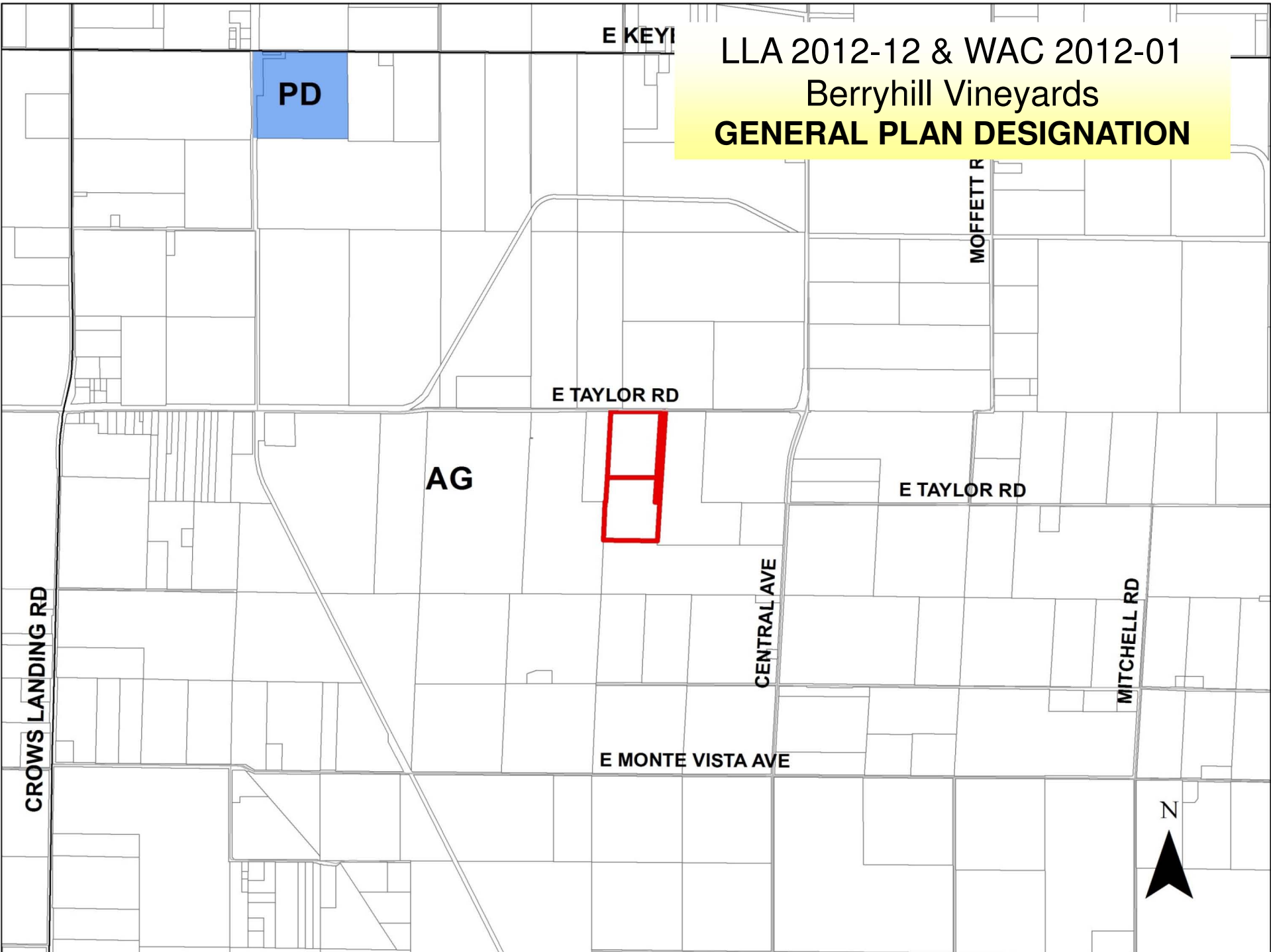
MITCHELL RD

MOFFETT RD

CROWS LANDING RD



LLA 2012-12 & WAC 2012-01
Berryhill Vineyards
GENERAL PLAN DESIGNATION



PD

E KEYI

E TAYLOR RD

AG

E TAYLOR RD

E MONTE VISTA AVE

CROWS LANDING RD

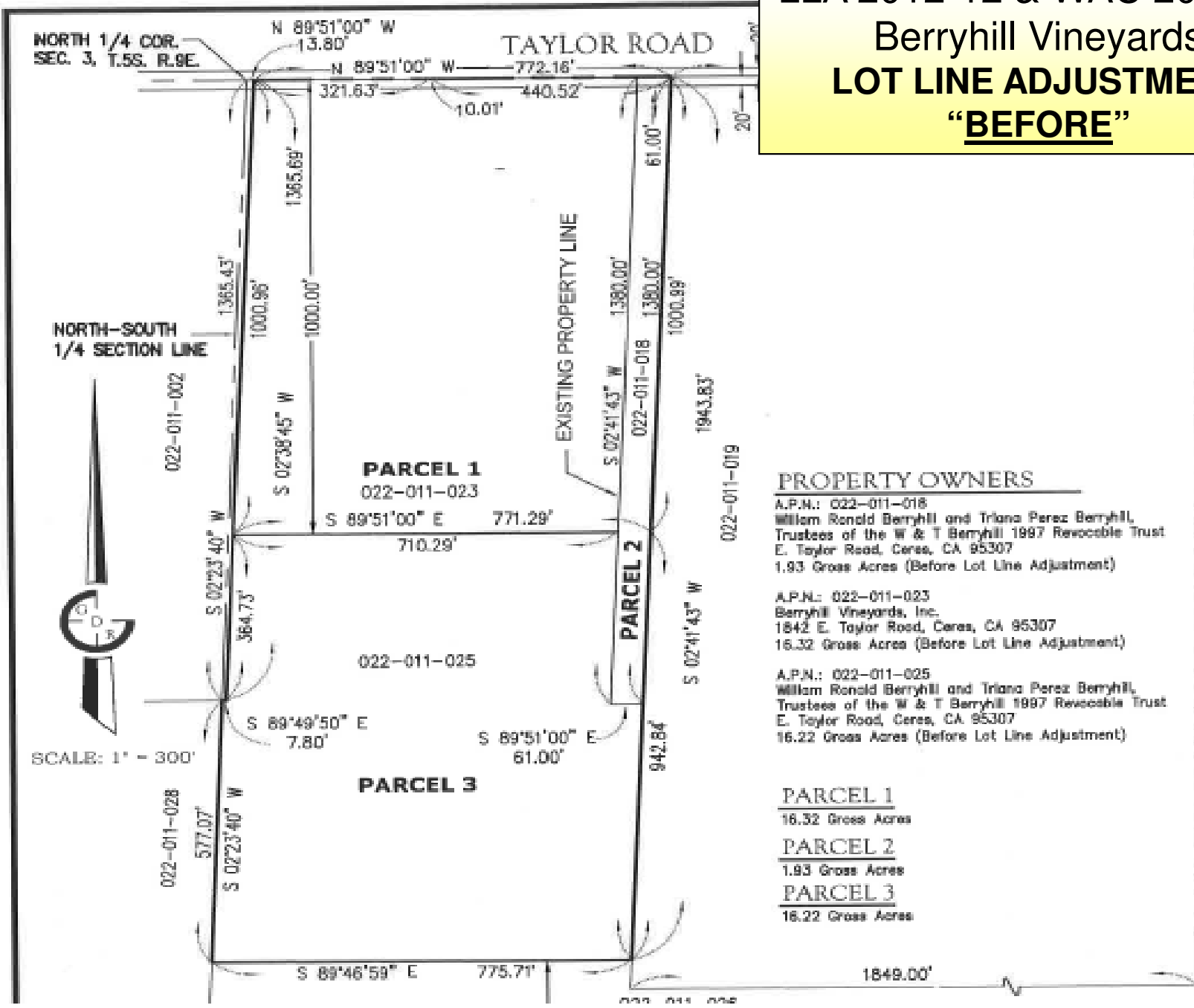
CENTRAL AVE

MOFFETT R

MITCHELL RD

N

LLA 2012-12 & WAC 2012-01
 Berryhill Vineyards
 LOT LINE ADJUSTMENT
 "BEFORE"



NORTH-SOUTH
1/4 SECTION LINE

SCALE: 1" = 300'

PROPERTY OWNERS

A.P.N.: 022-011-018
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 1.93 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-023
 Berryhill Vineyards, Inc.
 1842 E. Taylor Road, Ceres, CA 95307
 16.32 Gross Acres (Before Lot Line Adjustment)

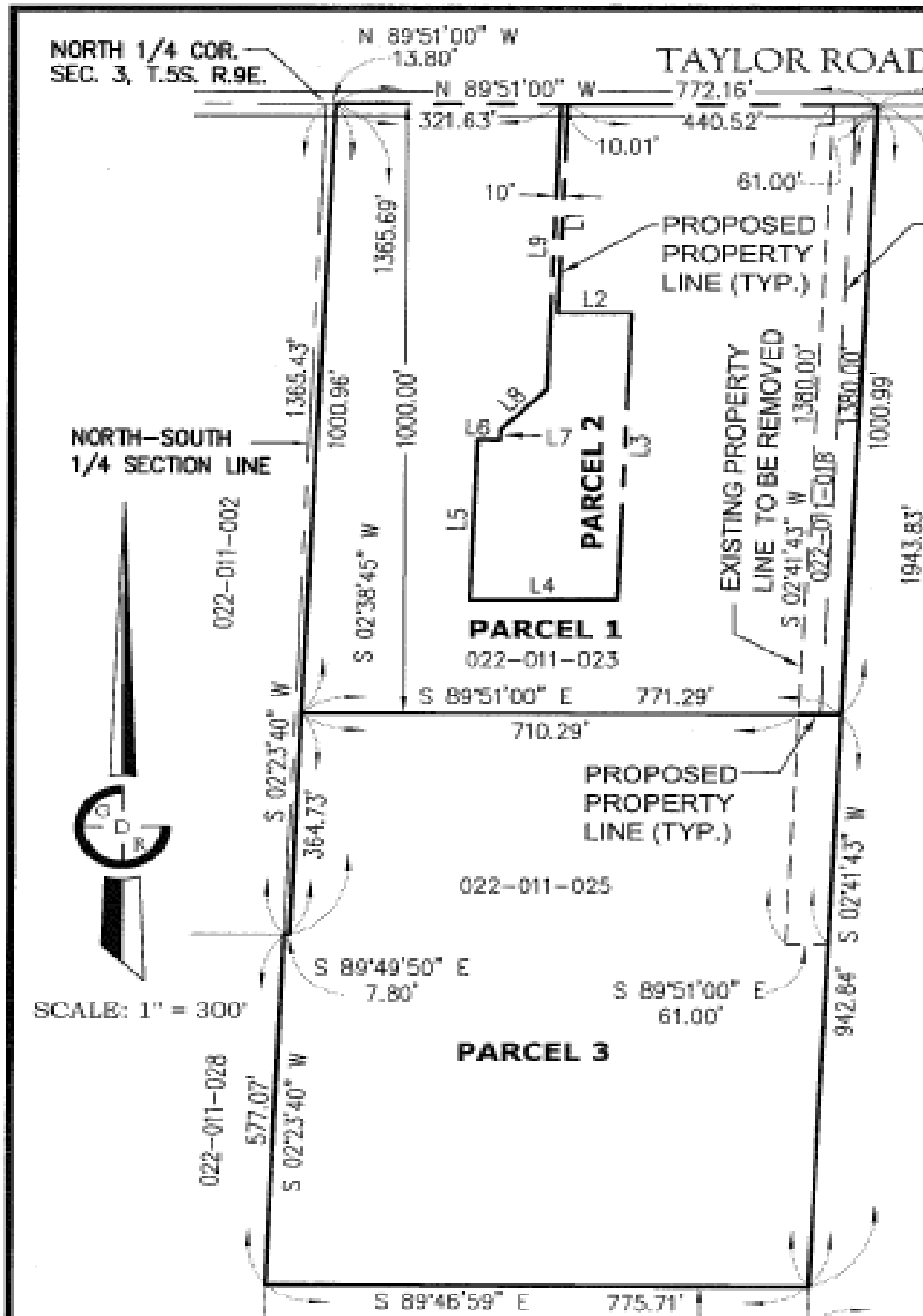
A.P.N.: 022-011-025
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 16.22 Gross Acres (Before Lot Line Adjustment)

PARCEL 1
 16.32 Gross Acres

PARCEL 2
 1.93 Gross Acres

PARCEL 3
 16.22 Gross Acres

LLA 2012-12 & WAC 2012-01
 Berryhill Vineyards
LOT LINE ADJUSTMENT
"AFTER"



30' WIDE ACCESS EASEMENT TO BE RECORDED AT TIME OF LOT LINE ADJUSTMENT

| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 02°13'31" W | 342.83' |
| L2 | S 89°51'00" E | 105.13' |
| L3 | S 02°23'04" W | 470.00' |
| L4 | S 89°50'48" W | 209.95' |
| L5 | N 02°22'00" E | 264.18' |
| L6 | S 87°50'07" E | 31.16' |
| L7 | N 03°13'47" E | 16.86' |
| L8 | N 45°07'58" E | 93.88' |
| L9 | N 02°13'31" E | 467.55' |

PROPERTY OWNERS

A.P.N.: 022-011-018
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 1.95 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-023
 Berryhill Vineyards, Inc.
 1842 E. Taylor Road, Ceres, CA 95307
 16.32 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-025
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 16.22 Gross Acres (Before Lot Line Adjustment)

PARCEL 1

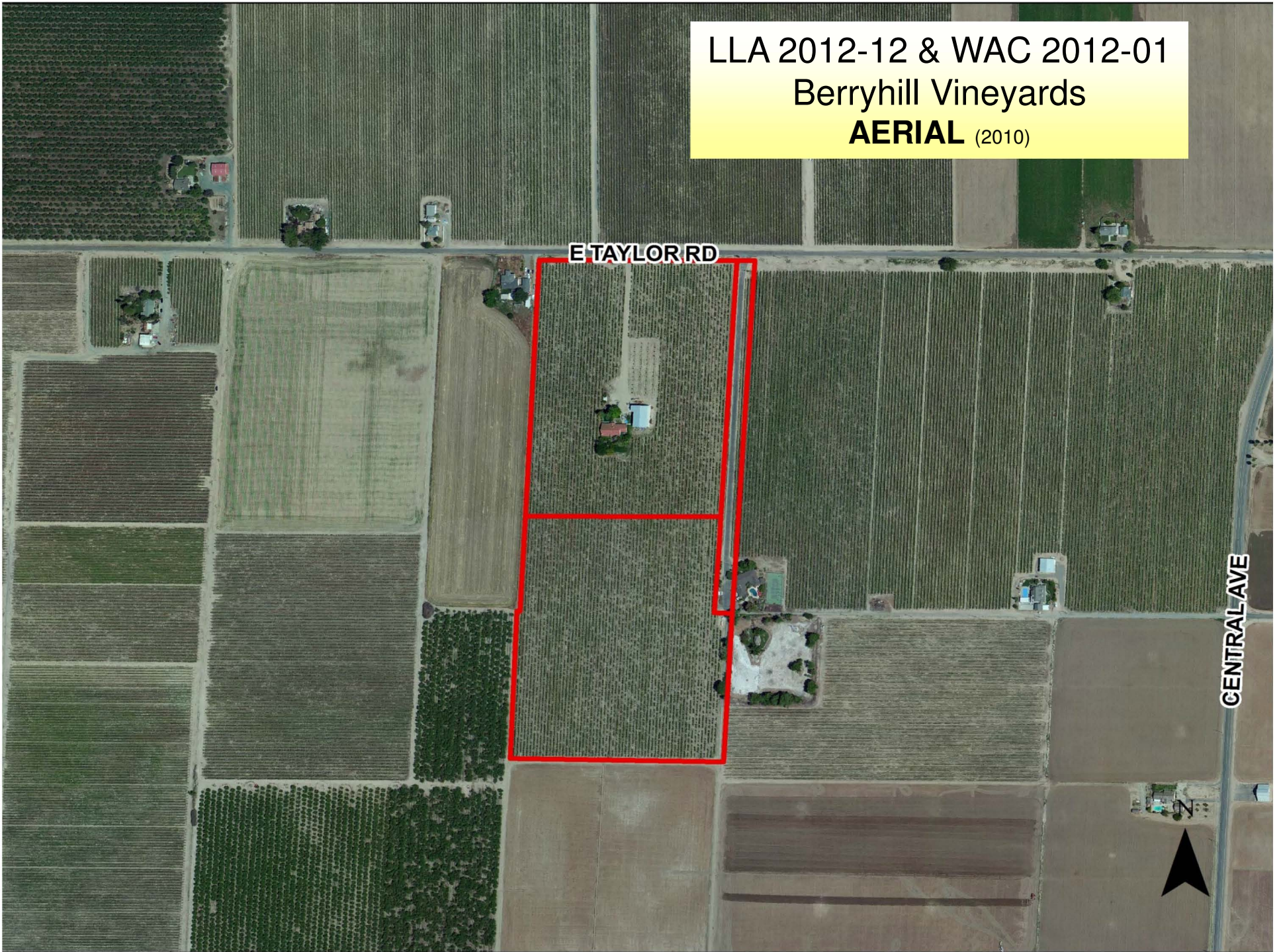
15.75 Gross Acres (After Lot Line Adjustment)

PARCEL 3

16.75 Gross Acres (After Lot Line Adjustment)

1849.00'

LLA 2012-12 & WAC 2012-01
Berryhill Vineyards
AERIAL (2010)



E TAYLOR RD

CENTRAL AVE



WILLIAMSON ACT CONTRACT CANCELLATION

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must:

- Hold a Public Hearing
- Make several findings as required by State law.



CANCELLATION FINDINGS

1. That the cancellation is consistent with the purposes of this chapter (Section 51245 of the Government Code); or
2. That cancellation is in the public interest.

Stanislaus County requires **BOTH** findings must be made.



LOT LINE ADJUSTMENT FINDINGS

Due to the Williamson Act status of the property, the Lot Line Adjustment is subject to meet all seven (7) findings of compatibility.

The applicants have provided written evidence to support the findings (Attachment 2).



FINDINGS

- Based on information and subsequent analysis, staff believes both findings for cancellation and the Lot Line adjustment of the contract could be made.



DEPARTMENT OF CONSERVATION

On June 21, 2012, staff received an e-mail from the Department of Conservation stating they have no comments to the cancellation of the Williamson Act Contract.



RESCISSION/RE-ENTRY

The rescission and re-entry into a new Williamson Act Contract will apply only to the proposed 15.75 (Parcel “1”) and 16.75 (Parcel “3”) acre parcels.



WILLIAMSON ACT CONTRACTS

New Williamson Act contracts would typically come before the Board once a year near the end of the year.

Because this action is related to a Lot Line Adjustment, this action shall be independent of other Williamson Act Contracts.



RECOMMENDATION

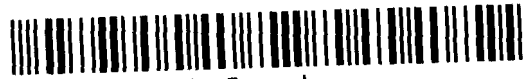
The Board of Supervisors approve the cancellation of 1.97 acres of Williamson Act Contract No. 71-0062, the rescission and re-entry for the proposed 15.75 and 16.75 acre parcels from Lot Line Adjustment Application No. 2012-12, and record the necessary documents.



RECORDING REQUESTED BY
Stanislaus County Board of Supervisors

AND WHEN RECORDED MAIL TO:

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6700
Modesto, CA 95354



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2012-0076104-00

Acct 401-Over The Counter Documents

Monday, AUG 27, 2012 14:28:26

Ttl Pd \$0.00 Rcpt # 0003259087

LLP/R1/1-3

CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 71-0062

NOTICE IS HEREBY GIVEN that on August 21, 2012, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.71-0062, affecting the land and improvements located on Assessor's Parcel No. 002-011-023, owned by Berryhill Vineyards, Inc. The property is more fully identified on the attached map and legal description as Parcel "2."

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of a Portion of Williamson Act Contract No. 71-0062 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$11,250.00.
2. Unless the fee is paid, or a certificate of cancellation of a portion of the contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when he has satisfied the conditions and contingencies enumerated in this Certificate of Tentative Cancellation.

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: August 21, 2012

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

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

*Original contract recorded on December 9, 1970, in Volume 2362, Pages 57-66, Instrument #41086. Owner: Ronald W. and Gloria Berryhill.

3MK

NORTH 1/4 COR.
SEC. 3, T.5S. R.9E.

TAYLOR ROAD

N.E. COR. SEC. 3,
T.5S. R.9E.

| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 02°13'31" W | 342.83' |
| L2 | S 89°51'00" E | 105.13' |
| L3 | S 02°23'04" W | 470.00' |
| L4 | S 89°50'48" W | 209.95' |
| L5 | N 02°22'00" E | 264.18' |
| L6 | S 87°50'07" E | 31.16' |
| L7 | N 03°13'47" E | 16.86' |
| L8 | N 45°07'58" E | 93.88' |
| L9 | N 02°13'31" E | 467.55' |

PROPERTY OWNERS

A.P.N.: 022-011-018
William Ronald Berryhill and Triana Perez Berryhill,
Trustees of the W & T Berryhill 1997 Revocable Trust
E. Taylor Road, Ceres, CA 95307
1.93 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-023
Berryhill Vineyards, Inc.
1842 E. Taylor Road, Ceres, CA 95307
16.32 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-025
William Ronald Berryhill and Triana Perez Berryhill,
Trustees of the W & T Berryhill 1997 Revocable Trust
E. Taylor Road, Ceres, CA 95307
16.22 Gross Acres (Before Lot Line Adjustment)

PARCEL 1

15.75 Gross Acres (After Lot Line Adjustment)

PARCEL 2

1.97 Gross Acres (After Lot Line Adjustment)

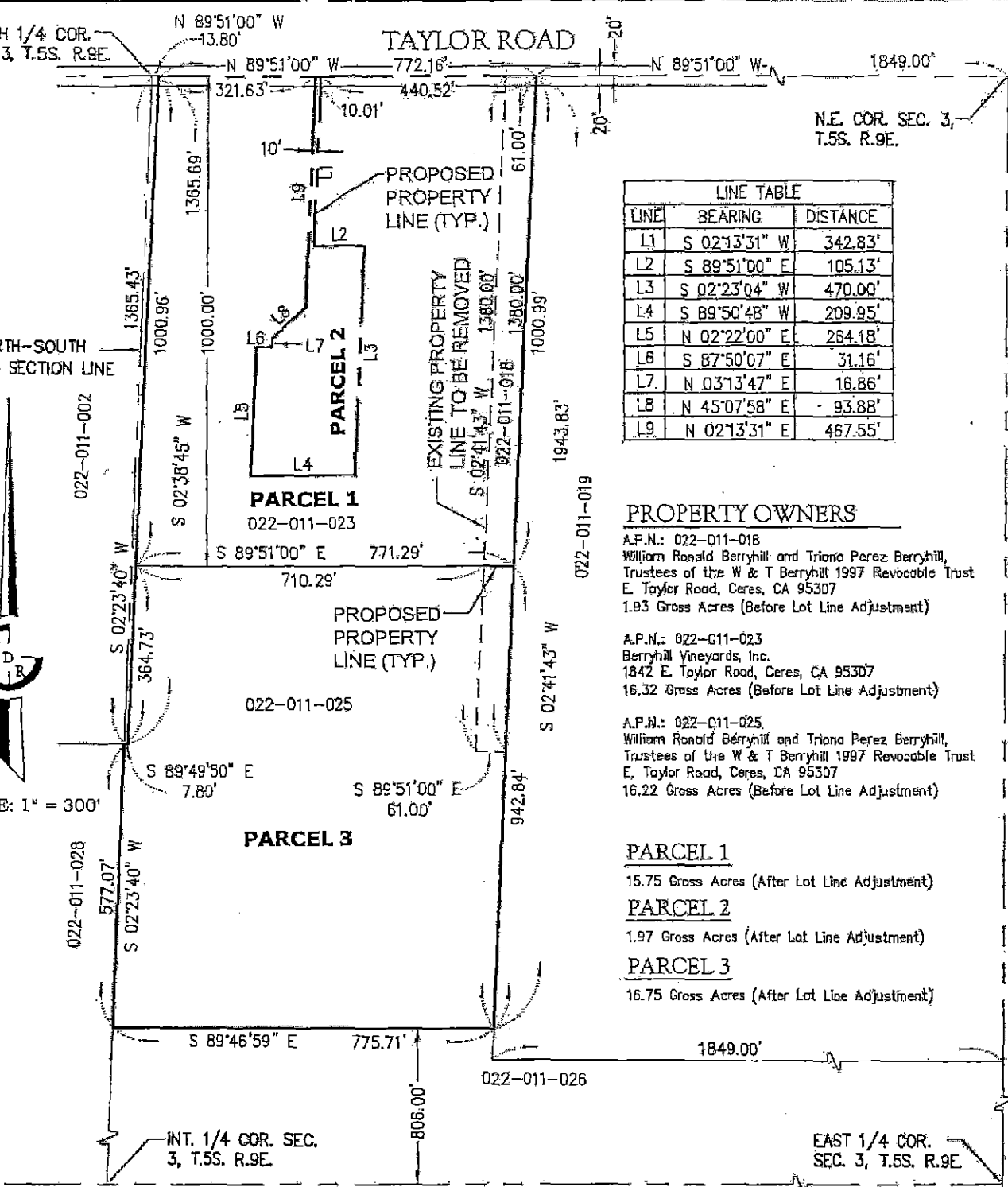
PARCEL 3

16.75 Gross Acres (After Lot Line Adjustment)

NORTH-SOUTH
1/4 SECTION LINE



SCALE: 1" = 300'



3-22-2012



GDR ENGINEERING, Inc.
ENGINEERING/SURVEYING/PLANNING
3526 MITCHELL ROAD, SUITE G CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 536-7370
E-MAIL: gdreng@gdrengr.com

EXHIBIT "C"
LOT LINE ADJUSTMENT

A PORTION OF THE NORTHEAST QUARTER OF SECTION
3, TOWNSHIP 5 SOUTH, RANGE 9 EAST, M. D. B. & M.

STANISLAUS COUNTY
JOB NO. 12016

CALIFORNIA

MARCH 2012
SHEET 1 OF 1

PARCEL 2:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northwest corner of said northeast quarter of Section 3; thence along the north line of said Section 3, South 89°51'00" East, a distance of 13.80 feet to the northwest corner of the property conveyed to Berryhill Vineyards, Inc. by Grant Deed recorded November 21, 2008 as Document Number 0123774, Stanislaus County Records; thence continuing along said north line, South 89°51'00" East, a distance of 321.63 feet to the **Point of Beginning**; thence continuing along said north line, South 89°51'00" East, a distance of 10.01 feet; thence South 02°13'31" West, a distance of 342.83 feet; thence South 89°51'00" East, a distance of 105.13 feet; thence South 02°23'04" West, a distance of 470.00 feet; thence South 89°50'48" West, a distance of 209.95 feet; thence North 02°22'00" East, a distance of 264.18 feet; thence South 87°50'07" East, a distance of 31.16 feet; thence North 03°13'47" East, a distance of 16.86 feet; thence North 45°07'58" East, a distance of 93.88 feet; thence North 02°13'31" East, a distance of 467.55 feet to the point of beginning.

Contains 1.97 acres, more or less.



Sean Harp 3-22-2012
Sean Harp, L.S. 7823 Date



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

**NOTICE OF DECISION FOR TENTATIVE CANCELLATION
OF A PORTION OF WILLIAMSON ACT CONTRACT NO. 71-0062**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor De Martini, a petition to cancel a portion of Williamson Act Contract No. 71-0062, affecting the land and improvements located on Assessor's Parcel No. 002-011-023, owned by Berryhill Vineyards, Inc., was granted tentative approval at the 6:40 p.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10th Street, Modesto, California, this 21st day of August 2012, by the following called vote:


AYES: SUPERVISORS: Chiesa, Withrow, Monteith, DeMartini and Chairman O'Brien
NOES: SUPERVISORS: None
ABSENT: SUPERVISORS: None
ABSTAINING: SUPERVISORS: None

NOTICE IS FURTHER GIVEN that pursuant to Government Code Section 51282, the Board finds that the cancellation is consistent with the purposes of the California Land Conservation Act and that cancellation is in the public interest.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: August 21, 2012

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



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

August 24, 2012

Mark Nechodom, Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: NOTICE OF DECISION FOR TENTATIVE CANCELLATION OF A PORTION OF
WILLIAMSON ACT CONTRACT NO. 71-0062

Dear Mr. Nechodom:

Enclosed is a copy of the Notice of Decision for Tentative Cancellation of a Portion of Williamson Act Contract No. 71-0062, which is to be published in The Modesto Bee. The Stanislaus County Board of Supervisors granted tentative approval to cancel a portion of this Williamson Act Contract on August 21, 2012.

For further information, please call the Planning and Community Development Department at 209-525-6330 or the Board of Supervisors at 209-525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors



Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2012-0086611-00

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.
 Friday, SEP 28, 2012 08:17:05
 Ttl Pd \$53.00 Rcpt # 0003273595
 LLP/R2/1-14

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 May 23, 2012 approved the lot line adjustment herein described submitted under the name of Berryhill Vineyards Lot Line Adjustment No. 2012-12 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.

ANGELA FREITAS, DIRECTOR

By: Carol Ann Maben
 Carol Ann Maben, Associate Planner
 Stanislaus County Department of Planning
 and Community Development

September 27, 2012
 Date

AMC

LOT LINE NO. 2012-12

OWNERS:

| NAME (Print or type) | SIGNATURE (All to be notarized) | DATE | SIGNED AT (City) |
|--|------------------------------------|------------------|---------------------|
| <u>Michael C. Berryhill, Sr.</u> | <u>Michael C. Berryhill, Sr.</u> | <u>6/2/12</u> | <u>Ceres</u> |
| <u>Francesca A Berryhill</u> | <u>Francesca Berryhill</u> | <u>6/2/12</u> | <u>Ceres</u> |
| <u>William Ronald Berryhill</u> | _____ | _____ | _____ |
| <u>William Ronald Berryhill</u> | <u>William Ronald Berryhill</u> | <u>6/2/12</u> | <u>Ceres</u> |
| <u>Triana Perez Berryhill</u> | <u>Triana Perez</u> | <u>6-2-2012</u> | <u>Ceres.</u> |

SECURITY HOLDERS:

| NAME (Print or type) | SIGNATURE (All to be notarized) | DATE | SIGNED AT (City) |
|--|------------------------------------|------------------|---------------------|
| <u>STAN CHANCE</u> <u>Assistant Branch Manager</u> <u>Yosemite Farm Credit</u> | <u>Stan Chance</u> | <u>7-13-2012</u> | <u>MODESTO, CA</u> |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

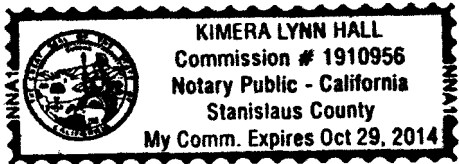
State of California

County of Stanislaus }

On 9/27/12 before me, Kimera Lynn Hall
Date Here Insert Name and Title of the Officer

personally appeared Carol Ann Maben
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: Kimera Lynn Hall
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

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

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer Is Representing: _____

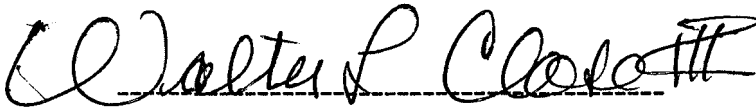
Signer Is Representing: _____

STATE of CALIFORNIA
COUNTY of STANISLAUS
ACKNOWLEDGMENT

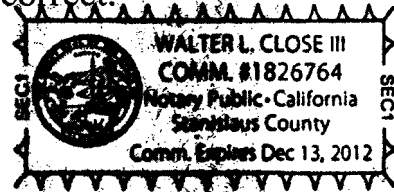
On ~~June 2~~ ²⁰¹², before me, Walter L. Close III, (a notary public in and for said state) personally appeared Michael C. vll Berryhill and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me 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 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



Walter L. Close III



NOTARY SEAL


COMMISSION # 1826764
Expires Dec, 13, 2012

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 WALTER L. CLOSE III
COMMISSION NO. 1826764
DATE COMMISSION EXPIRES Dec 13, 2012
PLACE OF EXECUTION Stanislaus County

September 21, 2012
(Date)



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

STATE of CALIFORNIA
COUNTY of STANISLAUS
ACKNOWLEDGMENT

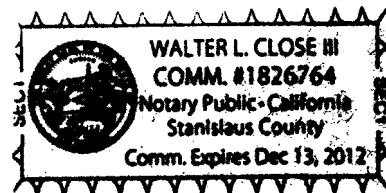
On 6-2-12, before me, Walter L. Close III, (a notary public in and for said state) personally appeared FRANCESCA A. Berryhill and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they 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 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

Walter L. Close III

Walter L. Close III



NOTARY SEAL

Comm. # 1826764
Expires Dec, 13, 2012

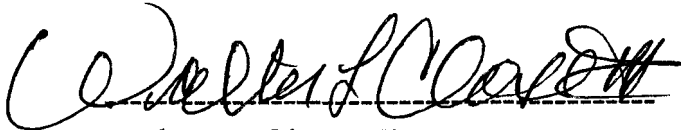
STATE OF CALIFORNIA
COUNTY OF STANISLAUS

ACKNOWLEDGMENT

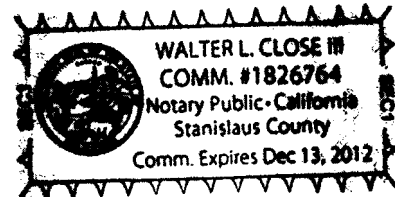
On 6.2.12, before me, Walter L. Close III, (a notary public in and for said state) personally appeared William Ronald Berryhill and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they 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 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



Walter L. Close III



NOTARY SEAL

Comm # 18226764
Expires Dec 13, 2012

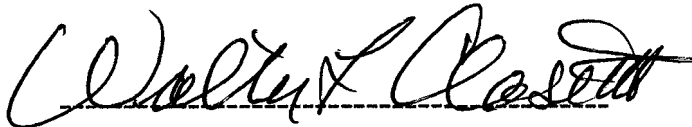
STATE of CALIFORNIA
County of STANISLAUS

ACKNOWLEDGMENT

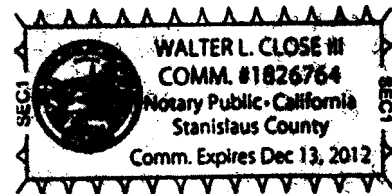
On 6.2-12, before me, Walter L. Close III, (a notary public in and for said state) personally appeared TRIADA PEREZ BERRYHILL and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they 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 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



Walter L. Close III



NOTARY SEAL

COMM # 1826764
Expires Dec 13, 2012?

State of California)
County of Stanislaus)

On 7-13-2012 before me, Rosie A. Alvares, a notary public, personally appeared Stan Chance, 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 Rosie A. Alvares (Seal)

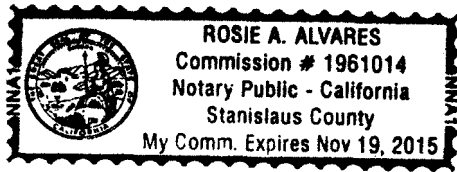


EXHIBIT "A"
Legal Description of Properties Prior to Lot Line Adjustment

A.P.N. 022-011-018

Beginning 1849 feet West of the Northeast corner of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian; thence West 61 feet; thence South 1380 feet; thence East 61 feet; thence North 1380 feet to the Point of Beginning.

Contains 1.93 acres, more or less.

A.P.N. 022-011-023

The North 1000 feet of the Northeast Quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom, the East 1849 feet.

Also Excepting therefrom, the following described property:

Beginning 1849 feet West of the Northeast Corner of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian; thence West 61 feet; thence South 1380 feet; thence East 61 feet; thence North 1380 feet to the point of beginning.

Also Excepting therefrom, the following described property: A portion of the Northeast Quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, further described as follows:

Beginning at the Northwest Corner of the Northeast Quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian; thence South 02°26'00" West along the Westerly line of the Northeast Quarter of said Section 3, a distance of 1365.43 feet; thence South 89°47'30" East, a distance of 7.80 feet; thence North 02°41'05" East, a distance of 1365.69 feet to a point on the north line of Section 3, thence North 89°51'00" West along said North line, a distance of 13.8 feet to the point of beginning.

Contains 16.32 acres, more or less.

A.P.N. 022-011-025

The Northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base & Meridian.

Excepting therefrom, the East 1849 feet thereof.

Also excepting therefrom, the North 1000 feet thereof.

Also excepting therefrom, the following described property:

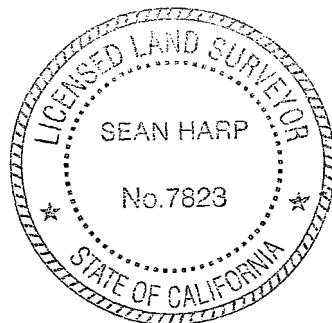
Beginning 1849 feet West of the Northeast corner of Section 3, Township 5 South, Range 9 East, M. D. B. & M; thence West 61 feet; thence South 1380 feet; thence East 61 feet; thence North 1380 feet to the point of beginning.

Also excepting therefrom, A portion of the Northeast quarter of Section 3, Township 5 South, Range 9 East, M. D. B. & M., described as follows:

Beginning at the Northwest corner of the Northeast quarter of Section 3, Township 5 South, Range 9 East, M. D. B. & M; thence South 02°26'00" West along the westerly line of the Northeast quarter of said Section 3, a distance of 1365.43 feet; thence South 89°47'30" East a distance of 7.80 feet; thence North 02°41'05" East a distance of 1365.69 feet to a point on the North line of Section 3; thence North 89°51'00" West along said North line, a distance of 13.80 feet to the point of beginning.

Also excepting therefrom, the South 806 feet thereof.

Contains 16.22 acres more or less.



Sean Harp 3-22-2012
Sean Harp, L.S. 7823 Date

EXHIBIT "B"
Legal Description of Properties After Lot Line Adjustment

PARCEL 1:

The North 1000 feet of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom, the East 1849 feet.

Also Excepting therefrom, the following described property:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northwest corner of said northeast quarter of Section 3; thence along the north line of said Section 3, South 89°51'00" East, a distance of 13.80 feet to the northwest corner of the property conveyed to Berryhill Vineyards, Inc. by Grant Deed recorded November 21, 2008 as Document Number 0123774, Stanislaus County Records; thence continuing along said north line, South 89°51'00" East, a distance of 321.63 feet to the **Point of Beginning**; thence continuing along said north line, South 89°51'00" East, a distance of 10.01 feet; thence South 02°13'31" West, a distance of 342.83 feet; thence South 89°51'00" East, a distance of 105.13 feet; thence South 02°23'04" West, a distance of 470.00 feet; thence South 89°50'48" West, a distance of 209.95 feet; thence North 02°22'00" East, a distance of 264.18 feet; thence South 87°50'07" East, a distance of 31.16 feet; thence North 03°13'47" East, a distance of 16.86 feet; thence North 45°07'58" East, a distance of 93.88 feet; thence North 02°13'31" East, a distance of 467.55 feet to the point of beginning.

Also Excepting therefrom, the following described property:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, further described as follows:

Beginning at the northwest corner of the northeast quarter of Section 3; Township 5 South, Range 9 East, Mount Diablo Base and Meridian; thence South 02°26'00" West along the Westerly line of the Northeast Quarter of said Section 3, a distance of 1365.43 feet; thence South 89°47'30" East, a distance of 7.80 feet; thence North 02°41'05" East, a distance of 1365.69 feet to a point on the north line of Section 3, thence North 89°51'00" West along said North line, a distance of 13.80 feet to the point of beginning.

Contains 15.75 acres, more or less.

PARCEL 2:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northwest corner of said northeast quarter of Section 3; thence along the north line of said Section 3, South 89°51'00" East, a distance of 13.80 feet to the northwest corner of the property conveyed to Berryhill Vineyards, Inc. by Grant Deed recorded November 21, 2008 as Document Number 0123774, Stanislaus County Records; thence continuing along said north line, South 89°51'00" East, a distance of 321.63 feet to the **Point of Beginning**; thence continuing along said north line, South 89°51'00" East, a distance of 10.01 feet; thence South 02°13'31" West, a distance of 342.83 feet; thence South 89°51'00" East, a distance of 105.13 feet; thence South 02°23'04" West, a distance of 470.00 feet; thence South 89°50'48" West, a distance of 209.95 feet; thence North 02°22'00" East, a distance of 264.18 feet; thence South 87°50'07" East, a distance of 31.16 feet; thence North 03°13'47" East, a distance of 16.86 feet; thence North 45°07'58" East, a distance of 93.88 feet; thence North 02°13'31" East, a distance of 467.55 feet to the point of beginning.

Contains 1.97 acres, more or less.

PARCEL 3:

The northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base & Meridian.

Excepting therefrom, the East 1849 feet thereof.

Also excepting therefrom, the North 1000 feet thereof.

Also excepting therefrom, a portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, M. D. B. & M., described as follows:

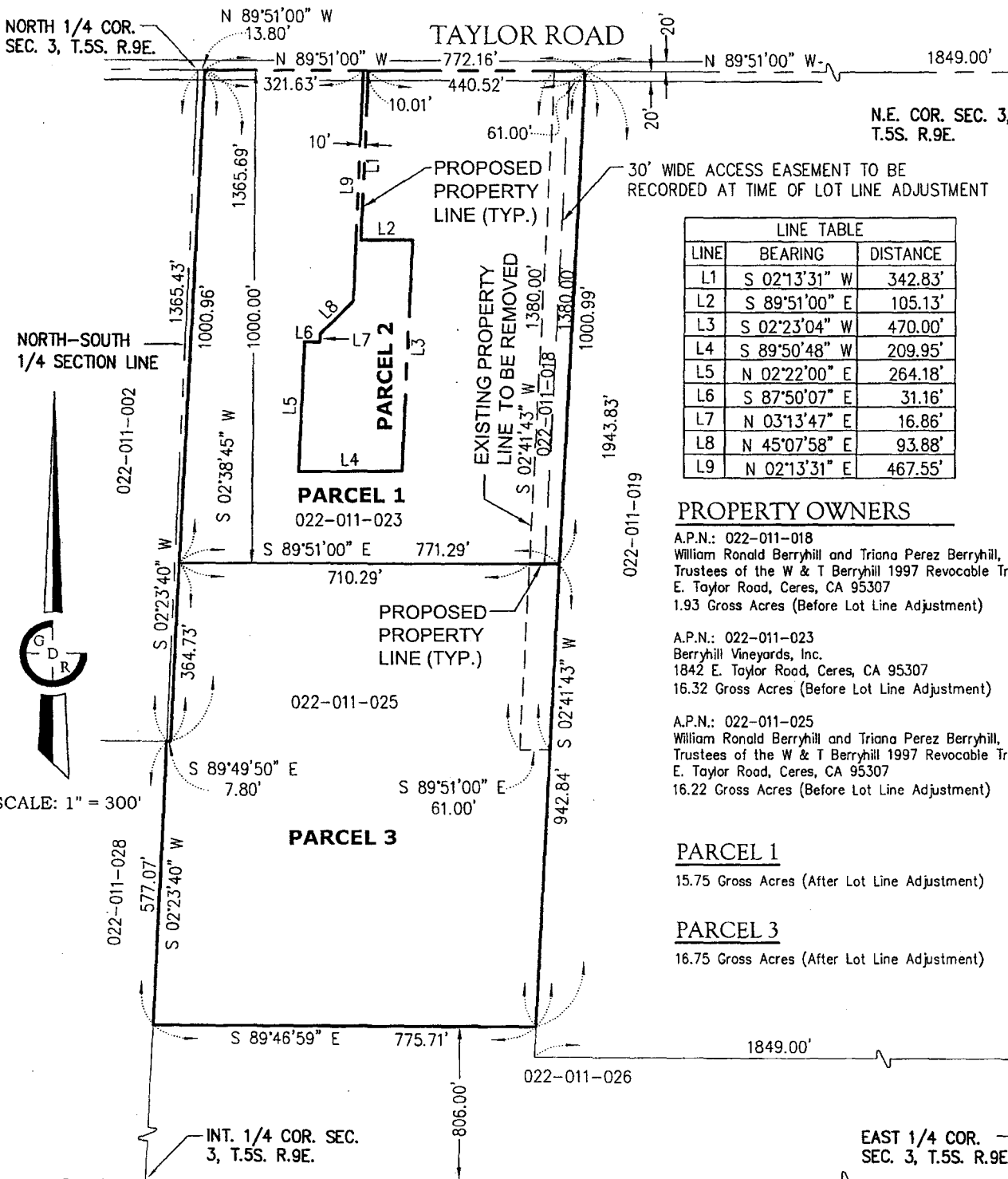
Beginning at the northwest corner of the northeast quarter of Section 3; Township 5 South, Range 9 East, M. D. B. & M; thence South 02°26'00" West along the westerly line of the northeast quarter of said Section 3, a distance of 1365.43 feet; thence South 89°47'30" East a distance of 7.80 feet; thence North 02°41'05" East a distance of 1365.69 feet to a point on the North line of Section 3; thence North 89°51'00" West along said North line, a distance of 13.80 feet to the point of beginning.

Also excepting therefrom, the South 806 feet thereof.

Contains 16.75 acres more or less.



Sean Harp 3-22-2012
Sean Harp, L.S. 7823 Date



| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 02°13'31" W | 342.83' |
| L2 | S 89°51'00" E | 105.13' |
| L3 | S 02°23'04" W | 470.00' |
| L4 | S 89°50'48" W | 209.95' |
| L5 | N 02°22'00" E | 264.18' |
| L6 | S 87°50'07" E | 31.16' |
| L7 | N 03°13'47" E | 16.86' |
| L8 | N 45°07'58" E | 93.88' |
| L9 | N 02°13'31" E | 467.55' |

PROPERTY OWNERS

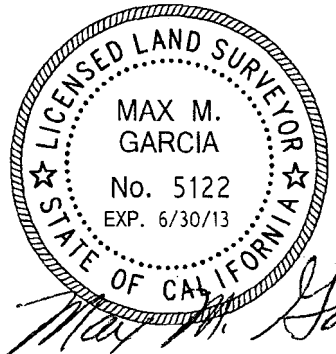
A.P.N.: 022-011-018
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 1.93 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-023
 Berryhill Vineyards, Inc.
 1842 E. Taylor Road, Ceres, CA 95307
 16.32 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-025
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 16.22 Gross Acres (Before Lot Line Adjustment)

PARCEL 1
15.75 Gross Acres (After Lot Line Adjustment)

PARCEL 3
16.75 Gross Acres (After Lot Line Adjustment)



GDR ENGINEERING, Inc.
 ENGINEERING/SURVEYING/PLANNING
 3525 MITCHELL ROAD, SUITE G CERES, CA 95307
 TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
 E-MAIL: gdr engr@gdrengr.com

LOT LINE ADJUSTMENT

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 9 EAST, M. D. B. & M.



Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2012-0086612-00

Friday, SEP 28, 2012 08:17:53
 Ttl Pd \$0.00 Rcpt # 0003273596
 LLP/R2/2-14

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. 2012-11**

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into August 21, 2012, 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: William Ronald & Triana Perez Berryhill
1912 E Taylor Road
Ceres, CA 95307

(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) |
|----------------------------|---------|--|
| 022-011-023 | 15.75 | E Taylor Road, Ceres |
| 022-011-025 | 16.75 | E Taylor Road, Ceres |

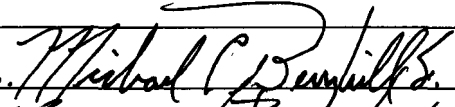
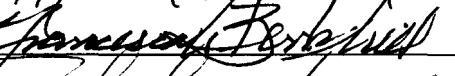
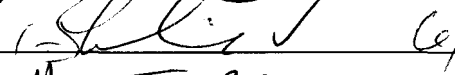
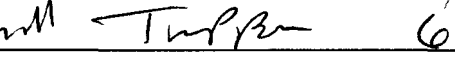
Pursuant to Stanislaus County Board of Supervisors Resolution No. 2012-430, relating to Lot Line Adjustment No. 2012-12 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 71-62 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

AMK

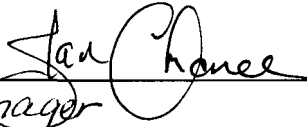
NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (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) |
|----------------------------------|--|----------|---------------------|
| Michael C. Berryhill |  | 4/2/12 | Ceres |
| Francesca A. Berryhill |  | 4/2/12 | Ceres |
| William Ronald Berryhill |  | 6/2/12 | Ceres - |
| Triana Perez Berryhill |  | 6-2-2012 | Ceres - |

SECURITY HOLDERS:

| NAME (print or type) | SIGNATURE (all to be notarized) | DATE | SIGNED AT (city) |
|---|---|-----------|---------------------|
| STAN CHANCE Assistant Branch Manager Yosemite Farm Credit |  | 7-13-2012 | MODESTO, CA |

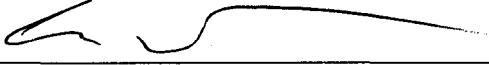
EXHIBITS:

- (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

4-27-2012

 Dated



 Chairman, Board of Supervisors
 Angela Freitas for William O'Brien

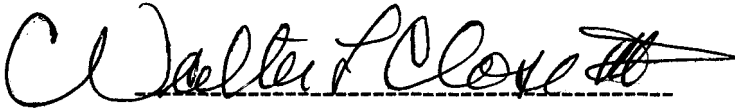
STATE of CALIFORNIA
COUNTY of STANISLAUS

ACKNOWLEDGMENT

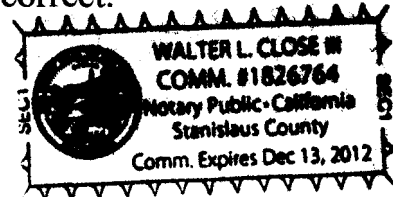
On 6.2, 12, before me, Walter L. Close III, (a notary public in and for said state) personally appeared Michael C. ^{est} Bepphill and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me 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 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



Walter L. Close III



NOTARY SEAL


COMM # 1826764
Expires Dec 13, 2012

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 WALTER L. CLOSE III
COMMISSION NO. 1826764
DATE COMMISSION EXPIRES Dec 13, 2012
PLACE OF EXECUTION Stanislaus County

September 21, 2012
(Date)



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

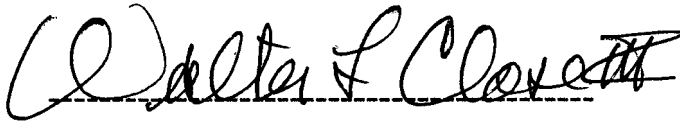
STATE OF CALIFORNIA
COUNTY OF STANISLAUS

ACKNOWLEDGMENT

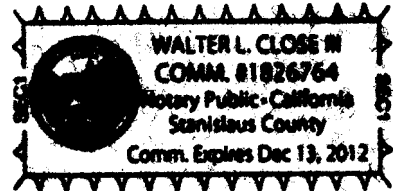
On 6-2-12, before me, Walter L. Close III, (a notary public in and for said state) personally appeared FRANCESCA A. Berryhill and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~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 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



Walter L. Close III



NOTARY SEAL

Comm # 1826764
Expires Dec. 13, 2012

STATE OF CALIFORNIA
COUNTY OF STANISLAUS

ACKNOWLEDGMENT

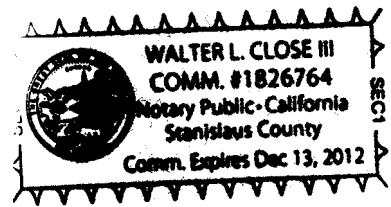
On 6.2.12, before me, Walter L. Close III, (a notary public in and for said state) personally appeared William Ronald Beechell and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they 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 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

Walter L. Close III

Walter L. Close III



NOTARY SEAL

Comm # 1826764
Expires Dec 13, 2012

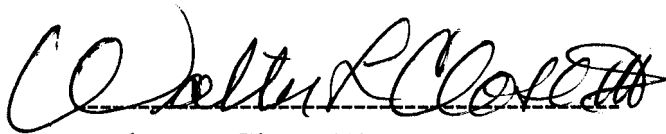
STATE OF CALIFORNIA
COUNTY OF STANISLAUS

ACKNOWLEDGMENT

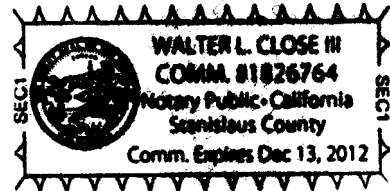
On 6-2-12 before me, Walter L. Close III, (a notary public in and for said state) personally appeared TRIANA Perez Beedy Hill and _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they 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 acted, executed the instrument.

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WITNESS my hand and official seal



Walter L. Close III



NOTARY SEAL

COMM # 1826764
Expires Dec 13, 2012

State of California)
County of Stanislaus)

On 7-13-2012 before me, Rosie A. Alvares, a notary public, personally appeared Stan Chance, 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 Rosie A. Alvares (Seal)

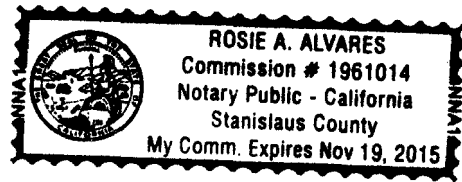


EXHIBIT "A"
Legal Description of Properties Prior to Lot Line Adjustment

A.P.N. 022-011-018

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Contains 1.93 acres, more or less.

A.P.N. 022-011-023

The North 1000 feet of the Northeast Quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom, the East 1849 feet.

Also Excepting therefrom, the following described property:

Beginning 1849 feet West of the Northeast Corner of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian; thence West 61 feet; thence South 1380 feet; thence East 61 feet; thence North 1380 feet to the point of beginning.

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Contains 16.32 acres, more or less.

A.P.N. 022-011-025

The Northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base & Meridian.

Excepting therefrom, the East 1849 feet thereof.

Also excepting therefrom, the North 1000 feet thereof.

Also excepting therefrom, the following described property:

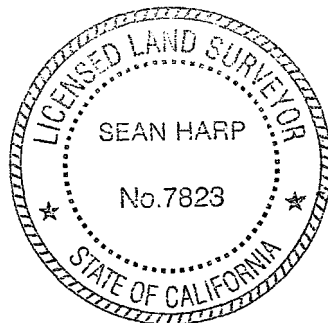
Beginning 1849 feet West of the Northeast corner of Section 3, Township 5 South, Range 9 East, M. D. B. & M; thence West 61 feet; thence South 1380 feet; thence East 61 feet; thence North 1380 feet to the point of beginning.

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Also excepting therefrom, the South 806 feet thereof.

Contains 16.22 acres more or less.



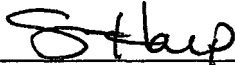

Sean Harp, L.S. 7823 3-22-2012
Date

EXHIBIT "B"
Legal Description of Properties After Lot Line Adjustment

PARCEL 1:

The North 1000 feet of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian.

Excepting therefrom, the East 1849 feet.

Also Excepting therefrom, the following described property:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northwest corner of said northeast quarter of Section 3; thence along the north line of said Section 3, South 89°51'00" East, a distance of 13.80 feet to the northwest corner of the property conveyed to Berryhill Vineyards, Inc. by Grant Deed recorded November 21, 2008 as Document Number 0123774, Stanislaus County Records; thence continuing along said north line, South 89°51'00" East, a distance of 321.63 feet to the **Point of Beginning**; thence continuing along said north line, South 89°51'00" East, a distance of 10.01 feet; thence South 02°13'31" West, a distance of 342.83 feet; thence South 89°51'00" East, a distance of 105.13 feet; thence South 02°23'04" West, a distance of 470.00 feet; thence South 89°50'48" West, a distance of 209.95 feet; thence North 02°22'00" East, a distance of 264.18 feet; thence South 87°50'07" East, a distance of 31.16 feet; thence North 03°13'47" East, a distance of 16.86 feet; thence North 45°07'58" East, a distance of 93.88 feet; thence North 02°13'31" East, a distance of 467.55 feet to the point of beginning.

Also Excepting therefrom, the following described property:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, further described as follows:

Beginning at the northwest corner of the northeast quarter of Section 3; Township 5 South, Range 9 East, Mount Diablo Base and Meridian; thence South 02°26'00" West along the Westerly line of the Northeast Quarter of said Section 3, a distance of 1365.43 feet; thence South 89°47'30" East, a distance of 7.80 feet; thence North 02°41'05" East, a distance of 1365.69 feet to a point on the north line of Section 3, thence North 89°51'00" West along said North line, a distance of 13.80 feet to the point of beginning.

Contains 15.75 acres, more or less.

PARCEL 2:

A portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, situate in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northwest corner of said northeast quarter of Section 3; thence along the north line of said Section 3, South 89°51'00" East, a distance of 13.80 feet to the northwest corner of the property conveyed to Berryhill Vineyards, Inc. by Grant Deed recorded November 21, 2008 as Document Number 0123774, Stanislaus County Records; thence continuing along said north line, South 89°51'00" East, a distance of 321.63 feet to the **Point of Beginning**; thence continuing along said north line, South 89°51'00" East, a distance of 10.01 feet; thence South 02°13'31" West, a distance of 342.83 feet; thence South 89°51'00" East, a distance of 105.13 feet; thence South 02°23'04" West, a distance of 470.00 feet; thence South 89°50'48" West, a distance of 209.95 feet; thence North 02°22'00" East, a distance of 264.18 feet; thence South 87°50'07" East, a distance of 31.16 feet; thence North 03°13'47" East, a distance of 16.86 feet; thence North 45°07'58" East, a distance of 93.88 feet; thence North 02°13'31" East, a distance of 467.55 feet to the point of beginning.

Contains 1.97 acres, more or less.

PARCEL 3:

The northeast quarter of Section 3, Township 5 South, Range 9 East, Mount Diablo Base & Meridian.

Excepting therefrom, the East 1849 feet thereof.

Also excepting therefrom, the North 1000 feet thereof.

Also excepting therefrom, a portion of the northeast quarter of Section 3, Township 5 South, Range 9 East, M. D. B. & M., described as follows:

Beginning at the northwest corner of the northeast quarter of Section 3; Township 5 South, Range 9 East, M. D. B. & M; thence South 02°26'00" West along the westerly line of the northeast quarter of said Section 3, a distance of 1365.43 feet; thence South 89°47'30" East a distance of 7.80 feet; thence North 02°41'05" East a distance of 1365.69 feet to a point on the North line of Section 3; thence North 89°51'00" West along said North line, a distance of 13.80 feet to the point of beginning.

Also excepting therefrom, the South 806 feet thereof.

Contains 16.75 acres more or less.



Sean Harp 3-22-2012
Sean Harp, L.S. 7823 Date

NORTH 1/4 COR.
SEC. 3, T.5S. R.9E.

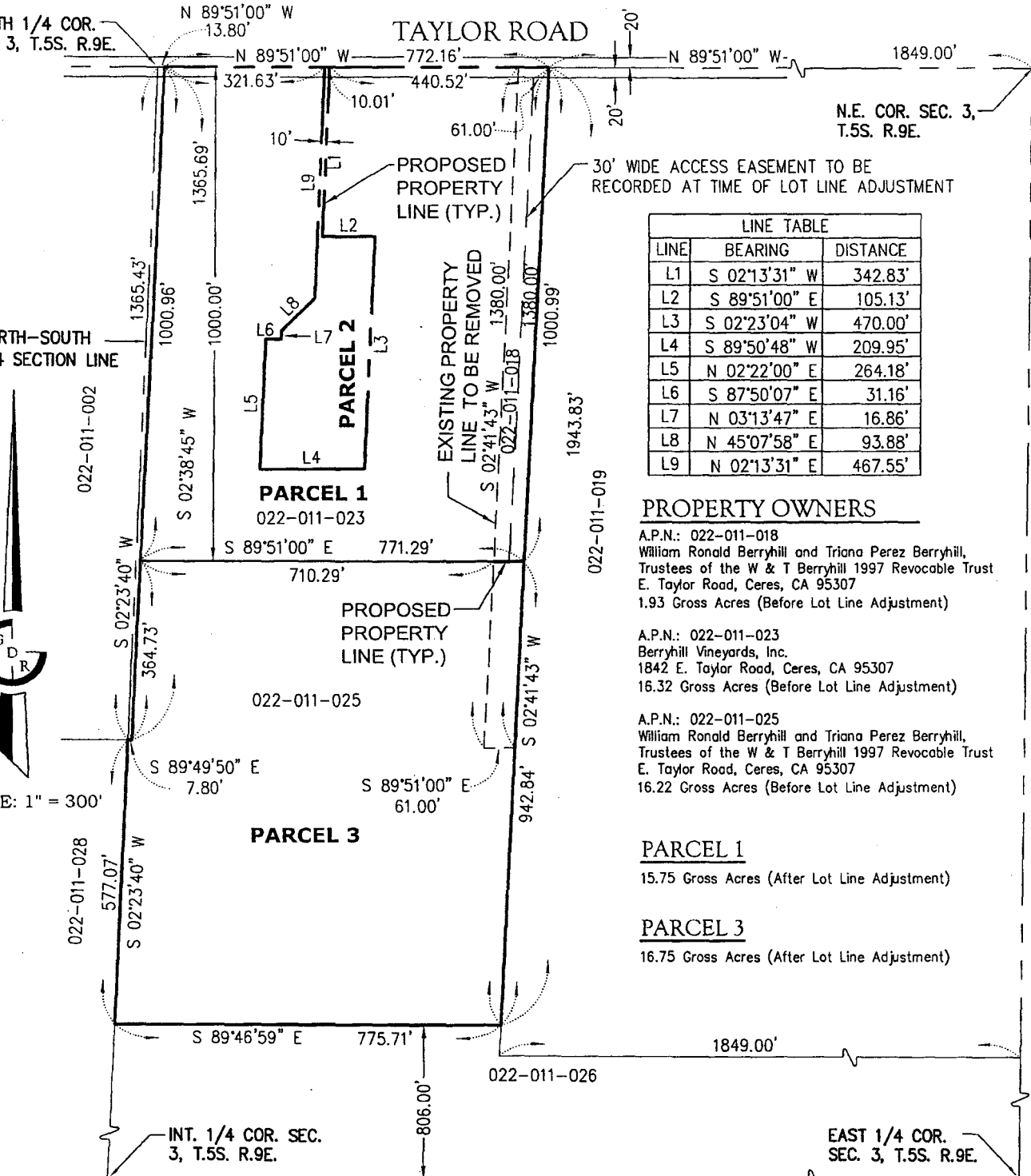
TAYLOR ROAD

N.E. COR. SEC. 3,
T.5S. R.9E.

NORTH-SOUTH
1/4 SECTION LINE



SCALE: 1" = 300'



| LINE TABLE | | |
|------------|---------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | S 02°13'31" W | 342.83' |
| L2 | S 89°51'00" E | 105.13' |
| L3 | S 02°23'04" W | 470.00' |
| L4 | S 89°50'48" W | 209.95' |
| L5 | N 02°22'00" E | 264.18' |
| L6 | S 87°50'07" E | 31.16' |
| L7 | N 03°13'47" E | 16.86' |
| L8 | N 45°07'58" E | 93.88' |
| L9 | N 02°13'31" E | 467.55' |

PROPERTY OWNERS

A.P.N.: 022-011-018
William Ronald Berryhill and Triana Perez Berryhill,
Trustees of the W & T Berryhill 1997 Revocable Trust
E. Taylor Road, Ceres, CA 95307
1.93 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-023
Berryhill Vineyards, Inc.
1842 E. Taylor Road, Ceres, CA 95307
16.32 Gross Acres (Before Lot Line Adjustment)

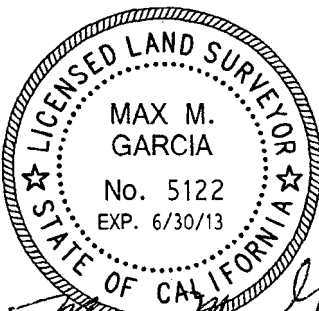
A.P.N.: 022-011-025
William Ronald Berryhill and Triana Perez Berryhill,
Trustees of the W & T Berryhill 1997 Revocable Trust
E. Taylor Road, Ceres, CA 95307
16.22 Gross Acres (Before Lot Line Adjustment)

PARCEL 1

15.75 Gross Acres (After Lot Line Adjustment)

PARCEL 3

16.75 Gross Acres (After Lot Line Adjustment)



Max M. Garcia



GDR ENGINEERING, Inc.
ENGINEERING/SURVEYING/PLANNING
3525 MITCHELL ROAD, SUITE G CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
E-MAIL: gdr engr@gdrengr.com

LOT LINE ADJUSTMENT

**A PORTION OF THE NORTHEAST QUARTER OF SECTION
3, TOWNSHIP 5 SOUTH, RANGE 9 EAST, M. D. B. & M.**

STANISLAUS COUNTY
JOB NO. 12016

CALIFORNIA

AUGUST 2012
SHEET 1 OF 1

EXHIBIT C

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

DEPT: Planning and Community Development *AF*

BOARD AGENDA # 6:40 p.m.

Urgent Routine

AGENDA DATE August 21, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Lot Line Adjustment Application No. 2012-12 and Williamson Act Cancellation Application No. 2012-01, Berryhill Vineyards

STAFF RECOMMENDATIONS:

1. Find the project is categorically exempt from the California Environmental Quality Act (CEQA) and order the filing of the Notice of Exemption.
2. Find, based on the discussion in this report and the whole of the record:
 - A) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the California Government Code.
 - B) That cancellation is not likely to result in the removal of adjacent lands from agricultural uses.

(Continued on page 2)

FISCAL IMPACT:

If this application is approved, there will not be a fiscal impact to the County. The County will receive a minimal amount in additional property tax revenue if 1.97 acres is not in a Williamson Act Contract. Also, the applicant will pay a cancellation penalty of \$11,250 to the Department of Conservation.

BOARD ACTION AS FOLLOWS:

No. 2012-430

On motion of Supervisor Chiesa, Seconded by Supervisor De Martini
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

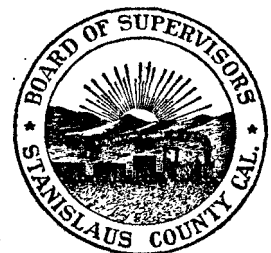
MOTION:

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 Elizabeth A. King
9-21-2012



Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am a printer and principal clerk of the publisher of **THE MODESTO BEE**, which has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, under the date of **February 25, 1951, Action No. 46453**. The notice of which the annexed is a printed copy has been published in each issue thereof on the following dates, to wit:

AUGUST 30, 2012

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at **MODESTO**, California on

AUGUST 30, 2012



(Signature)

**NOTICE OF DECISION FOR TENTATIVE CANCELLATION
OF A PORTION OF WILLIAMSON
ACT CONTRACT NO. 71-0062**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 51284, that upon motion of Supervisor Chiesa, seconded by Supervisor De Martini, a petition to cancel a portion of Williamson Act Contract No. 71-0062, affecting the land and improvements located on Assessor's Parcel No. 002-011-023, owned by Berryhill Vineyards, Inc., was granted tentative approval at the 8:40 p.m. public hearing held during a regular meeting of the Board of Supervisors, of the County of Stanislaus, State of California, located at 1010 10th Street, Modesto, California, this 21st day of August 2012, by the following called vote:

AYES: SUPERVISORS: Chiesa, Withrow, Monteith, DeMartini and Chairman O'Brien

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

ABSTAINING: SUPERVISORS: None

NOTICE IS FURTHER GIVEN that pursuant to Government Code Section 51282, the Board finds that the cancellation is consistent with the purposes of the California Land Conservation Act and that cancellation is in the public interest.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: August 21, 2012

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