

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

DEPT: Planning and Community Development *AC*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE September 18, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind Williamson Act Contract No. 2003-4536, Located on Downie Road, West of Riverview Road, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-13, Frantz/Prouty, and Authorization for the Director of Planning and Community Development to Execute a New Contract

STAFF RECOMMENDATIONS:

1. Approve and establish the following findings:
 - a. The new contract 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265.

(Continued on page 2)

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2012-475

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow
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)

- b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
2. Rescind Williamson Act Contract No. 2003-4536 (Located on Downie Road, west of Riverview Road, in the Hickman Area).
 3. Approve a new contract pursuant to Minor Lot Line Adjustment 2012-13, Frantz/Prouty.
 4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Minor Lot Line Adjustment 2012-13.

DISCUSSION:

Lot Line Adjustment Application No. 2012-13 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on Downie Road, west of Riverview Road, in the Hickman area, in the unincorporated area of Stanislaus County.

Approval to Rescind Williamson Act Contract No. 2003-4536, Located on Downie Road, West of Riverview Road, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-13, Frantz/Prouty, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 3

The lot line adjustment is requesting 3 parcels go from 114.6±, 42.0±, and 10.7± acres to three parcels of 92.9±, 43.6±, and 30.8± (total of 167.3± acres). The 114.6± and 42.0± acre parcels (156.6± acres total) are currently enrolled in a Williamson Act Contract (2003-4536) and the other parcel is not enrolled. After the lot line adjustment, all 167.3± acres will be enrolled in a new contract. The reason for the lot line adjustment request is to adjust the three parcels for land use continuity using existing fence lines, private roadways, irrigation facilities, and natural grade changes as adjusted boundaries.

The new contract will be required to reflect the adjusted boundaries of the parcels. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven (7) specific findings must be made pursuant to that section in order to facilitate the adjustment. According to the Government Code "... pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of SB 863.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

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

Approval to Rescind Williamson Act Contract No. 2003-4536, Located on Downie Road, West of Riverview Road, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-13, Frantz/Prouty, and Authorization for the Director of Planning and Community Development to Execute a New Contract

Page 4

- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.”

The applicants have provided written evidence to support the seven findings listed above, and staff agrees with that evidence. The proposed adjustment would not increase the number of developable parcels, will not reduce the number of acres in the existing Williamson Act contract, and would increase the agricultural viability of the parcel.

New Williamson Act contracts would typically come before the Board once a year, in December. Because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that a new contract replace Contract No. 2003-4536 upon recording. 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 Stanislaus County Board of Supervisors' actions on August 2, 2011.

POLICY ISSUES:

This proposal is consistent with policies of the County. The General Plan Land Use and Agricultural Elements both encourage the use of the Williamson Act to help preserve agriculture as the primary industry of the County. The Agricultural Element (adopted December 2007) specifically states that the County shall continue to participate in the Williamson Act program while supporting reasonable measures to strengthen the act and make it more effective. Thus, this action supports the Board's priority of A Strong Agricultural Economy/Heritage.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

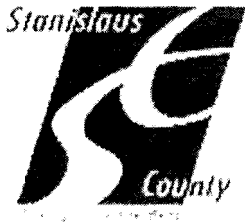
CONTACT PERSON:

Angela Freitas, Planning & Community Development Director
Telephone: (209) 525-6330

Approval to Rescind Williamson Act Contract No. 2003-4536, Located on Downie Road, West of Riverview Road, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-13, Frantz/Prouty, and Authorization for the Director of Planning and Community Development to Execute a New Contract
Page 5

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2012-13
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Parcels Before the Proposed Lot Line Adjustment
5. Map of Parcels After the Proposed Lot Line Adjustment



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

31#32-3-11

S	5	T	4	R	11
ZONE	A-2-40				
RECEIVED	3-30-2012				
APPLICATION NO.	LLA 2012-13				
RECEIPT NO.					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1
 Russell and Luanne Prouty
 Name _____
 P.O. box 125 _____
 Address, City, Zip _____
 Hickman, Ca., 95323 _____
 Phone _____
 209 874 9737 _____
 Fax Number _____

Parcel 2
 Frantz Family Trust, 2000
 Name _____
 12161 Delaware Road _____
 Address, City, Zip _____
 Hickman, Ca., 95323 _____
 Phone _____
 209 874 1157 _____
 Fax Number _____

Parcel 3
 Frantz Family Trust, 2000
 Name _____
 12161 Delaware Road _____
 Address, City, Zip _____
 Hickman, Ca., 95323 _____
 Phone _____
 209 874 1157 _____
 Fax Number _____

Parcel 4
 None
 Name _____
 Address, City, Zip _____
 Phone _____
 Fax Number _____

2. Name and address of person(s) preparing map: Aspen Survey Company Inc.
1121 Oakdale Road, suite 6, Modesto, Ca. 95355

3. Assessor's Parcel No. of parcels adjusted:
 Parcel 1: { Book 080 Page 008 No. 047
 Parcel 2: Book 019 Page 006 No. 021
 Parcel 3: Book 080 Page 008 No. 046
 Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>	<u>After</u>
Parcel 1:	<u>114.6 AC</u>	<u>92.9 AC</u>
Parcel 2:	<u>42.0 AC</u>	<u>43.6 AC</u>
Parcel 3:	<u>10.7 AC</u>	<u>30.8 AC</u>
Parcel 4:	_____	_____

5. Why are the lot lines being changed? BE SPECIFIC To align real property lines to conform with apparent
lines of use and/or occupation.

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

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

7. List all structures on properties: House and Garage. Storage building.

8. How have these parcels been utilized in the past, if different than current use? Parcel 1 was formerly used for materials quarry. Parcel 2 is and was Irrigated pasture. Parcel 3 was used as materials stockpile.

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

Parcel 1: Jan 09, 2012 Parcel 2: Sept 17, 2009
 Parcel 3: Oct. 4, 2002 Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: 2003-4536 Parcel 2: 8003-4536
 Parcel 3: _____ Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? MID pipeline as shown on the plan

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

13. Signature of property owner(s)

<u>Tim Frantz</u> Owner's Signature	<u>Tim Frantz</u> Owner's Name Printed
<u>Mitzi Frantz</u> Owner's Signature	<u>Mitzi Frantz</u> Owner's Name Printed
<u>Russell Prouty</u> Owner's Signature	<u>Russell Prouty</u> Owner's Name Printed
<u>Luanne Prouty</u> Owner's Signature	<u>Luanne Prouty</u> Owner's Name Printed



April 24, 2012

Aspen Survey
1121 Oakdale Road, Suite 6
Modesto, CA 95355

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2012-13
FRANTZ/PROUTY**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **April 24, 2012**, and has tentatively approved your request, subject to the attached conditions.

Staff's decision and/or all conditions attached hereto may be appealed to the Planning Commission, in writing, within **ten (10) days** from the date of this notification. The appeal letter addressed to the Planning Commission, must state reasons why the appeal should be granted. If you wish to appeal this decision, a filing fee of \$610.00, payable to the Planning Department, along with a copy of the letter must be delivered to this office by **5:00 p.m.** within **ten days** of the postmark of this letter.

A "Certificate of Lot Line Adjustment" form is enclosed for property owner/security holders signatures. All signatures must be accompanied by a notarized acknowledgment page. After the signatures are secured this form shall be turned into the Planning Department for review and my signature. When this has been done, you will be notified that the subject form has been recorded.

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

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

Sincerely,

Carole Maben
Associate Planner

Enclosure

cc: Russell & Luanne Prouty

Frantz Family Trust

ATTACHMENT 2

Findings Statement

This project is a lot line adjustment between Assessor's Parcel No. 019-006-022 & 080-008-047, (PARCEL 1) a single parcel of 114.6± Acres, Owned by Luanne Prouty Trust, and Assessor's Parcels 019-006-021 a 42± parcel(PARCEL 2) & 080-008-046,(PARCEL 3) an 10.7± acre parcel, owned by Frantz Family Trust 2000.

There is a small portion of land on Parcel 1 that is fenced with Parcel 2. This small portion is also connected to the same irrigation system and is the same gradient as Parcel 2.

It is not feasible to disconnect the current irrigation system from this small portion of property and remove it from agricultural production. It is feasible to merge this small section of land with the upper parcel and continue its agricultural use.

There is also a portion of Parcel 1 that is not easily accessed from the upper portion of the parcel. This lower portion lies adjacent to Parcel 2 and is the same gradient.

It is feasible to merge these lower lands and place them into agricultural production.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 92.9±acres. Parcel 2 will have an adjusted area of 43.6± acres and Parcel 3 will have an adjusted area of 30.8± acres. Parcels 1 and 2 are currently enrolled in the Williamson act contract.

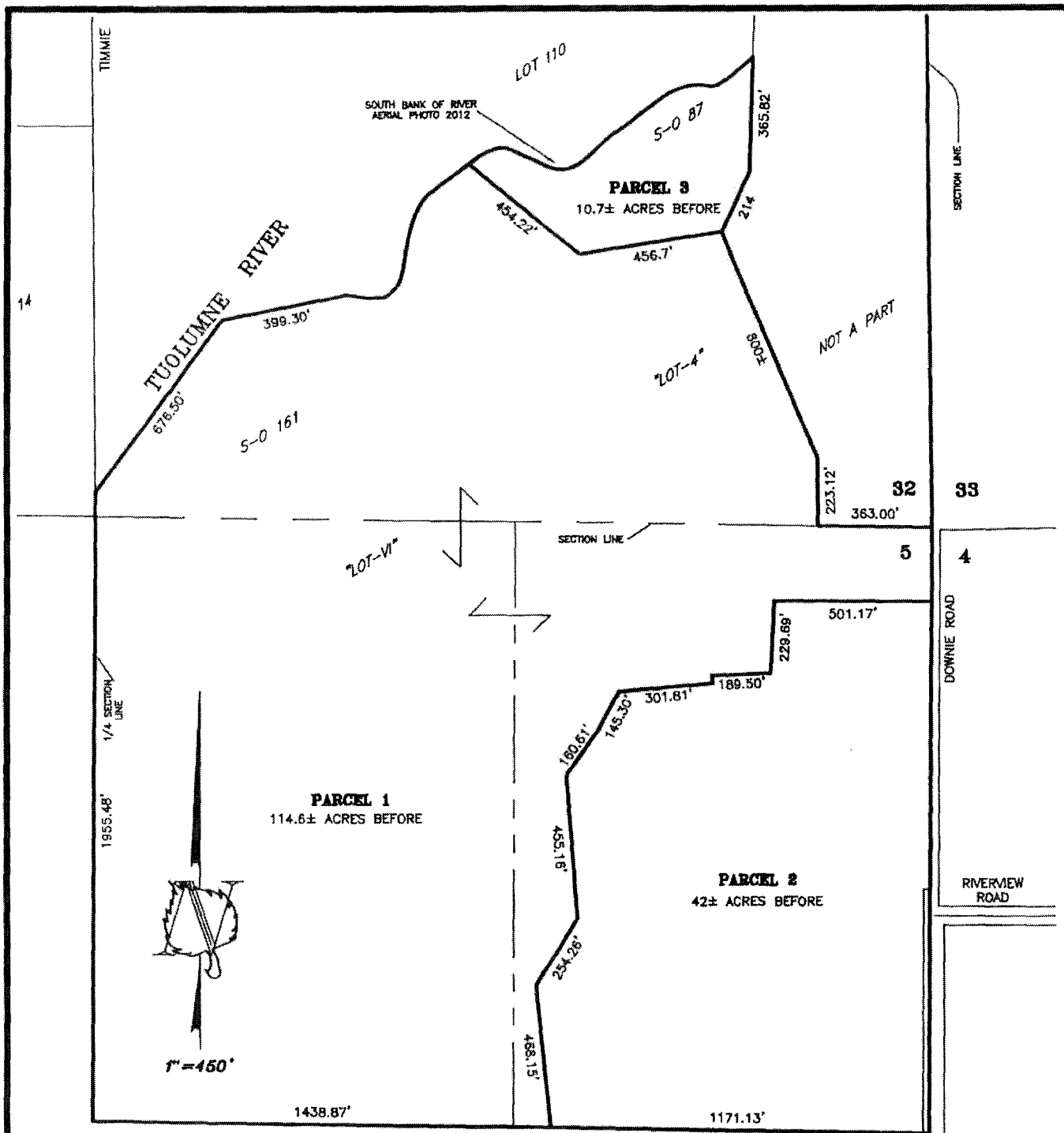
- 1) Following approval of the lot line adjustment, existing Williamson Act contracts will be rescinded and simultaneously reentered pursuant to the adjusted boundaries in conformance with **Government code § 51257**. The new contracts will be in effect for a period of at least 10 years.
- 2) The current land contracts cover a total acreage of 156.6 ±acres. After the lot line adjustment, the contracts will cover 167.3±acres. There will be **NO** contract acres lost as a result of this adjustment. A gain of 10.7 acres will be added into Williamson act contract.
- 3) 100% of land under former contracts will be placed into new contracts and remain for a period of 10 years.
- 4) Consistent with **Government code § 51222**, all resulting parcels will be over 10 acres after the lot line adjustment and will remain or be placed into productive agricultural use.
- 5) This lot line adjustment does not compromise the long-term agricultural productivity of either parcel. Adjusting of the parcel lines will actually increase the feasibility for continued agricultural use. Fence lines and natural embankment borders have been in place for many years. Historically scenic boundaries will not change.

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

7) This lot line adjustment does not result in a greater number of parcels that previously existed. There were three existing parcels prior to this lot line adjustment, after the lot line adjustment, 3 parcels will continue to exist. None of the parcels are inconsistent with Stanislaus County General Plan.

Conclusion:

This lot line adjustment is being done in recognition of the challenges presented by an existing fence line and irrigation facilities and also that of natural grade changes (bluffs) . The results of this adjustment will avoid loss of farmland due to the inability of proper access, and irrigation to lands. The adjustment will eliminate the need for removal of existing irrigation facilities and will also allow lands that have been fallow to be placed back into agricultural production.

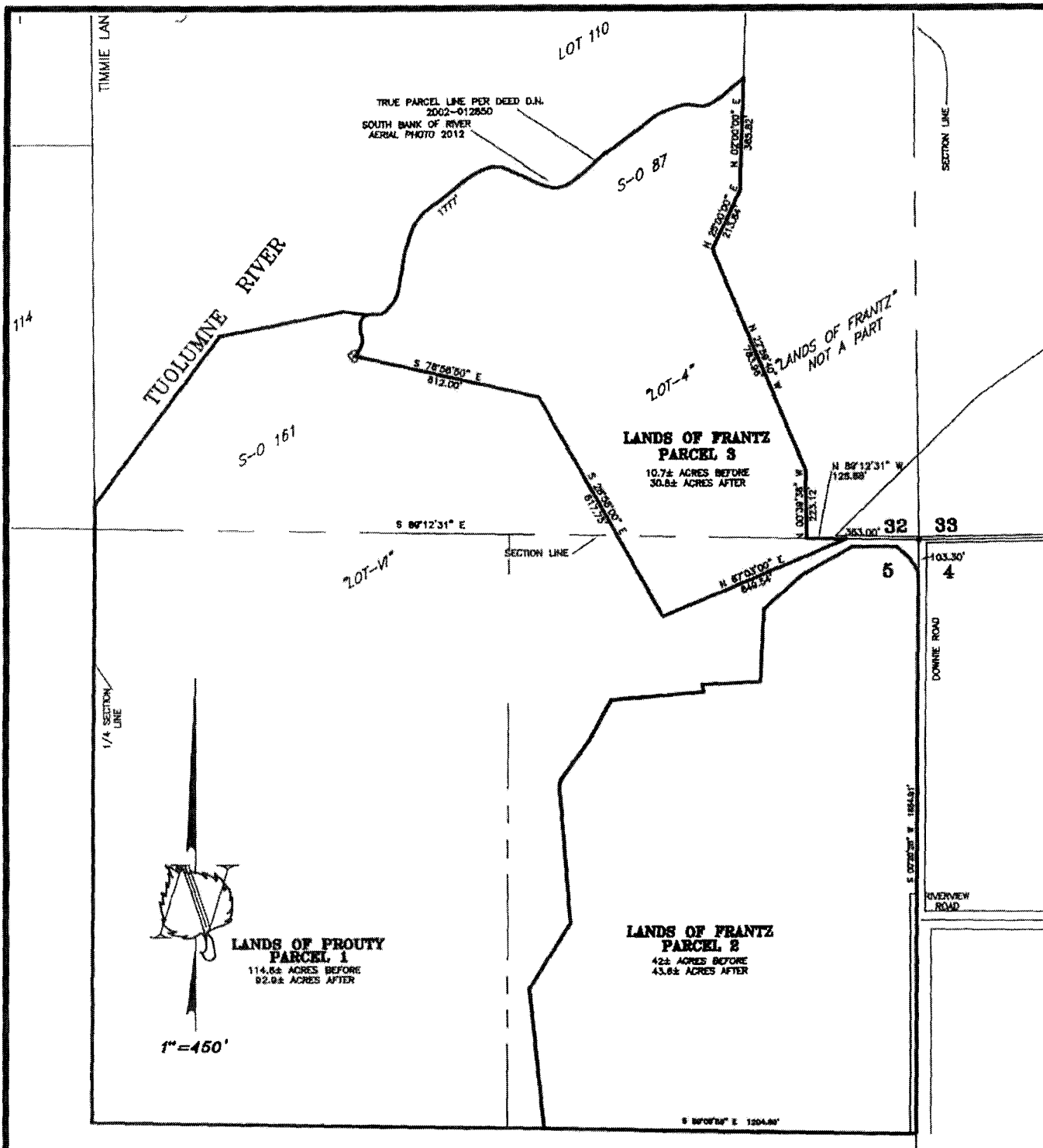


**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING AN ADJUSTMENT OF A PORTION OF THE
NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4
SOUTH, RANGE 11 EAST AND THE SOUTHEAST
QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH RANGE
11 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA

**ASPEN SURVEY
COMPANY INC.**
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 528 9724 FX: (209) 528 0472
JUNE 2012

BEFORE ADJUSTMENT



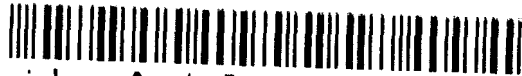
**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING AN ADJUSTMENT OF A PORTION OF THE
NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4
SOUTH, RANGE 11 EAST AND THE SOUTHEAST
QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH RANGE
11 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA

**ASPEN SURVEY
COMPANY INC.**
1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
PH: (209) 528 9724 FX: (209) 528 0472

JUNE 2012

AFTER ADJUSTMENT



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2012-0086613-00

Acct 121-Planning.
Friday, SEP 28, 2012 08:18:13
Ttl Pd \$47.00 Rcpt # 0003273597
LLP/R2/1-12

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on April 24, 2012 approved the lot line adjustment herein described and submitted under the name of Frantz/Prouty. Lot Line Adjustment No. 2012-13 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 September 27, 2012
Carol Ann Maben, Associate Planner Date
Stanislaus County Department of
Planning and Community Development

12MO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

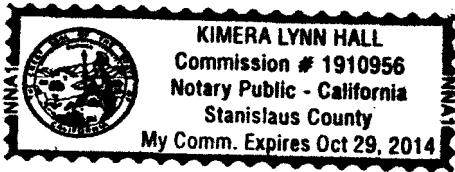
State of California

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: _____

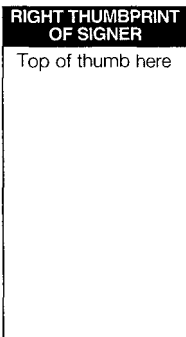
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

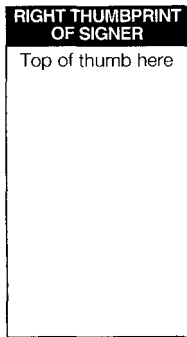
- Corporate Officer — Title(s): _____
- Individual
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

LOT LINE NO. 2012-13

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>LUANNE PROUTY</u>	<u><i>Luanne Prouty</i></u>	<u>6/22/12</u>	<u>Modesto</u>
<u>RUSSELL PROUTY</u>	<u><i>Russell Prouty</i></u>	<u>6/22/12</u>	<u>Modesto</u>
<u>MITZI C. FRANTZ</u>	<u><i>Mitzi C. Frantz</i></u>	<u>6-22-12</u>	<u>Modesto</u>
<u>TIMOTHY J. FRANTZ</u>	<u><i>Timothy J. Frantz</i></u>	<u>6-22-12</u>	<u>Modesto</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LOT LINE NO. 2012-13

SECURITY HOLDERS:

OWNERS:

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

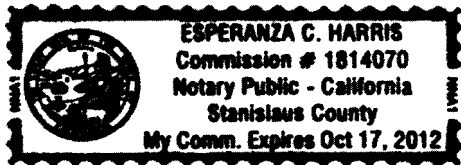
State of California

County of Stanislaus

On June 22, 2012 before me, Esperanza C. Harris, Notary Public

personally appeared Luanne Prouty and Russell Prouty

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 Esperanza C. Harris
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: _____

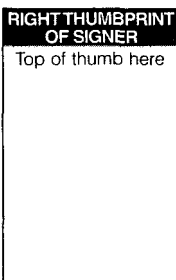
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

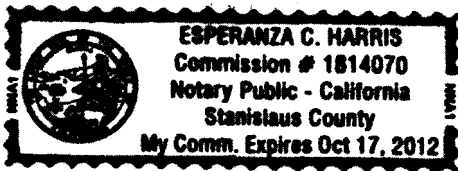
State of California

County of Stanislaus }

On June 22, 2012 before me, Esperanza C. Harris, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Mitzi C. Frantz and Timothy J. Frantz
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 Esperanza C. Harris
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: _____

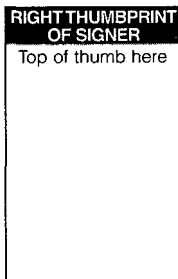
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

EXHIBIT "A"
PARCEL 1
BEFORE ADJUSTMENT

The Northeast quarter of the northeast quarter of (and), Lot 6 of the Swamp and Overflowed Land Survey No. 161, in the northeasterly quarter, and the north half of the southwest quarter of the northeast quarter, and the north half of the southeast quarter of the northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Meridian.

EXCEPTING THEREFROM that portion, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence south along the east line of said Section 5, a distance of 250.00 feet to the **POINT OF BEGINNING**; thence North 89°43'25" West, 501.77 feet; thence South 02°44'49" West, 217.27 feet; thence South 87°35'27" West, 157.81 feet; thence South 87°10'29" West, 31.69 feet; thence South 08°26'49" East, 24 feet; thence South 84°49'23" West, 301.81 feet; thence South 27°30'49" West, 145.30 feet; thence South 34°37'32" West, 160.61 feet; thence South 19°13'05" West, 17.10 feet; thence South 04°17'59" East, 455.16 feet; thence South 31°02'48" West, 254.26 feet; thence South 05°29'13" East, 505.70 feet to the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1", a distance of 1201.13 feet to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1707.96 feet to the **POINT OF BEGINNING**.

TOGETHER WITH that portion of Lot 4 of the Swamp and Overflowed Land Survey No. 161, west of a line commencing 363 feet west of the section corner between Sections 32 and 33 on the township line between Townships 3 and 4; and running thence north to the Tuolumne River, Swamp and Overflowed Land Survey No. 161 in Section 32, Township 3 South, Range 11 East, Mount Diablo Meridian.

ALSO EXCEPTING THEREFROM that portion, more particularly described as follows:

Commencing at the southeast corner of said Section 32; thence west along the south line of said Section 32, a distance of 363.00 feet to the west line of the deed recorded December 30, 1986, as Document No. 045901, Official Records, Stanislaus County Records; thence north along the west line of said Document No. 045901, a distance of 223.12 feet to the **POINT OF BEGINNING**; thence North 20°27'50" West, 801.87 feet to an angle point on the southeasterly line of the Record of Survey filed for record in Book 21 of Surveys, at Page 4, Stanislaus County Records; thence North 24°47'35" East, along said line, a distance of 214.00 feet to an angle point as shown on said Record of Survey; thence North 01°48'11" East, 480 feet more or less, to the south line of the Tuolumne River; thence easterly along the southerly line of Tuolumne River to the intersection with the westerly line of said Document No. 045901; thence south along the westerly line of said Document No. 045901, a distance of 1370 feet to the **POINT OF BEGINNING**.

CONTAINING 114± ACRES MORE OR LESS

APN's: 019-006-022 and 080-008-047



6-21-12

David Lee Harris

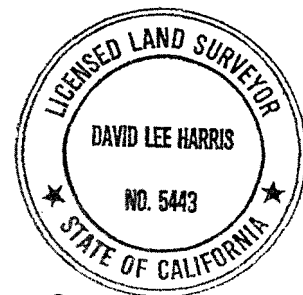
EXHIBIT "A"
PARCEL 2
BEFORE ADJUSTMENT

All that certain real property situated in the unincorporated area of the County of Stanislaus, State of California, as shown and identified as Parcel 2 of that certain corrected Certificate of Lot Line Adjustment, LLA No. 2002-53 issued and approved by the County of Stanislaus, recorded May 26, 2004, as Instrument No. 2004-0081009-00, Stanislaus County Records, more particularly described as follows:

That portion of the northeast quarter of the northeast quarter of (and) Lot 6 of the Swamp and Overflowed Land Survey No. 161, in the northeasterly quarter, and the north half of the southwest quarter of the northeast quarter, and the north half of the southeast quarter of the northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence south along the east line of said Section 5, a distance of 250.00 feet to the point of beginning; thence North 89° 43' 25" West, 501.77 feet; thence South 02° 44' 49" West, 217.27 feet; thence South 87° 35' 27" West, 157.81 feet; thence South 87° 10' 29" West, 31.69 feet; thence South 08° 26' 49" East, 24 feet; thence South 84° 49' 23" West 301.81 feet, thence South 27° 30' 49" West, 145.30 feet; thence South 34° 37' 32" West, 160.61 feet; thence South 19° 13' 05" West, 17.10 feet; thence South 04° 17' 59" East, 455.16 feet; thence South 31° 02' 48" West, 254.26 feet; thence South 05° 29' 13" East, 505.70 feet to the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1" a distance of 1201.13 feet to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1707.96 feet to the point of beginning.

APN: 019-006-021



6-21-12

DLH

EXHIBIT "A"
PARCEL 3
BEFORE ADJUSTMENT

All that portion of Lot 110 of Waterford Colony Subdivision No. 1, as shown on the Map thereof filed in Volume 9 of Maps, at Page 3, Stanislaus County Records, which now lies southerly of the left (southerly) bank of the Tuolumne River, Situate in the County of Stanislaus, State of California.



6-21-12

DLH

EXHIBIT "B"
PARCEL 1
AFTER ADJUSTMENT

All that portion of the southeast quarter of Section 32, Township 3 South, Range 11 East, and a portion of the northeast quarter of fractional Section 5, Township 4 South, Range 11 East all of the Mount Diablo Meridian.

Lying southerly and westerly of the following described line;

Beginning at the northeast corner of said section 5; thence North 89°12'31" West along the north line of said section 5, a distance of 234.12 feet; thence South 67°03'00" West, 649.54 feet; thence North 28°58'00" West, 817.75 feet; thence North 76°58'50" West, 612 feet to an existing 42" Oak tree on the south bank of the Tuolumne river; thence northerly to the north line of Swamp and Overflow Survey number 161, recorded May 15, 1861, in the Office of the County Surveyor, Stanislaus County California; thence westerly along said north line of Swamp and Overflow Survey 161 to the west line of said southeast quarter of Section 32 and the end of the described line.

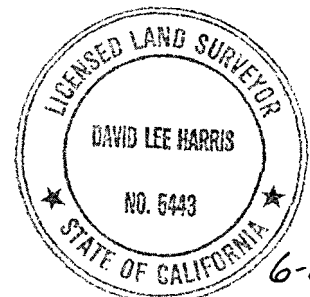
Also excepting therefrom:

That portion of the northeast quarter of the northeast quarter and the north half of the southeast quarter of the northeast quarter all of the fractional northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence South 00°20'28" West along the east line of said Section 5, a distance of 103.30 feet to the point of beginning; thence following the meanders of an existing fence line, North 33°49'42" West, 54.4 feet; thence North 48°23'47" West, 53 feet; thence North 89°22'40" West, 143.25 feet; thence South 60°20'03" West, 191.6 feet; thence South 47°40'00" West, 164.85 feet; thence South 02° 44' 49" West, 239.3 feet; thence South 87° 31' 16" West, 189.50 feet; thence South 08° 26' 49" East, 24 feet; thence South 84° 49' 23" West 301.81 feet, thence South 27° 30' 49" West, 145.30 feet; thence South 34° 37' 32" West, 160.61 feet; thence South 19° 13' 05" West, 17.10 feet; thence South 04° 17' 59" East, 455.16 feet; thence South 31° 02' 48" West, 254.26 feet; thence South 05° 29' 13" East, 468.2 feet more or less to the south line of the north half of the southeast quarter of the fractional northeast quarter of said Section 5, also being the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1" a distance of 1204.7 feet more or less to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1854.9 feet to the point of beginning.

Containing 90.6 acres more or less

The above described parcel is subject to all easements and rights-of-way of record.



DLH

EXHIBIT "B"
PARCEL 2
AFTER ADJUSTMENT

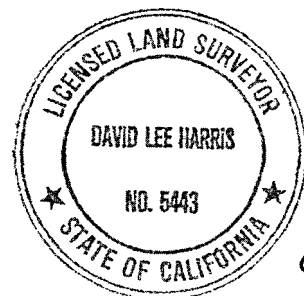
All that certain real property situate in the unincorporated area of the County of Stanislaus, State of California, more particularly described as follows:

That portion of the northeast quarter of the northeast quarter and the north half of the southeast quarter of the northeast quarter all of the fractional northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence South 00°20'28" West along the east line of said Section 5, a distance of 103.30 feet to the point of beginning; thence following the meanders of an existing fence line, North 33°49'42" West, 54.4 feet; thence North 48°23'47" West, 53 feet; thence North 89°22'40" West, 143.25 feet; thence South 60°20'03" West, 191.6 feet; thence South 47°40'00" West, 164.85 feet; thence South 02° 44' 49" West, 239.3 feet; thence South 87° 31' 16" West, 189.50 feet; thence South 08° 26' 49" East, 24 feet; thence South 84° 49' 23" West 301.81 feet, thence South 27° 30' 49" West, 145.30 feet; thence South 34° 37' 32" West, 160.61 feet; thence South 19° 13' 05" West, 17.10 feet; thence South 04° 17' 59" East, 455.16 feet; thence South 31° 02' 48" West, 254.26 feet; thence South 05° 29' 13" East, 468.2 feet more or less to the south line of the north half of the southeast quarter of the fractional northeast quarter of said Section 5, also being the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1" a distance of 1204.7 feet more or less to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1854.9 feet to the point of beginning.

Containing 43.6 acres more or less

The above described parcel is subject to all easements and rights-of-way of record.



6-21-12

DLH

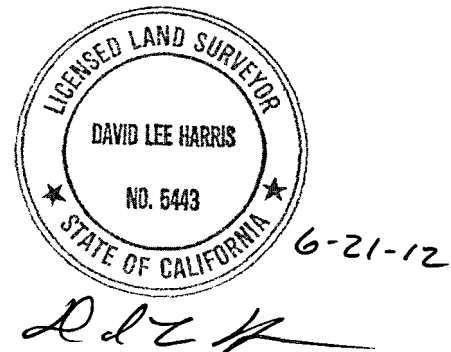
EXHIBIT "B"
PARCEL 3
AFTER ADJUSTMENT

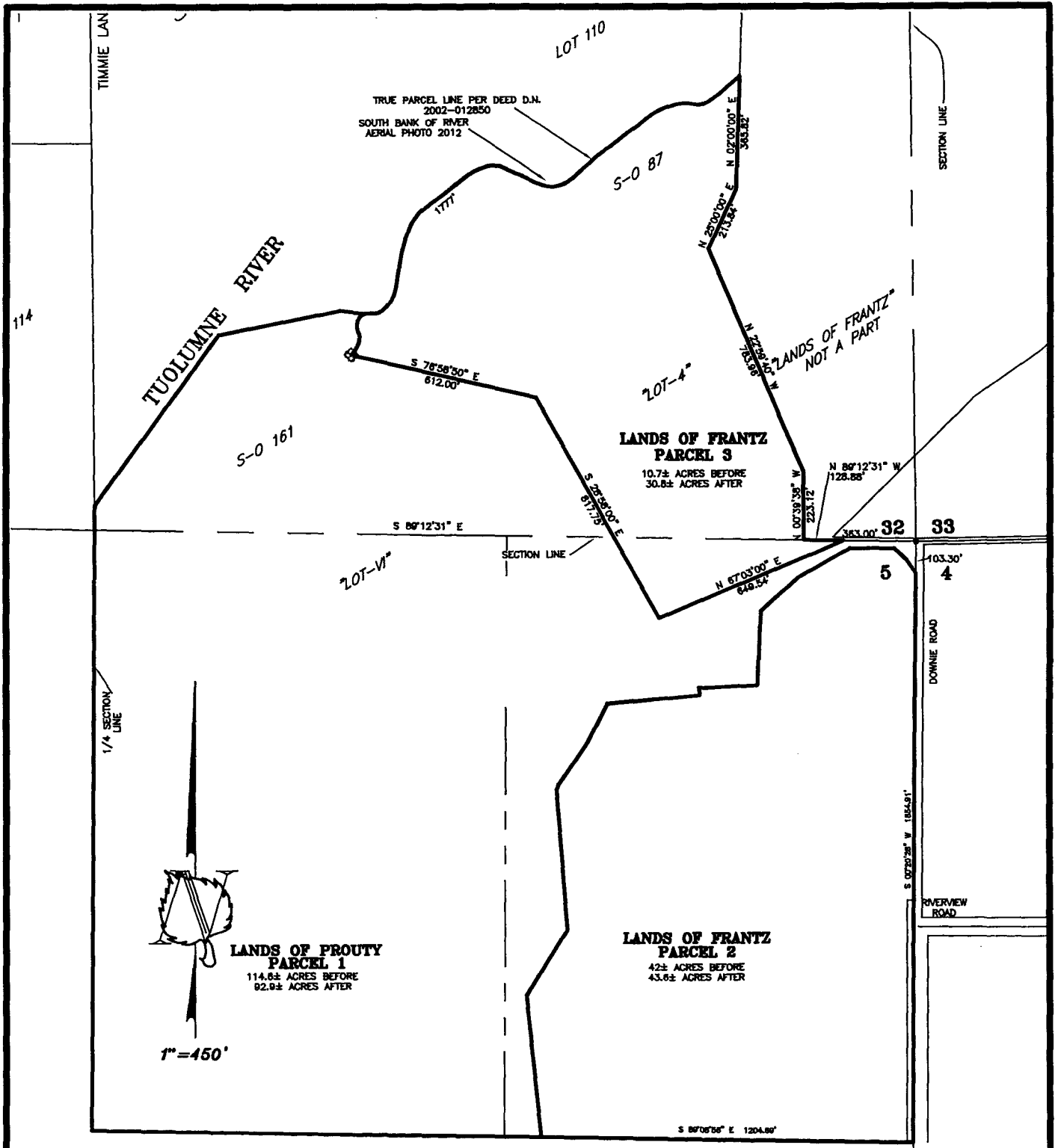
All that portion of Lot 110 of Waterford Colony Subdivision No. 1, as shown on the Map thereof filed in Volume 9 of Maps, at Page 3, Stanislaus County Records, which now lies southerly of the left (southerly) bank of the Tuolumne River, and those portions lying in Lot 4 of the Southeast Quarter of Section 32 Township 3 south, Range 11 East and a portion of Swamp and Overflow survey recorded May 15, 1861, and also a portion of the fractional Northeast quarter of the Northeast Quarter of Section 5, Township 4 south, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California.

Beginning at a point on the south line of said Section 32, bearing westerly 363 feet (5.5 chains) from the southeast corner of Section 32; thence North 00°39'38" West, 223.12 feet; thence North 22°59'40" West, 783.96 feet to an angle point on the south line of said Lot 110, also shown on Swamp and Overflow survey number 87, recorded April 9, 1859 in the office of the County Surveyor, Stanislaus County; thence North 25° East, 213.84 feet (3.24 chains), thence North 2°00' E, 365.8 feet more or less to the south bank of the Tuolumne river, thence southwesterly following said south bank, 1777 feet more or less to a 42" diameter Oak tree; thence leaving said south bank South 76°58'50" East, 612 feet; thence South 28°58' East, 817.75 feet to a point lying within said the fractional northeast quarter of said Section 5; thence North 67° 03' East, 649.54 feet to the south line of said Section 32; thence North 89°12'30" West along said section line, 128.88 feet to the point of beginning.

Containing 29.3 acres more or less

The above described parcel is subject to all easements and rights-of-way of record.





**SUPPLIMENT PLAT
FOR LOT LINE
ADJUSTMENT**

BEING AN ADJUSTMENT OF A PORTION OF THE
NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4
SOUTH, RANGE 11 EAST AND THE SOUTHEAST
QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH RANGE
11 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA

**ASPEN SURVEY
COMPANY INC.**
1121 OAKDALE RD., STE. 8 MODESTO, CA 95355
PH: (209) 528 9724 FX: (209) 528 0472

JUNE 2012

AFTER ADJUSTMENT



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. 2012-12**

Stanislaus, County Recorder
 Lee Lundrigan Co Recorder Office
DOC- 2012-0086614-00
 Friday, SEP 28, 2012 08:18:33
 Ttl Pd \$0.00 Rcpt # 0003273598
 LLP/R2/2-12

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into September 18, 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:	<u>Russell & Luanne Prouty</u>	<u>Timothy J. & Mitzi C. Frantz of the</u>
	<u>P.O. Box 125</u>	<u>Frantz Living Trust, dated August 15, 2000</u>
	<u>Hickman, CA 95323</u>	<u>12161 Delaware Road, Hickman, CA 95323</u>

(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)
<u>019-006-021</u>	<u>43.8±</u>	<u>Downie Road, Hickman</u>
<u>019-006-022 & 080-008-047</u>	<u>92.9±</u>	<u>Downie Road, Hickman</u>
<u>080-008-046</u>	<u>10.75±</u>	<u>Eucalyptus Ave, Waterford</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2012-475, relating to Lot Line Adjustment No. 2012-13 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 2003-4536 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.

12/11/12

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)
LUANNE PROUTY	<i>Luanne Prouty</i>	6/22/12	Modesto
RUSSELL PROUTY	<i>Russell Prouty</i>	6/22/12	Modesto
MITZI C. FRANTZ	<i>Mitzi C. Frantz</i>	6-22-12	Modesto
TIMOTHY J. FRANTZ	<i>Timothy J. Frantz</i>	6-22-12	Modesto

SECURITY HOLDERS:


NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

EXHIBITS:

- (A) Legal description of Parcel covered under old contract
- (B) Legal description of newly configured Parcel covered under new contract
- (C) Board of Supervisors Action Item approving referenced rescission and new contract

COUNTY: Stanislaus County

9-27-2012
 Dated


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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus

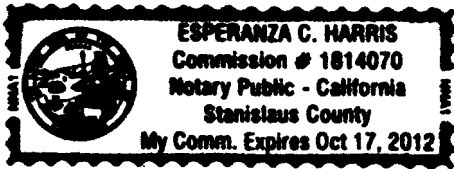
On June 22, 2012 before me, Esperanza C. Harris, Notary Public

personally appeared Luanne Prouty and Russell Prouty

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.



Place Notary Seal Above

Signature Esperanza C. Harris
Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

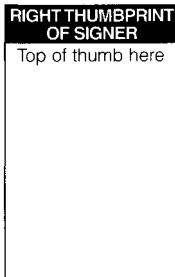
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

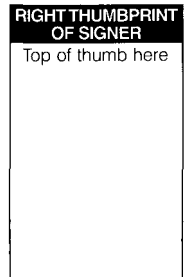
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Stanislaus

On June 22, 2012 before me, Esperanza C. Harris, Notary Public,
Date Here Insert Name and Title of the Officer

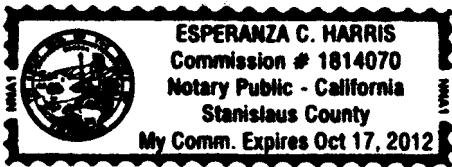
personally appeared Mitzi C. Frantz and Timothy J. Frantz
Name(s) of Signer(s)

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 Esperanza C. Harris
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: _____

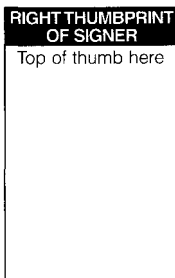
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

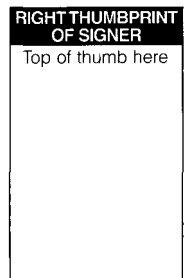
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

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



Signer Is Representing: _____

EXHIBIT "A"
PARCEL 1
BEFORE ADJUSTMENT

The Northeast quarter of the northeast quarter of (and), Lot 6 of the Swamp and Overflowed Land Survey No. 161, in the northeasterly quarter, and the north half of the southwest quarter of the northeast quarter, and the north half of the southeast quarter of the northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Meridian.

EXCEPTING THEREFROM that portion, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence south along the east line of said Section 5, a distance of 250.00 feet to the **POINT OF BEGINNING**; thence North 89°43'25" West, 501.77 feet; thence South 02°44'49" West, 217.27 feet; thence South 87°35'27" West, 157.81 feet; thence South 87°10'29" West, 31.69 feet; thence South 08°26'49" East, 24 feet; thence South 84°49'23" West, 301.81 feet; thence South 27°30'49" West, 145.30 feet; thence South 34°37'32" West, 160.61 feet; thence South 19°13'05" West, 17.10 feet; thence South 04°17'59" East, 455.16 feet; thence South 31°02'48" West, 254.26 feet; thence South 05°29'13" East, 505.70 feet to the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1", a distance of 1201.13 feet to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1707.96 feet to the **POINT OF BEGINNING**.

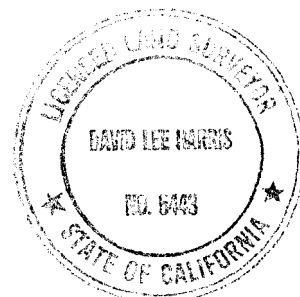
TOGETHER WITH that portion of Lot 4 of the Swamp and Overflowed Land Survey No. 161, west of a line commencing 363 feet west of the section corner between Sections 32 and 33 on the township line between Townships 3 and 4; and running thence north to the Tuolumne River, Swamp and Overflowed Land Survey No. 161 in Section 32, Township 3 South, Range 11 East, Mount Diablo Meridian.

ALSO EXCEPTING THEREFROM that portion, more particularly described as follows:

Commencing at the southeast corner of said Section 32; thence west along the south line of said Section 32, a distance of 363.00 feet to the west line of the deed recorded December 30, 1986, as Document No. 045901, Official Records, Stanislaus County Records; thence north along the west line of said Document No. 045901, a distance of 223.12 feet to the **POINT OF BEGINNING**; thence North 20°27'50" West, 801.87 feet to an angle point on the southeasterly line of the Record of Survey filed for record in Book 21 of Surveys, at Page 4, Stanislaus County Records; thence North 24°47'35" East, along said line, a distance of 214.00 feet to an angle point as shown on said Record of Survey; thence North 01°48'11" East, 480 feet more or less, to the south line of the Tuolumne River; thence easterly along the southerly line of Tuolumne River to the intersection with the westerly line of said Document No. 045901; thence south along the westerly line of said Document No. 045901, a distance of 1370 feet to the **POINT OF BEGINNING**.

CONTAINING 114± ACRES MORE OR LESS

APN's: 019-006-022 and 080-008-047



6-22-12

David Lee Harris

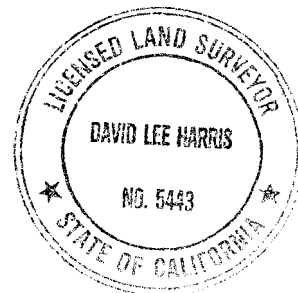
EXHIBIT "A"
PARCEL 2
BEFORE ADJUSTMENT

All that certain real property situated in the unincorporated area of the County of Stanislaus, State of California, as shown and identified as Parcel 2 of that certain corrected Certificate of Lot Line Adjustment, LLA No. 2002-53 issued and approved by the County of Stanislaus, recorded May 26, 2004, as Instrument No. 2004-0081009-00, Stanislaus County Records, more particularly described as follows:

That portion of the northeast quarter of the northeast quarter of (and) Lot 6 of the Swamp and Overflowed Land Survey No. 161, in the northeasterly quarter, and the north half of the southwest quarter of the northeast quarter, and the north half of the southeast quarter of the northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence south along the east line of said Section 5, a distance of 250.00 feet to the point of beginning; thence North 89° 43' 25" West, 501.77 feet; thence South 02° 44' 49" West, 217.27 feet; thence South 87° 35' 27" West, 157.81 feet; thence South 87° 10' 29" West, 31.69 feet; thence South 08° 26' 49" East, 24 feet; thence South 84° 49' 23" West 301.81 feet, thence South 27° 30' 49" West, 145.30 feet; thence South 34° 37' 32" West, 160.61 feet; thence South 19° 13' 05" West, 17.10 feet; thence South 04° 17' 59" East, 455.16 feet; thence South 31° 02' 48" West, 254.26 feet; thence South 05° 29' 13" East, 505.70 feet to the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1" a distance of 1201.13 feet to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1707.96 feet to the point of beginning.

APN: 019-006-021

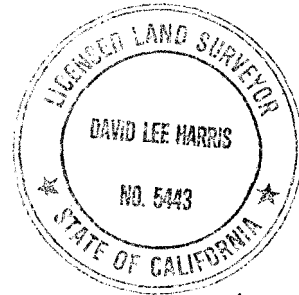


6-22-12

David Lee Harris

EXHIBIT "A"
PARCEL 3
BEFORE ADJUSTMENT

All that portion of Lot 110 of Waterford Colony Subdivision No. 1, as shown on the Map thereof filed in Volume 9 of Maps, at Page 3, Stanislaus County Records, which now lies southerly of the left (southerly) bank of the Tuolumne River, Situate in the County of Stanislaus, State of California.



6-22-12

A handwritten signature in cursive script, appearing to read "D. L. Harris", positioned below the professional seal.

EXHIBIT "B"
PARCEL 1
AFTER ADJUSTMENT

All that portion of the southeast quarter of Section 32, Township 3 South, Range 11 East, and a portion of the northeast quarter of fractional Section 5, Township 4 South, Range 11 East all of the Mount Diablo Meridian.

Lying southerly and westerly of the following described line;

Beginning at the northeast corner of said section 5; thence North 89°12'31" West along the north line of said section 5, a distance of 234.12 feet; thence South 67°03'00" West, 649.54 feet; thence North 28°58'00" West, 817.75 feet; thence North 76°58'50" West, 612 feet to an existing 42" Oak tree on the south bank of the Tuolumne river; thence northerly to the north line of Swamp and Overflow Survey number 161, recorded May 15, 1861, in the Office of the County Surveyor, Stanislaus County California; thence westerly along said north line of Swamp and Overflow Survey 161 to the west line of said southeast quarter of Section 32 and the end of the described line.

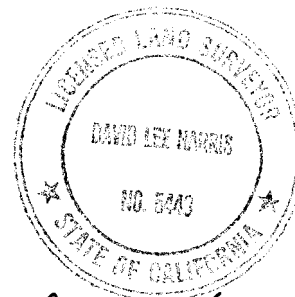
Also excepting therefrom:

That portion of the northeast quarter of the northeast quarter and the north half of the southeast quarter of the northeast quarter all of the fractional northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence South 00°20'28" West along the east line of said Section 5, a distance of 103.30 feet to the point of beginning; thence following the meanders of an existing fence line, North 33°49'42" West, 54.4 feet; thence North 48°23'47" West, 53 feet; thence North 89°22'40" West, 143.25 feet; thence South 60°20'03" West, 191.6 feet; thence South 47°40'00" West, 164.85 feet; thence South 02° 44' 49" West, 239.3 feet; thence South 87° 31' 16" West, 189.50 feet; thence South 08° 26' 49" East, 24 feet; thence South 84° 49' 23" West 301.81 feet, thence South 27° 30' 49" West, 145.30 feet; thence South 34° 37' 32" West, 160.61 feet; thence South 19° 13' 05" West, 17.10 feet; thence South 04° 17' 59" East, 455.16 feet; thence South 31° 02' 48" West, 254.26 feet; thence South 05° 29' 13" East, 468.2 feet more or less to the south line of the north half of the southeast quarter of the fractional northeast quarter of said Section 5, also being the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1" a distance of 1204.7 feet more or less to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1854.9 feet to the point of beginning.

Containing 90.6 acres more or less

The above described parcel is subject to all easements and rights-of-way of record.



6-22-12

DLH

EXHIBIT "B"
PARCEL 2
AFTER ADJUSTMENT

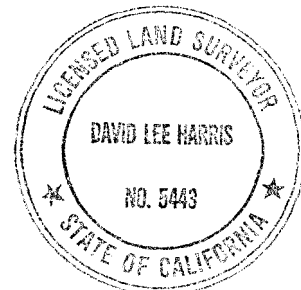
All that certain real property situate in the unincorporated area of the County of Stanislaus, State of California, more particularly described as follows:

That portion of the northeast quarter of the northeast quarter and the north half of the southeast quarter of the northeast quarter all of the fractional northeast quarter of Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the northeast corner of said Section 5; thence South 00°20'28" West along the east line of said Section 5, a distance of 103.30 feet to the point of beginning; thence following the meanders of an existing fence line, North 33°49'42" West, 54.4 feet; thence North 48°23'47" West, 53 feet; thence North 89°22'40" West, 143.25 feet; thence South 60°20'03" West, 191.6 feet; thence South 47°40'00" West, 164.85 feet; thence South 02° 44' 49" West, 239.3 feet; thence South 87° 31' 16" West, 189.50 feet; thence South 08° 26' 49" East, 24 feet; thence South 84° 49' 23" West 301.81 feet, thence South 27° 30' 49" West, 145.30 feet; thence South 34° 37' 32" West, 160.61 feet; thence South 19° 13' 05" West, 17.10 feet; thence South 04° 17' 59" East, 455.16 feet; thence South 31° 02' 48" West, 254.26 feet; thence South 05° 29' 13" East, 468.2 feet more or less to the south line of the north half of the southeast quarter of the fractional northeast quarter of said Section 5, also being the south line of "Parcel 1" as described in the deed recorded June 4, 2001, as Document No. 2001-0059647-00, of Official Records, Stanislaus County Records; thence easterly along the southerly line of said "Parcel 1" a distance of 1204.7 feet more or less to the east line of said Section 5; thence northerly along said east line of Section 5, a distance of 1854.9 feet to the point of beginning.

Containing 43.6 acres more or less

The above described parcel is subject to all easements and rights-of-way of record.



6-22-12

DLH

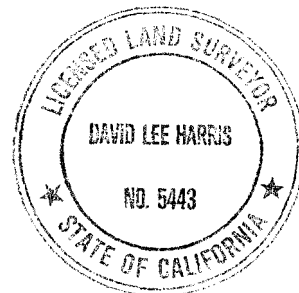
EXHIBIT "B"
PARCEL 3
AFTER ADJUSTMENT

All that portion of Lot 110 of Waterford Colony Subdivision No. 1, as shown on the Map thereof filed in Volume 9 of Maps, at Page 3, Stanislaus County Records, which now lies southerly of the left (southerly) bank of the Tuolumne River, and those portions lying in Lot 4 of the Southeast Quarter of Section 32 Township 3 south, Range 11 East and a portion of Swamp and Overflow survey recorded May 15, 1861, and also a portion of the fractional Northeast quarter of the Northeast Quarter of Section 5, Township 4 south, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California.

Beginning at a point on the south line of said Section 32, bearing westerly 363 feet (5.5 chains) from the southeast corner of Section 32; thence North 00°39'38" West, 223.12 feet; thence North 22°59'40" West, 783.96 feet to an angle point on the south line of said Lot 110, also shown on Swamp and Overflow survey number 87, recorded April 9, 1859 in the office of the County Surveyor, Stanislaus County; thence North 25° East, 213.84 feet (3.24 chains), thence North 2°00' E, 365.8 feet more or less to the south bank of the Tuolumne river, thence southwesterly following said south bank, 1777 feet more or less to a 42" diameter Oak tree; thence leaving said south bank South 76°58'50" East, 612 feet; thence South 28°58' East, 817.75 feet to a point lying within said the fractional northeast quarter of said Section 5; thence North 67° 03' East, 649.54 feet to the south line of said Section 32; thence North 89°12'31" West along said section line, 128.88 feet to the point of beginning.

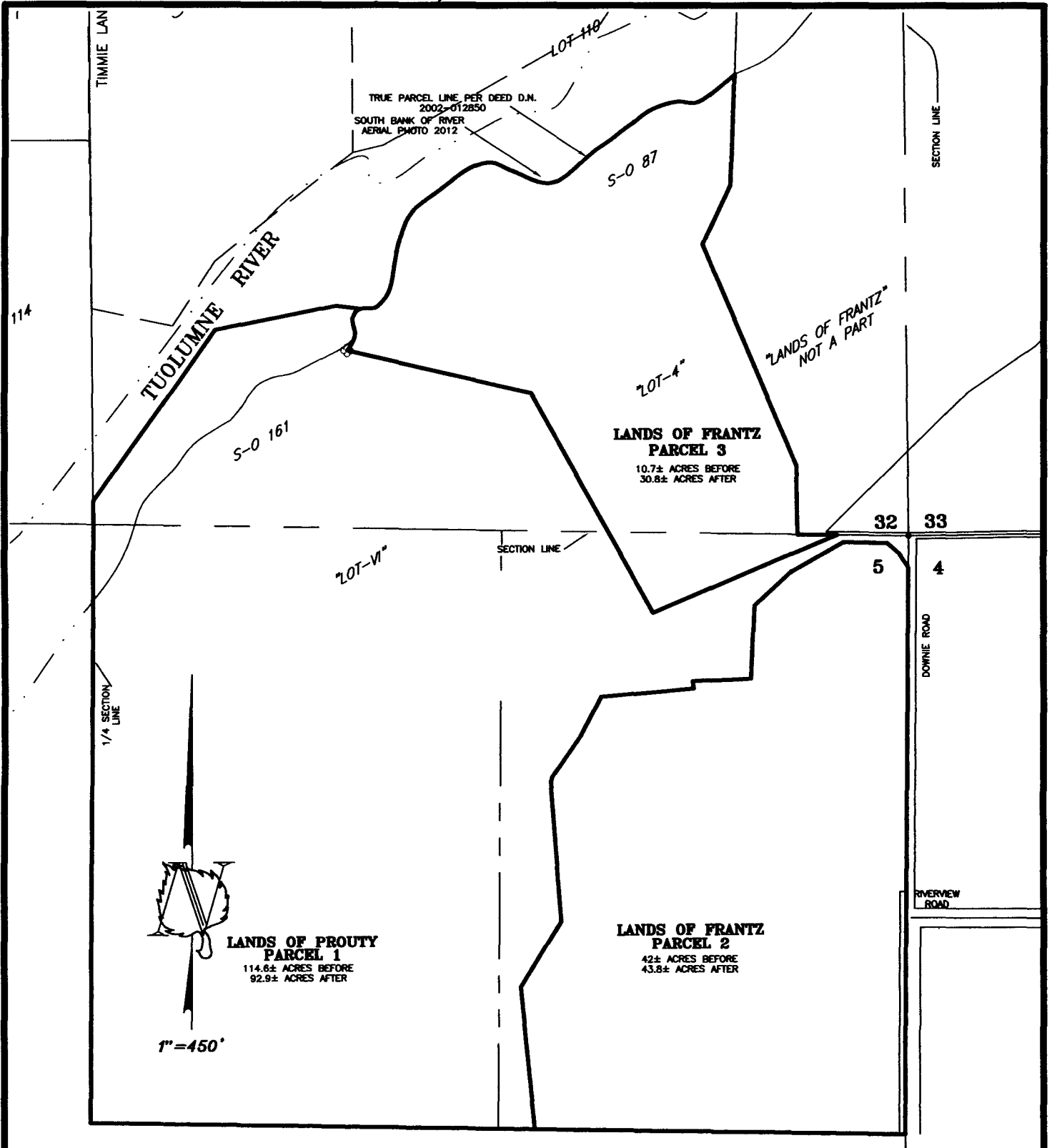
Containing 29.3 acres more or less

The above described parcel is subject to all easements and rights-of-way of record.



6-22-12

David Lee Harris



**SUPPLIMENT PLAT
 FOR LOT LINE
 ADJUSTMENT**

BEING AN ADJUSTMENT OF A PORTION OF THE
 NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 4
 SOUTH, RANGE 11 EAST AND THE SOUTHEAST
 QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH RANGE
 11 EAST, M.D.M. STANISLAUS COUNTY CALIFORNIA

ASPEN SURVEY
 COMPANY INC.
 1121 OAKDALE RD., STE. 6 MODESTO, CA 95355
 PH: (209) 526 9724 FX: (209) 526 0472
 JUNE 2012

AFTER ADJUSTMENT

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

DEPT: Planning and Community Development *AK*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE September 18, 2012

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind Williamson Act Contract No. 2003-4536, Located on Downie Road, West of Riverview Road, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-13, Frantz/Prouty, and Authorization for the Director of Planning and Community Development to Execute a New Contract

STAFF RECOMMENDATIONS:

1. Approve and establish the following findings:
 - a. The new contract 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 AB 1265.

(Continued on page 2)

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2012-475

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

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 King

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

