

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

DEPT: Planning and Community Development Af

BOARD AGENDA # \*D-1

Urgent  Routine

AGENDA DATE September 25, 2012

CEO Concur with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contracts No. 2006-0013 and 1972-1119, Located on Montpelier Road, East of Hall Road and South of E. Keyes Road, in the Denair Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-05, Montpelier Farming Corporation/California Royale, LLC, 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 enforceable restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County's implementation of AB 1265.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. 2012-495

On motion of Supervisor Monteith, 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

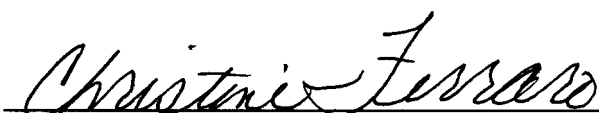
1) X Approved as recommended

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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 a portion of Williamson Act Contract Nos. 2006-0013 and 1972-1119 (Located on Montpelier Road, east of Hall Road and south of E. Keyes Road, in the Denair area).
  3. Approve a new contract pursuant to Minor Lot Line Adjustment 2012-05, Montpelier Farming Corporation/California Royale, LLC.
  4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2012-05.

**DISCUSSION:**

Lot Line Adjustment Application No. 2012-05 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on Montpelier Road, east of Hall Road and south of E. Keyes Road, in the Denair area, in the unincorporated area of Stanislaus County.

The lot line adjustment is requesting 3 parcels go from 44.99, 50.56 and 1.71 acres to two parcels of 44.89 and 52.37 acres (total of 97.26 acres). As part of the lot line adjustment, the 1.71 acre parcel is being merged. The reason for the lot line adjustment request is to realign the old property lines with the existing fences.

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

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

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

Approval to Rescind a Portion of Williamson Act Contracts No. 2006-0013 and 1972-1119, Located on Montpelier Road, East of Hall Road and South of E. Keyes Road, in the Denair Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-05, Montpelier Farming Corporation/California Royale, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract

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- (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 a portion of Contract Nos. 2006-0013 and 1972-1119 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:**

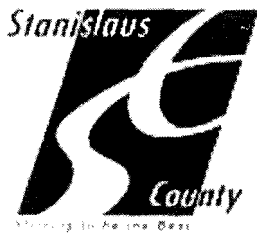
Angela Freitas, Planning & Community Development Director.  
Telephone: (209) 525-6330

Approval to Rescind a Portion of Williamson Act Contracts No. 2006-0013 and 1972-1119, Located on Montpelier Road, East of Hall Road and South of E. Keyes Road, in the Denair Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-05, Montpelier Farming Corporation/California Royale, LLC, and Authorization for the Director of Planning and Community Development to Execute a New Contract  
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**ATTACHMENTS:**

1. Lot Line Adjustment Application No. 2012-05
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

I:\Planning\Board of Supervisors\LotLineAdjustments\2012\LLA 2012-05 - MontpelierFarming\LLA 2012-05 Board Report.doc



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S.	<u>310</u>	T.	<u>4</u>	R.	<u>11</u>
ZONE	<u>A-2-40</u>				
RECEIVED	<u>BT</u>				
APPLICATION NO.	<u>6727 ULA 2017/05</u>				
RECEIPT NO.	<u>6727</u>				

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

**Parcel 1**  
 Montpelier Farming Corp.  
 Name  
 P.O.Box 579, Denair, Ca. 95316  
 Address, City, Zip  
 (209)874-1866  
 Phone  
 (209)874-2024  
 Fax Number

**Parcel 2**  
 California Royale, LLC  
 Name  
 P.O.Box 579, Denair, Ca. 95316  
 Address, City, Zip  
 (209)874-1866  
 Phone  
 (209)874-2024  
 Fax Number

**Parcel 3**  
 Montpelier Farming Corp.  
 Name  
 P.O.Box 579, Denair, Ca. 95316  
 Address, City, Zip  
 (209)874-1866  
 Phone  
 (209)874-2024  
 Fax Number

**Parcel 4**  
 Name  
 Address, City, Zip  
 Phone  
 Fax Number

2. Name and address of person(s) preparing map: Dave Skidmore/Associated Engineering; 4206 Technology Drive Suite 4, Modesto, Ca. 95356

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

Parcel 1: Book 024 Page 066 No. 007  
 Parcel 3: Book 024 Page 066 No. 015

Parcel 2: Book 019 Page 041 No. 059  
 Parcel 4: Book \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

4. Size of all adjusted parcels:

Before  
 Parcel 1: 44.99 Ac.  
 Parcel 2: 50.56 Ac.  
 Parcel 3: 1.71 Ac.  
 Parcel 4: \_\_\_\_\_

After  
 Parcel 1: 44.89 Ac.  
 Parcel 2: 52.37 Ac.  
 Parcel 3: \_\_\_\_\_  
 Parcel 4: \_\_\_\_\_

5. Why are the lot lines being changed? BE SPECIFIC Lot lines are being adjusted to conform to the existing fences. Also, APN:024-055-015 is being combined with APN: 019-041-059.

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 Almonds
    - Vines – type \_\_\_\_\_
    - Range (unirrigated) \_\_\_\_\_
    - Pasture (irrigated) \_\_\_\_\_
    - Poultry \_\_\_\_\_
    - Dairy \_\_\_\_\_
  - Other (Specify) Almond hulling facility

7. List all structures on properties: See attached plat maps.

8. How have these parcels been utilized in the past, if different than current use? No change

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

Parcel 1: October, 2006                      Parcel 2: October, 2006  
 Parcel 3: September, 1999              Parcel 4: \_\_\_\_\_

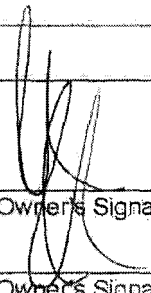
10. What are the Williamson Act Contract numbers?

Parcel 1: 2006-13                              Parcel 2: 2006-13  
 Parcel 3: 72-1119                              Parcel 4: \_\_\_\_\_

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

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

13. Signature of property owner(s)

	James Crecelius, President
Owner's Signature	Owner's Name Printed
Owner's Signature	James Crecelius, President
Owner's Signature	Owner's Name Printed
Owner's Signature	Owner's Name Printed



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525-6330 Fax: 209.525.5911

March 12, 2012

Dave Skidmore  
Associated Engineering  
4206 Technology Drive, Suite 4  
Modesto, CA 95356

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2012-05  
MONTPELIER FARMING CORP**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **March 12, 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 \$628.00, payable to the Planning Department, along with a copy of the letter must be delivered to this office by **5:00 p.m.** within **ten days** of the postmark of this letter.

Before a Certificate of Lot Line Adjustment can be recorded, Exhibit "A", describing the property before the adjustment, and an Exhibit "B", describing the property after the change must be attached. These Exhibits must be stamped and signed by a licensed engineer/surveyor. This adjustment shall not result in the creation of a greater number of parcels than originally existed.

A "Certificate of Lot Line Adjustment" form is enclosed for property owner/security holders signatures. After the signatures are secured this form shall be turned into the Planning Department for checking and my signature. When this has been done, you will be notified that the subject form is ready to be recorded.

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

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

Sincerely,

Carole Maben  
Associate Planner

Enclosure

cc: Montpelier Farming Corp./California Royale, LLC

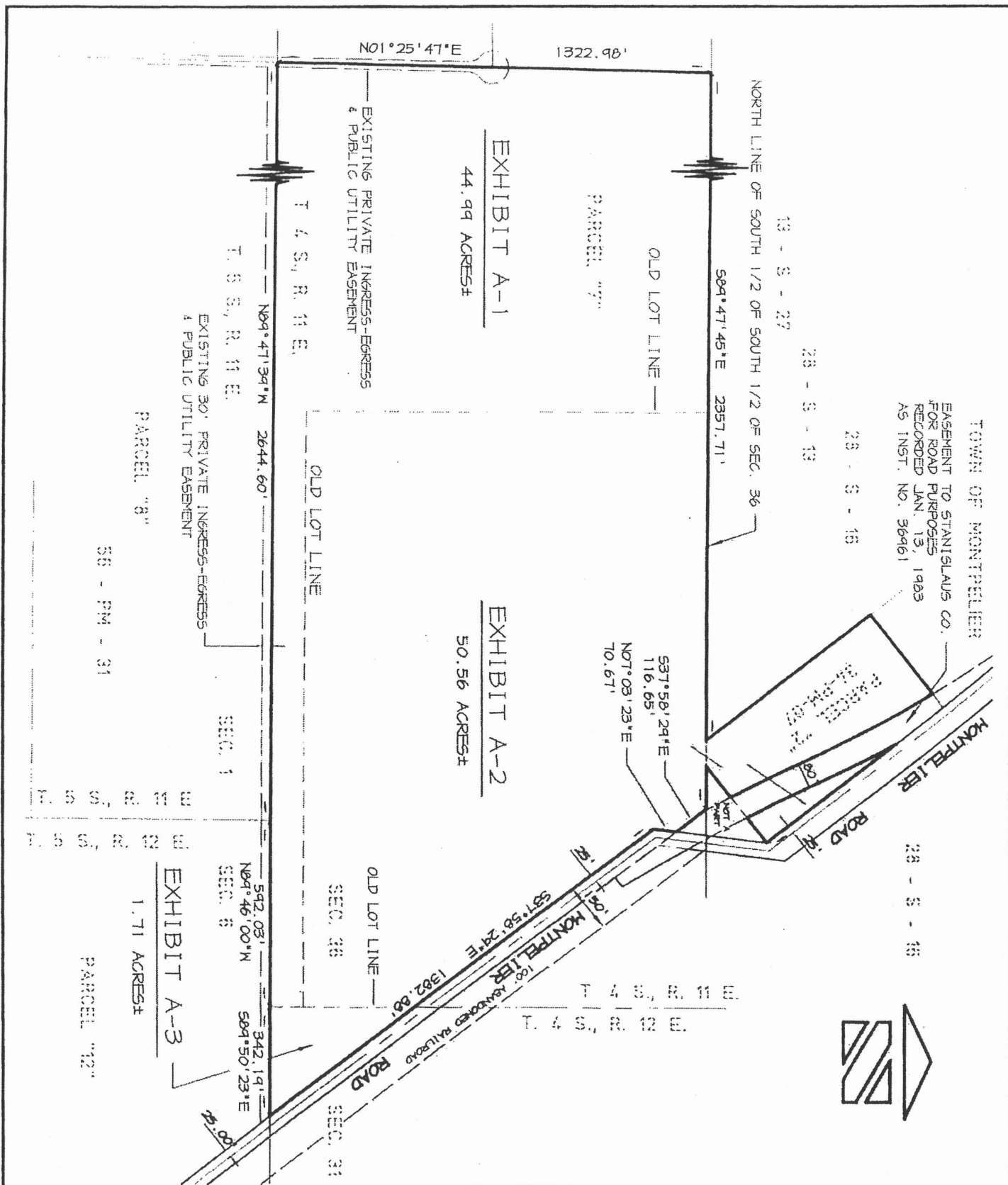
**ATTACHMENT 2**

STRIVING TO BE THE BEST COUNTY IN AMERICA



FINDINGS STATEMENTS  
TO ACCOMPANY REQUEST FOR  
RECISSION AND RE-ENTRY INTO THE WILLIAMSON ACT.

1. The new contracts will enforce restriction of the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contracts, but for not less than 10 years.
2. The aggregate acreage of the lands restricted by the new contracts are at least as great as the aggregate acreage restricted by the rescinded contracts.
3. 100% under the former contracts remains under the new contracts.
4. After the LLA the parcels of land subject to contract will be large enough to sustain their agricultural use. The adjustments fall entirely within existing ag roads and are not under cultivation. Both contracted parcels, after adjustment, meet the minimum specified acreage limitations. (44.89 Ac and 52.37 Ac respectively.)
5. The LLA will not compromise the long-term agricultural productivity of the parcels or other agricultural lands subject to a contract or contracts.
6. This LLA will not result in the removal of adjacent land from agricultural use.
7. The LLA does not result in a greater number of developable parcels than existed prior to the adjustment or an adjusted parcel which is not consistent with the Stanislaus County General plan (see attached plat map).

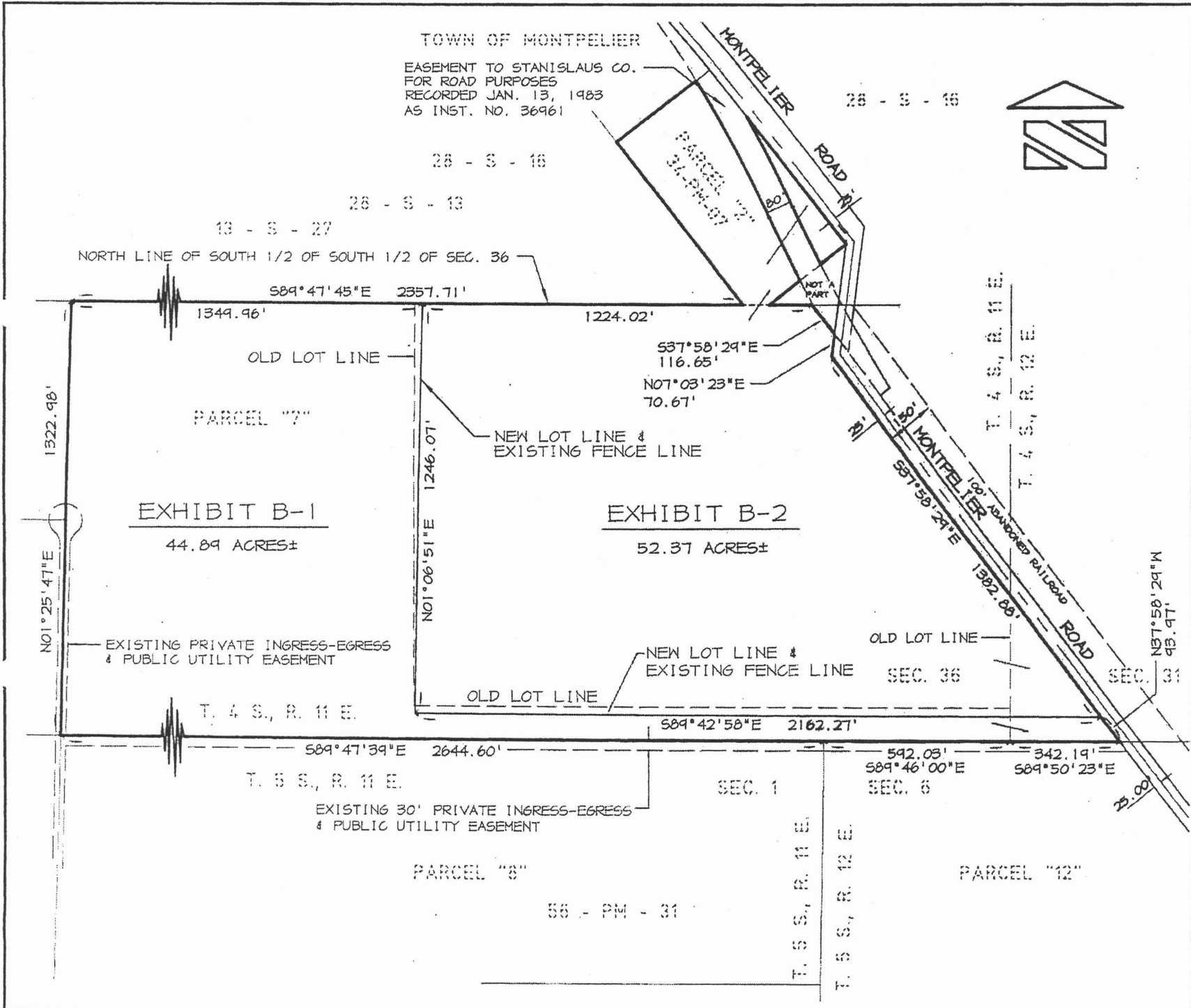


DRAWN:	DLS
DATE:	9/12/12
SCALE:	1" = 400'
JOB #:	858-12
DWG:	Prior

**LOT LINE ADJUSTMENT**  
**PARCELS PRIOR TO ADJUSTMENT**  
 STANISLAUS COUNTY LLA NO. 2012-05

**ASSOCIATED ENGINEERING GROUP**

4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356  
 PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com



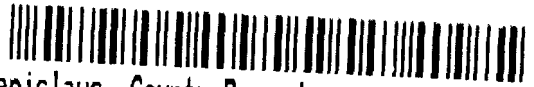
**ASSOCIATED ENGINEERING, INC.**  
 Surveying • Design • Planning  
 4206 TECHNOLOGY DRIVE, SUITE 4  
 MODESTO, CALIFORNIA 95356  
 PH: (209) 545-3390 FAX: (209) 545-3875



**LOT LINE ADJUSTMENT**

STANISLAUS COUNTY LLA NO. 2012-

DRAWN	DLS
DATE	1/31/12
SCALE	1" = 400'
JOB #	050-12
DWG.	EX_C



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
DOC- 2012-0086615-00

Acct 121-Planning.  
Friday, SEP 28, 2012 08:19:16  
Ttl Pd \$41.00 Rcpt # 0003273599  
LLP/R2/1-10

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

Stanislaus County  
Department of Planning  
and Community Development  
1010 10<sup>th</sup> 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 March 12, 2012, approved the lot line adjustment herein described submitted under the name of Montpelier Farming Corp Lot Line Adjustment No. 2012-05 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

10  
RP

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

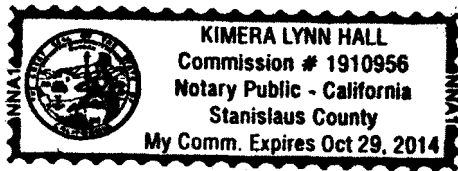
State of California

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: \_\_\_\_\_

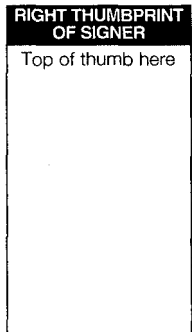
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

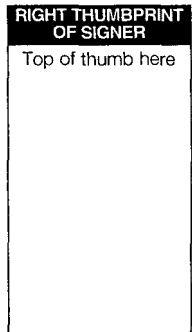
- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



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: \_\_\_\_\_



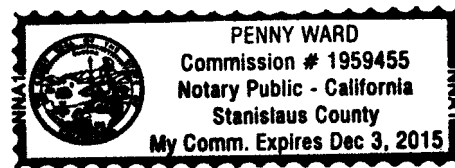
State of California  
County of Stanislaus

On May 11, 2012 before me, Penny Ward, a notary public,  
personally appeared Brian S. Lemons, 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 Penny Ward (Seal)



STATE OF CALIFORNIA  
COUNTY OF STANISLAUS

ON MAY 2, 2012 before me, TERRY PULIDO  
Notary Public, personally appeared JAMES G. CRECELIOUS

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 Terry Pulido (Seal)



EXHIBIT "A "  
LEGAL DESCRIPTION  
MONTPELIER FARMING PRIOR TO  
LOT LINE ADJUSTMENT  
A.P.N.:024-066-007


All that certain real property situate in the County of Stanislaus, State of California, lying within the South half of the South half of Section 36, Township 4 South, Range 11 East, Mount Diablo Meridian, described as follows:

PARCEL "7" as shown on that map filed for record in the Office of the Recorder of the County of Stanislaus on July 9, 2009 in Book 56 of Parcel Maps at Page 31.

CONTAINING 45.00 Acres more or less.

SUBJECT to all easements and/or rights of way of record.



  
Dave Skidmore, P.L.S. 7126  
3/9/12



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**CALIFORNIA ROYALE PRIOR TO**  
**LOT LINE ADJUSTMENT**  
**APN: 019-041-059**

All that certain real property situate in the County of Stanislaus, State of California, lying within Section 36, Township 4 South, Range 11 East, Mount Diablo Meridian, described as follows:

Parcel 2 as shown on that Map prepared for A.E. Dinkleman of the Montpelier Station filed in the Office of the Recorder of the County of Stanislaus on May 13, 1983 in Book 34 of Parcel Maps at Page 07.

TOGETHER WITH all that portion of the South half of the South half of said Section 36 lying Northerly and Easterly of the following described line:

COMMENCING at the Southeast corner of said Section 36, said corner being marked by a 3/4" diameter iron pipe tagged L.S. 4151 and as depicted on that Survey Map filed in the Office of the Recorder of the County of Stanislaus on January 7, 2004 in Volume 28 of Surveys at Page 13; thence North 00°10'34" East along the East line of said Section 36, a distance of 100.00 feet to the TRUE POINT OF BEGINNING of this line description; thence North 89°47'37" West, a distance of 1882.51 feet; thence North 00°12'11" East, a distance of 1223.00 feet to a Point on the North line of said South half of the South half of Section 36, said point bears North 89°47'49" West, a distance of 1032.00 feet from the most Westerly Southwest corner of said Parcel 2.

EXCEPTING THEREFROM that 100 foot strip of land heretofore conveyed to the Southern Pacific Railroad Company, by Deed recorded June 16, 1890 in Volume 48 of Deeds, Page 27.


ALSO EXCEPTING THEREFROM any portion thereof lying Easterly of said 100 foot strip of land conveyed to Southern Pacific Railroad Company.

ALSO EXCEPTING THEREFROM that portion of the South half of the South half of Section 36 described above, all oil, minerals, gas and other hydrocarbon substances below a depth of five hundred (500) feet under said land, without the right of surface entry, as granted to Crecelius Ranches, Inc., by Deed recorded September 24, 1984, as Instrument No. 14661, Volume 11, Page 1929.

CONTAINING 50.56 Acres more or less

SUBJECT to all easements and/or rights of way of record.



  
Dave Skidmore, P.L.S. 7126

3/9/12

**EXHIBIT "A "**  
**LEGAL DESCRIPTION**  
**MONTPELIER FARMING PRIOR TO**  
**LOT LINE ADJUSTMENT**  
**A.P.N.:024-066-015**


All that certain piece or parcel of land situate in the County of Stanislaus, State of California, described as follows:

ALL that portion of the Southwest quarter of the Southwest quarter of Section 31, Township 4 South, Range 12 East, Mount Diablo Meridian, according to United States Government Township Plats, Lying South and West of the right of way of a certain County Road Running Diagonally through said quarter-quarter Section.

CONTAINING 1.71 Acres more or less.

SUBJECT to all easements and/or rights of way of record.



  
\_\_\_\_\_  
Dave Skidmore, P.L.S. 7126  
3/9/12

**EXHIBIT "B "**  
**LEGAL DESCRIPTION**  
**MONTPELIER FARMING AFTER**  
**LOT LINE ADJUSTMENT**


All that certain real property situate in the County of Stanislaus, State of California, lying within the South half of the South half of Section 36, Township 4 South, Range 11 East, and the Southwest quarter of Section 31, Township 4 South, Range 12 East, Mount Diablo Meridian, described as follows:

BEGINNING at the Northwest corner of Parcel "7" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on July 9, 2009 in Book 56 of Parcel Maps at page 31, said corner lies on the North line of the South half of the South half of said Section 36; thence South 89°47'45" East along last said line, a distance of 1349.96 feet; thence South 01°06'51" West, a distance of 1246.07 feet; thence South 89°42'58" East, a distance of 2162.27 feet to a point on the Southwesterly right of way line of a 50.00 foot wide County Road known as Montpelier Road; thence South 37°58'29" East along last said right of way line, a distance of 93.97 feet to a point on the North line of Parcel "12" of said parcel Map, said point also lies on the South line of Section 31, Township 4 South, Range 12 East, M.D.M.; thence North 89°50'23" West along last said line, a distance of 342.19 feet to the Township Corner common to said Sections 36, Township 4 South, Range 11 East and Section 31, Township 4 South, Range 12 East, M.D.M.; thence North 89°46'00" West along the South line of said Section 36 and the North line of said Parcel "12", a distance of 592.03 feet to the Township Corner common to Sections 1, Township 5 South, Range 11 East and Section 6, Township 5 South, Range 12 East, also being the North Parcel Corner common to Parcels "8" and "12" of said Parcel Map; thence continuing along said South line of Section 36 and the North line of said Parcel "8", North 89°47'39" West, a distance of 2644.60 feet to the West corner common to said Parcels "7" and "8"; thence North 01°25'47" East along the West line of said Parcel "7", a distance of 1322.98 feet to the point of beginning of this description.

CONTAINING 44.89 Acres more or less

SUBJECT to all easements and/or rights of way of record.



  
Dave Skidmore, P.L.S. 7126  
3/9/12

**EXHIBIT "B "**  
**LEGAL DESCRIPTION**  
**CALIFORNIA ROYALE AFTER**  
**LOT LINE ADJUSTMENT**

All that certain real property situate in the County of Stanislaus, State of California, lying within the South half of the South half of Section 36, Township 4 South, Range 11 East, and the Southwest quarter of Section 31, Township 4 South, Range 12 East, Mount Diablo Meridian, described as follows:

Parcel 2 as shown on that Map prepared for A.E. Dinkleman of the Montpelier Station filed in the Office of the Recorder of the County of Stanislaus on May 13, 1983 in Book 34 of Parcel Maps at Page 07.

TOGETHER WITH all that portion of the South half of the South half of said Section 36 and that portion of the Southwest quarter of said Section 31, being more particularly described as follows:

COMMENCING at the Northwest corner of Parcel "7" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on July 9, 2009 in Book 56 of Parcel Maps at page 31, said corner lies on the North line of the South half of the South half of said Section 36; thence South 89°47'45" East along last said line, a distance of 1349.96 feet to the TRUE POINT OF BEGINNING of this description; thence South 01°06'51" West, a distance of 1246.07 feet; thence South 89°42'58" East, a distance of 2162.27 feet to a point on the Southwesterly right of way line of a 50.00 foot wide County Road known as Montpelier Road; thence North 37°58'29" West along last said right of way line, a distance of 1382.88 feet to an angle point in last said right of way line; thence continuing along said right of way line, North 07°03'23" East, a distance of 70.67 feet to a point on the Southwesterly line of that certain 100 foot wide strip of land conveyed to the Southern Pacific Railroad Company by Deed recorded June 16, 1890 in Volume 48 of Deeds, Page 27, Stanislaus County Records; thence North 37°58'29" West along last said line, a distance of 116.65 feet to a point on the North line of said South half of the South half of Section 36; thence North 89°47'45" West along last said line, a distance of 1224.02 feet to the point of beginning.

CONTAINING 52.37 Acres more or less

SUBJECT to all easements and/or rights of way of record.



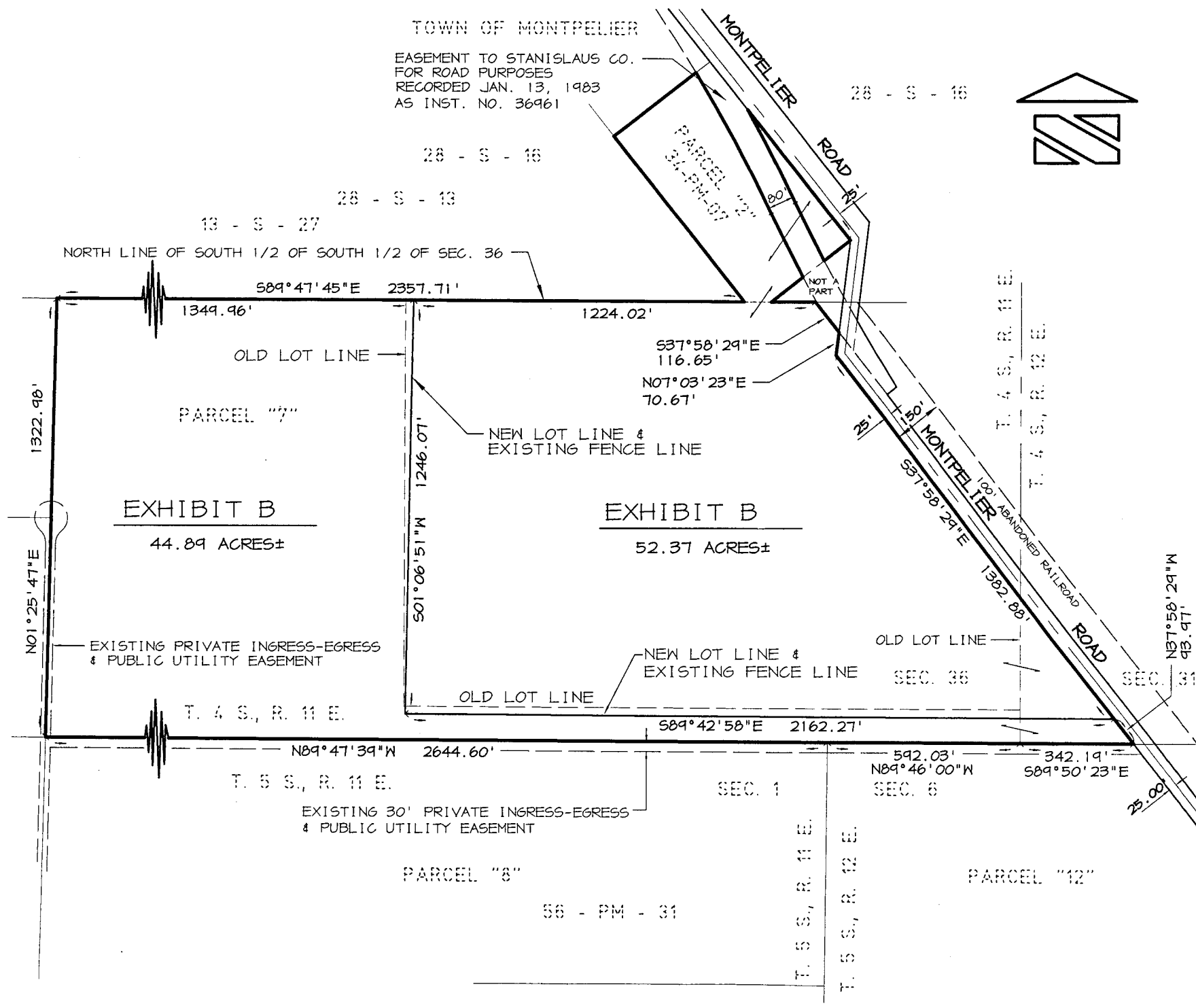
A handwritten signature in black ink, appearing to read "Dave Skidmore", written over a horizontal line.

Dave Skidmore, P.L.S. 7126

3/9/12

TOWN OF MONTPELIER

EASEMENT TO STANISLAUS CO.  
FOR ROAD PURPOSES  
RECORDED JAN. 13, 1983  
AS INST. NO. 36961



**ASSOCIATED  
ENGINEERING  
GROUP**



4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356  
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

**LOT LINE ADJUSTMENT**

STANISLAUS COUNTY LLA NO. 2012-05

DRAWN:	DLS
DATE:	3/06/12
SCALE:	1" = 400'
JOB #:	05B-12
DWG:	EX_C



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. 2012-13**

Stanislaus, County Recorder Lee Lundrigan Co Recorder Office <b>DOC- 2012-0086616-00</b> Friday, SEP 28, 2012 08:19:25 Ttl Pd \$0.00 Rcpt # 0003273600 LLP/R2/2-11
---

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into September 25, 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:	For CA Royale, LLC, James G. Crecelius	For Arnold (CA) LLC, Steve Fessler, VP, Prudential Ag Investments
	P.O. Box 579	7108 N. Fresno Street
	Denair, CA 95316	Fresno, CA 93720

(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)
024-066-007	44.89	Montpelier Road, Denair
019-041-059 & 024-066-015	52.37	5043 N. Montpelier Road, Denair

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2012-495, relating to Lot Line Adjustment No. 2012-05 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 1972-1119 & 2006-13 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.

11  
op

**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)
<u>See attached signature sheet</u>			
_____			
_____			
_____			
_____			

**SECURITY HOLDERS:**

NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
<u>See attached signature sheet</u>			
_____			
_____			
_____			
_____			

**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'Brein





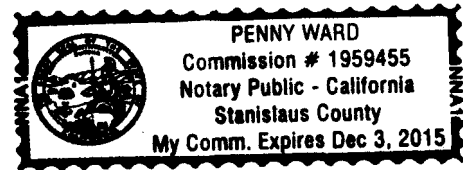
State of California )  
County of Stanislaus )

On MAY 11, 2012 before me, Penny Ward, a notary public, personally appeared BRIAN S. LEMONS, 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 Penny Ward (Seal)



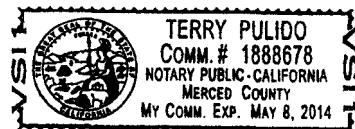
State of California )  
County of STANISLAUS )

On MAY 2, 2012 before me, TERRY PULIDO, a notary public, personally appeared JAMES G. CRECELIUS, 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 Terry Pulido



**EXHIBIT "A "**  
**LEGAL DESCRIPTION**  
**MONTPELIER FARMING PRIOR TO**  
**LOT LINE ADJUSTMENT**  
**A.P.N.:024-066-007**

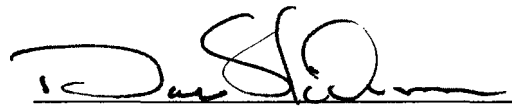
All that certain real property situate in the County of Stanislaus, State of California, lying within the South half of the South half of Section 36, Township 4 South, Range 11 East, Mount Diablo Meridian, described as follows:

PARCEL "7" as shown on that map filed for record in the Office of the Recorder of the County of Stanislaus on July 9, 2009 in Book 56 of Parcel Maps at Page 31.

CONTAINING 45.00 Acres more or less.

SUBJECT to all easements and/or rights of way of record.



  
Dave Skidmore, P.L.S. 7126  
3/9/12

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**CALIFORNIA ROYALE PRIOR TO**  
**LOT LINE ADJUSTMENT**  
**APN: 019-041-059**

All that certain real property situate in the County of Stanislaus, State of California, lying within Section 36, Township 4 South, Range 11 East, Mount Diablo Meridian, described as follows:

Parcel 2 as shown on that Map prepared for A.E. Dinkleman of the Montpelier Station filed in the Office of the Recorder of the County of Stanislaus on May 13, 1983 in Book 34 of Parcel Maps at Page 07.

TOGETHER WITH all that portion of the South half of the South half of said Section 36 lying Northerly and Easterly of the following described line:

COMMENCING at the Southeast corner of said Section 36, said corner being marked by a 3/4" diameter iron pipe tagged L.S. 4151 and as depicted on that Survey Map filed in the Office of the Recorder of the County of Stanislaus on January 7, 2004 in Volume 28 of Surveys at Page 13; thence North 00°10'34" East along the East line of said Section 36, a distance of 100.00 feet to the TRUE POINT OF BEGINNING of this line description; thence North 89°47'37" West, a distance of 1882.51 feet; thence North 00°12'11" East, a distance of 1223.00 feet to a Point on the North line of said South half of the South half of Section 36, said point bears North 89°47'49" West, a distance of 1032.00 feet from the most Westerly Southwest corner of said Parcel 2.

EXCEPTING THEREFROM that 100 foot strip of land heretofore conveyed to the Southern Pacific Railroad Company, by Deed recorded June 16, 1890 in Volume 48 of Deeds, Page 27.


ALSO EXCEPTING THEREFROM any portion thereof lying Easterly of said 100 foot strip of land conveyed to Southern Pacific Railroad Company.

ALSO EXCEPTING THEREFROM that portion of the South half of the South half of Section 36 described above, all oil, minerals, gas and other hydrocarbon substances below a depth of five hundred (500) feet under said land, without the right of surface entry, as granted to Crecelius Ranches, Inc., by Deed recorded September 24, 1984, as Instrument No. 14661, Volume 11, Page 1929.

CONTAINING 50.56 Acres more or less

SUBJECT to all easements and/or rights of way of record.



  
Dave Skidmore, P.L.S. 7126

3/9/12

**EXHIBIT "A "**  
**LEGAL DESCRIPTION**  
**MONTPELIER FARMING PRIOR TO**  
**LOT LINE ADJUSTMENT**  
**A.P.N.:024-066-015**


All that certain piece or parcel of land situate in the County of Stanislaus, State of California, described as follows:

ALL that portion of the Southwest quarter of the Southwest quarter of Section 31, Township 4 South, Range 12 East, Mount Diablo Meridian, according to United States Government Township Plats, Lying South and West of the right of way of a certain County Road Running Diagonally through said quarter-quarter Section.

CONTAINING 1.71 Acres more or less.

SUBJECT to all easements and/or rights of way of record.



  
\_\_\_\_\_  
Dave Skidmore, P.L.S. 7126  
3/9/12

**EXHIBIT "B "**  
**LEGAL DESCRIPTION**  
**MONTPELIER FARMING AFTER**  
**LOT LINE ADJUSTMENT**


All that certain real property situate in the County of Stanislaus, State of California, lying within the South half of the South half of Section 36, Township 4 South, Range 11 East, and the Southwest quarter of Section 31, Township 4 South, Range 12 East, Mount Diablo Meridian, described as follows:

BEGINNING at the Northwest corner of Parcel "7" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on July 9, 2009 in Book 56 of Parcel Maps at page 31, said corner lies on the North line of the South half of the South half of said Section 36; thence South 89°47'45" East along last said line, a distance of 1349.96 feet; thence South 01°06'51" West, a distance of 1246.07 feet; thence South 89°42'58" East, a distance of 2162.27 feet to a point on the Southwesterly right of way line of a 50.00 foot wide County Road known as Montpelier Road; thence South 37°58'29" East along last said right of way line, a distance of 93.97 feet to a point on the North line of Parcel "12" of said parcel Map, said point also lies on the South line of Section 31, Township 4 South, Range 12 East, M.D.M.; thence North 89°50'23" West along last said line, a distance of 342.19 feet to the Township Corner common to said Sections 36, Township 4 South, Range 11 East and Section 31, Township 4 South, Range 12 East, M.D.M.; thence North 89°46'00" West along the South line of said Section 36 and the North line of said Parcel "12", a distance of 592.03 feet to the Township Corner common to Sections 1, Township 5 South, Range 11 East and Section 6, Township 5 South, Range 12 East, also being the North Parcel Corner common to Parcels "8" and "12" of said Parcel Map; thence continuing along said South line of Section 36 and the North line of said Parcel "8", North 89°47'39" West, a distance of 2644.60 feet to the West corner common to said Parcels "7" and "8"; thence North 01°25'47" East along the West line of said Parcel "7", a distance of 1322.98 feet to the point of beginning of this description.

CONTAINING 44.89 Acres more or less

SUBJECT to all easements and/or rights of way of record.



  
Dave Skidmore, P.L.S. 7126  
3/9/12

**EXHIBIT "B "**  
**LEGAL DESCRIPTION**  
**CALIFORNIA ROYALE AFTER**  
**LOT LINE ADJUSTMENT**

All that certain real property situate in the County of Stanislaus, State of California, lying within the South half of the South half of Section 36, Township 4 South, Range 11 East, and the Southwest quarter of Section 31, Township 4 South, Range 12 East, Mount Diablo Meridian, described as follows:

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TOGETHER WITH all that portion of the South half of the South half of said Section 36 and that portion of the Southwest quarter of said Section 31, being more particularly described as follows:

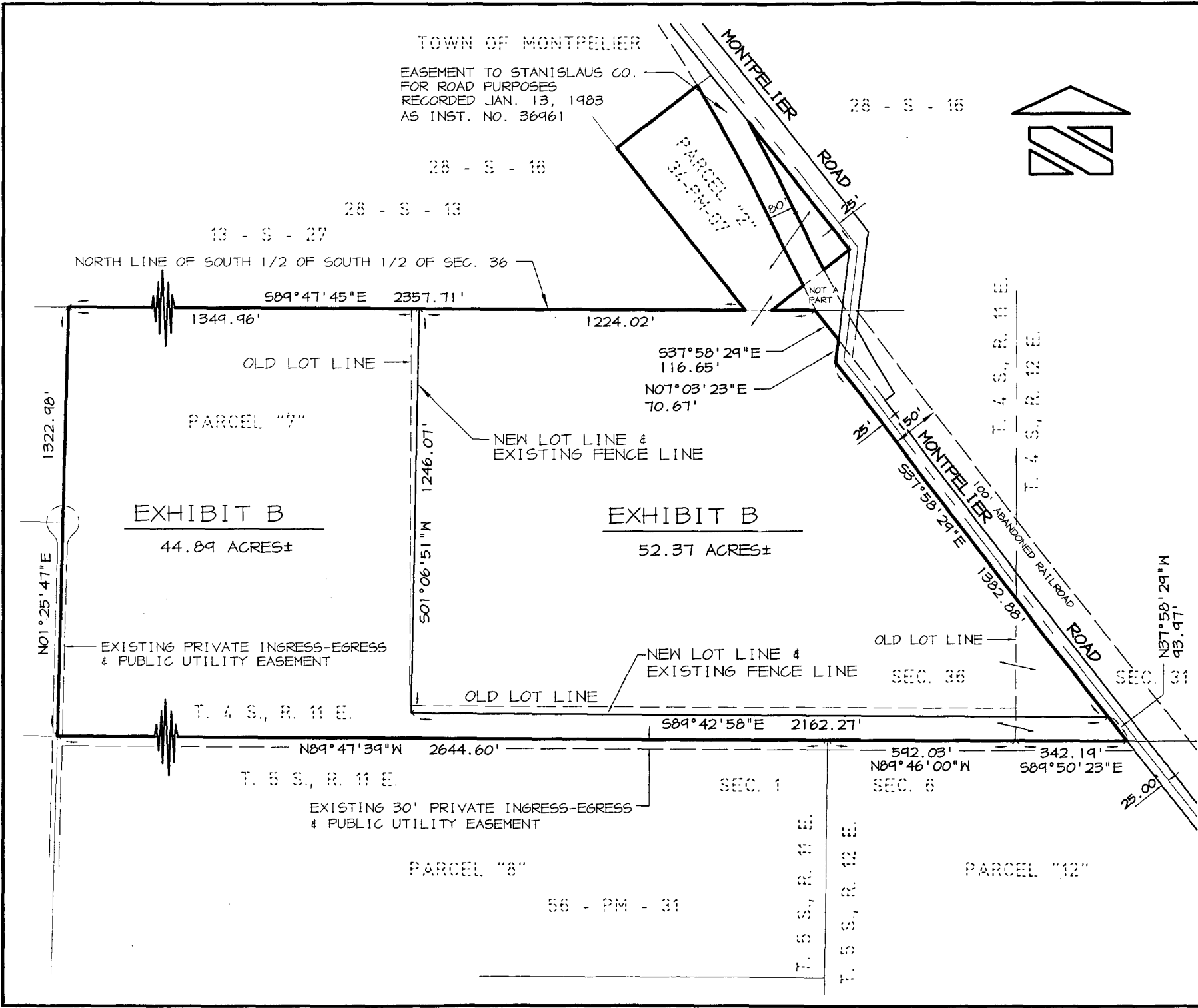
COMMENCING at the Northwest corner of Parcel "7" as shown on that map filed in the Office of the Recorder of the County of Stanislaus on July 9, 2009 in Book 56 of Parcel Maps at page 31, said corner lies on the North line of the South half of the South half of said Section 36; thence South 89°47'45" East along last said line, a distance of 1349.96 feet to the TRUE POINT OF BEGINNING of this description; thence South 01°06'51" West, a distance of 1246.07 feet; thence South 89°42'58" East, a distance of 2162.27 feet to a point on the Southwesterly right of way line of a 50.00 foot wide County Road known as Montpelier Road; thence North 37°58'29" West along last said right of way line, a distance of 1382.88 feet to an angle point in last said right of way line; thence continuing along said right of way line, North 07°03'23" East, a distance of 70.67 feet to a point on the Southwesterly line of that certain 100 foot wide strip of land conveyed to the Southern Pacific Railroad Company by Deed recorded June 16, 1890 in Volume 48 of Deeds, Page 27, Stanislaus County Records; thence North 37°58'29" West along last said line, a distance of 116.65 feet to a point on the North line of said South half of the South half of Section 36; thence North 89°47'45" West along last said line, a distance of 1224.02 feet to the point of beginning.

CONTAINING 52.37 Acres more or less

SUBJECT to all easements and/or rights of way of record.



  
Dave Skidmore, P.L.S. 7126  
3/9/12



TOWN OF MONTPELIER

EASEMENT TO STANISLAUS CO.  
FOR ROAD PURPOSES  
RECORDED JAN. 13, 1983  
AS INST. NO. 36961

28 - S - 16

28 - S - 16

28 - S - 13

13 - S - 27

NORTH LINE OF SOUTH 1/2 OF SOUTH 1/2 OF SEC. 36

589°47'45"E 2357.71'

1349.96'

1224.02'

OLD LOT LINE

PARCEL "7"

EXHIBIT B

44.89 ACRES±

EXHIBIT B

52.37 ACRES±

537°58'29"E  
116.65'

N07°03'23"E  
70.67'

NEW LOT LINE &  
EXISTING FENCE LINE

1246.07'  
S01°06'51"W

OLD LOT LINE

NEW LOT LINE &  
EXISTING FENCE LINE

OLD LOT LINE

SEC. 36

1382.88'  
N37°58'29"W  
43.97'

1322.98'

N01°25'47"E

EXISTING PRIVATE INGRESS-EGRESS  
& PUBLIC UTILITY EASEMENT

T. 4 S., R. 11 E.

N89°47'39"W 2644.60'

T. 5 S., R. 11 E.

EXISTING 30' PRIVATE INGRESS-EGRESS  
& PUBLIC UTILITY EASEMENT

PARCEL "8"

56 - PM - 31

SEC. 1

T. 5 S., R. 11 E.

T. 5 S., R. 12 E.

592.03'  
N89°46'00"W  
SEC. 6

342.19'  
S89°50'23"E

PARCEL "12"



ASSOCIATED  
ENGINEERING  
GROUP



4206 TECHNOLOGY DRIVE, SUITE 4, MODESTO, CA 95356  
PHONE: (209) 545-3390 FAX: (209) 545-3875 www.assoceng.com

LOT LINE ADJUSTMENT

STANISLAUS COUNTY LLA NO. 2012-05

DRAWN:	DLS
DATE:	3/06/12
SCALE:	1" = 400'
JOB #:	050-12
DWG:	EX_C

EXHIBIT C

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

DEPT: Planning and Community Development Af

BOARD AGENDA # \*D-1

Urgent  Routine

AGENDA DATE September 25, 2012

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contracts No. 2006-0013 and 1972-1119, Located on Montpelier Road, East of Hall Road and South of E. Keyes Road, in the Denair Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-05, Montpelier Farming Corporation/California Royale, LLC, 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 enforceable 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. 2012-495

On motion of Supervisor Monteith, 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)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

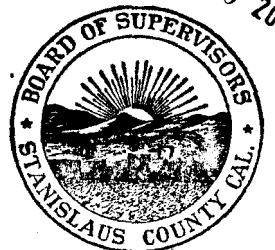
MOTION:

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

*Christine Ferraro Tallman*  
CHRISTINE FERRARO TALLMAN, Clerk



File No.