

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 May 21, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind Williamson Act Contract No. 71-0106 (Portion of) and 2006-0016, Located on Swanson and Blue Gum Roads, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-19, Short Ranch/Antonio Alberto and Authorization for the Director of Planning and Community Development to a Execute 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County Implementation of AB 1265.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. 2013-258

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: De Martini

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No.

Approval to Rescind Williamson Act Contract No. 71-0106 (Portion of) and 2006-0016, Located on Swanson and Blue Gum Roads, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-19, Short Ranch/Antonio Alberto and Authorization for the Director of Planning and Community Development to a Execute New Contract

Page 2

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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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. 71-0106 (A portion of) and 2006-0016, Located on Swanson and Blue Gum Roads, in the Hickman area.
 3. Approve a new contract pursuant to Minor Lot Line Adjustment 2012-19 – Short Ranch/Antonio Alberto.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment 2012-19.

DISCUSSION:

Lot Line Adjustment Application No. 2012-19 was approved by staff pending the Board's action required by the Williamson Act. The properties are located on Swanson and Blue Gum Roads, in the Hickman area, in the unincorporated area of Stanislaus County.

The lot line adjustment is requesting three (3) parcels go from 178.96, 75.62, and 7.10 acres (261.68 acres) to two (2) parcels of 117.12+/-, 144.56+/- (total 261.68 acres). The reason for the lot line adjustment request is for property owner, Antonio Alberto (existing

Approval to Rescind Williamson Act Contract No. 71-0106 (Portion of) and 2006-0016, Located on Swanson and Blue Gum Roads, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-19, Short Ranch/Antonio Alberto and Authorization for the Director of Planning and Community Development to a Execute New Contract

Page 3

75.62 acres), to purchase additional land for the cultivating of oats and corn. The existing 178.96 acre parcel consists of a walnut grove and open farmland with various structures, including five (5) single family dwellings. The existing 75.62 acre parcel consists of a dairy with various structures, including four (4) single family dwellings. The remaining 7.10 acres consists of unimproved swamp and overflow (S&O) land along the river. Staff has verified that all dwelling units within the project site are legal.

The two (2) existing 178.96 and 75.62 acre parcels are currently enrolled in Williamson Act Contracts No. 71-0106 (Portion of) and 2006-0016. A 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 AB 1265.
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

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

Approval to Rescind Williamson Act Contract No. 71-0106 (Portion of) and 2006-0016, Located on Swanson and Blue Gum Roads, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-19, Short Ranch/Antonio Alberto and Authorization for the Director of Planning and Community Development to a Execute 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 Contracts No. 71-0106 (Portion of) and 2006-0016 upon recording. The new contract will cover the entire 261.68 acres. 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 November 6, 2012.

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.

Approval to Rescind Williamson Act Contract No. 71-0106 (Portion of) and 2006-0016, Located on Swanson and Blue Gum Roads, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-19, Short Ranch/Antonio Alberto and Authorization for the Director of Planning and Community Development to a Execute New Contract

Page 5

CONTACT PERSON:

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

ATTACHMENTS:

1. Lot Line Adjustment Application No. 2012-19
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\la 2012-19 - short ranch-antonio alberto\la 2012-19-short-alberto board report.doc



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

S	D	T	4	R	11
ZONE					
RECEIVED					
APPLICATION NO.					
RECEIPT NO.					

Revised Application

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Short Ranch Partnership

Name
1249 Swanson Road, Hughson CA 95326

Address, City, Zip
(209) 596-1738

Phone

Fax Number

Parcel 2

Antonio Alberto

Name
11737 Blue Gum Road, Hickman CA 95323

Address, City, Zip
(209) 874-4358

Phone

Fax Number

Parcel 3

Short Ranch Partnership

Name
1249 Swanson Road, Hughson CA 95326

Address, City, Zip
(209) 596-1738

Phone

Fax Number

Parcel 4

Name

Address, City, Zip

Phone

Fax Number

2. Name and address of person(s) preparing map: R.B. Welty & Associates 521 13th Street, Modesto Ca 95354

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

Parcel 1: Book 019 Page 005 No. 003

Parcel 2: Book 019 Page 006 No. 024

Parcel 3: Book 019 Page 005 No. 003

Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>
Parcel 1:	<u>178.96</u>
Parcel 2:	<u>75.62</u>
Parcel 3:	<u>7.10</u>
Parcel 4:	<u> </u>

	<u>After</u>
Parcel 1:	<u>117.12 +/-</u>
Parcel 2:	<u>144.56 +/-</u>
Parcel 3:	<u> </u>
Parcel 4:	<u> </u>

5. Why are the lot lines being changed? BE SPECIFIC For sale purposes, 68.94 acres will be sold from Parcel 1 to Parcel 2 and the intent is to use it for cultivating oats and corns.

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

- | | |
|--|--|
| <input checked="" type="checkbox"/> Residential
<input type="checkbox"/> Single Family
<input type="checkbox"/> Duplex
<input checked="" type="checkbox"/> Multiple
<input type="checkbox"/> Commercial
<input type="checkbox"/> Industrial
<input type="checkbox"/> Other (Specify) _____

_____ | <input checked="" type="checkbox"/> Agriculture
<input type="checkbox"/> Row Crop - type _____
<input checked="" type="checkbox"/> Trees - type <u>Walnuts</u>
<input type="checkbox"/> Vines - type _____
<input type="checkbox"/> Range (unirrigated) _____
<input type="checkbox"/> Pasture (irrigated) _____
<input type="checkbox"/> Poultry _____
<input checked="" type="checkbox"/> Dairy
<input type="checkbox"/> Other (Specify) _____ |
|--|--|

7. List all structures on properties: Parcel 1: 6 Dwellings, 4 Shop/Barns Parcel 2: 4 Dwellings, 2 Shop/ Barns, 3 Free Stall Barns(Dairy),

8. How have these parcels been utilized in the past, if different than current use? Agriculture Crops (Walnuts) and Dairy

9. When did current owner(s) acquire the parcel(s)?
Parcel 1: _____
Parcel 3: _____

Parcel 2: _____
Parcel 4: _____

10. What are the Williamson Act Contract numbers?
Parcel 1: 71-0106
Parcel 3: _____

Parcel 2: 060016 (2007)
Parcel 4: _____

11. Do the parcels irrigate? Yes No If yes, how? Parcel 1: Sprinkler, Parcel 2: Flood Irrigate

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

13. Signature of property owner(s)

Kay Short
Owner's Signature

Phillip E Short
Owner's Signature

Antonio Alberto
Owner's Signature

Maria A. Alberto
Owner's Signature

KAY SHORT
Owner's Name Printed

Phillip E. SHORT
Owner's Name Printed

ANTONIO ALBERTO
Owner's Name Printed

MARIA A ALBERTO
Owner's Name Printed



September 25, 2012

R.B. Welty & Associates
521 13th Street
Modesto, CA 95354

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. 2012-19
SHORT RANCH/ANTONIO ALBERTO**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **September 25, 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: Short Ranch Partnership

Antonio Alberto

APPLICANT STATEMENT

Project Description and Landowner Justification

This project is a lot line adjustment between Assessor's Parcel No. 019-005-003 (Parcel 1 = 178.96+/- acres) owned by Short Ranch Partnership and No. 019-006-024 (Parcel 2=75.62+/- acres & Parcel 3=7.1+/- acres S. & O. Land) owned by Alberto Family 2001.

As part of the oral agreement between the two owners, the owner of Parcel 1 will sell 68.94 +/- acres including 3.4+/- acres S. & O. Land to the owner of Parcel 2.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 117.12 +/- acres net (includes 3.7+/- acres S. & O. Land), while the Parcel 2 adjusted acreage will be 144.56 +/- acres net (includes 3.4+/- acres S. & O. Land). Both Parcels are currently enrolled in the Williamson Act.

Government Code Section 51257 contains seven findings to be made related to lot line adjustments. These findings are each listed below with the justification following in italics.

(1) The new contract or contracts would 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.

Neither of the contracts is subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, both contracts will continue to be in force with the adjusted acreage and effect for a period of at least 10 years.

(2) There is net increase in the amount of the acreage 68.94 acre for Parcel 2 (includes 3.4+/- acres of S. & O. Land), and a decrease in the amount of the acreage 68.94 acre net for Parcel 1 (includes 3.7+/- acres of S. & O. Land). In case 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.

Parcel 1: used for Walnut and Almond Orchard.

Parcel 2: used for Dairy, Oat and Corn.

S. & O. Land: refers to the Swamp & Overflow land low elevation ground that get overflow from the river

(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.

Consistent with Section 51222, Parcel 1 will be 117.12 +/- acres and Parcel 2 will be 144.56 acres after the lot line adjustment. Parcel 1 and Parcel 2 will be large enough to sustain their agricultural use. The subject properties are both identified as prime farmland by the Natural Resource Conservation Service Farmland Mapping Program.

(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.

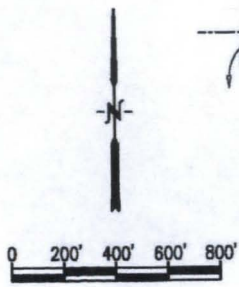
Parcels 1 and 2 have been used for agricultural productivity in their current configuration for a long time. The moving of the lot line will in no way affect the long term agricultural productivity.

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

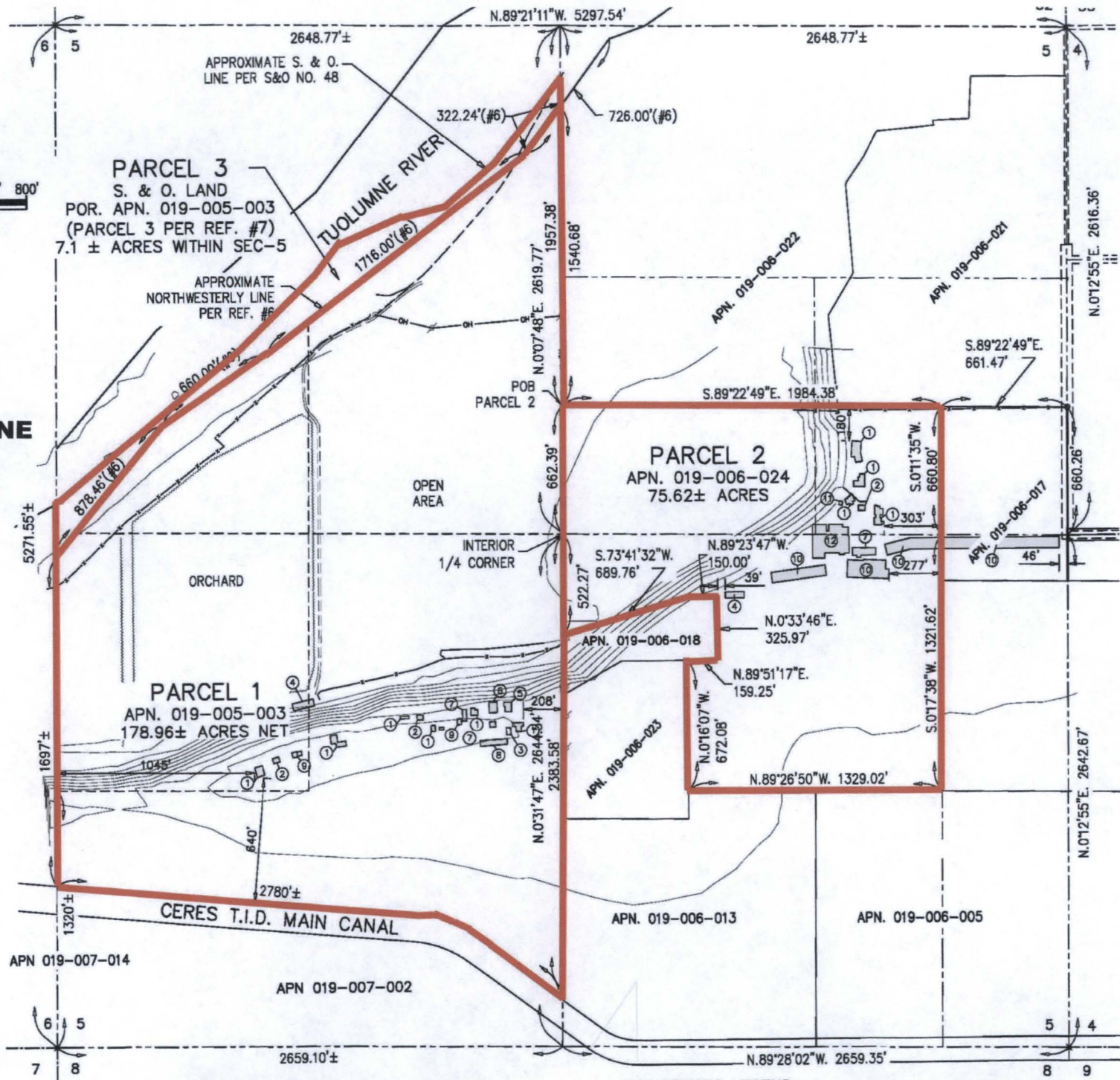
Both parcels will continue to remain restricted by the contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

This proposed lot line adjustment does not result in a greater number of parcels. In fact, the lot line adjustment proposes going from three parcels to two parcels. These parcels are currently consistent with the Stanislaus County General Plan, and will remain consistent with the Stanislaus County General Plan.



**BEFORE LOT LINE
ADJUSTMENT**



REFERENCES

1. DOC-98-0120693-00
2. DOC-2007-0028779-00
3. BK 33 OF SURVEYS, PAGE 37
4. S. & O. NO. 48
5. BK 30 OF PARCEL MAPS, P. 138
6. GLO T4S R11E_446

OWNERS NAME & MAILING ADDRESS:

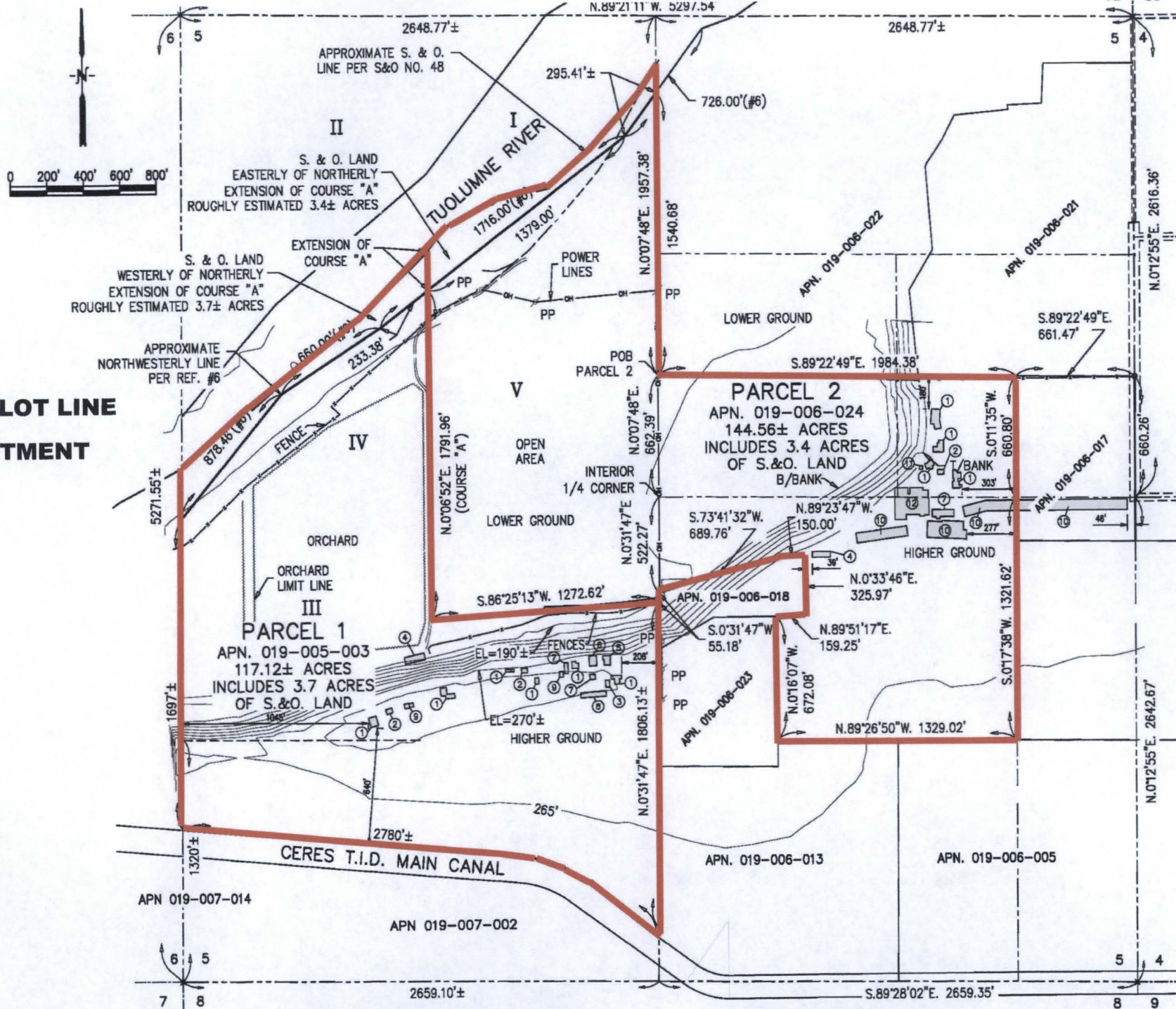
PARCEL 1:
SHORT RANCH PARTNERSHIP
1249 SWANSON RD.
HUGHSON, CA 95326
APN. 019-005-003

PARCEL 2:
ALBERTO FAMILY 2001
11737 BLUEGUM RD.
HICKMAN, CA 95323
APN. 019-006-024

STRUCTURES LEGEND:

- | | | |
|--------------------|-----------------|--------------------|
| ① RESIDENTIAL UNIT | ⑥ WALNUT HULLER | ⑪ WATER PUMP HOUSE |
| ② GARAGE | ⑦ SHOP | ⑫ FEED STALLS |
| ③ CARPORT | ⑧ ALMOND HULLER | |
| ④ BARN | ⑨ HORSE STALL | |
| ⑤ POLE BARN | ⑩ COWS BARN | |

**AFTER LOT LINE
ADJUSTMENT**



REFERENCES

1. DOC-98-0120693-00
2. DOC-2007-0028779-00
3. BK 33 OF SURVEYS, PAGE 37
4. S. & O. NO. 48
5. BK 30 OF PARCEL MAPS, P. 138
6. GLO T4S R11E_446
7. INSTRUMENT #2745; BK 961 OF

OWNERS NAME & MAILING ADDRESS:

PARCEL 1:
SHORT RANCH PARTNERSHIP
1249 SWANSON RD.
HUGHSON, CA 95326
APN. 019-005-003

PARCEL 2:
ALBERTO FAMILY 2001
11737 BLUEGUM RD.
HICKMAN, CA 95323
APN. 019-006-024

STRUCTURES LEGEND:

- | | | |
|--------------------|-----------------|--------------------|
| ① RESIDENTIAL UNIT | ⑥ WALNUT HULLER | ⑪ WATER PUMP HOUSE |
| ② GARAGE | ⑦ SHOP | ⑫ FEED STALLS |
| ③ CARPORT | ⑧ ALMOND HULLER | |
| ④ BARN | ⑨ HORSE STALL | |
| ⑤ POLE BARN | ⑩ COWS BARN | |



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2013-0046715-00

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

Acct 121-Planning.
Friday, MAY 31, 2013 08:02:31
Ttl Pd \$50.00 Rcpt # 0003384993
LLP/R2/1-13

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 September 25, 2012 approved the lot line adjustment herein described submitted under the name of Short Ranch/Antonio Alberto Lot Line Adjustment No. 2012-19 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: *Carole Maben*
Carole Maben, Associate Planner
Stanislaus County Department of Planning
and Community Development

May 23, 2013
Date

13
LP

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

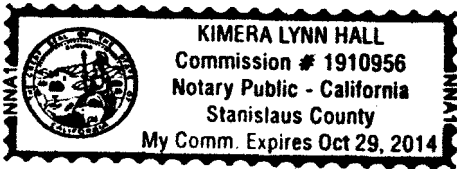
CIVIL CODE § 1189

State of California

County of Stanislaus

On 5/23/13 before me, Kimera Lynn Hall

personally appeared Carole Maben



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

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

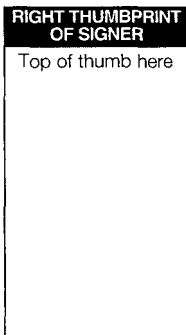
Attorney in Fact

Trustee

Guardian or Conservator

Other: _____

Signer Is Representing: _____



Signer's Name: _____

Corporate Officer — Title(s): _____

Individual

Partner — Limited General

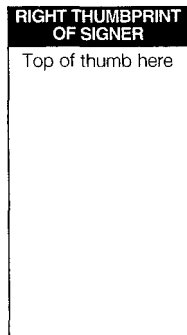
Attorney in Fact

Trustee

Guardian or Conservator

Other: _____

Signer Is Representing: _____



CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2012-19

SHORT RANCH/ANTONIO ALBERTO

PLANNING DEPARTMENT

1. Following Staff approval, all parties of interest in the subject parcels, including security holders, shall sign a Certificate of Lot Line Adjustment.
2. A deed shall be prepared and recorded for all parcels which reflect the lot line adjustment.
3. A Record of Survey shall be filed if required by Section 8762 of the Business and Professions Code.
4. Because all parcels are currently covered by Williamson Act Contracts, all contracts must be rescinded and replaced with new contracts for the new parcels. The Board of Supervisors MUST approve the new contracts as Per Section 51257 of the Government Code:

To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all of the following:

(1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.

(2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.

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

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222. (Govt. Code §51222. ... retain agricultural lands which are subject to contracts entered into pursuant to this act in parcels large enough to sustain agricultural uses permitted under the contracts. For purposes of this section, agricultural land shall be presumed to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land)

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

CONDITIONS FOR LOT LINE ADJUSTMENT NO. 2012-19

SHORT RANCH/ANTONIO ALBERTO

Page 2

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

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

You must provide written evidence to support the seven findings listed above.

NOTE: **A record of survey would be very helpful in documenting this lot line adjustment, to accommodate any future transaction involving your property**

.....

LOT LINE NO. 2012-19

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>ETHEL K. Short</u>	<u>Ethel K. Short</u>	<u>4-3-13</u>	<u>Turlock CA</u>
<u>Phillip E. Short</u>	<u>Phillip E. Short</u>	<u>4-3-13</u>	<u>Turlock CA</u>
<u>Antonio Alberto</u>	<u>Antonio Alberto</u>	<u>4-5-13</u>	<u>Turlock</u>
<u>MARIA A ALBERIO</u>	<u>Maria A. Alberto</u>	<u>4-5-13</u>	<u>Turlock Ca.</u>

SECURITY HOLDERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Yosemite Land Bank, FLCA</u>	<u>Brian J. Lemons</u> By: Brian J. Lemons Vice President	<u>4/1/13</u>	<u>Turlock</u>
<u>Yosemite Production Credit, PCA</u>	<u>Brian J. Lemons</u> By: Brian J. Lemons Vice President	<u>4/1/13</u>	<u>Turlock</u>

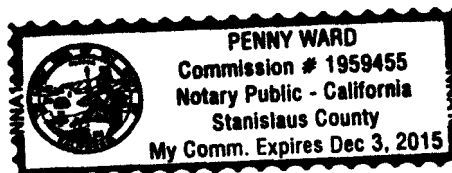
State of California)
County of Stanislaus)

On April 1, 2013 before me, Penny Ward, a notary public, personally appeared *Brian J. 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)



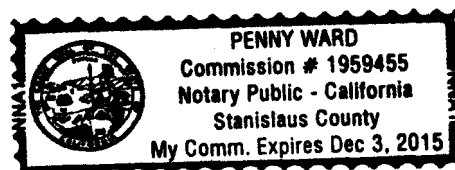
State of California)
County of Stanislaus)

On April 3, 2013 before me, Penny Ward, a notary public, personally appeared *Ethel K. Short and Phillip E. Short*, 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)



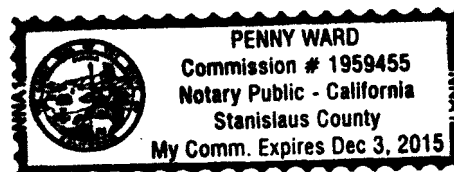
State of California)
County of Stanislaus)

On April 5, 2013 before me, Penny Ward, a notary public, personally appeared *Antonio Alberto and Maria A. Alberto*, 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)



**EXHIBIT A
BEFORE LOT LINE ADJUSTMENT**

PARCEL 1:

Government Lots 4 and 5 in the Fractional Northwest quarter; together with all that portion of the Southwest quarter lying North of Turlock Irrigation District Main Canal of Section 5, in Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats; the North line of said canal being particularly described in Deed to Turlock Irrigation District, recorded June 8, 1938, in Volume 653 of Official Records, at Page 301, Instrument No. 6882.

Contains 178.96 acres, more or less

Portion of APN: 019-005-003

PARCEL 2:

Real property in the unincorporated area of County of Stanislaus, State of California, described as follows:

ALL that certain real property lying within the Northwest quarter of the Southeast quarter; the West half of the Northeast quarter of the Southeast quarter; the Southwest quarter of the Southeast quarter of the Northeast quarter; and the South half of the Southwest quarter of the Northeast quarter, all in Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, Government Survey Section Land as per the approved U.S. Government Survey, and as shown on Book 33 of Surveys, Page 37, Stanislaus County Records, more particularly described as follows:

BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5; thence South 89°22'49" East along the north line of south half of the south half of the northeast quarter of said Section 5, a distance of 1984.38 feet (North 89°25'41" East, a distance of 1980.99 feet as per Doc. 2007-0028779 and herein called D) to the northeast corner of the southwest quarter of the southeast of the northeast quarter of said Section 5; thence South 0°11'35" West along the east line of last said southwest quarter, a distance of 660.80 feet more or less to the southeast corner of the southwest quarter of the southeast quarter of the northeast quarter of said Section 5; thence South 0°17'38" West along the east line of the west half of the northeast quarter of the southeast quarter of said Section 5, a distance of 1321.62 feet (South 0°31'22" East, a distance of 1981.58 feet as D) more or less to the southeast corner of the west half of the northeast quarter of the southeast quarter of said Section 5; thence North 89°26'50" West along the south line of the north half of the southeast quarter of said Section 5, a distance of 1329.02 feet (North 89°26'53" West, a distance of 1328.96 feet as per D) to a point on the Easterly line of the property conveyed to Delmer Levy by Deed recorded as Instrument No. 21992-79; thence North 0°16'07" West along the centerline of a 25 feet wide irrigation easement and drainage easement as shown on map filed in Book 30 of Parcel Maps at Page 138, Stanislaus County Records, a distance of 672.08 feet (North 0°15'53" West, a distance of 672.12 feet as per D) to a point on the south line of the Lands of Merriam as shown in the document of Lot Line Adjustment filed for record as Instrument No. 97-33606 and as shown on map filed for record in Book 23 of Surveys at Page 74, Stanislaus County Records, thence North 89°51'17" East along said south line, a distance of 159.25 feet (North 89°51'03" East, a distance of 159.25 feet as per D) to the southeast corner of said Lands

of Merriam; thence North 0°33'46" East along the east line of last said lands, a distance of 325.97 feet (North 0°31'22" East, a distance of 326.00 feet as per D) to the northeast corner thereof; thence North 89°23'47" West along the north line of last said lands, a distance of 150.00 feet (North 89°26'53" West, a distance of 150.00 feet as per D); thence South 73°41'32" West, a distance of 689.76 feet (South 73°41'28" West, a distance of 689.54 feet as per D) to the northwest corner of last said lands said point lying on the west line of the southeast quarter of said Section 5; thence North 0°31'47" East along the west line of the Southeast quarter of said Section 5, a distance of 522.27 feet more or less to the interior quarter corner of said Section 5; thence North 0°07'48" East along the west line of the east Northeast quarter of said Section 5, a distance of 662.39 feet (North 0°31'22" East, a distance of 1182.27 feet as per D) more or less to **THE POINT OF BEGINNING**.

Contains 75.62 acres, more or less

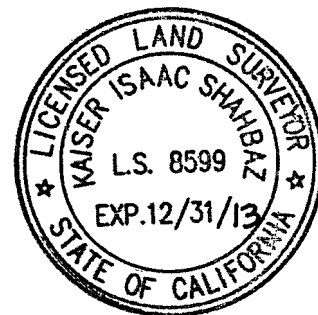
APN: 019-006-024

PARCEL 3:

That portion of Swamp & Overflowed Land Survey No. 48 lying within Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats, filed for records on February 9, 1949, in Volume 961 of Official Records, at Page 28, Instrument No. 2745, Stanislaus County Records.

Contains 7.10 acres, more or less, per said Survey No. 48.

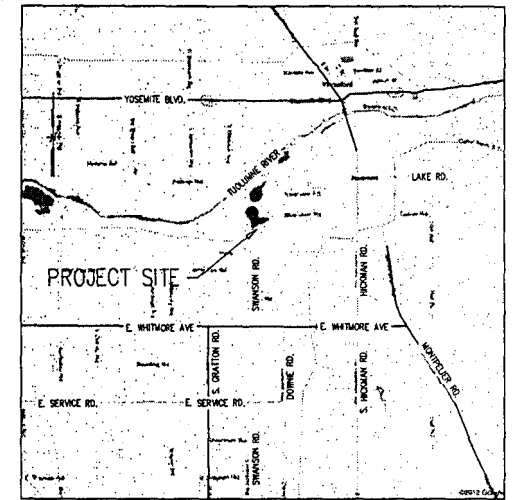
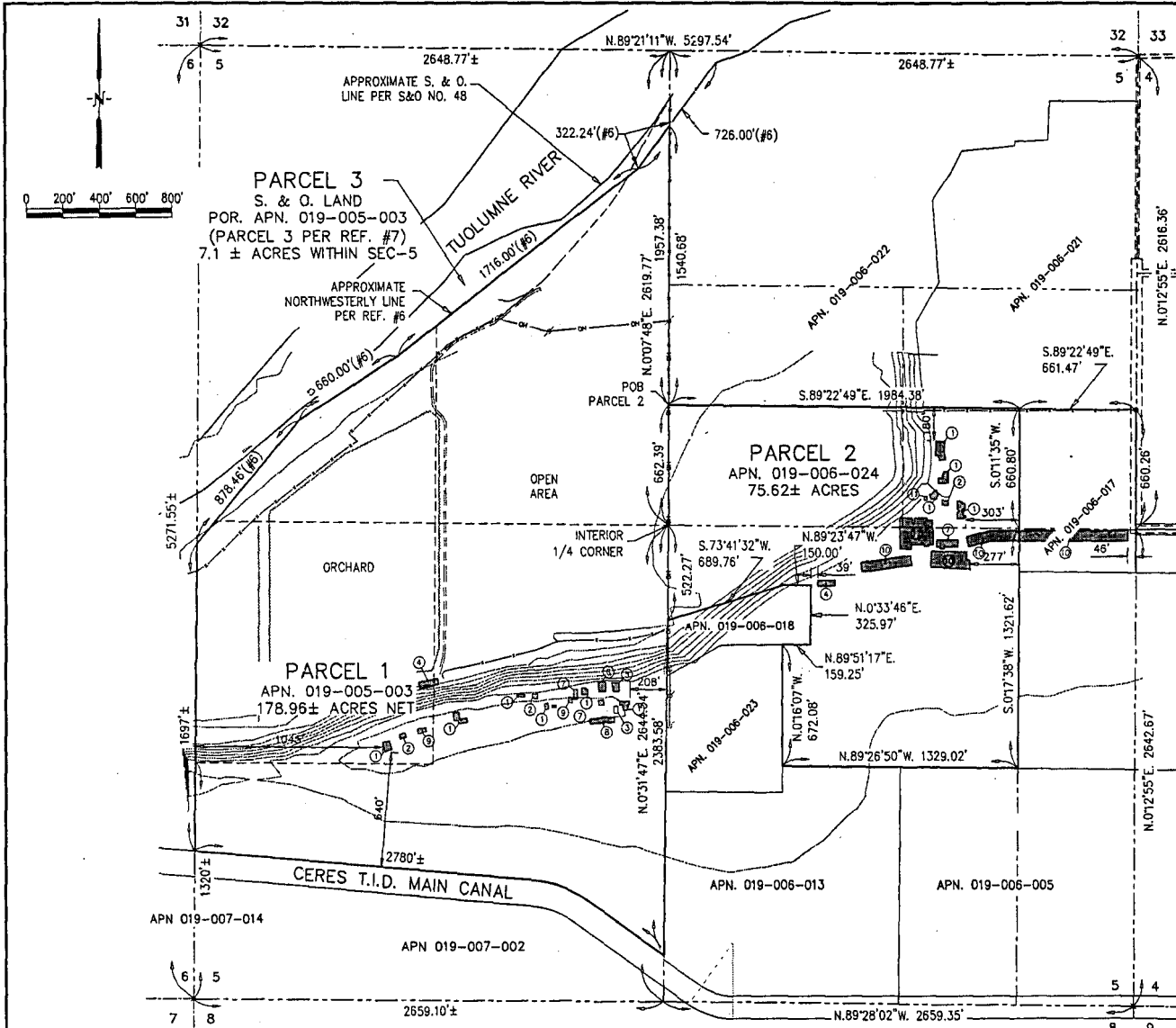
Portion of APN: 019-005-003



Kaiser I. Shahbaz
L.S. 8599

3/08/2013

Date



VICINITY MAP
NOT TO SCALE

- SANITARY SEWER & WATER:
PRIVATE SYSTEM ON SITE
- STORM DRAIN:
ON-SITE DRAINAGE BASIN
- ELECTRICAL POWER:
TURLOCK IRRIGATION DISTRICT
- SOIL:
TYPE: VARIES BETWEEN TUA, DhB & GmA
0 TO 3 PERCENT SLOPE
- FLOOD INFORMATION:
ZONE "X" COMMUNITY-PANEL AREAS
DETERMINED TO OUTSIDE
OF THE 0.2% FOR ANNUAL FLOOD
NUMBER 06099C0800E DATED SEP. 26, 2008

BEFORE LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 5, TOWNSHIP
4 SOUTH, RANGE 11 EAST, MOUNT DIABLO &
MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

R. B. WELTY & ASSOCIATES, INC.
521 13TH STREET MODESTO, CA 95354
TEL. (209) 526-1515, FAX (209) 523-3383
JOB NO. 12304 DATE: FEBRUARY 21, 2013

- REFERENCES**
1. DOC-98-0120693-00
 2. DOC-2007-0028779-00
 3. BK 33 OF SURVEYS, PAGE 37
 4. S. & O. NO. 48
 5. BK 30 OF PARCEL MAPS, P. 138
 6. GLO T4S R11E_446
 7. INSTRUMENT #2745; BK 961 OF GRANT DEED, PAGE 28

OWNERS NAME & MAILING ADDRESS:

- | | |
|--|---|
| PARCEL 1:
SHORT RANCH PARTNERSHIP
1249 SWANSON RD.
HUGHSON, CA 95326
APN. 019-005-003 | PARCEL 2:
ALBERTO FAMILY 2001
11737 BLUEGUM RD.
HICKMAN, CA 95323
APN. 019-006-024 |
|--|---|

STRUCTURES LEGEND:

- | | | |
|--------------------|-----------------|--------------------|
| ① RESIDENTIAL UNIT | ⑥ WALNUT HULLER | ⑪ WATER PUMP HOUSE |
| ② GARAGE | ⑦ SHOP | ⑫ FEED STALLS |
| ③ CARPORT | ⑧ ALMOND HULLER | |
| ④ BARN | ⑨ HORSE STALL | |
| ⑤ POLE BARN | ⑩ COWS BARN | |

**EXHIBIT B
AFTER LOT LINE ADJUSTMENT**

PARCEL 1:


Government Lots 4 and 5 in the Fractional Northwest quarter; together with all that portion of the Southwest quarter lying North of Turlock Irrigation District Main Canal of Section 5, in Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats; the North line of said canal being particularly described in Deed to Turlock Irrigation District, recorded June 8, 1938, in Volume 653 of Official Records, at Page 301, Instrument No. 6882.

EXCEPTING therefrom a portion of the west half of said Section 5, more particularly described as follows:

BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5, also being the northwest corner of Remainder Parcel as shown in Book 30 of Parcel Maps, at Page 138, Stanislaus County Records; thence South 0°07'48" West along the westerly line of said Remainder Parcel, also being the quarter line of said Section 5, 662.39 feet more or less to the interior quarter corner of said Section 5 as shown in aforementioned Parcel Map and Book 33 of Surveys, Page 37; thence continue along the westerly line of said Remainder Parcel and the quarter line of said Section 5 South 0°31'47" West, a distance of 522.27 feet to the ¾" Iron Pipe marking the northwest corner of Parcel A shown in said aforementioned Parcel Map; thence continue along the westerly line of said Parcel A South 0°31'47" West, a distance of 55.18 feet; thence leaving said last westerly line South 86°25'13" West, a distance of 1272.62 feet to the center of an existing dirt road more or less; thence along the approximate center line of said existing dirt road North 0°06'52" East, a distance of 1791.96 feet, herein designated as Course "A," more or less to a point on the left bank meander line of Tuolumne River shown as (S 52 ¾° W 26.00 chains) in GLO T4S, R11E_446 dated February 1, 1907; thence along the meander lines as shown in said GLO Plat: 1) North 52°56' East 1379.00 feet (along the course shown as N 52.75° E 26.00 chains); 2) North 36°41' East 295.41 feet (along the course shown as S 36.5° W 11.00 chains) more or less to the quarter section line of said Section 5; thence South 0°07'48" West along last mentioned line 1540.68 feet more or less to **THE POINT OF BEGINNING.**

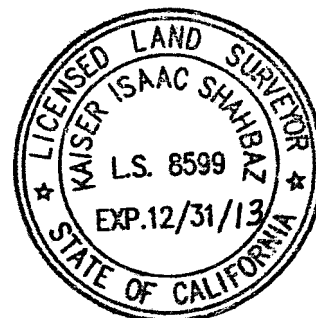
TOGETHER with that portion of Swamp & Overflowed Land Survey No. 48 lying within Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to Stanislaus County Records, filed for records on February 9, 1949, in Volume 961 of Official Records, at Page 28, Instrument No. 2745, Stanislaus County Records, **EXCEPTING** therefrom that portion located Easterly of the Northerly extension line of the aforementioned Course "A".

Contains 117.12 acres, includes 3.7 +/- acres of the S. & O. acreage.



Kaiser I. Shahbaz
L.S. 8599

3/08/2013
Date



**EXHIBIT B
AFTER LOT LINE ADJUSTMENT**

PARCEL 2:

Real property in the unincorporated area of County of Stanislaus, State of California, described as follows:

ALL that certain real property lying within the Northwest quarter of the Southeast quarter; the West half of the Northeast quarter of the Southeast quarter; the Southwest quarter of the Southeast quarter of the Northeast quarter; and the South half of the Southwest quarter of the Northeast quarter, all in Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, Government Survey Section Land as per the approved U.S. Government Survey, and as shown on Book 33 of Surveys, Page 37, Stanislaus County Records, more particularly described as follows:

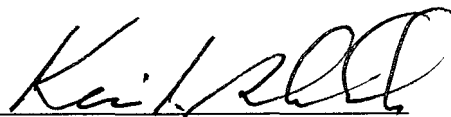
BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5; thence South $89^{\circ}22'49''$ East along the north line of south half of the south half of the northeast quarter of said Section 5, a distance of 1984.38 feet to the northeast corner of the southwest quarter of the southeast quarter of the northeast quarter of said Section 5; thence South $0^{\circ}11'35''$ West along the east line of last said southwest quarter, a distance of 660.80 feet more or less to the southeast corner of the southwest quarter of the southeast quarter of the northeast quarter of said Section 5; thence South $0^{\circ}17'38''$ West along the east line of the west half of the northeast quarter of the southeast quarter of said Section 5, a distance of 1321.62 feet more or less to the southeast corner of the west half of the northeast quarter of the southeast quarter of said Section 5; thence North $89^{\circ}26'50''$ West along the south line of the north half of the southeast quarter of said Section 5, a distance of 1329.02 feet to a point on the Easterly line of the property conveyed to Delmer Levy by Deed recorded as Instrument No. 21992-79; thence North $0^{\circ}16'07''$ West along the centerline of a 25 feet wide irrigation easement and drainage easement as shown on map filed in Book 30 of Parcel Maps at Page 138, Stanislaus County Records, a distance of 672.08 feet to a point on the south line of the Lands of Merriam as shown in the document of Lot Line Adjustment filed for record as Instrument No. 97-33606 and as shown on map filed for record in Book 23 of Surveys at Page 74, Stanislaus County Records, thence North $89^{\circ}51'17''$ East along said south line, a distance of 159.25 feet to the southeast corner of said Lands of Merriam; thence North $0^{\circ}33'46''$ East along the east line of last said lands, a distance of 325.97 feet to the northeast corner thereof; thence North $89^{\circ}23'47''$ West along the north line of last said lands, a distance of 150.00 feet; thence South $73^{\circ}41'32''$ West, a distance of 689.76 feet to the northwest corner of last said lands said point lying on the west line of the southeast quarter of said Section 5; thence North $0^{\circ}31'47''$ East along the west line of the Southeast quarter of said Section 5, a distance of 522.27 feet more or less to the interior quarter corner of said Section 5; thence North $0^{\circ}07'48''$ East along the west line of the Northeast quarter of said Section 5, a distance of 662.39 feet more or less to **THE POINT OF BEGINNING**.

TOGETHER with a portion of the west half of said Section 5, more particularly described as follows:

BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5, also being the northwest corner of Remainder Parcel as shown in Book 30 of Parcel Maps, at Page 138, Stanislaus County Records; thence South 0°07'48" West along the westerly line of said Remainder Parcel, also being the quarter line of said Section 5, 662.39 feet more or less to the Interior quarter corner of said Section 5 as shown in aforementioned Parcel Map and Book 33 of Surveys, Page 37; thence continue along the westerly line of said Remainder Parcel and the quarter line of said Section 5 South 0°31'47" West, a distance of 522.27 feet to the ¾" Iron Pipe marking the northwest corner of Parcel A shown in said aforementioned Parcel Map; thence continue along the westerly line of said Parcel A South 0°31'47" West, a distance of 55.18 feet; thence leaving said last westerly line South 86°25'13" West, a distance of 1272.62 feet to the center of an existing dirt road more or less; thence along the approximate center line of said existing dirt road North 0°06'52" East, a distance of 1791.96 feet, herein designated as Course "A," more or less to a point on the left bank meander line of Tuolumne River shown as (S 52 ¾° W 26.00 chains) in GLO T4S, R11E_446 dated February 1, 1907; thence along the meander lines as shown in said GLO Plat: 1) North 52°56' East 1379.00 feet (along the course shown as N 52.75° E 26.00 chains); 2) North 36°41' East 295.41 feet (along the course shown as S 36.5° W 11.00 chains) more or less to the quarter section line of said Section 5; thence South 0°07'48" West along last mentioned line 1540.68 feet more or less to **THE POINT OF BEGINNING.**

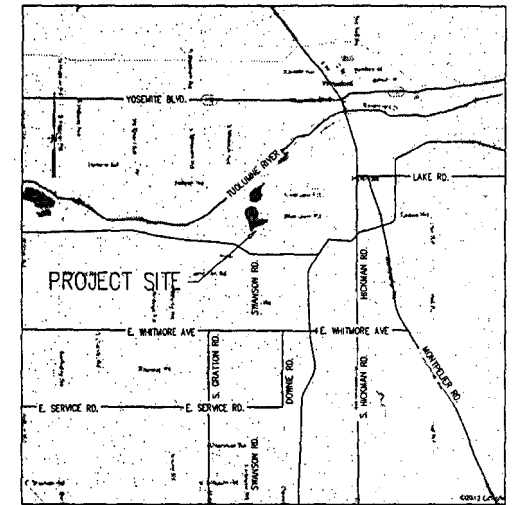
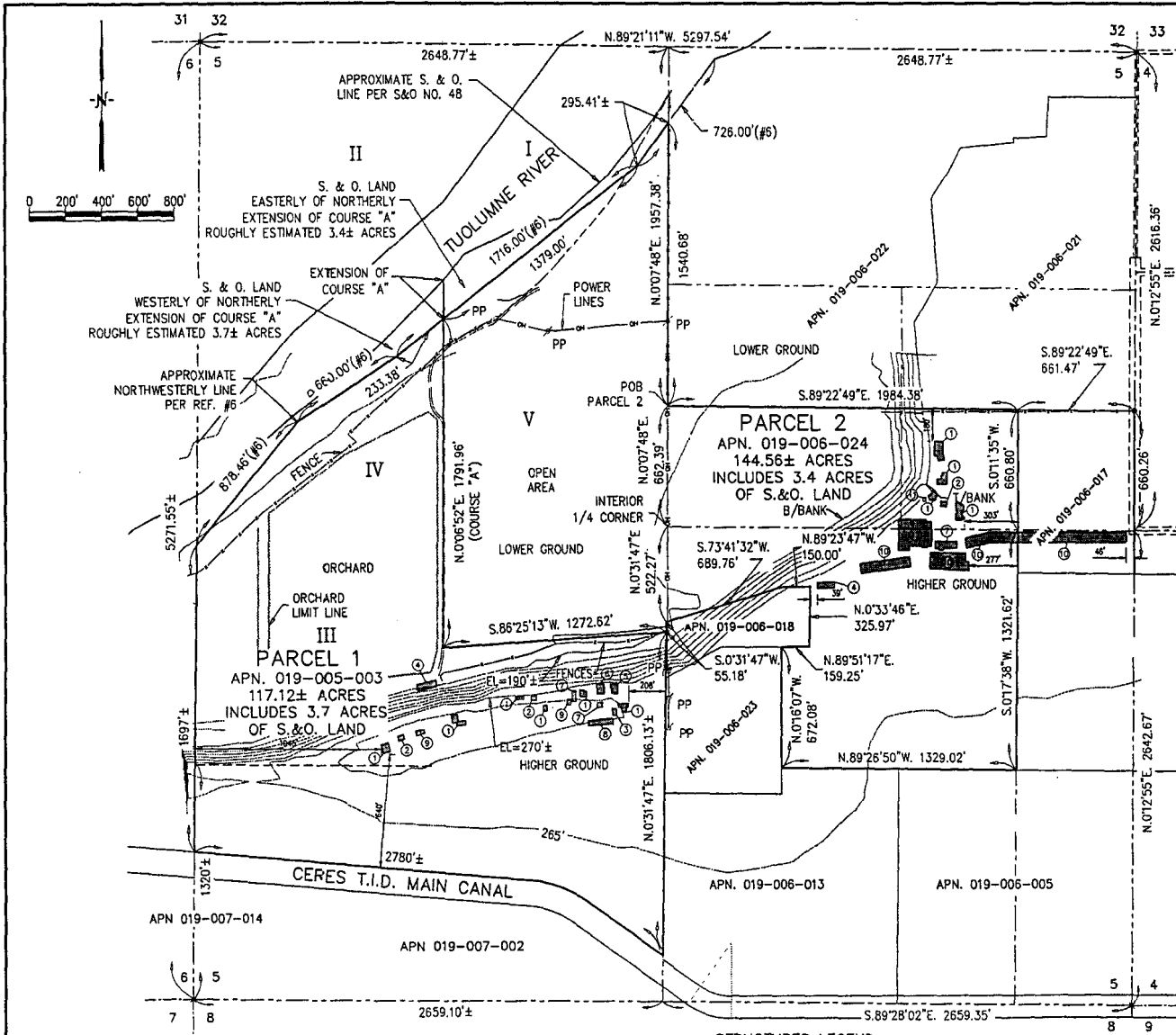
TOGETHER with that portion of Swamp & Overflowed Land Survey No. 48 lying within Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats, filed for records on February 9, 1949, in Volume 961 of Official Records, at Page 28, Instrument No. 2745, Stanislaus County Records, **EXCEPTING** therefrom that portion located Westerly of the Northerly extension line of the aforementioned Course "A".

Contains 144.56 acres, includes 3.4 +/- acres of the S. & O. acreage.


Kaiser I. Shahbaz
L.S. 8599

3/08/2013
Date





VICINITY MAP
NOT TO SCALE

- SANITARY SEWER & WATER:**
PRIVATE SYSTEM ON SITE
- STORM DRAIN:**
ON-SITE DRAINAGE BASIN
- ELECTRICAL POWER:**
TURLOCK IRRIGATION DISTRICT
- SOIL:**
TYPE: VARIES BETWEEN TuA, DnB & GmA
0 TO 3 PERCENT SLOPE
- FLOOD INFORMATION:**
ZONE "X" COMMUNITY-PANEL AREAS
DETERMINED TO OUTSIDE
OF THE 0.2% FOR ANNUAL FLOOD
NUMBER 06099C06000 DATED SEP. 26, 2008

AFTER LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 11 EAST, MOUNT DIABLO & MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

R. B. WELTY & ASSOCIATES, INC.
521 13TH STREET MODESTO, CA 95354
TEL. (209) 526-1515, FAX (209) 523-3383
JOB NO. 12304 DATE: FEBRUARY 21, 2013

- REFERENCES**
1. DOC-98-0120693-00
 2. DOC-2007-0028779-00
 3. BK 33 OF SURVEYS, PAGE 37
 4. S. & O. NO. 48
 5. BK 30 OF PARCEL MAPS, P. 138
 6. GLO 145 R11C_446
 7. INSTRUMENT #2745; BK 951 OF GRANT DEED, PAGE 28

OWNERS NAME & MAILING ADDRESS:

PARCEL 1: SHORT RANCH PARTNERSHIP 1249 SWANSON RD. HUGHSON, CA 95326 APN. 019-005-003	PARCEL 2: ALBERTO FAMILY 2001 11737 BLUEGUM RD. HICKMAN, CA 95323 APN. 019-006-024
--	---

- STRUCTURES LEGEND:**
- | | | |
|--------------------|-----------------|--------------------|
| ① RESIDENTIAL UNIT | ⑦ WALNUT HULLER | ⑩ WATER PUMP HOUSE |
| ② GARAGE | ⑧ SHOP | ⑪ FEED STALLS |
| ③ CARPORT | ⑨ ALMOND HULLER | |
| ④ BARN | ⑫ HORSE STALL | |
| ⑤ POLE BARN | ⑬ COWS BARN | |

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. 2013-14

THIS SPACE FOR RECORDER ONLY

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2013-0046716-00
Friday, MAY 31, 2013 08:16:11
Ttl Pd \$0.00 Rcpt # 0003384994
LLP/R2/2-11

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into May 21, 2013, 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: E. Kay Short
1249 Swanson Road
Hughson, CA 95326

(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)
019-005-003	117.12±	1249 Swanson Rd., Hughson
The area includes 3.7± acres of S. & O. Land		
019-006-024	144.56±	11737 Blue Gum Rd., Hickman
The area includes 3.4± acres of S. & O. Land		

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2013-258, relating to Lot Line Adjustment No. 2012-19 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 71-106 & 2006-16 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.

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)
E. Kay Short	<i>E. Kay Short</i>	4-3-13	Turlock, CA
Phillip E Short	<i>Phillip E Short</i>	4/3/13	Turlock CA

ANTONIO ALBERTO	<i>Antonio Alberto</i>	4-5-13	Turlock
MARIA A. ALBERTO	<i>Maria A. Alberto</i>	4-5-13	Turlock CA

SECURITY HOLDERS:


NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
Yosemite Land Bank, FLCA	<i>Brian J. Lemons</i> By: Brian J. Lemons Vice President	4/1/13	Turlock
Yosemite Production Credit	<i>Brian J. Lemons</i> PCA By: Brian J. Lemons Vice President	4/1/13	Turlock

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

5-29-2013
 Dated


 Chairman, Board of Supervisors
 Angela Freitas for Vito Chiesa

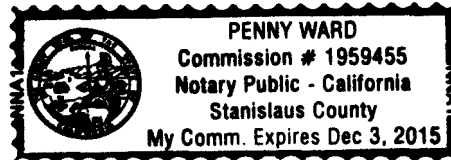
State of California)
County of Stanislaus)

On April 1, 2013 before me, Penny Ward, a notary public, personally appeared *Brian J. 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)



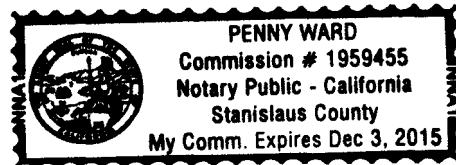
State of California)
County of Stanislaus)

On April 3, 2013 before me, Penny Ward, a notary public, personally appeared *E. Kay Short and Phillip E. Short*, 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)



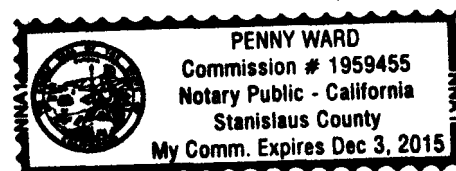
State of California)
County of Stanislaus)

On April 5, 2013 before me, Penny Ward, a notary public, personally appeared *Antonio Alberto and Maria A. Alberto*, 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)



**EXHIBIT A
BEFORE LOT LINE ADJUSTMENT**

PARCEL 1:

Government Lots 4 and 5 in the Fractional Northwest quarter; together with all that portion of the Southwest quarter lying North of Turlock Irrigation District Main Canal of Section 5, in Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats; the North line of said canal being particularly described in Deed to Turlock Irrigation District, recorded June 8, 1938, in Volume 653 of Official Records, at Page 301, Instrument No. 6882.

Contains 178.96 acres, more or less

Portion of APN: 019-005-003

PARCEL 2:

Real property in the unincorporated area of County of Stanislaus, State of California, described as follows:

ALL that certain real property lying within the Northwest quarter of the Southeast quarter; the West half of the Northeast quarter of the Southeast quarter; the Southwest quarter of the Southeast quarter of the Northeast quarter; and the South half of the Southwest quarter of the Northeast quarter, all in Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, Government Survey Section Land as per the approved U.S. Government Survey, and as shown on Book 33 of Surveys, Page 37, Stanislaus County Records, more particularly described as follows:

BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5; thence South 89°22'49" East along the north line of south half of the south half of the northeast quarter of said Section 5, a distance of 1984.38 feet (North 89°25'41" East, a distance of 1980.99 feet as per Doc. 2007-0028779 and herein called D) to the northeast corner of the southwest quarter of the southeast of the northeast quarter of said Section 5; thence South 0°11'35" West along the east line of last said southwest quarter, a distance of 660.80 feet more or less to the southeast corner of the southwest quarter of the southeast quarter of the northeast quarter of said Section 5; thence South 0°17'38" West along the east line of the west half of the northeast quarter of the southeast quarter of said Section 5, a distance of 1321.62 feet (South 0°31'22" East, a distance of 1981.58 feet as D) more or less to the southeast corner of the west half of the northeast quarter of the southeast quarter of said Section 5; thence North 89°26'50" West along the south line of the north half of the southeast quarter of said Section 5, a distance of 1329.02 feet (North 89°26'53" West, a distance of 1328.96 feet as per D) to a point on the Easterly line of the property conveyed to Delmer Levy by Deed recorded as Instrument No. 21992-79; thence North 0°16'07" West along the centerline of a 25 feet wide irrigation easement and drainage easement as shown on map filed in Book 30 of Parcel Maps at Page 138, Stanislaus County Records, a distance of 672.08 feet (North 0°15'53" West, a distance of 672.12 feet as per D) to a point on the south line of the Lands of Merriam as shown in the document of Lot Line Adjustment filed for record as Instrument No. 97-33606 and as shown on map filed for record in Book 23 of Surveys at Page 74, Stanislaus County Records, thence North 89°51'17" East along said south line, a distance of 159.25 feet (North 89°51'03" East, a distance of 159.25 feet as per D) to the southeast corner of said Lands

of Merriam; thence North 0°33'46" East along the east line of last said lands, a distance of 325.97 feet (North 0°31'22" East, a distance of 326.00 feet as per D) to the northeast corner thereof; thence North 89°23'47" West along the north line of last said lands, a distance of 150.00 feet (North 89°26'53" West, a distance of 150.00 feet as per D); thence South 73°41'32" West, a distance of 689.76 feet (South 73°41'28" West, a distance of 689.54 feet as per D) to the northwest corner of last said lands said point lying on the west line of the southeast quarter of said Section 5; thence North 0°31'47" East along the west line of the Southeast quarter of said Section 5, a distance of 522.27 feet more or less to the interior quarter corner of said Section 5; thence North 0°07'48" East along the west line of the east Northeast quarter of said Section 5, a distance of 662.39 feet (North 0°31'22" East, a distance of 1182.27 feet as per D) more or less to **THE POINT OF BEGINNING**.

Contains 75.62 acres, more or less

APN: 019-006-024

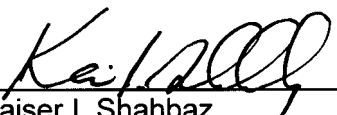
PARCEL 3:

That portion of Swamp & Overflowed Land Survey No. 48 lying within Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats, filed for records on February 9, 1949, in Volume 961 of Official Records, at Page 28, Instrument No. 2745, Stanislaus County Records.

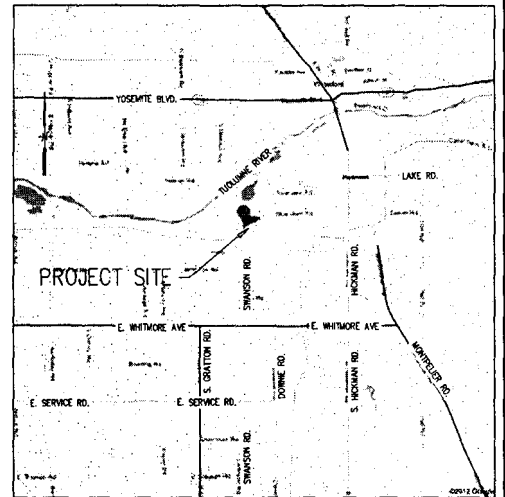
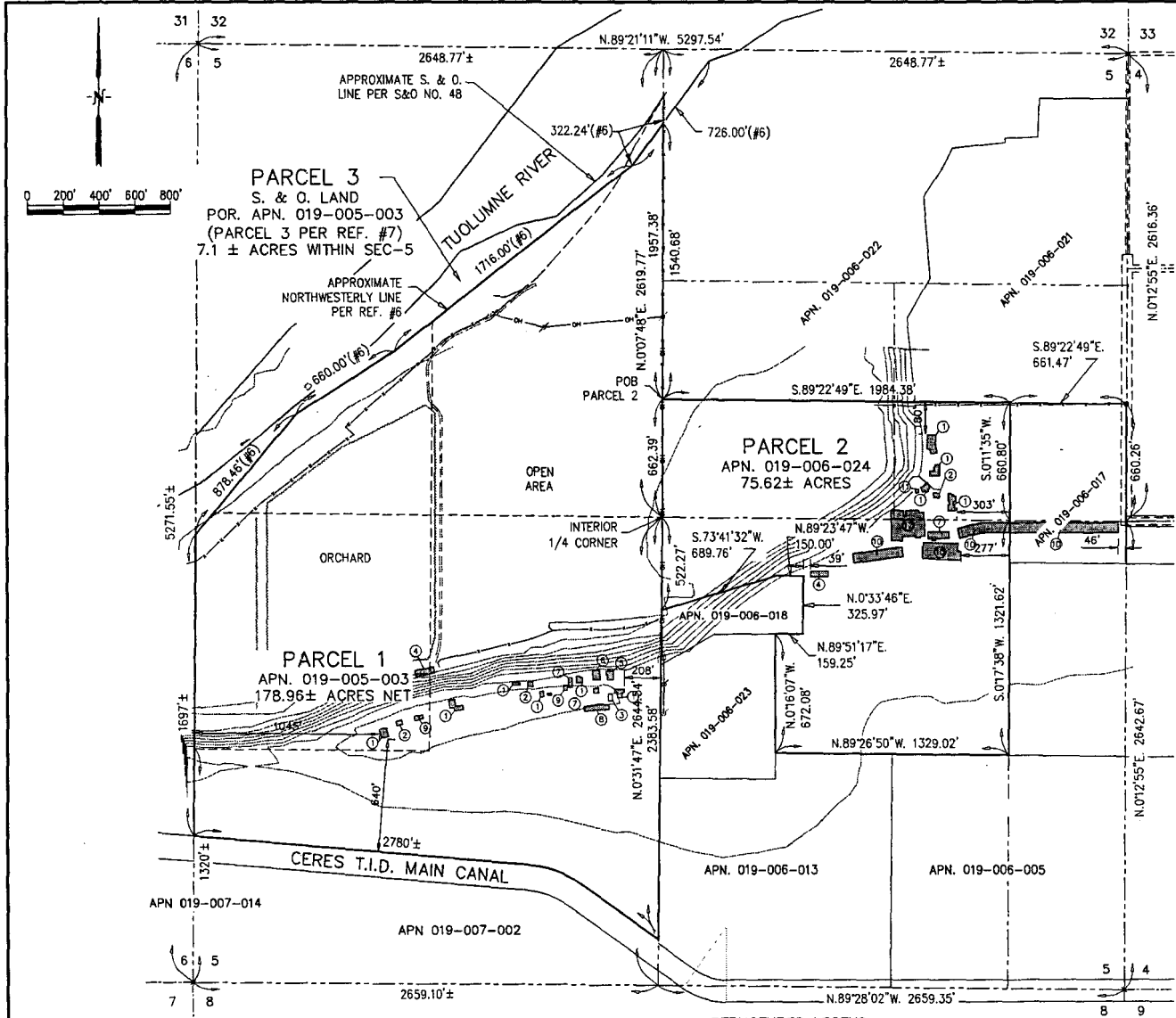
Contains 7.10 acres, more or less, per said Survey No. 48.

Portion of APN: 019-005-003




Kaiser I. Shahbaz
L.S. 8599

3/08/2013
Date



VICINITY MAP
NOT TO SCALE

- SANITARY SEWER & WATER:**
PRIVATE SYSTEM ON SITE
- STORM DRAIN:**
ON-SITE DRAINAGE BASIN
- ELECTRICAL POWER:**
TURLOCK IRRIGATION DISTRICT
- SOIL:**
TYPE: VARIES BETWEEN Tua, DhB & GmA
0 TO 3 PERCENT SLOPE
- FLOOD INFORMATION:**
ZONE "X" COMMUNITY-PANEL AREAS
DETERMINED TO OUTSIDE
OF THE 0.2% FOR ANNUAL FLOOD
NUMBER 06099C0600E DATED SEP. 26,2008

BEFORE LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 11 EAST, MOUNT DIABLO & MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

R. B. WELTY & ASSOCIATES, INC.
521 13TH STREET MODESTO, CA 95354
TEL. (209) 526-1515, FAX (209) 523-3383
JOB NO. 12304 DATE: FEBRUARY 21, 2013

- REFERENCES**
1. DOC-98-0120693-00
 2. DOC-2007-0028779-00
 3. BK 33 OF SURVEYS, PAGE 37
 4. S. & O. NO. 48
 5. BK 30 OF PARCEL MAPS, P. 138
 6. GLO. T45 R11E_446
 7. INSTRUMENT #2745; BK 961 OF GRANT DEED, PAGE 28

OWNERS NAME & MAILING ADDRESS:

PARCEL 1:
SHORT RANCH PARTNERSHIP
1249 SWANSON RD.
HUGHSON, CA 95326
APN. 019-005-003

PARCEL 2:
ALBERTO FAMILY 2001
11737 BLUEGUM RD.
HICKMAN, CA 95323
APN. 019-006-024

- STRUCTURES LEGEND:**
- | | | |
|--------------------|-----------------|--------------------|
| ① RESIDENTIAL UNIT | ⑦ WALNUT HULLER | ⑩ WATER PUMP HOUSE |
| ② GARAGE | ⑧ SHOP | ⑪ FEED STALLS |
| ③ CARPORT | ⑨ ALMOND HULLER | |
| ④ BARN | ⑫ HORSE STALL | |
| ⑤ POLE BARN | ⑬ COWS BARN | |

**EXHIBIT B
AFTER LOT LINE ADJUSTMENT**

PARCEL 1:

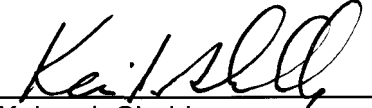
Government Lots 4 and 5 in the Fractional Northwest quarter; together with all that portion of the Southwest quarter lying North of Turlock Irrigation District Main Canal of Section 5, in Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats; the North line of said canal being particularly described in Deed to Turlock Irrigation District, recorded June 8, 1938, in Volume 653 of Official Records, at Page 301, Instrument No. 6882.

EXCEPTING therefrom a portion of the west half of said Section 5, more particularly described as follows:

BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5, also being the northwest corner of Remainder Parcel as shown in Book 30 of Parcel Maps, at Page 138, Stanislaus County Records; thence South 0°07'48" West along the westerly line of said Remainder Parcel, also being the quarter line of said Section 5, 662.39 feet more or less to the Interior quarter corner of said Section 5 as shown in aforementioned Parcel Map and Book 33 of Surveys, Page 37; thence continue along the westerly line of said Remainder Parcel and the quarter line of said Section 5 South 0°31'47" West, a distance of 522.27 feet to the ¾" Iron Pipe marking the northwest corner of Parcel A shown in said aforementioned Parcel Map; thence continue along the westerly line of said Parcel A South 0°31'47" West, a distance of 55.18 feet; thence leaving said last westerly line South 86°25'13" West, a distance of 1272.62 feet to the center of an existing dirt road more or less; thence along the approximate center line of said existing dirt road North 0°06'52" East, a distance of 1791.96 feet, herein designated as Course "A," more or less to a point on the left bank meander line of Tuolumne River shown as (S 52 ¾° W 26.00 chains) in GLO T4S, R11E_446 dated February 1, 1907; thence along the meander lines as shown in said GLO Plat: 1) North 52°56' East 1379.00 feet (along the course shown as N 52.75° E 26.00 chains); 2) North 36°41' East 295.41 feet (along the course shown as S 36.5° W 11.00 chains) more or less to the quarter section line of said Section 5; thence South 0°07'48" West along last mentioned line 1540.68 feet more or less to **THE POINT OF BEGINNING.**

TOGETHER with that portion of Swamp & Overflowed Land Survey No. 48 lying within Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to Stanislaus County Records, filed for records on February 9, 1949, in Volume 961 of Official Records, at Page 28, Instrument No. 2745, Stanislaus County Records, **EXCEPTING** therefrom that portion located Easterly of the Northerly extension line of the aforementioned Course "A".

Contains 117.12 acres, includes 3.7 +/- acres of the S. & O. acreage.


Kaiser I. Shahbaz
L.S. 8599

3/08/2013
Date



EXHIBIT B
AFTER LOT LINE ADJUSTMENT

PARCEL 2:

Real property in the unincorporated area of County of Stanislaus, State of California, described as follows:

ALL that certain real property lying within the Northwest quarter of the Southeast quarter; the West half of the Northeast quarter of the Southeast quarter; the Southwest quarter of the Southeast quarter of the Northeast quarter; and the South half of the Southwest quarter of the Northeast quarter, all in Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, Government Survey Section Land as per the approved U.S. Government Survey, and as shown on Book 33 of Surveys, Page 37, Stanislaus County Records, more particularly described as follows:

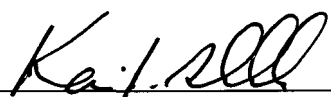
BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5; thence South $89^{\circ}22'49''$ East along the north line of south half of the south half of the northeast quarter of said Section 5, a distance of 1984.38 feet to the northeast corner of the southwest quarter of the southeast quarter of the northeast quarter of said Section 5; thence South $0^{\circ}11'35''$ West along the east line of last said southwest quarter, a distance of 660.80 feet more or less to the southeast corner of the southwest quarter of the southeast quarter of the northeast quarter of said Section 5; thence South $0^{\circ}17'38''$ West along the east line of the west half of the northeast quarter of the southeast quarter of said Section 5, a distance of 1321.62 feet more or less to the southeast corner of the west half of the northeast quarter of the southeast quarter of said Section 5; thence North $89^{\circ}26'50''$ West along the south line of the north half of the southeast quarter of said Section 5, a distance of 1329.02 feet to a point on the Easterly line of the property conveyed to Delmer Levy by Deed recorded as Instrument No. 21992-79; thence North $0^{\circ}16'07''$ West along the centerline of a 25 feet wide irrigation easement and drainage easement as shown on map filed in Book 30 of Parcel Maps at Page 138, Stanislaus County Records, a distance of 672.08 feet to a point on the south line of the Lands of Merriam as shown in the document of Lot Line Adjustment filed for record as Instrument No. 97-33606 and as shown on map filed for record in Book 23 of Surveys at Page 74, Stanislaus County Records, thence North $89^{\circ}51'17''$ East along said south line, a distance of 159.25 feet to the southeast corner of said Lands of Merriam; thence North $0^{\circ}33'46''$ East along the east line of last said lands, a distance of 325.97 feet to the northeast corner thereof; thence North $89^{\circ}23'47''$ West along the north line of last said lands, a distance of 150.00 feet; thence South $73^{\circ}41'32''$ West, a distance of 689.76 feet to the northwest corner of last said lands said point lying on the west line of the southeast quarter of said Section 5; thence North $0^{\circ}31'47''$ East along the west line of the Southeast quarter of said Section 5, a distance of 522.27 feet more or less to the interior quarter corner of said Section 5; thence North $0^{\circ}07'48''$ East along the west line of the Northeast quarter of said Section 5, a distance of 662.39 feet more or less to **THE POINT OF BEGINNING**.

TOGETHER with a portion of the west half of said Section 5, more particularly described as follows:

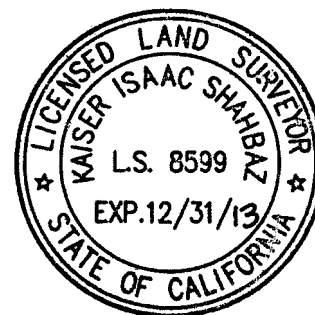
BEGINNING at the northwest corner of the southwest quarter of the southwest quarter of the northeast quarter of said Section 5, also being the northwest corner of Remainder Parcel as shown in Book 30 of Parcel Maps, at Page 138, Stanislaus County Records; thence South 0°07'48" West along the westerly line of said Remainder Parcel, also being the quarter line of said Section 5, 662.39 feet more or less to the Interior quarter corner of said Section 5 as shown in aforementioned Parcel Map and Book 33 of Surveys, Page 37; thence continue along the westerly line of said Remainder Parcel and the quarter line of said Section 5 South 0°31'47" West, a distance of 522.27 feet to the ¾" Iron Pipe marking the northwest corner of Parcel A shown in said aforementioned Parcel Map; thence continue along the westerly line of said Parcel A South 0°31'47" West, a distance of 55.18 feet; thence leaving said last westerly line South 86°25'13" West, a distance of 1272.62 feet to the center of an existing dirt road more or less; thence along the approximate center line of said existing dirt road North 0°06'52" East, a distance of 1791.96 feet, herein designated as Course "A," more or less to a point on the left bank meander line of Tuolumne River shown as (S 52 ¾° W 26.00 chains) in GLO T4S, R11E_446 dated February 1, 1907; thence along the meander lines as shown in said GLO Plat: 1) North 52°56' East 1379.00 feet (along the course shown as N 52.75° E 26.00 chains); 2) North 36°41' East 295.41 feet (along the course shown as S 36.5° W 11.00 chains) more or less to the quarter section line of said Section 5; thence South 0°07'48" West along last mentioned line 1540.68 feet more or less to **THE POINT OF BEGINNING.**

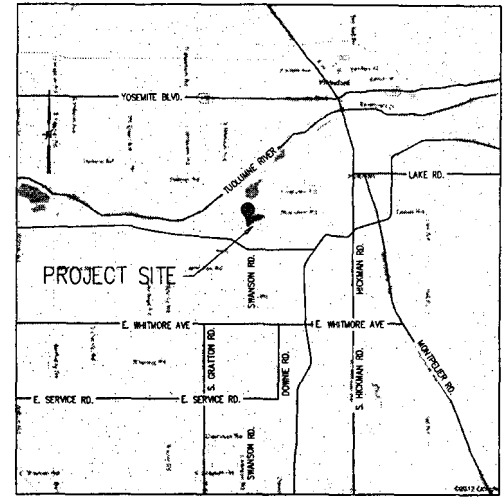
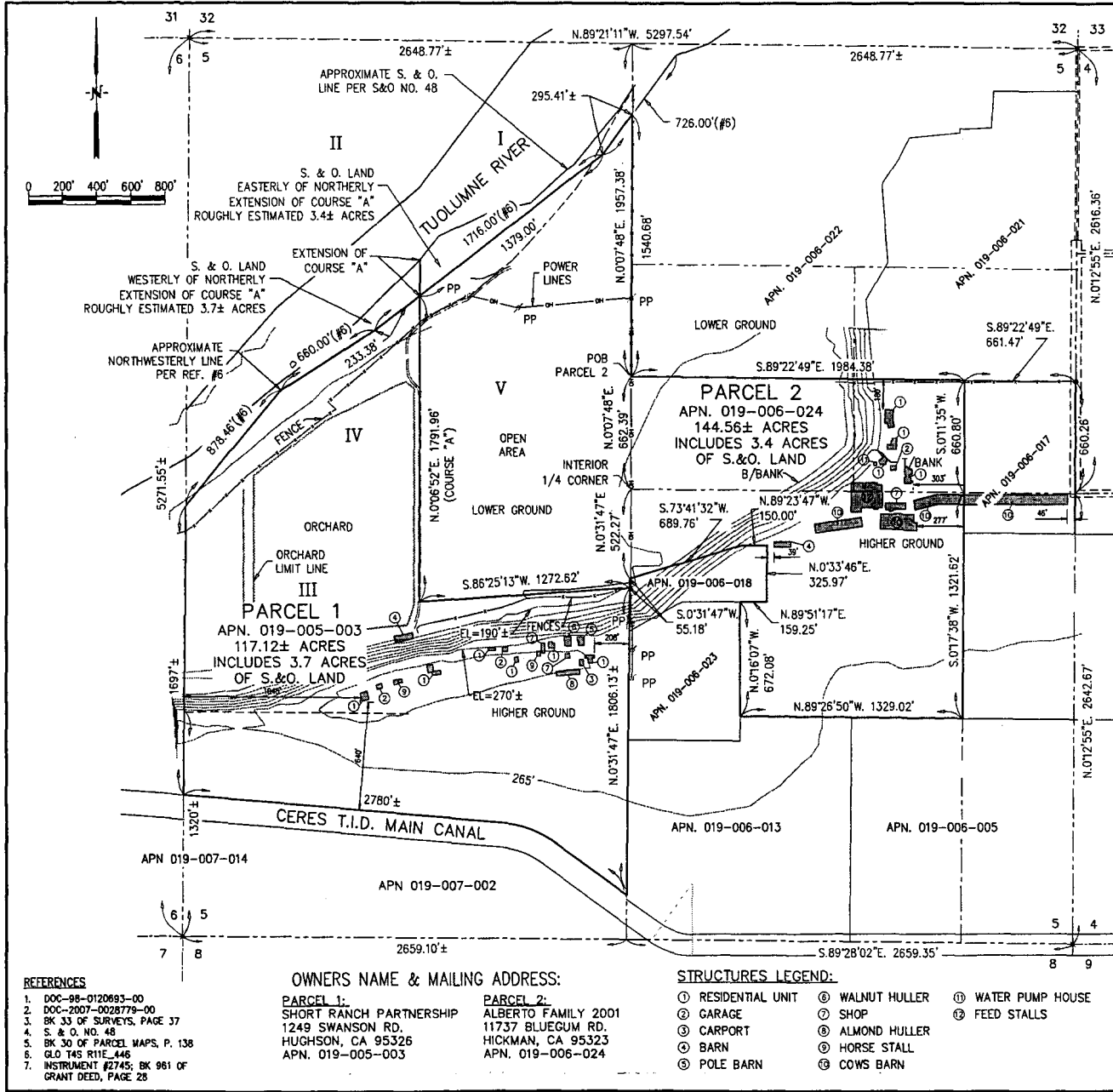
TOGETHER with that portion of Swamp & Overflowed Land Survey No. 48 lying within Section 5, Township 4 South, Range 11 East, Mount Diablo Base and Meridian, according to United States Government Township Plats, filed for records on February 9, 1949, in Volume 961 of Official Records, at Page 28, Instrument No. 2745, Stanislaus County Records, **EXCEPTING** therefrom that portion located Westerly of the Northerly extension line of the aforementioned Course "A".

Contains 144.56 acres, includes 3.4 +/- acres of the S. & O. acreage.


Kaiser I. Shahbaz
L.S. 8599

3/08/2013
Date





VICINITY MAP
NOT TO SCALE

- SANITARY SEWER & WATER:**
PRIVATE SYSTEM ON SITE
- STORM DRAIN:**
ON-SITE DRAINAGE BASIN
- ELECTRICAL POWER:**
TURLOCK IRRIGATION DISTRICT
- SOIL:**
TYPE: VARIES BETWEEN TuA, DhB & GmA
0 TO 3 PERCENT SLOPE
- FLOOD INFORMATION:**
ZONE "X" COMMUNITY-PANEL AREAS
DETERMINED TO OUTSIDE
OF THE 0.2% FOR ANNUAL FLOOD
NUMBER 06099C0600E DATED SEP. 26, 2008

AFTER LOT LINE ADJUSTMENT

BEING A PORTION OF SECTION 5, TOWNSHIP 4 SOUTH, RANGE 11 EAST, MOUNT DIABLO & MERIDIAN, STANISLAUS COUNTY, CALIFORNIA

R. B. WELTY & ASSOCIATES, INC.
 521 13TH STREET MODESTO, CA 95354
 TEL. (209) 526-1515, FAX (209) 523-3383
 JOB NO. 12304 DATE: FEBRUARY 21, 2013

EXHIBIT C

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

DEPT: Planning and Community Development *ff*

BOARD AGENDA # *D-1

Urgent Routine

AGENDA DATE May 21, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind Williamson Act Contract No. 71-0106 (Portion of) and 2006-0016, Located on Swanson and Blue Gum Roads, in the Hickman Area, Approval of a New Contract Pursuant to Minor Lot Line Adjustment 2012-19, Short Ranch/Antonio Alberto and Authorization for the Director of Planning and Community Development to a Execute 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 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. 2013-258

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: De Martini

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) _____ Denied
- 3) _____ Approved as amended
- 4) _____ Other:

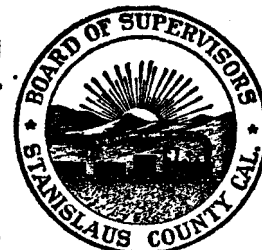
MOTION:

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 *[Signature]*

MAY 23 2013



ATTEST: *[Signature]*
ELIZABETH A. KING, Assistant Clerk

File No.