

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

DEPT: Planning and Community Development Af

BOARD AGENDA # \*D-2

Urgent  Routine

AGENDA DATE March 17, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Rescind Portions of Williamson Act Contract Nos. 77-2479 and 71-276 Located between the Southwest Corner of Albers and Kemper Roads and the Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Bricchetto

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
  - 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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years except as authorized under the County Implementation of AB 1265.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. 2015-107

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

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

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  
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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 portions of Williamson Act Contract Nos. 77-2479 and 71-276, located between the southwest corner of Albers and Kemper Roads and northwest corner of Milnes and Albers Roads, in the Modesto area.
  3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2014-0089, John P. Bricchetto.
  4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2014-0089 – John P. Bricchetto.

**DISCUSSION:**

The parcels involved in the lot line adjustment are located between the southwest corner of Albers and Kemper Roads and northwest corner of Milnes and Albers Roads, in the Modesto area, in the unincorporated area of Stanislaus County. Lot Line Adjustment PLN2014-0089 was approved by staff pending the Board's action required by the Williamson Act.

Approval to Rescind Portions of Williamson Act Contract Nos. 77-2479 and 71-276 Located between the Southwest Corner of Albers and Kemper Roads and the Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Bricchetto  
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The lot line adjustment is requesting four parcels go from 110.13, 141.15, 6.67 and 32.0 acres (289.95 acres total) to three parcels of 141.15, 108.80 and 40.0 acres (289.95 acres total). The reason for the lot line adjustment request is to separate an existing dairy from irrigated pasture which is to be planted in almonds and adjusting lines to follow irrigation infrastructure. Parcels "1", "2" and "4" are currently in irrigated pasture and Parcel "3" is a dairy with irrigated pasture.

Parcels "1", "3" and "4" are currently enrolled in Williamson Act Contract No. 77-2479 and Parcel "2" is enrolled in Williamson Act Contract No. 71-276. If this lot line is approved, all four parcels (289.95 acres) will be enrolled in a new contract. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven 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 AB1265.
- (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 Portions of Williamson Act Contract Nos. 77-2479 and 71-276 Located between the Southwest Corner of Albers and Kemper Roads and the Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Bricchetto  
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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 will not compromise the continued agricultural use of the parcels.

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 replaces portions of Williamson Act Contract Nos. 77-2479 and 71-276, upon recording. The new contract will cover the entire 289.95 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of AB1265

#### **POLICY ISSUES:**

Approval of this action supports the Board’s priority of A Strong Agricultural Economy/Heritage by establishing parcels that are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules. 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.

#### **STAFFING IMPACT:**

There are no staffing impacts associated with this item.

Approval to Rescind Portions of Williamson Act Contract Nos. 77-2479 and 71-276  
Located between the Southwest Corner of Albers and Kemper Roads and the  
Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a  
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**CONTACT PERSON:**

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

**ATTACHMENTS:**

1. Lot Line Adjustment Application No. PLN2014-0089
2. Lot Line Adjustment Approval Letter
3. Applicant's Statement of Findings
4. Map of Parcels Before the Proposed Lot Line Adjustment
5. Map of Parcels After the Proposed Lot Line Adjustment



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

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

|                                 |             |              |
|---------------------------------|-------------|--------------|
| S. <u>10</u>                    | T. <u>3</u> | R. <u>10</u> |
| ZONE <u>A-2-40</u>              |             |              |
| RECEIVED <u>9-2-2014</u>        |             |              |
| APPLICATION NO. <u>2014-008</u> |             |              |
| RECEIPT NO. _____               |             |              |

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

John P. Brichetto  
 Name  
PO Box 11600  
 Address, City, Zip  
Oakdale, CA 95361  
 Phone  
209-404-6550  
 Fax Number

Parcel 2

John P. Brichetto  
 Name  
PO Box 11600  
 Address, City, Zip  
Oakdale, CA 95361  
 Phone  
209-404-6550  
 Fax Number

Parcel 3

John P. Brichetto  
 Name  
PO Box 11600  
 Address, City, Zip  
Oakdale, CA 95361  
 Phone  
209-404-6550  
 Fax Number

Parcel 4

John P. Brichetto  
 Name  
PO Box 11600  
 Address, City, Zip  
Oakdale, CA 95361  
 Phone  
209-404-6550  
 Fax Number

2. Name and address of person(s) preparing map: Kevin Cole, Giuliani & Kull, Inc. 440 S. Yosemite Avenue  
Oakdale, CA 95361

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

Parcel 1: Book 014 Page 020 No. 003 Parcel 2: Book 014 Page 020 No. 004  
 Parcel 3: Book 014 Page 003 No. 007 Parcel 4: Book 014 Page 003 No. 008

4. Size of all adjusted parcels:

|           | <u>Before</u> | <u>After</u>    |
|-----------|---------------|-----------------|
| Parcel 1: | <u>110.13</u> | <u>141.15</u>   |
| Parcel 2: | <u>141.15</u> | <u>108.80</u>   |
| Parcel 3: | <u>31.2</u>   | <u>40.00</u>    |
| Parcel 4: | <u>6.00</u>   | <u>        </u> |

5. Why are the lot lines being changed? BE SPECIFIC To separate an existing dairy from irrigated pasutre which  
is to be planted in almonds while also adjusting lines to follow irrigation infrastructure.

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

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

7. List all structures on properties: House, mobile home, dairy buildings and dairy barns

8. How have these parcels been utilized in the past, if different than current use? same

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

Parcel 1: May 2014 Parcel 2: May 2014  
 Parcel 3: May 2014 Parcel 4: May 2014

10. What are the Williamson Act Contract numbers?

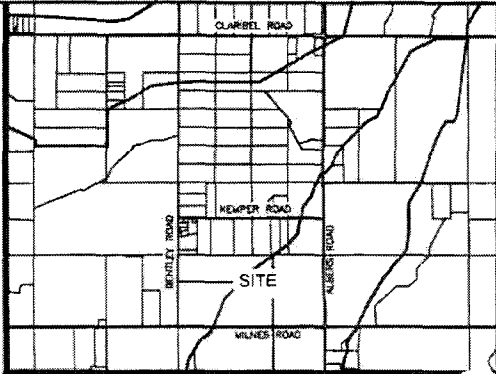
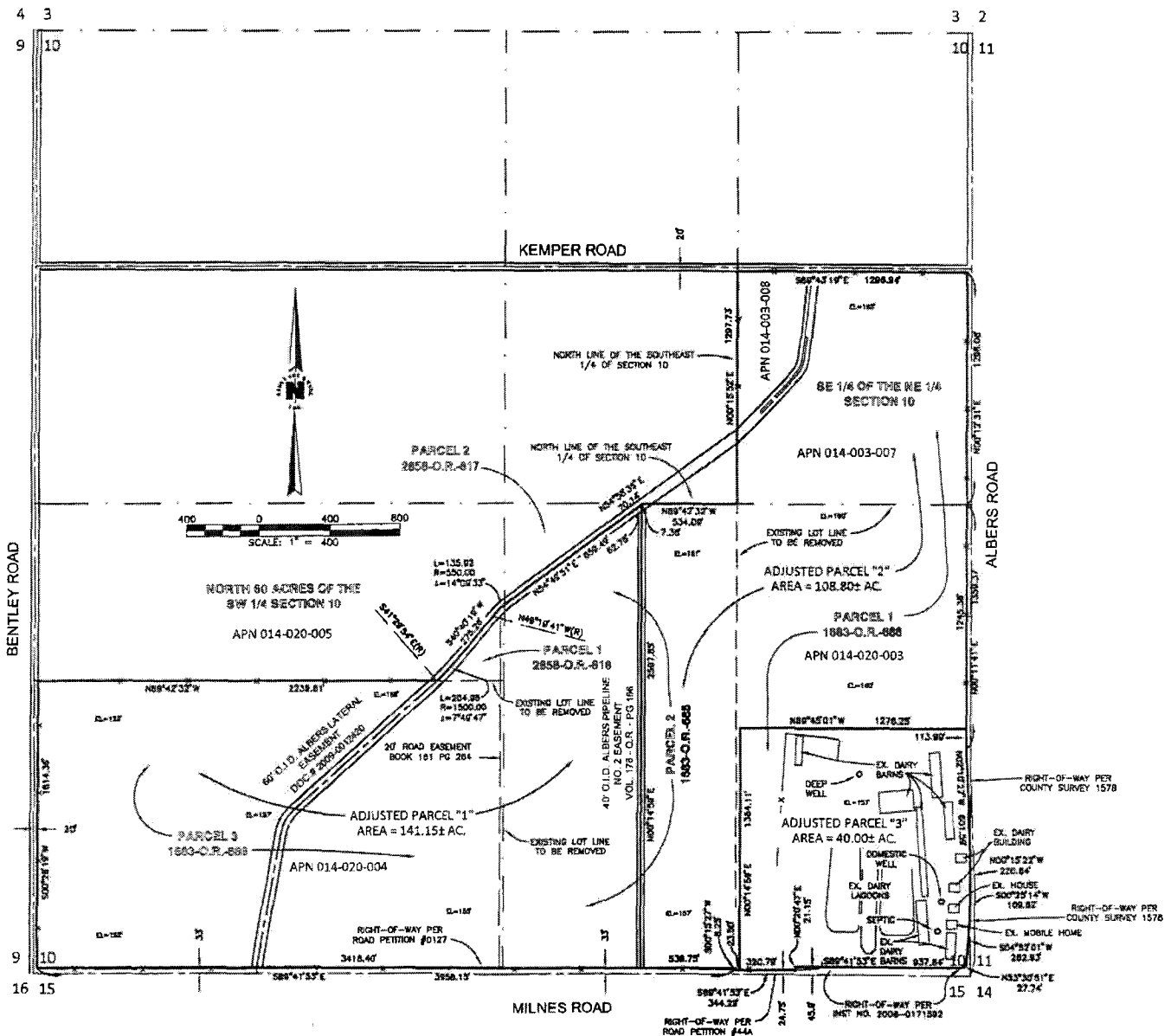
Parcel 1: 1977-2479 Parcel 2: 1978-19  
 Parcel 3: 1977-2479 Parcel 4: 17-2479

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

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

13. Signature of property owner(s)

|   |                                     |  |
|---|-------------------------------------|--|
| <u>John P Bricchetto</u><br>Owner's Signature       | <u>Trustee</u>                      | <u>John P Bricchetto</u><br>Owner's Name Printed       |
| <u>Jacqueline J Bricchetto</u><br>Owner's Signature | <u>Trustee</u>                      | <u>Jacqueline J Bricchetto</u><br>Owner's Name Printed |
| <u>John M Bricchetto</u><br>Owner's Signature       | <u>(sole)</u>                       | <u>John M Bricchetto</u><br>Owner's Name Printed       |
| <u>Joseph P Bricchetto</u><br>Owner's Signature     | <u>(sole)</u>                       | <u>Joseph P Bricchetto</u><br>Owner's Name Printed     |
| <u>David W Boersma</u><br>Owner's Signature         | <u>Dw B</u><br><u>Properties LP</u> | <u>David W Boersma</u>                                 |



**VICINITY MAP**

OWNER/APPLICANT: JOHN BRICHETTO  
 PO BOX 11600  
 OAKDALE, CA 95361  
 (209) 404-6550

PREPARED BY: GIULIANI & KULL, INC.  
 440 S. YOSEMITE AVENUE SUITE A  
 OAKDALE, CA 95361  
 (209) 847-8720

- TOTAL AREA: 289.95 AC.
- NO. OF PARCELS: 3
- A.P.N.: 014-020-003, 014-020-004, 014-003-007, 014-003-008
- ZONING: A240
- WATER: WELL
- SANITARY SEWER: SEPTIC
- STORM DRAIN: OVERLAND
- SLOPE OF LAND: FLAT-1%
- SOIL TYPE: MADERA SANDY LOAM, MONTPELLIER COARSE SANDY LOAM, SAN JOAQUIN SANDY LOAM, SMELLING SANDY LOAM
- GROUNDWATER ELEVATION: 84.34' AT STATION 376816N1208493W001 DEPTH APPROX. 84.34' ON 2/28/14

**TENTATIVE LOT LINE ADJUSTMENT**

BEING A LOT LINE ADJUSTMENT SITUATE IN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 10 EAST, MOUNT DIABLO MERIDIAN, STANISLAUS COUNTY, CALIFORNIA  
 SCALE 1" = 400' AUGUST 2014

**GK Giuliani & Kull, Inc.**  
 Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
 (209) 847-8726 Fax (209) 847-7323  
 Auburn • Oakdale • San Jose





DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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

October 3, 2014

Kevin Cole  
Giuliani & Kull  
440 S. Yosemite Avenue  
Oakdale, CA 95361

**SUBJECT: TENTATIVE APPROVAL OF LOT LINE ADJUSTMENT NO. PLN2014-0089  
JOHN P BRICHETTO**

The Stanislaus County Department of Planning and Community Development, completed its consideration of your application on **October 3, 2014**, 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 **4:30 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,

Carol Maben  
Associate Planner

Enclosure

cc: John P Brichetto

**ATTACHMENT 2**

**STRIVING TO BE THE BEST COUNTY IN AMERICA**

## APPLICANT STATEMENT

This project is a lot line adjustment between Assessor's Parcel No. 014-020-003 (110.13 acres), Assessor's Parcel No. 014-020-004 (141.15 acres), Assessor's Parcel No. 014-003-007 (6.67 acres), and Assessor's Parcel No. 014-003-008 (32.00 acres) all owned by The John and Jaqueline Brichetto Revocable Trust dated May 7, 2008, John M. Brichetto, Joseph P. Brichetto and Boersma DWB Properties, L.P.

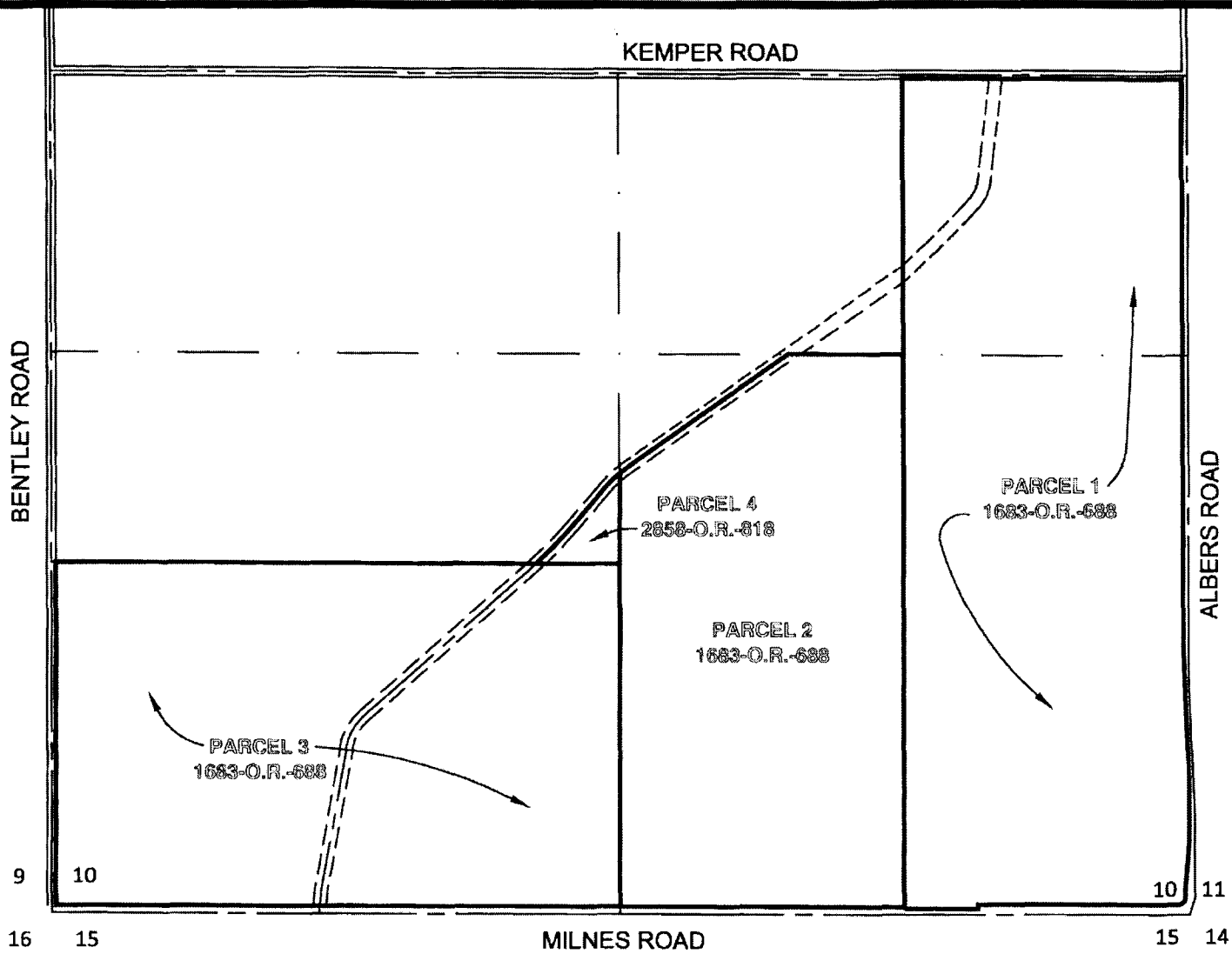
This lot line adjustment is being performed to re-organize each parcel such that each parcels boundary lines coincide with the land use. Completion of this lot line adjustment will result in three parcels that will have consistent land uses instead of a mixed agricultural use.

At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 141.15 acres, Parcel 2 will have adjusted area of 108.80 acres, and Parcel 3 will have an adjusted area of 40.00 acres. Reorganization of lot lines will reduce the number of parcels from 4 to 3. Parcels 1 & 2 are currently enrolled in the Williamson Act under contract No. 1976-2479 & 1976-0276. Remaining lands not currently in the Williamson Act will be enrolled in the Williamson Act as part of this project

Pursuant to Government Code 51257, the following seven findings have been made as related to this lot line adjustment:

1. None of the Williamson Act contracts are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, all contracts will continue to be in force and effect for a period of at least 10 years.
2. The land currently under contract is 251.28 acres. After lot line adjustment, 289.95 acres will remain under contract.
3. More than 90% of the land under the former contract will remain under contract. Also, as set forth above in finding (2), the entire amount of land included within this lot line adjustment will continue to remain under Williamson Act contract.
4. Consistent with Section 51222, all parcels of land subject to contract will be at least 40 acres both before and after the lot line adjustment. Parcels are presumed to be large enough to sustain their agricultural use if they are greater than 10 acres in size if prime farmland, or greater than 40 acres in the case of non-prime farmland. The subject properties are identified as prime farmland by the Natural Resource Conservation Service Farmland Mapping Program.
5. All parcels have been used for agricultural productivity for an extended length of time and all acreage previously used for agriculture will continue to be used for agriculture. Thus, this lot line adjustment will not compromise the long-term agricultural productivity of the parcels.
6. The parcels will continue to remain restricted by contract and used for agricultural productivity. As such, the lot line adjustment will have no impact on adjacent lands currently utilized for agricultural purposes.

7. This lot line adjustment will not result in a greater number of developable parcels than currently exist. Also, none of the parcels are currently inconsistent with the Stanislaus County General Plan, nor will the resulting parcels be inconsistent with the Stanislaus County General Plan.

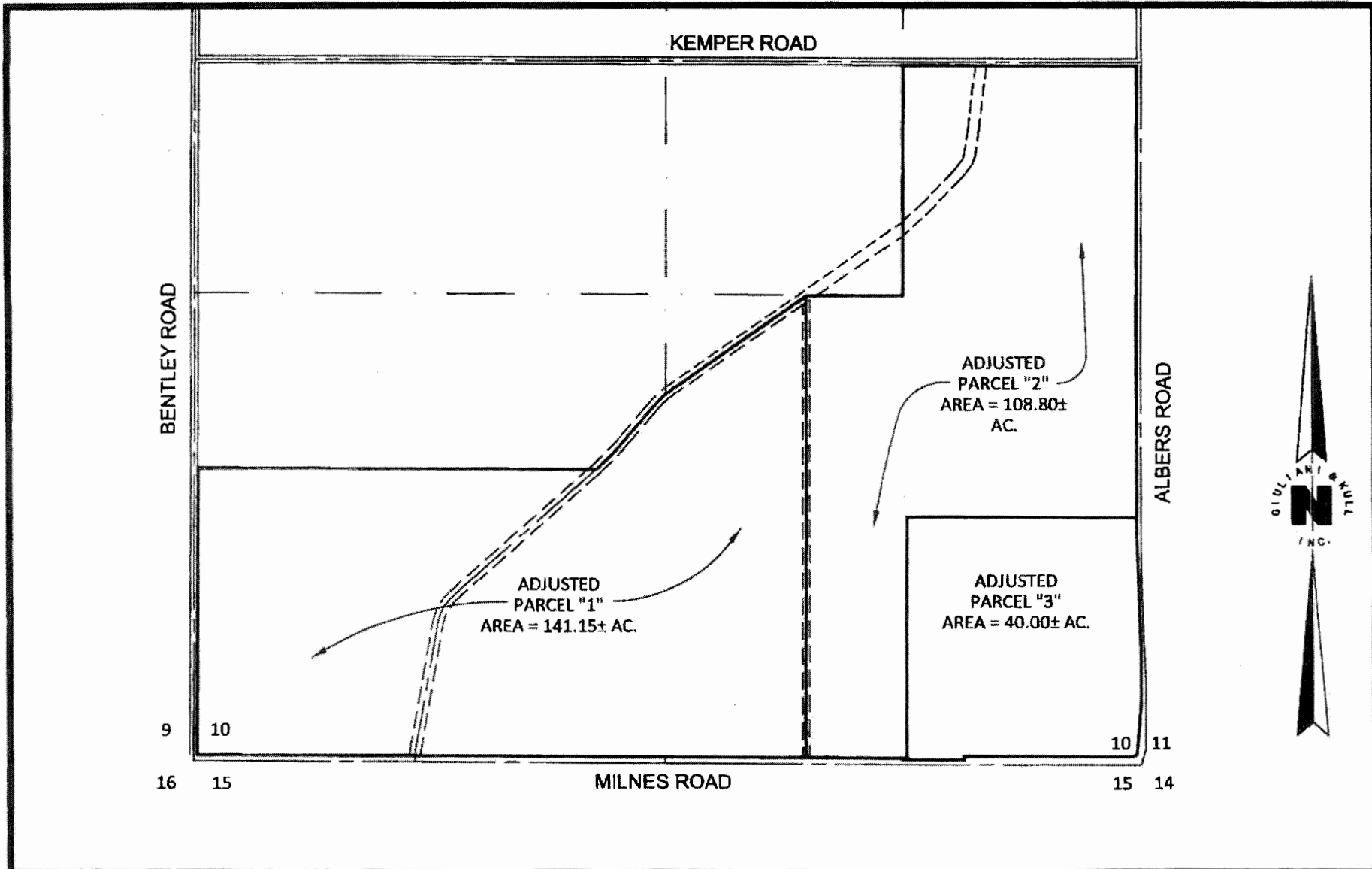


**GK** Giuliani & Kull, Inc.  
 Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
 (209) 847-8726 Fax (209) 847-7323  
 Auburn • Oakdale • San Jose

SCALE: 1"=750'  
 DRAWN: KSC  
 CHECKED: KSC  
 JOB NO.: 14116  
 SHEET: 1 OF 1

EXHIBIT "A"  
 PARCELS BEFORE LOT LINE ADJUSTMENT



**GK** **Giuliani & Kull, Inc.**  
 Engineers • Planners • Surveyors

440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
 (209) 847-8726 Fax (209) 847-7323  
 Auburn • Oakdale • San Jose

SCALE: 1" = 750'  
 DRAWN: KSC  
 CHECKED: KSC  
 JOB NO.: 14116  
 SHEET: 1 OF 1


**EXHIBIT "B"**  
**PARCELS AFTER LOT LINE ADJUSTMENT**

RECORDING REQUESTED BY  
STANISLAUS COUNTY BOARD OF  
SUPERVISORS

WHEN RECORDED RETURN TO  
STANISLAUS COUNTY DEPARTMENT OF  
PLANNING & COMMUNITY DEVELOPMENT  
1010 10<sup>TH</sup> STREET, SUITE 3400  
MODESTO, CA 95354

NOTICE OF RESCISSION AND  
SIMULTANEOUS RE-ENTRY INTO  
CALIFORNIA LAND CONSERVATION  
CONTRACT NO. 2015-12

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-0026424-00**  
Acct 402-Counter Customers  
Monday, APR 13, 2015 08:29:56  
Ttl Pd \$0.00 Rcpt # 0003647525  
JMS/R2/2-18

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into March 17, 2015, 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: John P Bricchetto

P.O. Box 11600

Oakdale, CA 95361

(16) Owner desires to place the following parcels of real property under Contract:

| ASSESSORS<br>PARCEL NUMBER | ACREAGE | SITUS ADDRESS<br>(If none, please provide Legal Description) |
|----------------------------|---------|--|
| 014-020-003                | 141.15  | 3037 Albers Rd., Oakdale                                     |
| 014-020-004                | 108.8   | Milnes Rd., Oakdale  |
| 014-003-007 & 008          | 40      | Kemper & Albers Rd., Oakdale                                 |
|                            |         |  |
|                            |         |  |
|                            |         |  |

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2015-107, relating to Lot Line Adjustment No. PLN2014-0089 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 77-2479 & 71-276 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.

18JY

**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<br>(print or type)  | SIGNATURE<br>(all to be notarized) | DATE             | SIGNED AT<br>(city) |
|---|------------------------------------|------------------|---------------------|
| John P. Brichetto<br>John & Jacqueline Brichetto 2008<br>Revocable Trust dated 5/7/08       | <i>John P. Brichetto</i>           | Trustee 11/7/14  | Oakdale             |
| Jacqueline J. Brichetto<br>John & Jacqueline Brichetto 2008<br>Revocable Trust dated 5/7/08 | <i>Jacqueline J. Brichetto</i>     | Trustee 11/12/14 | Oakdale             |
| John M. Brichetto   | <i>John M. Brichetto</i>           | 11/12/14         | Oakdale             |
| Joseph Brichetto  | <i>Joseph Brichetto</i>            | 11/7/14          | Oakdale             |
| Boersma DWB Properties, L.P.  | <i>James E. Boersma</i>            | 11/13/14         | Oakdale             |
| by: Boersma Property Management, Manager  |                                    |                  |                     |

**SECURITY HOLDERS:**

| NAME<br>(print or type)         | SIGNATURE<br>(all to be notarized) | DATE    | SIGNED AT<br>(city) |
|---------------------------------|------------------------------------|---------|---------------------|
| American AgCredit, FLCA         | <i>Robert Scholten</i>             | 11/7/14 | Oakdale             |
| Robert Scholten, Vice President |                                    |         |                     |

**EXHIBITS:**

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

COUNTY: Stanislaus County

4.7.2015  
 \_\_\_\_\_  
 Dated

*Angela Freitas*  
 \_\_\_\_\_  
 Chairman, Board of Supervisors  
 Angela Freitas for Terrance Withrow

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California

County of Stanislaus

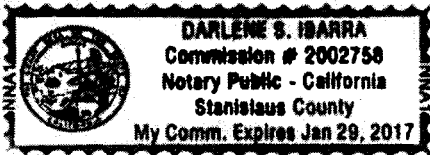
On 11/7/2014  
Date

before me, Darlene S. Ibarra, Notary Public

Here Insert Name and Title of the Officer

personally appeared Joseph Brichetto, Robert Scholten and John P. Brichetto

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~xxx~~ are subscribed to the within instrument and acknowledged to me that ~~xxx~~ they executed the same in ~~xxx~~ their authorized capacity(ies), and that by ~~xxx~~ 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: Darlene S. Ibarra

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: Notice of Rescission and California Land Conervation Contract

Document Date: 11/7/2014

Number of Pages: 2

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: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

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

Corporate Officer — Title(s): \_\_\_\_\_

Individual

Partner —  Limited  General

Attorney in Fact

Trustee

Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT OF SIGNER

Top of thumb here



GOVERNMENT CODE 27361.7

I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

NAME OF NOTARY DARLENE S IBARRA  
COMMISSION NO. 2002758  
DATE COMMISSION EXPIRES Jan 29, 2017  
PLACE OF EXECUTION Stanislaus County

April 1, 2015  
(Date)

CD Engert  
Crystal D Engert  
Stanislaus County Department of  
Planning & Community Development

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California

County of Stanislaus }

On 11/12/2014 before me, Darlene Ibarra, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Jacqueline J. Brichetto  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person ~~of~~ whose name ~~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 ~~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 Darlene Ibarra  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

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

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

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

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

Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_

Individual  Individual

Partner —  Limited  General  Partner —  Limited  General

Attorney in Fact  Attorney in Fact

Trustee  Trustee

Guardian or Conservator  Guardian or Conservator

Other: \_\_\_\_\_  Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1129

State of California

County of Stanislaus

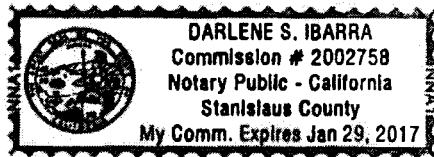
On 11/12/2014 before me, Darlene S. Ibarra, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared John M. Brichetto

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/it~~ 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:

[Handwritten signature of Darlene S. Ibarra]

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: Notice of Rescission and California Land Conservation Contract

Document Date: 11/7/2014

Number of Pages: 2

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:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer's Name:

Corporate Officer -- Title(s):

Individual

Partner -- Limited General

Attorney in Fact

Trustee

Guardian or Conservator

Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of Stanislaus

On 11/13/2014 before me, Darlene S. Ibarra, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared James E. Boersma

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:

[Handwritten signature of Darlene S. Ibarra]

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.

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Signer's Name:

Corporate Officer -- Title(s):

Individual

Partner -- Limited General

Attorney in Fact

Trustee

Guardian or Conservator

Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer's Name:

Corporate Officer -- Title(s):

Individual

Partner -- Limited General

Attorney in Fact

Trustee

Guardian or Conservator

Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER

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## LEGAL DESCRIPTION

### EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

#### Parcel One:

The Southeast quarter of the Northeast quarter and the East half of the Southeast quarter of fractional Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, according to the Official Plat of said Land approved by the Surveyor General.

Except therefrom that portion conveyed to the County of Stanislaus by Deed recorded June 8, 1961 Instrument No. 18233, in Book 1689, Page 44, of Official Records, described as follows:

Commencing at the Southeast corner of said Section 10; thence North 89° 16' 26" West, along the South line of said section, a distance of 25 feet; thence North 0° 43' 34" East, a distance of 24.75 feet to the point of beginning; thence South 89° 16' 26" East, along the North line of Milnes Road, a distance of 6.26 feet; thence North 17° 12' 46" East, along the Westerly line of Albers Road, a distance of 65.11 feet to an angle point in said Westerly line; thence North 0° 50' 46" East continuing along said line 256.40 feet; thence South 5° 17' 44" West 320.81 feet to the point of beginning.

#### Parcel Two:

The West half of the Southeast quarter of fractional Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, according to the Official Plat of said Land approved by the Surveyor General.

Except therefrom that portion conveyed to Cornelius Overdevest and Mary J. Overdevest, husband and wife, by Deed recorded December 16, 1976, Instrument No. 31536, Book 2858, Page 817, of Official Records, described as follows:

All that portion of the West one-half of the Southeast quarter of Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, lying Northerly and Westerly of the center line of the Albers Lateral of the Oakdale Irrigation District and more particularly described as follows:

Beginning at the quarter section corner common to Section 10 and Section 15, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the center line of Milnes Road; thence North 0° 23' 30" East 2634.75 feet, more or less, along the West line of the Southeast quarter of said Section 10 to a 3" by 4" redwood post marking the Northeast corner of the North 60 acres of the Southwest quarter of said Section 10, also described as the Northwest corner of the Southeast quarter of said Section 10, and the true point of beginning of this description; thence South 89° 39' East 796.04 feet along the North line of said Southeast quarter of Section 10 to the center line of said Oakdale Irrigation District Albers Lateral; thence along said center line South 55° 04' 30" West 975.58 feet to the West line of said Southeast quarter of Section 10; thence North 0° 23' 30" East 563.40 feet, along said West line, to the true point of beginning.

#### Parcel Three:

The Southwest quarter of fractional Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, according to the Official Plat of said Land approved by the Surveyor General.

Except therefrom the North 60 acres.

#### Parcel Four:

All that portion of the North 60 acres of the Southwest quarter of Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, lying Southerly and Easterly of the center line of the Albers Lateral of the Oakdale Irrigation District and more particularly described as follows:

Beginning at the quarter section corner common to Section 10 and Section 15, Township 3 South, Range 10 East, Mount Diablo Base and Meridian in the center line of Milnes Road; thence North 0° 23' 30" East

EXHIBIT "A" (continued)

1647.46 feet, more or less, along the East line of the Southwest quarter of said Section 10, to a 3" by 4" redwood post marking the Southeast corner of the North 60 acres of said Southwest quarter of Section 10 and the true point of beginning of this description; thence continuing North  $0^{\circ} 23' 30''$  East 423.89 feet, more or less, to the center line of said Oakdale Irrigation District Albers Lateral; thence along said center line South  $45^{\circ} 55'$  West 86.15 feet; thence continuing along said center line South  $40^{\circ} 35'$  West 305.33 feet; thence continuing along said center line South  $46^{\circ} 09' 22''$  West 186.31 feet, more or less, to the Southerly line of said North 60 acres of said Southwest quarter of Section 10; thence along said Southerly line South  $89^{\circ} 33' 39''$  East 392.00 feet, more or less, to the true point of beginning.

**EXHIBIT "B"**  
**ADJUSTED PARCEL "1"**  
**PLN 2014-0089**  
**LEGAL DESCRIPTION**

All that real property being a portion of the south half of Section 10, Township 3 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Beginning at the intersection of the north line of the 33.00 foot half-width of Milnes Road per Road Petition #0127 on file with the Stanislaus County Surveyors Office, with the east line of the 20.00 foot half-width of Bentley Road; thence along said east line North 00°26'19" East 1614.36 feet to the south line of the north 60.00 acres of the southwest quarter of Section 10; thence along said south line South 89°42'32" East 2239.81 feet to the centerline of that 60.00 foot O.I.D. Albers Lateral Easement per that Grant of Easement filed for record as DOC #2009-0012420, Stanislaus County Records; said point being the beginning of a non-tangent curve concave northwesterly having a radius of 1500.00 feet, a radial line through the beginning of said curve bears South 41°29'54" East; thence along said centerline the following (5) courses:

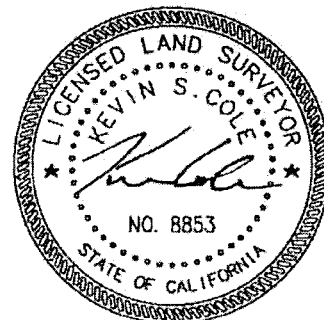
1. northeasterly 204.98 feet along the arc of said curve through a central angle of 7°49'47";
2. thence North 40°40'19" East 275.26 feet to the beginning of a tangent curve concave southeasterly having a radius of 550.00 feet, a radial line through the beginning of said curve bears North 49°19'41" West;
3. thence northeasterly 135.92 feet along the arc of said curve through a central angle of 14°09'32";
4. thence North 54°49'51" East 859.49 feet;
5. thence North 54°58'35" East 62.78 feet to the centerline of that 40.00 foot O.I.D. Albers Pipeline No. 2 Easement per that document filed for record in Volume 178 of Official Records at Page 186, Stanislaus County Records;

thence along said centerline South 00°14'59" West 2597.85 feet to the north line of the 33.00 foot half-width of Milnes Road; thence along said north line North 89°41'53" West 3418.40 feet to the Point of Beginning.

All as shown on attached Exhibit "C" and made a part hereof and containing 141.15 acres, more or less.

Subject to easements and rights-of-way of record.

**END DESCRIPTION**



**EXHIBIT "B"**  
**ADJUSTED PARCEL "2"**  
**PLN 2014-0089**  
**LEGAL DESCRIPTION**

All that real property being a portion of the east half of Section 10, Township 3 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Commencing at the intersection of the north line of the 33.00 foot half-width of Milnes Road per Road Petition #0127 on file with the Stanislaus County Surveyor's Office, with the east line of the 20.00 foot half-width of Bentley Road; thence along said north line South 89°41'53" East 3418.40 feet to the centerline of that 40.00 foot O.I.D. Albers Pipeline No. 2 Easement per that document filed for record in Volume 178 of Official Records at Page 186, Stanislaus County Records, said point being the POINT OF BEGINNING; thence along said centerline North 00°14'59" East 2597.85 feet to the centerline of that 60.00 foot O.I.D. Albers Lateral Easement per that Grant of Easement filed for record as DOC #2009-0012420, Stanislaus County Records; thence along said centerline North 54°58'35" East 7.36 feet to the north line of the southeast quarter of Section 10; thence along said north line South 89°42'32" East 534.09 feet to the west line of the southeast quarter of the northeast quarter of Section 10; thence along said west line North 00°15'52" East 1297.73 feet to the south line of the 20.00 foot half-width of Kemper Road; thence along said south line South 89°43'19" East 1296.94 feet to the west line of the 25.00 foot half-width of Albers Road; thence along said west line South 00°12'31" West 1298.06 feet; thence continuing along said west line South 00°11'41" West 1245.38 feet; thence North 89°45'01" West 1276.25 feet; thence South 00°14'59" West 1364.11 feet to the north line of the 24.75 foot half-width of Milnes Road per Road Petition #44A on file with the Stanislaus County Surveyor's Office; thence along said north line North 89°41'53" West 23.50 feet to the west line of the east half of the southeast quarter of Section 10; thence along said west line North 00°15'27" East 8.25 feet to the north line of the 33.00 foot half-width of Milnes Road per Road Petition #0127; thence along said north line North 89°41'53" West 539.75 feet to the Point of Beginning.

All as shown on attached Exhibit "C" and made a part hereof and containing 108.80 acres, more or less.

Subject to easements and rights-of-way of record.

**END DESCRIPTION**





**EXHIBIT "B"**  
**ADJUSTED PARCEL "3"**  
**PLN 2014-0089**  
**LEGAL DESCRIPTION**

All that real property being a portion of the southeast quarter of Section 10, Township 3 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Commencing at the intersection of the south line of the 20.00 foot half-width of Kemper Road with the west line of the 25.00 foot half-width of Albers Road; thence along said west line South 00°12'31" West 1298.06 feet; thence continuing along said west line South 00°11'41" West 1245.38' to the POINT OF BEGINNING; thence North 89°45'01" West 1276.25 feet; thence South 00°14'59" West 1364.11 feet to the north line of the 24.75 foot half-width of Milnes Road per Road Petition #44A on file with the Stanislaus County Surveyor's Office; thence along said north line South 89°41'53" East 320.74 feet to the west line of that Road Easement filed for record as DOC #2006-0171592, Stanislaus County Records; thence along said west line North 00°20'47" East 21.15 feet to the north line of said Road Easement; thence along said north line South 89°41'53" East 937.64 feet; thence continuing along said north line North 53°30'51" East 27.74 feet to the west line of Albers Road as shown on County Survey 1578; thence along said west line the following (4) courses:

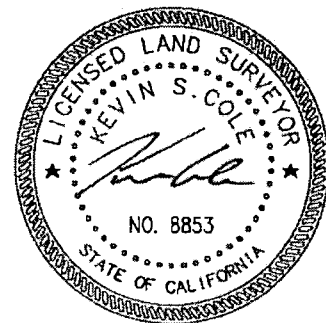
1. thence North 04°52'01" East 282.93 feet;
2. thence North 00°25'14" East 109.82 feet;
3. thence North 00°15'22" West 220.64 feet;
4. thence North 02°10'27" West 601.59 feet to the west line of the 25.00 foot half-width of Albers Road;

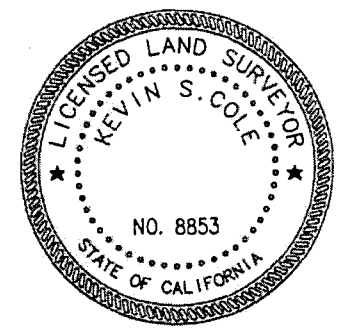
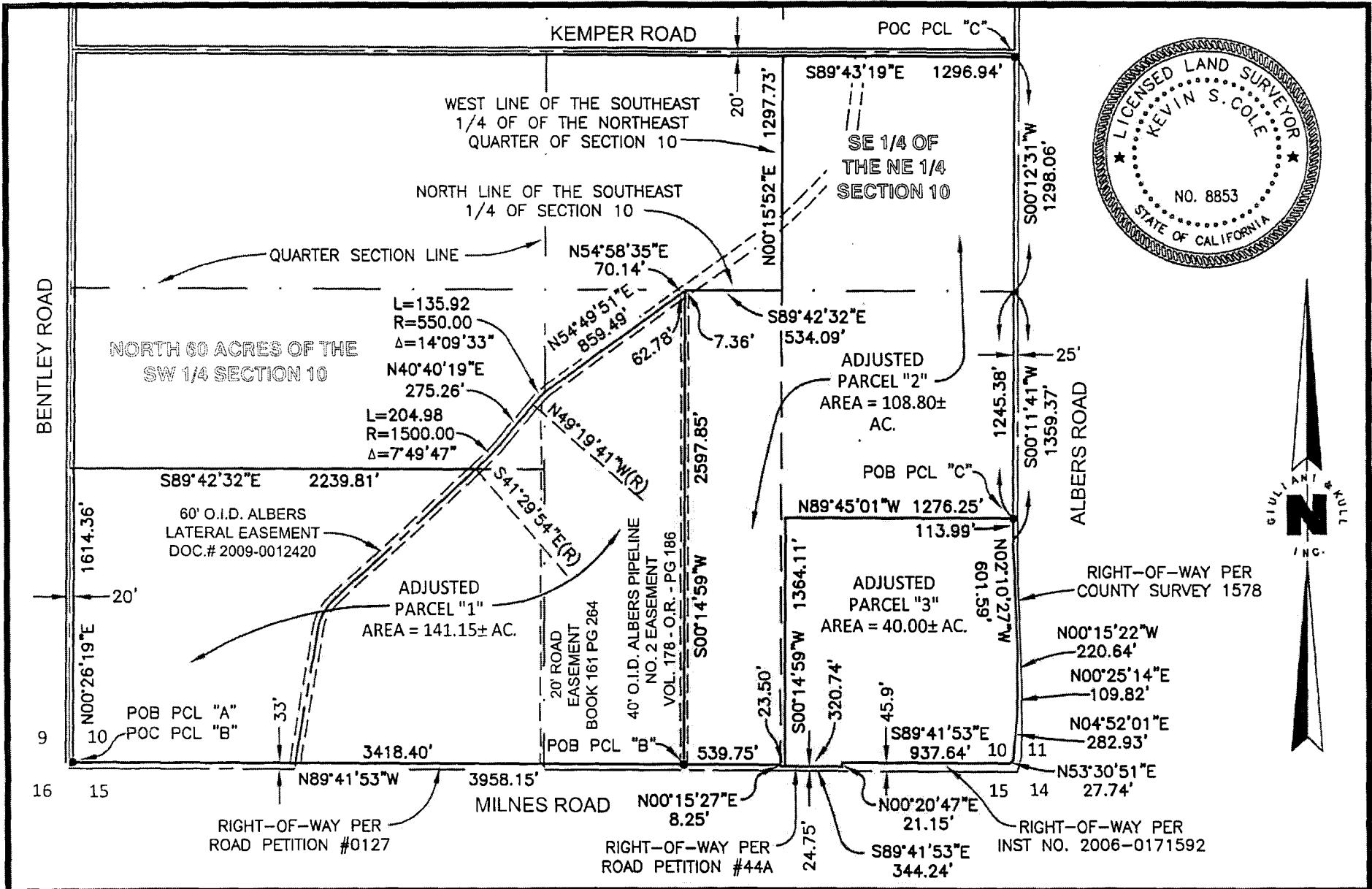
thence along said west line North 00°11'41" East 113.99 feet to the Point of Beginning.

All as shown on attached Exhibit "C" and made a part hereof and containing 40.00 acres, more or less.

Subject to easements and rights-of-way of record.

**END DESCRIPTION**





**GIK Giuliani & Kull, Inc.**  
 Engineers • Planners • Surveyors  
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
 (209) 847-8726 Fax (209) 847-7323  
 Auburn • Oakdale • San Jose

SCALE: 1" = 750'  
 DRAWN: K.COLE  
 CHECKED: K.COLE  
 JOB NO.: 14116  
 SHEET: 6 OF 6

PLN 2014-0089  
 STANISLAUS COUNTY, CALIFORNIA

EXHIBIT C

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

DEPT: Planning and Community Development Af

BOARD AGENDA # \*D-2

Urgent  Routine

AGENDA DATE March 17, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Rescind Portions of Williamson Act Contract Nos. 77-2479 and 71-276 Located between the Southwest Corner of Albers and Kemper Roads and the Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Bricchetto

STAFF RECOMMENDATIONS:

1. Pursuant to Government Code Section 51257, determine that the following seven findings can be made based on the written evidence submitted by the applicant:
  - 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. 2015-107

On motion of Supervisor Chiesa, Seconded by Supervisor De Martini

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

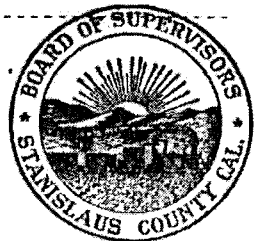
MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

CHRISTINE FERRARO TALLMAN

Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By [Signature]



MAR 20 2015

ATTEST:

[Signature: Christine Ferraro Tallman]  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Rescind Portions of Williamson Act Contract Nos. 77-2479 and 71-276 Located between the Southwest Corner of Albers and Kemper Roads and the Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Bricchetto  
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 portions of Williamson Act Contract Nos. 77-2479 and 71-276, located between the southwest corner of Albers and Kemper Roads and northwest corner of Milnes and Albers Roads, in the Modesto area.
  3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2014-0089, John P. Bricchetto.
  4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2014-0089 – John P. Bricchetto.

**DISCUSSION:**

The parcels involved in the lot line adjustment are located between the southwest corner of Albers and Kemper Roads and northwest corner of Milnes and Albers Roads, in the Modesto area, in the unincorporated area of Stanislaus County. Lot Line Adjustment PLN2014-0089 was approved by staff pending the Board's action required by the Williamson Act.

Approval to Rescind Portions of Williamson Act Contract Nos. 77-2479 and 71-276 Located between the Southwest Corner of Albers and Kemper Roads and the Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Brichetto  
Page 3

The lot line adjustment is requesting four parcels go from 110.13, 141.15, 6.67 and 32.0 acres (289.95 acres total) to three parcels of 141.15, 108.80 and 40.0 acres (289.95 acres total). The reason for the lot line adjustment request is to separate an existing dairy from irrigated pasture which is to be planted in almonds and adjusting lines to follow irrigation infrastructure. Parcels "1", "2" and "4" are currently in irrigated pasture and Parcel "3" is a dairy with irrigated pasture.

Parcels "1", "3" and "4" are currently enrolled in Williamson Act Contract No. 77-2479 and Parcel "2" is enrolled in Williamson Act Contract No. 71-276. If this lot line is approved, all four parcels (289.95 acres) will be enrolled in a new contract. Pursuant to Section 51257 of the Government Code, Board approval is required for the rescission and simultaneous re-entry into the Williamson Act. Seven 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 AB1265.
- (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 Portions of Williamson Act Contract Nos. 77-2479 and 71-276 Located between the Southwest Corner of Albers and Kemper Roads and the Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Bricchetto  
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 will not compromise the continued agricultural use of the parcels.

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 replaces portions of Williamson Act Contract Nos. 77-2479 and 71-276, upon recording. The new contract will cover the entire 289.95 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contract will be subject to the provisions of AB1265

**POLICY ISSUES:**

Approval of this action supports the Board’s priority of A Strong Agricultural Economy/Heritage by establishing parcels that are consistent with the County General Plan, County Zoning Ordinance, and locally adopted Williamson Act Uniform Rules. 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.

**STAFFING IMPACT:**

There are no staffing impacts associated with this item.

Approval to Rescind Portions of Williamson Act Contract Nos. 77-2479 and 71-276  
Located between the Southwest Corner of Albers and Kemper Roads and the  
Northwest Corner of Milnes and Albers Roads, in the Modesto Area; and Approval of a  
New Contract Pursuant to Lot Line Adjustment PLN2014-0089, John P. Bricchetto  
Page 5

**CONTACT PERSON:**

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



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-0026425-00**

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

Acct 121-Planning.  
Monday, APR 13, 2015 08:33:35  
Ttl Pd \$53.00 Rcpt # 0003647526  
JMS/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 October 3, 2014, approved the lot line adjustment herein described submitted under the name of John P Brichetto. Lot Line Adjustment No. PLN2014-0089 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 Maben  
Carol Maben, Associate Planner  
Stanislaus County Department of Planning  
and Community Development

March 18, 2015  
Date

1378



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Stanislaus )

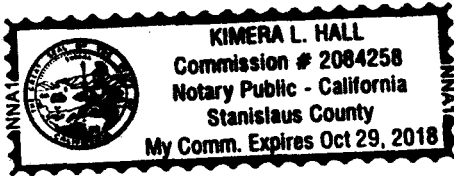
On 3/18/15 before me, Kimera L Hall, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Carol 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 L. Hall  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended 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): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

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

Corporate Officer — Title(s): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

LOT LINE NO. PLN2014-0089

OWNERS:

| NAME<br>(Print or type)  | SIGNATURE<br>(All to be notarized)                                  | DATE            | SIGNED AT<br>(City) |
|--|---|-----------------|---------------------|
| <i>John P. Brichetto</i><br>John & Jacqueline Brichetto 2008<br>Revocable Trust dated 5/7/08       | <i>John P. Brichetto Trustee</i>                                    | <u>11/7/14</u>  | <u>Oakdale</u>      |
| <i>Jacqueline F. Brichetto</i><br>John & Jacqueline Brichetto 2008<br>Revocable Trust dated 5/7/08 | <i>Jacqueline Brichetto Trustee</i>                                 | <u>11/12/14</u> | <u>Oakdale</u>      |
| John M. Brichetto  | <i>John M. Brichetto</i>  | <u>11/12/14</u> | <u>Oakdale</u>      |
| Joseph Brichetto   | <i>Joseph Brichetto</i>   | <u>11/7/14</u>  | <u>Oakdale</u>      |
| Boersma DWM Properties, L.P.   | <i>James E. Boersma</i><br>By: Boersma Property Management, Manager | <u>11/13/14</u> | <u>Oakdale</u>      |

SECURITY HOLDERS:

| NAME<br>(Print or type) | SIGNATURE<br>(All to be notarized)                        | DATE           | SIGNED AT<br>(City) |
|-------------------------|---|----------------|---------------------|
| American AgCredit, FLCA | <i>Robert Scholten</i><br>Robert Scholten, Vice President | <u>11/7/14</u> | <u>Oakdale</u>      |
| _____                   | _____   | _____          | _____               |
| _____                   | _____   | _____          | _____               |
| _____                   | _____   | _____          | _____               |
| _____                   | _____   | _____          | _____               |

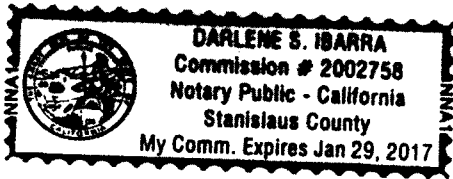
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California }  
County of Stanislaus }

On 11/7/2014 before me, Darlene S. Ibarra, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Joseph Brichetto, Robert Scholten and John P. Brichetto  
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/it~~ they executed the same in ~~his/her/its~~ their authorized capacity(ies), and that by ~~his/her/its~~ 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: *Darlene S. Ibarra*  
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: Certificate of Lot Line Adjustment

Document Date: 11/7/2014 Number of Pages: 2

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: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

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

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

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

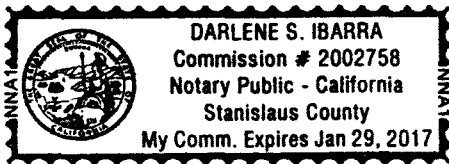
State of California

County of Stanislaus }

On 11/12/14 before me, Darlene S. Ibarra Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Jacqueline J. Bricchetto  
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 [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

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

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

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

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

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

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

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

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California }  
County of Stanislaus }

On 11/12/2014 before me, Darlene S. Ibarra, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared John M. Bricetto  
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/it/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: *Darlene S. Ibarra*  
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: Certificate of Lot Line Adjustment

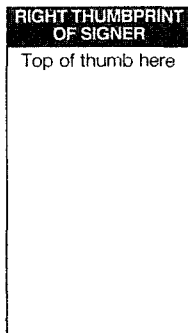
Document Date: 11/7/2014 Number of Pages: 2

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

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

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

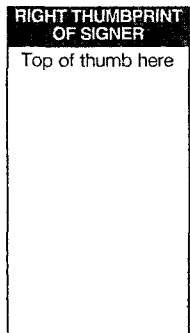
- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



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: \_\_\_\_\_

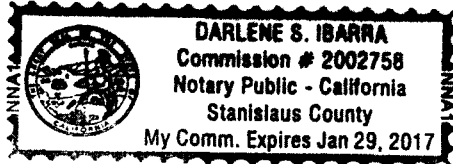
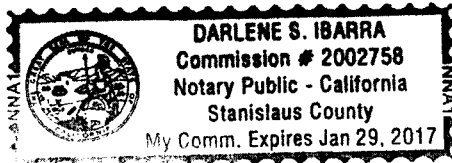
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California }
County of Stanislaus }

On 11/13/2014 before me, Darlene S. Ibarra, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared James E. Boersma
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: [Handwritten Signature]
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: Certificate of Lot Line Adjustment

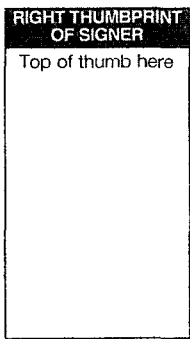
Document Date: 11/7/2014 Number of Pages: 2

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

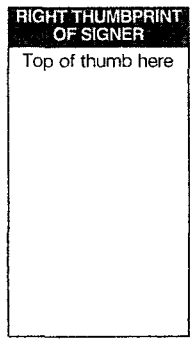
- Corporate Officer - Title(s)
Individual
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



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:

## LEGAL DESCRIPTION

### EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

#### Parcel One:

The Southeast quarter of the Northeast quarter and the East half of the Southeast quarter of fractional Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, according to the Official Plat of said Land approved by the Surveyor General.

Except therefrom that portion conveyed to the County of Stanislaus by Deed recorded June 8, 1961 Instrument No. 18233, in Book 1689, Page 44, of Official Records, described as follows:

Commencing at the Southeast corner of said Section 10; thence North 89° 16' 26" West, along the South line of said section, a distance of 25 feet; thence North 0° 43' 34" East, a distance of 24.75 feet to the point of beginning; thence South 89° 16' 26" East, along the North line of Milnes Road, a distance of 6.26 feet; thence North 17° 12' 46" East, along the Westerly line of Albers Road, a distance of 65.11 feet to an angle point in said Westerly line; thence North 0° 50' 46" East continuing along said line 256.40 feet; thence South 5° 17' 44" West 320.81 feet to the point of beginning.

#### Parcel Two:

The West half of the Southeast quarter of fractional Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, according to the Official Plat of said Land approved by the Surveyor General.

Except therefrom that portion conveyed to Cornelius Overdevest and Mary J. Overdevest, husband and wife, by Deed recorded December 16, 1976, Instrument No. 31536, Book 2858, Page 817, of Official Records, described as follows:

All that portion of the West one-half of the Southeast quarter of Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, lying Northerly and Westerly of the center line of the Albers Lateral of the Oakdale Irrigation District and more particularly described as follows:

Beginning at the quarter section corner common to Section 10 and Section 15, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, in the center line of Milnes Road; thence North 0° 23' 30" East 2634.75 feet, more or less, along the West line of the Southeast quarter of said Section 10 to a 3" by 4" redwood post marking the Northeast corner of the North 60 acres of the Southwest quarter of said Section 10, also described as the Northwest corner of the Southeast quarter of said Section 10, and the true point of beginning of this description; thence South 89° 39' East 796.04 feet along the North line of said Southeast quarter of Section 10 to the center line of said Oakdale Irrigation District Albers Lateral; thence along said center line South 55° 04' 30" West 975.58 feet to the West line of said Southeast quarter of Section 10; thence North 0° 23' 30" East 563.40 feet, along said West line, to the true point of beginning.

#### Parcel Three:

The Southwest quarter of fractional Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, according to the Official Plat of said Land approved by the Surveyor General.

Except therefrom the North 60 acres.

#### Parcel Four:

All that portion of the North 60 acres of the Southwest quarter of Section 10, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, lying Southerly and Easterly of the center line of the Albers Lateral of the Oakdale Irrigation District and more particularly described as follows:

Beginning at the quarter section corner common to Section 10 and Section 15, Township 3 South, Range 10 East, Mount Diablo Base and Meridian in the center line of Milnes Road; thence North 0° 23' 30" East

EXHIBIT "A" (continued)

1647.46 feet, more or less, along the East line of the Southwest quarter of said Section 10, to a 3" by 4" redwood post marking the Southeast corner of the North 60 acres of said Southwest quarter of Section 10 and the true point of beginning of this description; thence continuing North 0° 23' 30" East 423.89 feet, more or less, to the center line of said Oakdale Irrigation District Albers Lateral; thence along said center line South 45° 55' West 86.15 feet; thence continuing along said center line South 40° 35' West 305.33 feet; thence continuing along said center line South 46° 09' 22" West 186.31 feet, more or less, to the Southerly line of said North 60 acres of said Southwest quarter of Section 10; thence along said Southerly line South 89° 33' 39" East 392.00 feet, more or less, to the true point of beginning.



**EXHIBIT "B"**  
**ADJUSTED PARCEL "1"**  
**PLN 2014-0089**  
**LEGAL DESCRIPTION**

All that real property being a portion of the south half of Section 10, Township 3 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Beginning at the intersection of the north line of the 33.00 foot half-width of Milnes Road per Road Petition #0127 on file with the Stanislaus County Surveyors Office, with the east line of the 20.00 foot half-width of Bentley Road; thence along said east line North 00°26'19" East 1614.36 feet to the south line of the north 60.00 acres of the southwest quarter of Section 10; thence along said south line South 89°42'32" East 2239.81 feet to the centerline of that 60.00 foot O.I.D. Albers Lateral Easement per that Grant of Easement filed for record as DOC #2009-0012420, Stanislaus County Records; said point being the beginning of a non-tangent curve concave northwesterly having a radius of 1500.00 feet, a radial line through the beginning of said curve bears South 41°29'54" East; thence along said centerline the following (5) courses:

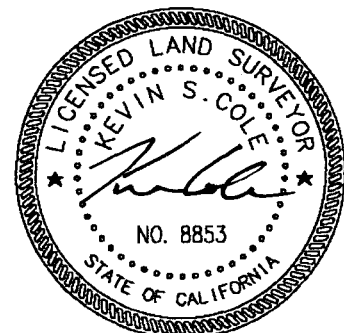
1. northeasterly 204.98 feet along the arc of said curve through a central angle of 7°49'47";
2. thence North 40°40'19" East 275.26 feet to the beginning of a tangent curve concave southeasterly having a radius of 550.00 feet, a radial line through the beginning of said curve bears North 49°19'41" West;
3. thence northeasterly 135.92 feet along the arc of said curve through a central angle of 14°09'32";
4. thence North 54°49'51" East 859.49 feet;
5. thence North 54°58'35" East 62.78 feet to the centerline of that 40.00 foot O.I.D. Albers Pipeline No. 2 Easement per that document filed for record in Volume 178 of Official Records at Page 186, Stanislaus County Records;

thence along said centerline South 00°14'59" West 2597.85 feet to the north line of the 33.00 foot half-width of Milnes Road; thence along said north line North 89°41'53" West 3418.40 feet to the Point of Beginning.

All as shown on attached Exhibit "C" and made a part hereof and containing 141.15 acres, more or less.

Subject to easements and rights-of-way of record.

**END DESCRIPTION**



**EXHIBIT "B"**  
**ADJUSTED PARCEL "2"**  
**PLN 2014-0089**  
**LEGAL DESCRIPTION**

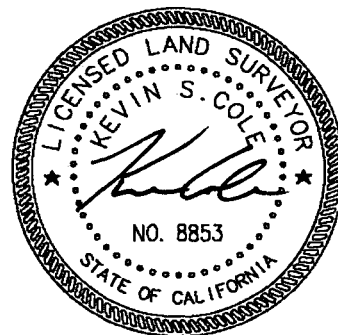
All that real property being a portion of the east half of Section 10, Township 3 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Commencing at the intersection of the north line of the 33.00 foot half-width of Milnes Road per Road Petition #0127 on file with the Stanislaus County Surveyor's Office, with the east line of the 20.00 foot half-width of Bentley Road; thence along said north line South 89°41'53" East 3418.40 feet to the centerline of that 40.00 foot O.I.D. Albers Pipeline No. 2 Easement per that document filed for record in Volume 178 of Official Records at Page 186, Stanislaus County Records, said point being the POINT OF BEGINNING; thence along said centerline North 00°14'59" East 2597.85 feet to the centerline of that 60.00 foot O.I.D. Albers Lateral Easement per that Grant of Easement filed for record as DOC #2009-0012420, Stanislaus County Records; thence along said centerline North 54°58'35" East 7.36 feet to the north line of the southeast quarter of Section 10; thence along said north line South 89°42'32" East 534.09 feet to the west line of the southeast quarter of the northeast quarter of Section 10; thence along said west line North 00°15'52" East 1297.73 feet to the south line of the 20.00 foot half-width of Kemper Road; thence along said south line South 89°43'19" East 1296.94 feet to the west line of the 25.00 foot half-width of Albers Road; thence along said west line South 00°12'31" West 1298.06 feet; thence continuing along said west line South 00°11'41" West 1245.38 feet; thence North 89°45'01" West 1276.25 feet; thence South 00°14'59" West 1364.11 feet to the north line of the 24.75 foot half-width of Milnes Road per Road Petition #44A on file with the Stanislaus County Surveyor's Office; thence along said north line North 89°41'53" West 23.50 feet to the west line of the east half of the southeast quarter of Section 10; thence along said west line North 00°15'27" East 8.25 feet to the north line of the 33.00 foot half-width of Milnes Road per Road Petition #0127; thence along said north line North 89°41'53" West 539.75 feet to the Point of Beginning.

All as shown on attached Exhibit "C" and made a part hereof and containing 108.80 acres, more or less.

Subject to easements and rights-of-way of record.

**END DESCRIPTION**



**EXHIBIT "B"**  
**ADJUSTED PARCEL "3"**  
**PLN 2014-0089**  
**LEGAL DESCRIPTION**

All that real property being a portion of the southeast quarter of Section 10, Township 3 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, California, being more particularly described as follows:

Commencing at the intersection of the south line of the 20.00 foot half-width of Kemper Road with the west line of the 25.00 foot half-width of Albers Road; thence along said west line South 00°12'31" West 1298.06 feet; thence continuing along said west line South 00°11'41" West 1245.38' to the POINT OF BEGINNING; thence North 89°45'01" West 1276.25 feet; thence South 00°14'59" West 1364.11 feet to the north line of the 24.75 foot half-width of Milnes Road per Road Petition #44A on file with the Stanislaus County Surveyor's Office; thence along said north line South 89°41'53" East 320.74 feet to the west line of that Road Easement filed for record as DOC #2006-0171592, Stanislaus County Records; thence along said west line North 00°20'47" East 21.15 feet to the north line of said Road Easement; thence along said north line South 89°41'53" East 937.64 feet; thence continuing along said north line North 53°30'51" East 27.74 feet to the west line of Albers Road as shown on County Survey 1578; thence along said west line the following (4) courses:

1. thence North 04°52'01" East 282.93 feet;
2. thence North 00°25'14" East 109.82 feet;
3. thence North 00°15'22" West 220.64 feet;
4. thence North 02°10'27" West 601.59 feet to the west line of the 25.00 foot half-width of Albers Road;

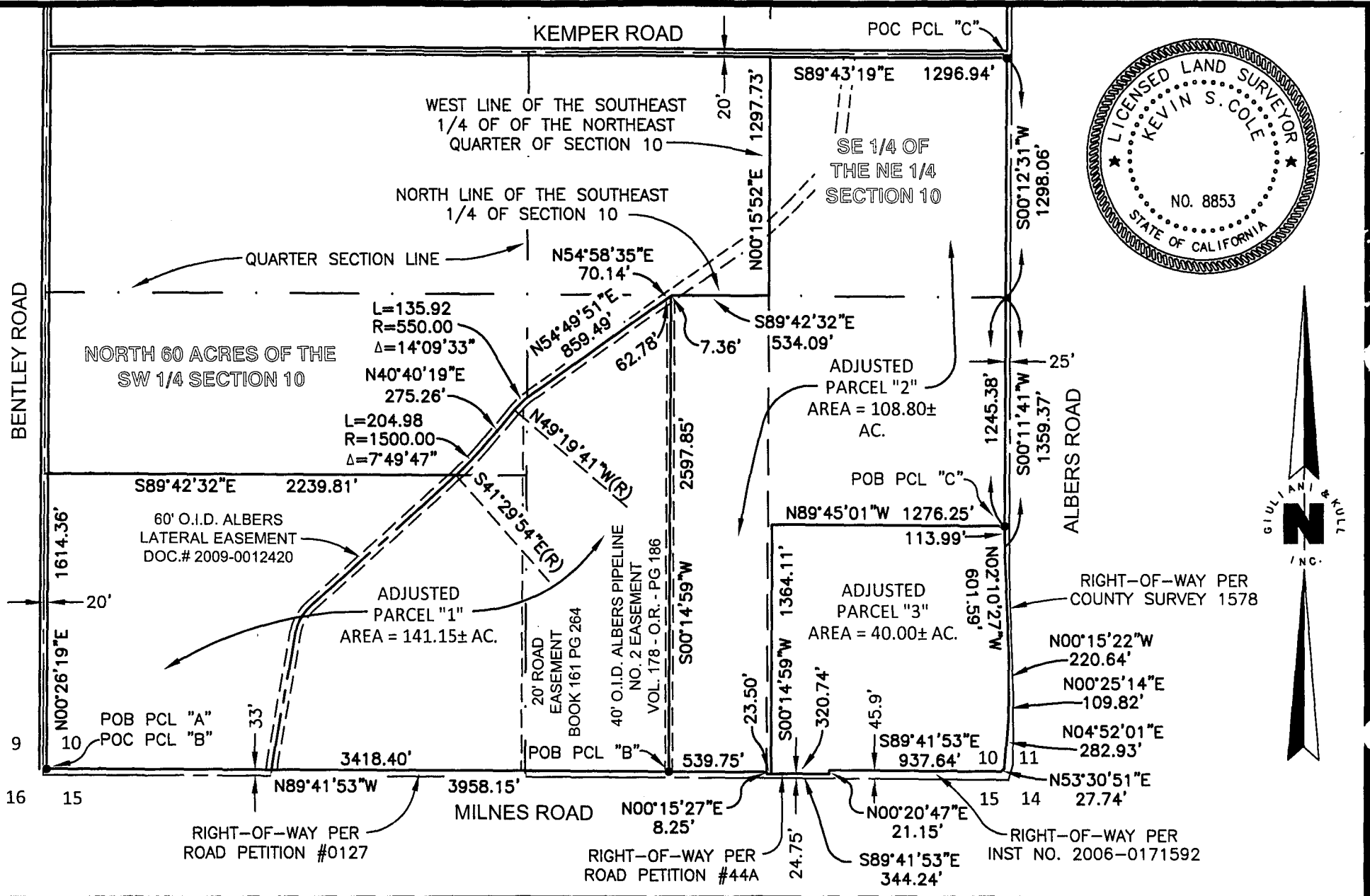
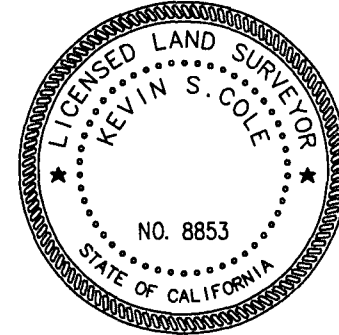
thence along said west line North 00°11'41" East 113.99 feet to the Point of Beginning.

All as shown on attached Exhibit "C" and made a part hereof and containing 40.00 acres, more or less.

Subject to easements and rights-of-way of record.

**END DESCRIPTION**





**GK Giuliani & Kull, Inc.**  
 Engineers • Planners • Surveyors  
 440 S. Yosemite Avenue, Suite A, Oakdale, CA 95361  
 (209) 847-8726 Fax (209) 847-7323  
 Auburn • Oakdale • San Jose

|          |           |
|----------|-----------|
| SCALE:   | 1" = 750' |
| DRAWN:   | K.COLE    |
| CHECKED: | K.COLE    |
| JOB NO.: | 14116     |
| SHEET:   | 6 OF 6    |

PLN 2014-0089  
 STANISLAUS COUNTY, CALIFORNIA