

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 September 22, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, North of East Hatch Road, West of Geer Road, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2015-0049, Martella

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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts but for not less than 10 years except as authorized under the County implementation of AB1265.

(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. 2015-442

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Monteith, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: O'Brien

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

STAFF RECOMMENDATIONS: (Continued)

- b. There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.
 - c. At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.
 - d. After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.
 - e. The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.
 - f. The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.
 - g. The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.
2. Rescind the entire Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, north of East Hatch Road, west of Geer Road, north of the City of Hughson.
 3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2015-0049, Martella.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2015-0049, Martella.

DISCUSSION:

The parcels involved in the lot line adjustment are located at 876 and 888 Charles Street, north of East Hatch Road, west of Geer Road, north of the City of Hughson, in the unincorporated area of Stanislaus County. Lot Line Adjustment PLN2015-0049 was approved by staff pending the Board's action required by the Williamson Act. The lot line adjustment is requesting two parcels go from 64.7 and 2.95 acres (67.65 gross acres total) to two parcels of 2.95 and 64.7 acres (67.65 gross acres total). Parcel 2 (64.7 acres) is presently recognized as APN 018-003-025 has a site address of 888

Charles Street. The majority of Parcel 2 is planted in walnuts and has been developed with two single-family dwellings. Parcel 1 (2.95 acres) is presently recognized as APN 018-003-023 and has a site address of 876 Charles Street. Parcel 1 has been partially planted in walnuts and has been developed with a single-family dwelling, barn and other agriculture accessory structures. The reason for the lot line adjustment request is to reconfigure the existing legal parcels to conform to existing agricultural practices. The lot line adjustment will capture all farming practices and associated accessory structures of the existing walnut orchard onto one parcel.

Parcel 1 is currently enrolled in Williamson Act Contract No. 1974-1642 (incorrectly identified as Parcel 2 in the attached application form). Parcel 2 is not enrolled in the Williamson Act. Parcel 1 being only 2.95 acres, is considered substandard in regards to eligibility for a Williamson Act contract. If this lot line is approved, only proposed Parcel 2 (64.7 gross acres) will be enrolled in a new contract. There will not be a net loss of acreage in the Williamson Act. 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”)

- (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 enrolled under the Williamson Act, 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 supersedes all of Williamson Act Contract No. 1974-1642, upon recording. 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 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 Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, North of East Hatch Road, West of Geer Road, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2015-0049, Martella
Page 5

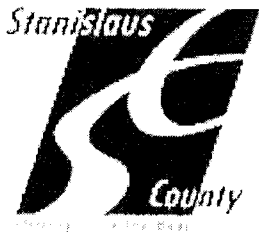
CONTACT PERSON:

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

ATTACHMENTS:

1. Lot Line Adjustment Application No. PLN2015-0049
2. Applicant's Statement of Findings
3. Map of Parcels Before the Proposed Lot Line Adjustment
4. Map of Parcels After the Proposed Lot Line Adjustment

(i:\planning\board of supervisors\lotlineadjustments\2015\lla pln2015-0049-martella\pln2015-0049_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	3	T	4	R	10
ZONE	A-2-40				
RECEIVED	5/17/2015				
APPLICATION NO.	PLW2015-0049				
RECEIPT NO.	527024				

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Martella Aaron R & Shawna L Trust

Name
 920' Charles Street, Hughson CA 95326

Address, City, Zip
 (209) 883-4819

Phone

Fax Number

Parcel 2

Martella Ronald M & Jane C 2007 Trust

Name
 876 Charles Street, Hughson CA 95326

Address, City, Zip
 (209) 883-4819

Phone

Fax Number

Parcel 3

Name

Address, City, Zip

Phone

Fax Number

Parcel 4

Name

Address, City, Zip

Phone

Fax Number

2. Name and address of person(s) preparing map: Associated Engineering Group, Inc.
4206 Technology Drive, Suite 4 Modesto, CA 95356 Phone: (209) 545-3390 Fax: (209) 545-3875

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

Parcel 1: Book 018 Page 003 No. 025 Parcel 2: Book 018 Page 003 No. 023
 Parcel 3: Book _____ Page _____ No. _____ Parcel 4: Book _____ Page _____ No. _____

4. Size of all adjusted parcels:

	<u>Before</u>		<u>After</u>
Parcel 1:	<u>64.7 Acres</u>	Parcel 1:	<u>2.95 Acres</u>
Parcel 2:	<u>2.95 Acres</u>	Parcel 2:	<u>64.7 Acres</u>
Parcel 3:	_____	Parcel 3:	_____
Parcel 4:	_____	Parcel 4:	_____

5. Why are the lot lines being changed? BE SPECIFIC The parcel currently and will continue to serve its agricultural use as an irrigated walnut orchard after the lot lines are reconfigured. The intention is to incorporate the existing farming operation and supporting agricultural structures within the farmed parcel.

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 Walnut
 - Vines – type _____
 - Range (unirrigated) _____
 - Pasture (irrigated) _____
 - Poultry _____
 - Dairy _____
 - Other (Specify) _____

7. List all structures on properties: Two (2) single family residences and two (2) carports (Parcel 2) & One (1) single family residence, barn and carport (Parcel 1)

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

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

Parcel 1: _____ Parcel 2: 07/20/99
 Parcel 3: _____ Parcel 4: _____

10. What are the Williamson Act Contract numbers?

Parcel 1: _____ Parcel 2: 1974-1642
 Parcel 3: _____ Parcel 4: _____

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

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

13. Signature of property owner(s) Ronald M. Martella Martella Ronald M
 Owner's Signature Owner's Name Printed

Jane C Martella Martella Jane C
 Owner's Signature Owner's Name Printed

Aaron R Martella Martella Aaron R
 Owner's Signature Owner's Name Printed

Shawna L Martella Martella Shawna L
 Owner's Signature Owner's Name Printed

**PROJECT DESCRIPTION AND LANDOWNER JUSTIFICATION
LOT LINE ADJUSTMENT**

This project, being a lot line adjustment between Assessor's Parcel No. 018-003-023 (2.95 acres) owned by Ronald and Jane Marella and Parcel No. 018-003-025 (64.7 acres) owned by Aaron and Shawna Martella.

This lot line adjustment is being prepared to reconfigure the existing legal parcels to conform to the existing agricultural practices of the parcels. It is also desirous that the detached agricultural structures be included as they have historically been utilized together. The parcels will continue to irrigate and drain utilizing existing facilities. Changes to current agricultural practices and existing irrigation facilities are not anticipated.

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

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

The smaller parcel is enrolled in Williamson act contract (1974-1642) and are not subject to a notice of non-renewal. At the conclusion of the lot line adjustment, the contract will continue to be in force and effect for a period of at least 9 years.

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

The subject parcels currently under contract comprise 2.95± acres. After the lot line adjustment, the parcel will comprising of 64.8± acres will be under contract (no net decrease in contract).

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

No proposed net reduction in contract is anticipated. As set forth above in finding (2), the acreage included within this lot line adjustment under contract will continue to remain under Williamson Act contract.

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

This Lot line adjustment merely adjusts the common line of one contracted parcels to bring the small parcel into compliance with local regulations. No change in the parcels sustainability of agricultural use result with the approval of this 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 contracted property is 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.

Both of these parcels have been used for agricultural productivity in their current configuration for a long time. The new lot configuration, after adjustment, will recognize and conform to the existing farming

practices and irrigation system. This application will in no way affect the long term agricultural productivity of either of the parcels as there is anticipated no physical changes to the properties uses.

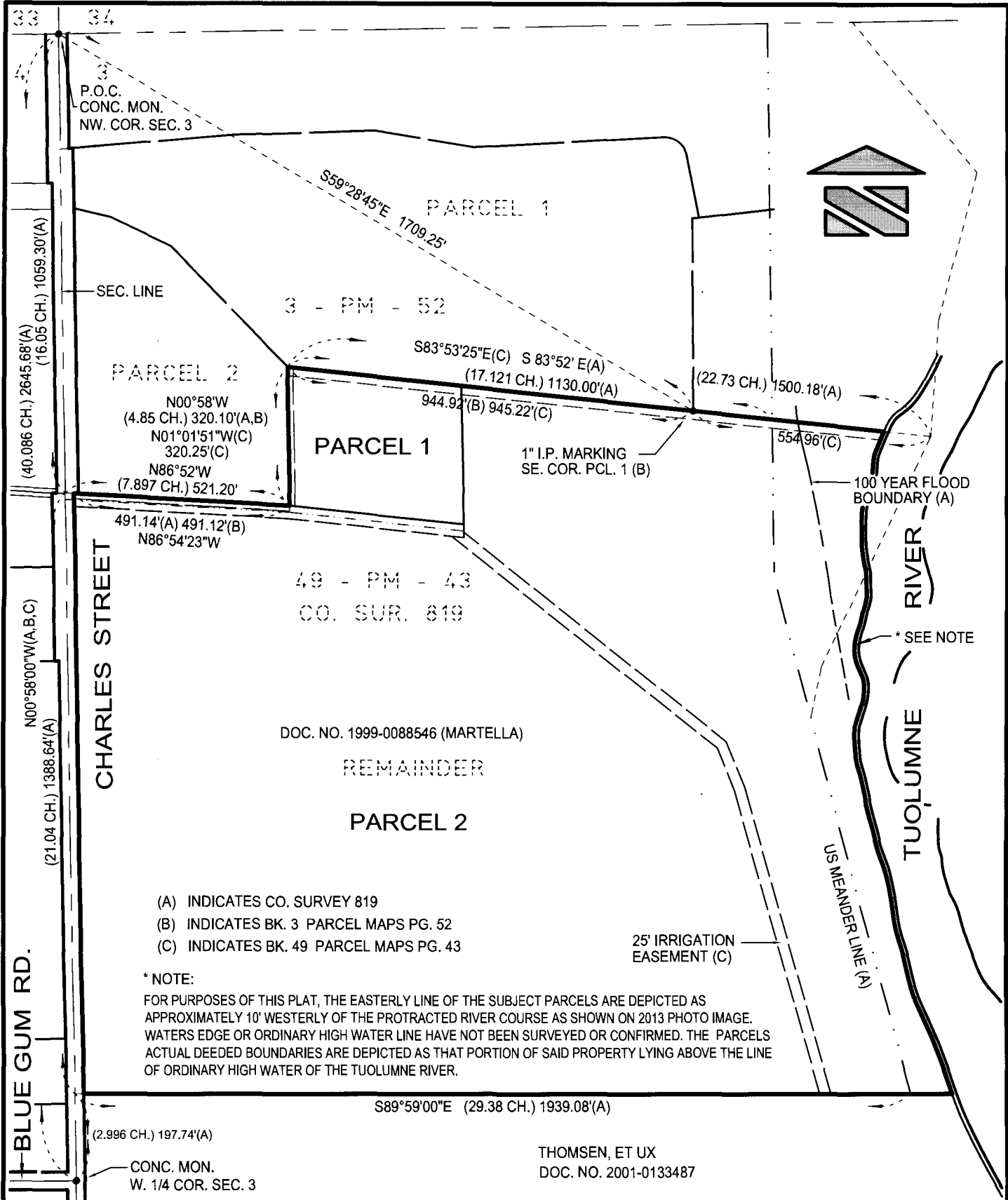
(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

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

The two parcels currently exist, and after lot line adjustment two parcels will continue to exist.

In conclusion, this lot line adjustment is nothing more than the movement of an assessor's parcel line (legal lot line) to coincide with the existing uses of the parcels. As set forth previously, the properties will continue to be used for agricultural purposes, and this lot line adjustment will in no way affect the agricultural viability of either parcel or the surrounding agricultural community.

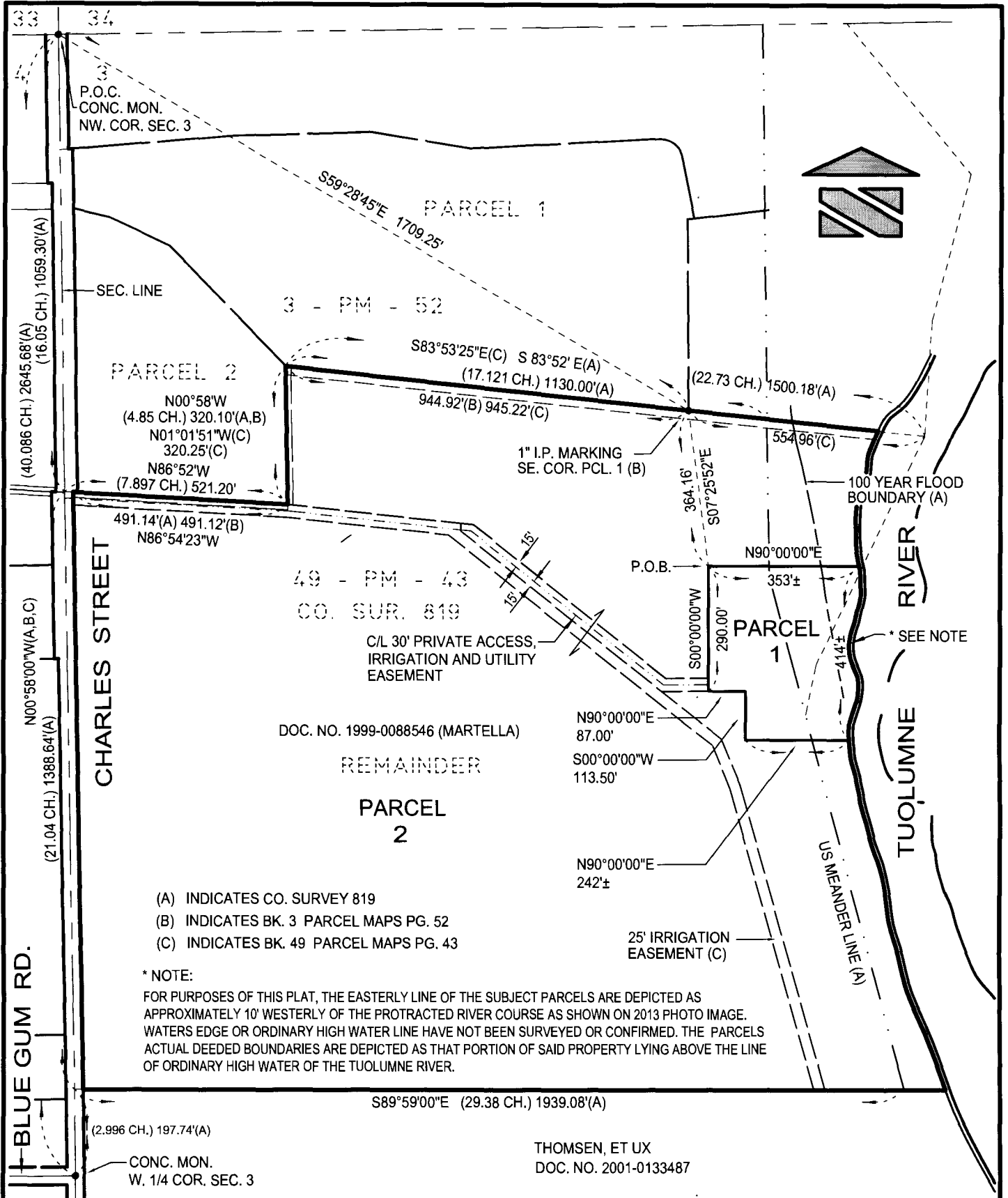


DRAWN:	DLS/JF
DATE:	9/9/15
SCALE:	1" = 300'
JOB #:	902A-15
DWG:	WILL_BLUE

EXISTING WILLIAMSON ACT
 MARTELLA LOT LINE ADJUSTMENT
 NO. PLN2015-0049
 STANISLAUS COUNTY, CALIFORNIA

ASSOCIATED ENGINEERING GROUP

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



DRAWN:	DLS/JF
DATE:	9/9/15
SCALE:	1" = 300'
JOB #:	902A-15
DWG:	WILL_BLUE

PROPOSED WILLIAMSON ACT
 MARTELLA LOT LINE ADJUSTMENT
 NO. PLN2015-0049
 STANISLAUS COUNTY, CALIFORNIA

ASSOCIATED ENGINEERING GROUP

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

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2015-0080526-00

Acct 402-Counter Customers
Friday, OCT 09, 2015 09:31:53
Ttl Pd \$0.00 Rcpt # 0003726485
JMS/R2/2-13

RECORDING REQUESTED BY
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT
1010 10th STREET, SUITE 3400
MODESTO, CA 95354

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2015-18**

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into September 23, 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: Martella Ronald M & Jane C Trust
2100 Geer 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)
<u>018-003-023</u>	<u>64.7</u>	<u>876 Charles Street, Hughson, CA</u>

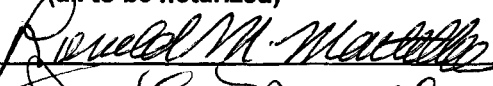
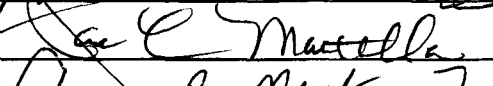
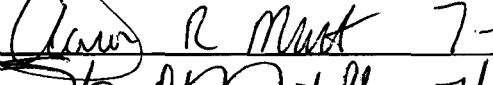

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2015-442, relating to Lot Line Adjustment No. 2015-0049 as authorized by Govt. Code § 51257, California Land Conservation Contract No. 1974-1642 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

1378

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)
Ronald M. Martella		7/6/15	Hughson
Jane C. Martella		7-7-15	Turlock
Aaron R. Martella		7-6-15	Hughson
Shawna L. Martella		7/6/15	Hughson

SECURITY HOLDERS:

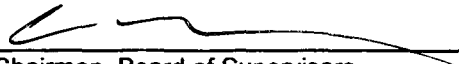
NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

EXHIBITS:

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

COUNTY: Stanislaus County

10.8.2015
 Dated _____


 Chairman, Board of Supervisors
 Angela Freitas for Vito Chiesa

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

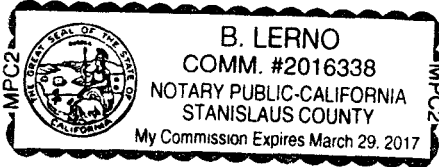
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Stanislaus)
On 7/6/15 before me, B Lerno, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Ronald M Martella, Aaron R Martella and
Name(s) of Signer(s)
Shawna L Martella

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 B Lerno
Signature of Notary Public
Ph 209-883-4434

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 Certificate of Lot Line Adjustment Document Date: 7/6/15
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: _____

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)

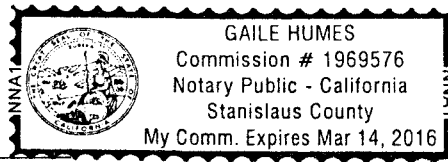
On July 7, 2015, before me, GAILE HUMES, a Notary Public, personally appeared JANE C. MARTELLA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.

Gaile Humes

Notary Public



(SEAL)

EXHIBIT "A"
LEGAL DESCRIPTION
RONALD M. MARTELLA, ET. UX.
PRIOR TO LOT LINE ADJUSTMENT

All that certain real property situate in the County of Stanislaus, State of California, lying within a portion of the Northwest quarter of Section 3, Township 4 South, Range 10 East, Mount Diablo Meridian, described as follows:

Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 14, 1999 in Book 49 of Parcel Maps at Page 43.


Together with a non-exclusive easement for access, irrigation and public utility purposes together with incidental and appurtenant rights thereto including maintenance, ingress and egress as shown and dedicated on that certain Parcel Map herein above referred to for the benefit of said Parcel 1.

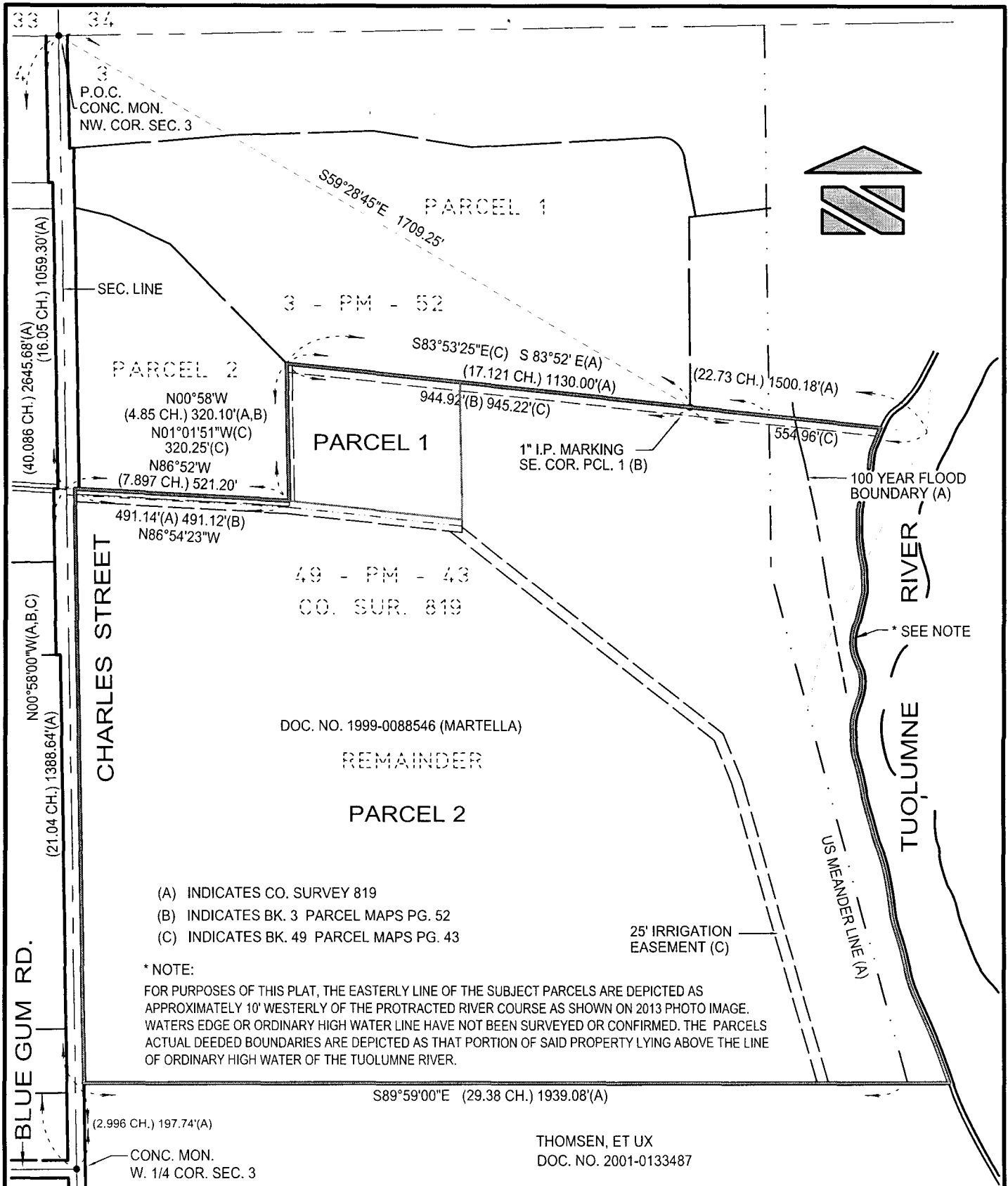
Containing 2.95 acres more or less

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

The above described real property is intended to be all that certain parcel of land conveyed to Ronald M. Martella and Jane C. Martella, husband and wife as community property by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on September 16, 1999 as Document no. 1999-0089588.




Dave Skidmore, P.L.S. 7126
7/22/15



- (A) INDICATES CO. SURVEY 819
- (B) INDICATES BK. 3 PARCEL MAPS PG. 52
- (C) INDICATES BK. 49 PARCEL MAPS PG. 43

* NOTE:
 FOR PURPOSES OF THIS PLAT, THE EASTERLY LINE OF THE SUBJECT PARCELS ARE DEPICTED AS APPROXIMATELY 10' WESTERLY OF THE PROTRACTED RIVER COURSE AS SHOWN ON 2013 PHOTO IMAGE. WATERS EDGE OR ORDINARY HIGH WATER LINE HAVE NOT BEEN SURVEYED OR CONFIRMED. THE PARCELS ACTUAL DEEDED BOUNDARIES ARE DEPICTED AS THAT PORTION OF SAID PROPERTY LYING ABOVE THE LINE OF ORDINARY HIGH WATER OF THE TUOLUMNE RIVER.

DRAWN:	DLS/JF
DATE:	9/9/15
SCALE:	1" = 300'
JOB #:	902A-15
DWG:	WILL_BLUE

EXISTING WILLIAMSON ACT

MARTELLA LOT LINE ADJUSTMENT
 NO. PLN2015-0049
 STANISLAUS COUNTY, CALIFORNIA



**ASSOCIATED
 ENGINEERING
 GROUP**

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

FOR ILLUSTRATIVE PURPOSES ONLY

EXHIBIT "B"
LEGAL DESCRIPTION
AARON MARTELLA, ET. UX.
AFTER LOT LINE ADJUSTMENT

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

ALL those portions of Swamp and Overflowed Land Survey No. 114 and Government Lots III and IV lying within Section 3, Township 4 South, Range 10 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at a point on the Section line common to Sections 3 and 4 of Township 4 South, Range 10 East, Mount Diablo Meridian, which point is 2.996 chains North 00°58' West from the one-quarter corner common to said Sections 3 and 4; thence running North 00°58' West along the line common to said Sections 3 and 4, a distance of 21.04 chains to a point which is 16.05 chains South 00°58' East from the corner common to Sections 33, 34, 3 and 4 of Township 3 and 4 South, Range 10 East; thence running South 82°56' East, a distance of 7.987 chains to a point; thence running North 00°58' West, a distance of 4.85 chains to a point; thence running South 83°52' East, a distance of 22.73 chains to a point; thence South 25°27' West, a distance of 8.90 chains to a point; thence running South 12°28' West, a distance of 1.945 chains to the intersection with the U.S. Meander line; thence running South 14°49' East along the U.S. Meander line, a distance of 12.97 chains to a point; thence running North 89°59' West, a distance of 29.38 chains to the point of beginning.

Also, all land East of land above described and West of the Tuolumne River.

TOGETHER WITH Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 14, 1999 in Book 49 of Parcel Maps at Page 43.

EXCEPTING THEREFORM all that portion being more particularly described as follows:

Commencing at the Northwest corner of said Section 3, said corner being marked with a 5" x 5" Concrete monument of which the West line of the Northwest Corner of said Section 3 also being the center line of a county road known as Charles Street, bears South 00°58'00" East; thence South 59°28'45" East, a distance of 1709.25 feet more or less to a 1" diameter iron pipe marking the Southeast corner of Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 11, 1967 in Book 03 of Parcel Maps at Page 52; thence South 07°25'52" East, a distance of 364.16 feet to the **POINT OF BEGINNING** of this description; thence South 00°00'00" West, a distance of 290.00 feet; thence North 90°00'00" East, a distance of 87.00 feet; thence South 00°00'00" West, a distance of 113.50 feet; thence North 90°00'00" East, a distance of 242 feet more or less to the Westerly line of the Tuolumne River; thence downstream along last said westerly line, a distance of approximately 414 feet to a point which lies North 90°00'00" East of the point of beginning of this description; thence South 90°00'00" West along last said line, a distance of 353 feet more or less to the point of beginning of this description.

Said Excepted area herein above described contains 2.95 acres more or less

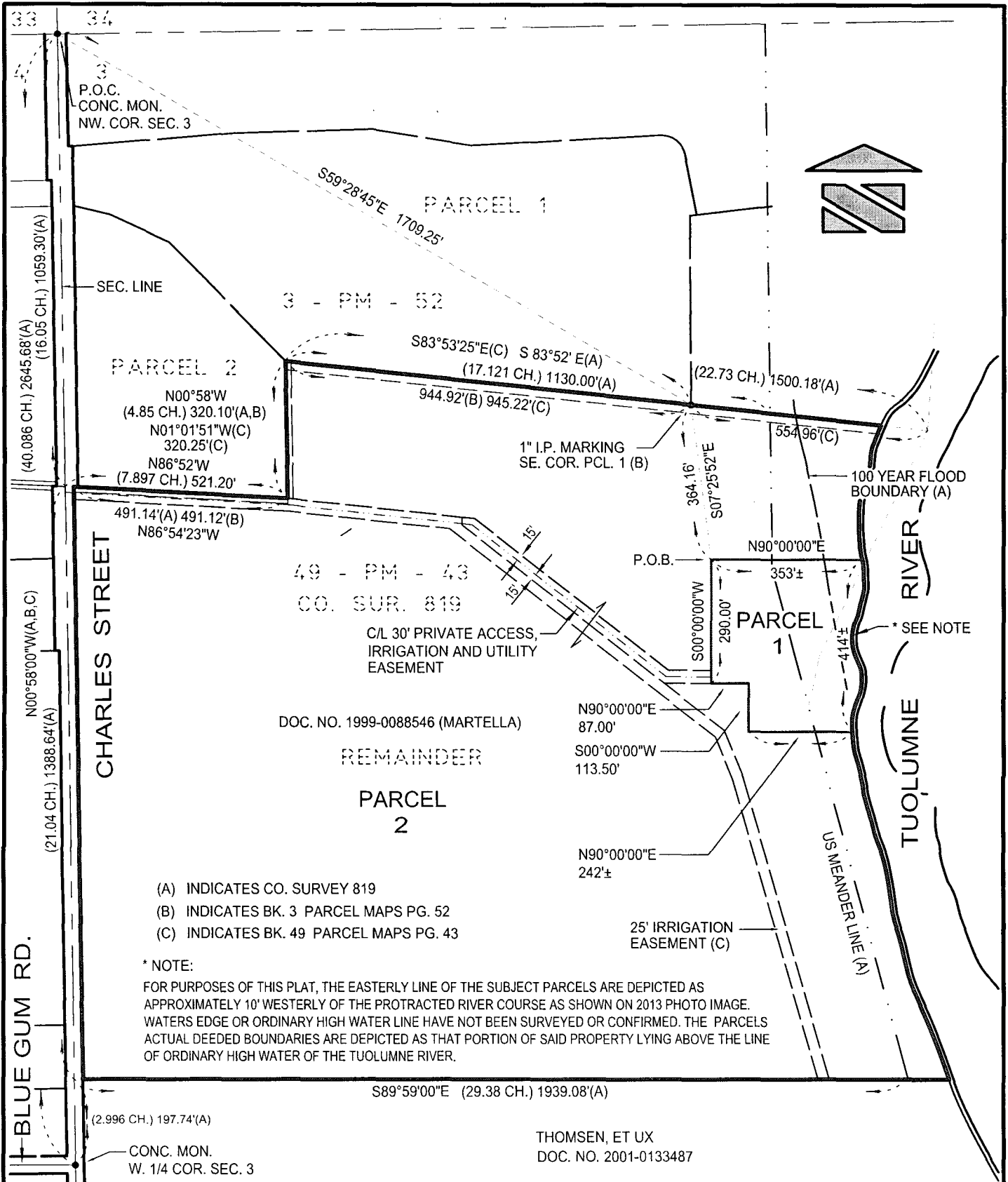
ALSO EXCEPTING THEREFROM any and all right, title and interest of the State of California within the natural bed of the Tuolumne River below the line of ordinary high water and also excepting any artificial accretions waterward of said line of ordinary high water.

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



A handwritten signature in black ink, appearing to read "Dave Skidmore".

Dave Skidmore, P.L.S. 7126
7/22/15



- (A) INDICATES CO. SURVEY 819
- (B) INDICATES BK. 3 PARCEL MAPS PG. 52
- (C) INDICATES BK. 49 PARCEL MAPS PG. 43

* NOTE:
 FOR PURPOSES OF THIS PLAT, THE EASTERLY LINE OF THE SUBJECT PARCELS ARE DEPICTED AS APPROXIMATELY 10' WESTERLY OF THE PROTRACTED RIVER COURSE AS SHOWN ON 2013 PHOTO IMAGE. WATERS EDGE OR ORDINARY HIGH WATER LINE HAVE NOT BEEN SURVEYED OR CONFIRMED. THE PARCELS ACTUAL DEEDED BOUNDARIES ARE DEPICTED AS THAT PORTION OF SAID PROPERTY LYING ABOVE THE LINE OF ORDINARY HIGH WATER OF THE TUOLUMNE RIVER.

DRAWN:	DLS/JF
DATE:	9/9/15
SCALE:	1" = 300'
JOB #:	902A-15
DWG:	WILL_BLUE

PROPOSED WILLIAMSON ACT

MARTELLA LOT LINE ADJUSTMENT
 NO. PLN2015-0049
 STANISLAUS COUNTY, CALIFORNIA



ASSOCIATED ENGINEERING GROUP

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

FOR ILLUSTRATIVE PURPOSES ONLY

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 September 22, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Rescind Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, North of East Hatch Road, West of Geer Road, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2015-0049, Martella

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 AB1265.

(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. 2015-442

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Monteith, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: O'Brien

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

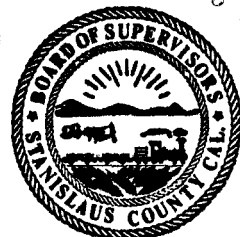
3) Approved as amended

4) Other:

MOTION:

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.
CHRISTINE FERRARO TALLMAN
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By Patricia Gonzalez



SEP 23 2015

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File EXHIBIT C

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 the entire Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, north of East Hatch Road, west of Geer Road, north of the City of Hughson.
 3. Approve a new contract pursuant to Minor Lot Line Adjustment PLN2015-0049, Martella.
 4. Authorize the Director of Planning and Community Development to execute a new contract pursuant to Minor Lot Line Adjustment PLN2015-0049, Martella.

DISCUSSION:

The parcels involved in the lot line adjustment are located at 876 and 888 Charles Street, north of East Hatch Road, west of Geer Road, north of the City of Hughson, in the unincorporated area of Stanislaus County. Lot Line Adjustment PLN2015-0049 was approved by staff pending the Board's action required by the Williamson Act. The lot line adjustment is requesting two parcels go from 64.7 and 2.95 acres (67.65 gross acres total) to two parcels of 2.95 and 64.7 acres (67.65 gross acres total). Parcel 2 (64.7 acres) is presently recognized as APN 018-003-025 has a site address of 888

Approval to Rescind Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, North of East Hatch Road, West of Geer Road, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2015-0049, Martella
Page 3

Charles Street. The majority of Parcel 2 is planted in walnuts and has been developed with two single-family dwellings. Parcel 1 (2.95 acres) is presently recognized as APN 018-003-023 and has a site address of 876 Charles Street. Parcel 1 has been partially planted in walnuts and has been developed with a single-family dwelling, barn and other agriculture accessory structures. The reason for the lot line adjustment request is to reconfigure the existing legal parcels to conform to existing agricultural practices. The lot line adjustment will capture all farming practices and associated accessory structures of the existing walnut orchard onto one parcel.

Parcel 1 is currently enrolled in Williamson Act Contract No. 1974-1642 (incorrectly identified as Parcel 2 in the attached application form). Parcel 2 is not enrolled in the Williamson Act. Parcel 1 being only 2.95 acres, is considered substandard in regards to eligibility for a Williamson Act contract. If this lot line is approved, only proposed Parcel 2 (64.7 gross acres) will be enrolled in a new contract. There will not be a net loss of acreage in the Williamson Act. 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

Approval to Rescind Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, North of East Hatch Road, West of Geer Road, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2015-0049, Martella
Page 4

to be in parcels large enough to sustain their agricultural use if the land is (1) at least 10 acres in size in the case of prime agricultural land, or (2) at least 40 acres in size in the case of land which is not prime agricultural land”)

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

The applicants have provided written evidence to support 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 enrolled under the Williamson Act, 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 supersedes all of Williamson Act Contract No. 1974-1642, upon recording. 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 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 Williamson Act Contract No. 1974-1642, Located at 876 Charles Street, North of East Hatch Road, West of Geer Road, North of the City of Hughson; and Approval of a New Contract Pursuant to Lot Line Adjustment PLN2015-0049, Martella
Page 5

CONTACT PERSON:

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

ATTACHMENTS:

1. Lot Line Adjustment Application No. PLN2015-0049
2. Applicant's Statement of Findings
3. Map of Parcels Before the Proposed Lot Line Adjustment
4. Map of Parcels After the Proposed Lot Line Adjustment

(i:\planning\board of supervisors\lotlineadjustments\2015\lla pln2015-0049-martella\pin2015-0049_board report.doc)



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2015-0080527-00

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, OCT 09, 2015 09:32:53
Ttl Pd \$44.00 Rcpt # 0003726487
JMS/R2/1-10

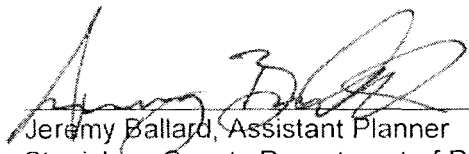
Space Above This Line for Recorder's Use

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 June 11, 2015 approved the lot line adjustment herein described submitted under the name of Martella Lot Line Adjustment No. PLN2015-0049 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" and Exhibit "C", 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: 
Jeremy Ballard, Assistant Planner
Stanislaus County Department of Planning
and Community Development

9/29/15
Date

1078

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 September 29, 2015 before me, Christine Michele Smith, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Jeremy Ballard
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 Christine Michele Smith
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: LotLine Adj PLN 2015-0049 Document Date: 9-29-15

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. PLN2015-0049

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Ronald M. Martella</u>	<u>Ronald M Martella</u>	<u>7/6/15</u>	<u>Hughson</u>
<u>Jane C. Martella</u>	<u>Jane C Martella</u>	<u>7-7-15</u>	<u>Turlock</u>
<u>Aaron R. Martella</u>	<u>Aaron R Martella</u>	<u>7/6/15</u>	<u>Hughson</u>
<u>Shawna L. Martella</u>	<u>Shawna L Martella</u>	<u>7/6/15</u>	<u>Hughson</u>
_____	_____	_____	_____

SECURITY HOLDERS:

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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State of California)
County of Stanislaus)

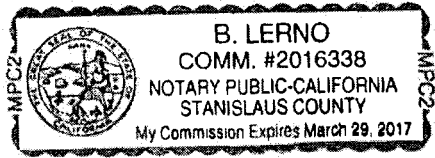
On 7/6/15 before me, B Lerno, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Ronald M Martella, Aaron R Martella & Shawna L Martella
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 B Lerno
Signature of Notary Public
Ph 209-883-4434

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: Certificate of Lot Line Adjustment Document Date: 7/6/15
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: _____

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)

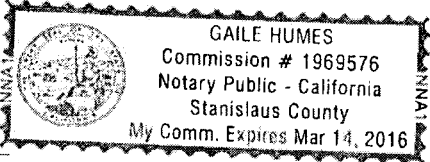
On July 7, 2015, before me, GAILE HUMES, a Notary Public, personally appeared JANE C. MARTELLA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their 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.

Gaile Humes

Notary Public



(S E A L)

EXHIBIT "A"
LEGAL DESCRIPTION
RONALD M. MARTELLA, ET. UX.
PRIOR TO LOT LINE ADJUSTMENT

All that certain real property situate in the County of Stanislaus, State of California, lying within a portion of the Northwest quarter of Section 3, Township 4 South, Range 10 East, Mount Diablo Meridian, described as follows:

Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 14, 1999 in Book 49 of Parcel Maps at Page 43.

Together with a non-exclusive easement for access, irrigation and public utility purposes together with incidental and appurtenant rights thereto including maintenance, ingress and egress as shown and dedicated on that certain Parcel Map herein above referred to for the benefit of said Parcel 1.

Containing 2.95 acres more or less

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

The above described real property is intended to be all that certain parcel of land conveyed to Ronald M. Martella and Jane C. Martella, husband and wife as community property by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on September 16, 1999 as Document no. 1999-0089588.





Dave Skidmore, P.L.S. 7126
7/22/15

EXHIBIT "A"
LEGAL DESCRIPTION
AARON MARTELLA, ET. UX.
PRIOR TO LOT LINE ADJUSTMENT

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

ALL those portions of Swamp and Overflowed Land Survey No. 114 and Government Lots III and IV lying within Section 3, Township 4 South, Range 10 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at a point on the Section line common to Sections 3 and 4 of Township 4 South, Range 10 East, Mount Diablo Meridian, which point is 2.996 chains North 00°58' West from the one-quarter corner common to said Sections 3 and 4; thence running North 00°58' West along the line common to said Sections 3 and 4, a distance of 21.04 chains to a point which is 16.05 chains South 00°58' East from the corner common to Sections 33, 34, 3 and 4 of Township 3 and 4 South, Range 10 East; thence running South 82°56' East, a distance of 7.987 chains to a point; thence running North 00°58' West, a distance of 4.85 chains to a point; thence running South 83°52' East, a distance of 22.73 chains to a point; thence South 25°27' West, a distance of 8.90 chains to a point; thence running South 12°28' West, a distance of 1.945 chains to the intersection with the U.S. Meander line; thence running South 14°49' East along the U.S. Meander line, a distance of 12.97 chains to a point; thence running North 89°59' West, a distance of 29.38 chains to the point of beginning.

Also, all land East of land above described and West of the Tuolumne River.

EXCEPTING THEREFROM, Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 14, 1999 in Book 49 of Parcel Maps at Page 43.

ALSO EXCEPTING THEREFROM any and all right, title and interest of the State of California within the natural bed of the Tuolumne River below the line of ordinary high water and also excepting any artificial accretions waterward of said line of ordinary high water.

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

The above described real property is intended to be all that certain parcel of land conveyed to Aaron Martella and Shawna Martella, husband and wife as community property by Grant Deed filed in the Office of the Recorder of the County of Stanislaus on September 14, 1999 as Document no. 1999-0088546.





Dave Skidmore, P.L.S. 7126
7/22/15

EXHIBIT "B"
LEGAL DESCRIPTION
RONALD M. MARTELLA, ET. UX.
AFTER LOT LINE ADJUSTMENT

All that certain real property situate in the County of Stanislaus, State of California, lying within a portion of the Northwest quarter of Section 3, Township 4 South, Range 10 East, Mount Diablo Meridian, described as follows:

Commencing at the Northwest corner of said Section 3, said corner being marked with a 5" x 5" Concrete monument of which the West line of the Northwest Corner of said Section 3 also being the center line of a county road known as Charles Street, bears South 00°58'00" East; thence South 59°28'45" East, a distance of 1709.25 feet more or less to a 1" diameter iron pipe marking the Southeast corner of Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 11, 1967 in Book 03 of Parcel Maps at Page 52; thence South 07°25'52" East, a distance of 364.16 feet to the **POINT OF BEGINNING** of this description; thence South 00°00'00" West, a distance of 290.00 feet; thence North 90°00'00" East, a distance of 87.00 feet; thence South 00°00'00" West, a distance of 113.50 feet; thence North 90°00'00" East, a distance of 242 feet more or less to the Westerly line of the Tuolumne River; thence downstream along last said westerly line, a distance of approximately 414 feet to a point which lies North 90°00'00" East of the point of beginning of this description; thence South 90°00'00" West along last said line, a distance of 353 feet more or less to the point of beginning of this description.

Said area herein above described contains 2.95 acres more or less

EXCEPTING THEREFROM any and all right, title and interest of the State of California within the natural bed of the Tuolumne River below the line of ordinary high water and also excepting any artificial accretions waterward of said line of ordinary high water.

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



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

Dave Skidmore, P.L.S. 7126
7/22/15

EXHIBIT "B"
LEGAL DESCRIPTION
AARON MARTELLA, ET. UX.
AFTER LOT LINE ADJUSTMENT

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

ALL those portions of Swamp and Overflowed Land Survey No. 114 and Government Lots III and IV lying within Section 3, Township 4 South, Range 10 East, Mount Diablo Meridian, being more particularly described as follows:

BEGINNING at a point on the Section line common to Sections 3 and 4 of Township 4 South, Range 10 East, Mount Diablo Meridian, which point is 2.996 chains North 00°58' West from the one-quarter corner common to said Sections 3 and 4; thence running North 00°58' West along the line common to said Sections 3 and 4, a distance of 21.04 chains to a point which is 16.05 chains South 00°58' East from the corner common to Sections 33, 34, 3 and 4 of Township 3 and 4 South, Range 10 East; thence running South 82°56' East, a distance of 7.987 chains to a point; thence running North 00°58' West, a distance of 4.85 chains to a point; thence running South 83°52' East, a distance of 22.73 chains to a point; thence South 25°27' West, a distance of 8.90 chains to a point; thence running South 12°28' West, a distance of 1.945 chains to the intersection with the U.S. Meander line; thence running South 14°49' East along the U.S. Meander line, a distance of 12.97 chains to a point; thence running North 89°59' West, a distance of 29.38 chains to the point of beginning.

Also, all land East of land above described and West of the Tuolumne River.

TOGETHER WITH Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 14, 1999 in Book 49 of Parcel Maps at Page 43.

EXCEPTING THEREFORM all that portion being more particularly described as follows:

Commencing at the Northwest corner of said Section 3, said corner being marked with a 5" x 5" Concrete monument of which the West line of the Northwest Corner of said Section 3 also being the center line of a county road known as Charles Street, bears South 00°58'00" East; thence South 59°28'45" East, a distance of 1709.25 feet more or less to a 1" diameter iron pipe marking the Southeast corner of Parcel 1 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on April 11, 1967 in Book 03 of Parcel Maps at Page 52; thence South 07°25'52" East, a distance of 364.16 feet to the **POINT OF BEGINNING** of this description; thence South 00°00'00" West, a distance of 290.00 feet; thence North 90°00'00" East, a distance of 87.00 feet; thence South 00°00'00" West, a distance of 113.50 feet; thence North 90°00'00" East, a distance of 242 feet more or less to the Westerly line of the Tuolumne River; thence downstream along last said westerly line, a distance of approximately 414 feet to a point which lies North 90°00'00" East of the point of beginning of this description; thence South 90°00'00" West along last said line, a distance of 353 feet more or less to the point of beginning of this description.

Said Excepted area herein above described contains 2.95 acres more or less

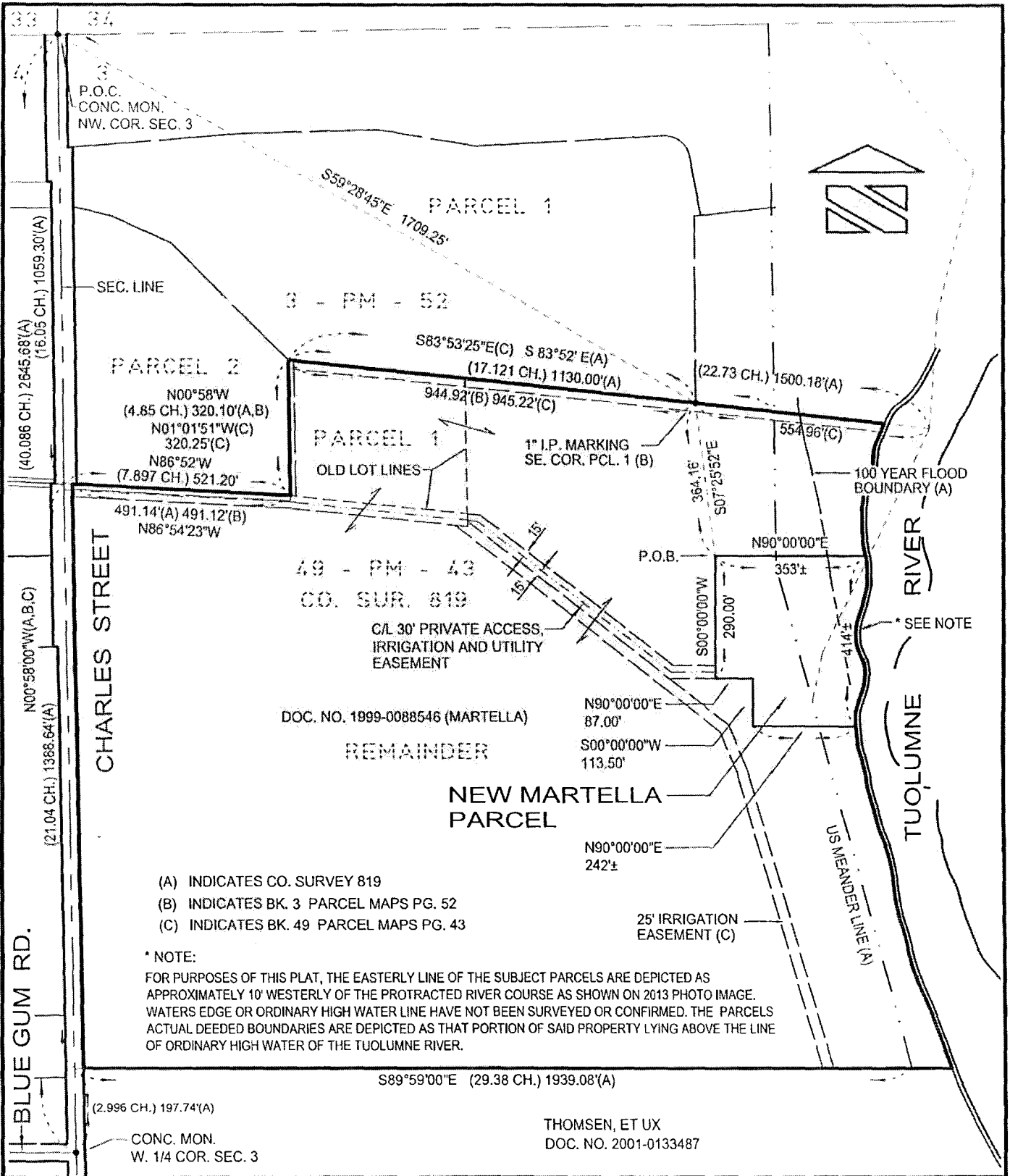
ALSO EXCEPTING THEREFROM any and all right, title and interest of the State of California within the natural bed of the Tuolumne River below the line of ordinary high water and also excepting any artificial accretions waterward of said line of ordinary high water.

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



A handwritten signature in black ink that reads "Dave Skidmore".

Dave Skidmore, P.L.S. 7126
7/22/15



- (A) INDICATES CO. SURVEY 819
- (B) INDICATES BK. 3 PARCEL MAPS PG. 52
- (C) INDICATES BK. 49 PARCEL MAPS PG. 43

* NOTE:
 FOR PURPOSES OF THIS PLAT, THE EASTERLY LINE OF THE SUBJECT PARCELS ARE DEPICTED AS APPROXIMATELY 10' WESTERLY OF THE PROTRACTED RIVER COURSE AS SHOWN ON 2013 PHOTO IMAGE. WATERS EDGE OR ORDINARY HIGH WATER LINE HAVE NOT BEEN SURVEYED OR CONFIRMED. THE PARCELS ACTUAL DEEDED BOUNDARIES ARE DEPICTED AS THAT PORTION OF SAID PROPERTY LYING ABOVE THE LINE OF ORDINARY HIGH WATER OF THE TUOLUMNE RIVER.

DRAWN:	DLS
DATE:	7/22/15
SCALE:	1" = 300'
JOB #:	902A-15
DWG:	LLA_EXC

EXHIBIT "C"
 MARTELLA LOT LINE ADJUSTMENT
 NO. PLN2015-0049
 STANISLAUS COUNTY, CALIFORNIA

ASSOCIATED ENGINEERING GROUP

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