

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

DEPT: Planning and Community Development Af

BOARD AGENDA # \*D-1

Urgent  Routine

AGENDA DATE December 15, 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. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia

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restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts but for not less than 10 years except as authorized under the County implementation of AB1265.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. 2015-641

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

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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. 1972-0895 and 1972-0577, located at 612 S Hart Road, between State Route 132 and California Avenue, west of the City of Modesto.
  3. Approve new contracts pursuant to Minor Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia.
  4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Minor Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia.

**DISCUSSION:**

The parcels involved in the lot line adjustment are located at 612 S. Hart Road, between State Route 132 and California Avenue, in the unincorporated area of Stanislaus County. Lot Line Adjustment PLN2015-0066 was approved by staff pending the Board's action required by the Williamson Act. The lot line adjustment is requesting two parcels go from 39.8 and 83.2 acres (123 gross acres total) to two parcels of 66.6 and

56.4 acres (123 gross acres total). Parcel 1 is presently recognized as APN 012-052-009 and has a site address of 612 S. Hart Road. It has been improved with a single-family dwelling, a walnut orchard and hay barn. Parcel 2 is presently recognized as APN 012-053-009. Parcel 2 has been improved with 27 acres of walnuts and 40 acres of almonds. The reason for the lot line adjustment request is to relocate all planted walnuts on Parcel 1 and all almonds on Parcel 2. Both Parcel 1 and Parcel 2 are currently under common ownership.

Parcel 1 is currently enrolled as a portion of Williamson Act Contract No. 1972-0895. If this lot line is approved, Parcels 1 (66.6 gross acres) will be enrolled in a new contract. Parcel 2 is currently enrolled as a portion of Williamson Act Contract No. 1972-0577. If this lot line is approved, Parcel 2 (56.4 gross 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*

Approval to Rescind Portions Of Williamson Act Contract Nos. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia  
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*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 in the existing Williamson Act contracts, 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. Williamson Act contracts for 2016 came before the Board on December 15<sup>th</sup>; however, 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 both new contracts supersede a portion of each Williamson Act Contract Nos. 1972-0895 and 1972-0577, upon recording. The new contracts will cover the entire 123 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contracts 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. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia  
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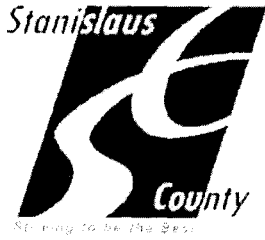
**CONTACT PERSON:**

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

**ATTACHMENTS:**

1. Lot Line Adjustment Application No. PLN2015-0066
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\2014\lla pln2014-0079- soderstrom\pln2014-0079\_board report\_final.doc)



DEPARTMENT OF PLANNING A. COMMUNITY DEVELOPMENT

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

S	32	T	3	R	8
ZONE					
RECEIVED 6-23-15					
APPLICATION NO. PLN 2015-0066					
RECEIPT NO.					

LOT LINE ADJUSTMENT APPLICATION

1. Property Owner(s):

Parcel 1

Tony M. & Fatima M. Garcia  
 Name  
 6455 California Avenue  
 Address, City, Zip  
 Modesto, CA 95358  
 Phone  
 (209) 495-9703, c/o Alison Borba  
 Fax Number

Parcel 2

Tony M. & Fatima M. Garcia  
 Name  
 6455 California Avenue  
 Address, City, Zip  
 Modesto, CA 95358  
 Phone  
 (209) 495-9703, c/o Alison Borba  
 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: Kaiser Shahbaz, PLS  
Welty Engineering, 521 13th Street, Modesto CA 95354, (209) 526-1515

3. Assessor's Parcel No. of parcels adjusted:  
 Parcel 1: Book 012 Page 052 No. 009 Parcel 2: Book 012 Page 053 No. 009  
 Parcel 3: Book \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_ Parcel 4: Book \_\_\_\_\_ Page \_\_\_\_\_ No. \_\_\_\_\_

4. Size of all adjusted parcels: Before After  
 Parcel 1: 39.8 acres Parcel 1: 66.6 acres  
 Parcel 2: 83.2 acres Parcel 2: 56.4 acres  
 Parcel 3: \_\_\_\_\_ Parcel 3: \_\_\_\_\_  
 Parcel 4: \_\_\_\_\_ Parcel 4: \_\_\_\_\_

5. Why are the lot lines being changed? BE SPECIFIC Parcel 2 is approximately 27 acres of Walnuts and 40 acres Almonds, Parcel 1 is all Walnut. Combining all Walnuts into one parcel would be easier to acquire spray permits, harvest the different varieties of nuts and keep everything organized.

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

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

7. List all structures on properties: 1-ea single family residence, 2-ea canopies, 1-ea barn, 2-ea bird houses

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

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

Parcel 1: 9-27-1999  
Parcel 3: \_\_\_\_\_

Parcel 2: 7-22-2009  
Parcel 4: \_\_\_\_\_

10. What are the Williamson Act Contract numbers?

Parcel 1: 1972-0895  
Parcel 3: \_\_\_\_\_

Parcel 2: 1972-0577  
Parcel 4: \_\_\_\_\_

11. Do the parcels irrigate?  Yes  No If yes, how? Irrigation pipes and sprinkler system

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

13. Signature of property owner(s)

Tony Garcia  
Owner's Signature  
Fatima Garcia  
Owner's Signature

Tony M. Garcia  
Owner's Name Printed  
Fatima M. Garcia  
Owner's Name Printed

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Name Printed

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Name Printed

# APPLICANT STATEMENT

## Project Description and Landowner Justification

This project is a lot line adjustment between Assessor's Parcel No. 012-052-009 (Parcel 1 = 39.8+/- acres) and No. 012-053-009 (Parcel 2 = 83.2+/- acres) both owned by Tony M. Garcia and Fatima M. Garcia as Trustees.

As part of the said owners request to transfer 26.8 acres from Parcel 2 to parcel 1.

*At the completion of this lot line adjustment, Parcel 1 will have an adjusted area of 66.6+/- acres, Parcel 2 = 56.4+/- acres. Both Parcels are enrolled in the Williamson Act.*

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

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

*Neither of the contracts (1972-0895 for Parcel 1 and 1972-0577 for Parcel 2) are subject to a Notice of Non-Renewal. At the conclusion of the lot line adjustment, both contracts will continue to be in force with the adjusted acreage and effect for a period of at least 10 years.*

(2) There is no net decrease in 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 land currently under contract 1972-0895 is Parcel 1=39.8 +/- acres, after the lot line adjustment = 66.6+/- acres, and portion of 1972-0577 is Parcel 2=83.2 +/- acres, after the lot line adjustment = 56.4+/- acres. Therefore a 26.8 acres will be transferred from Contract 1972-0577 to Contract 1972-0895.*

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

*The amount of land changing hands is 100% for both parcels involved, the entire amount of land included within this lot line adjustment will continue to remain under Williamson Act contracts.*

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



***Consistent with Section 51222, the smallest parcel as Parcel 1 will be 66.6+/- acres after the lot line adjustment. Parcel 2 will be 56.4+/- acres presumed to be large enough to sustain their agricultural use. The subject properties are identified as (none) 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 parcels have been used for agricultural productivity in their current configuration for a long time. The moving of the lot line to will not affect the overall land of the Contracts and will in no way affect the long term agricultural productivity.***

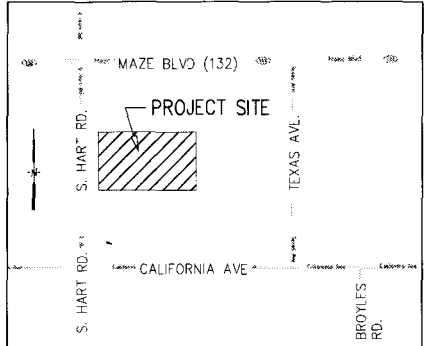
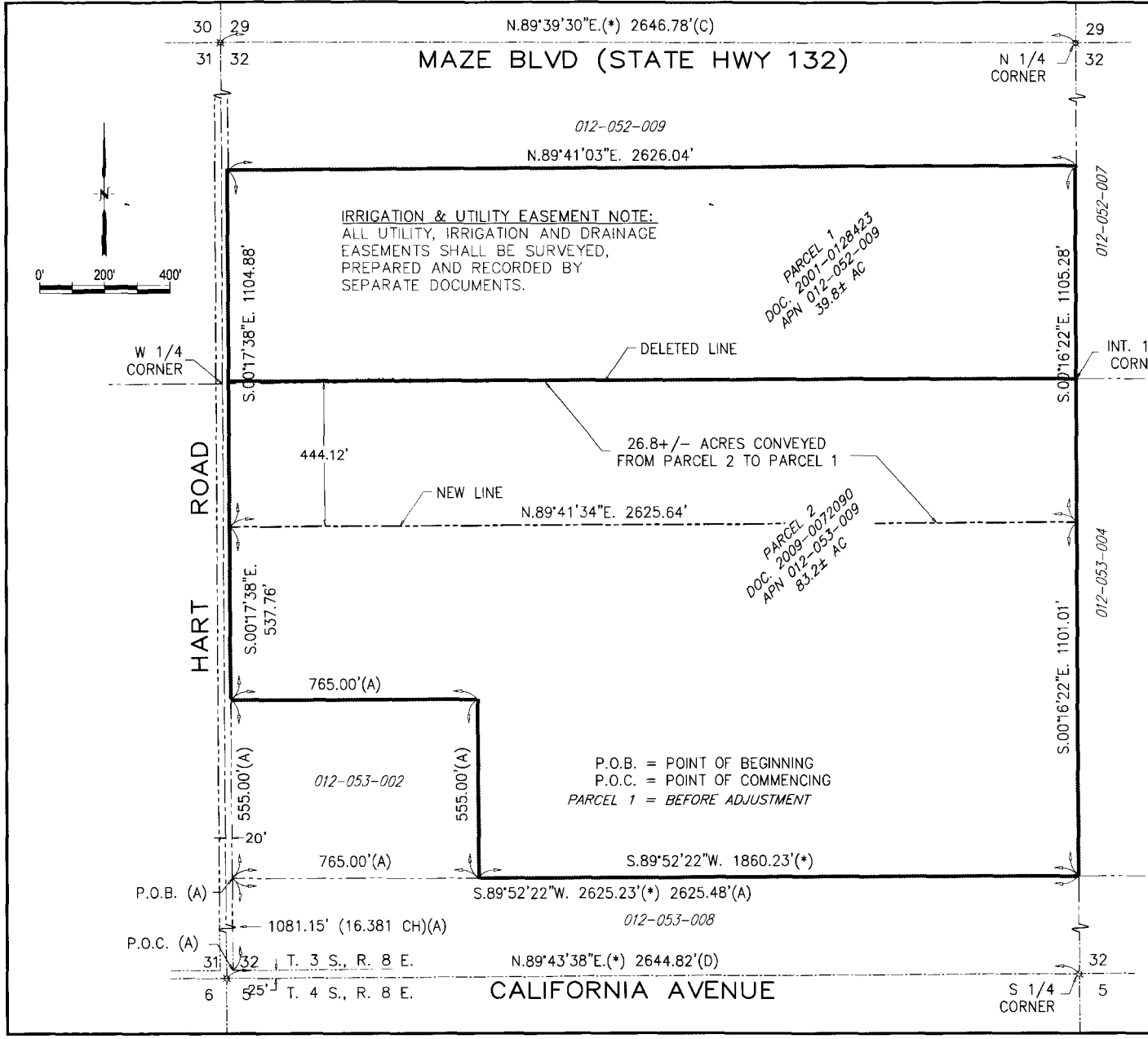
**(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.**

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

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

***Both parcels currently exist, and after the lot line adjustment will continue to exist. Neither parcels are currently inconsistent with the Stanislaus County General Plan, nor will the resulting be inconsistent with the Stanislaus County General Plan. The smallest parcel after adjustment is over 40 acres. (Note: If any parcel sizes are smaller than the zoning or Williamson Act allows, it could be considered inconsistent with the General Plan.)***

ATTACHMENT 3



VICINITY MAP

**OWNERS NAME & ADDRESS:**  
 PARCEL 1 & 2:  
 TONY & FATIMA GARCIA  
 6455 CALIFORNIA AVENUE  
 MODESTO, CA 95358

**REFERENCES & LEGEND**

- A. DOCUMENT NO. 2009-0072090, S.C.R.
  - B. VOL. 55 O.R. P. 171, S.C.R.
  - C. BK 44 OF PARCEL MAPS, P 62
  - D. BK 17 OF SURVEYS, P 18
- (\*) CALCULATED POINT

**FLOOD INFORMATION:**

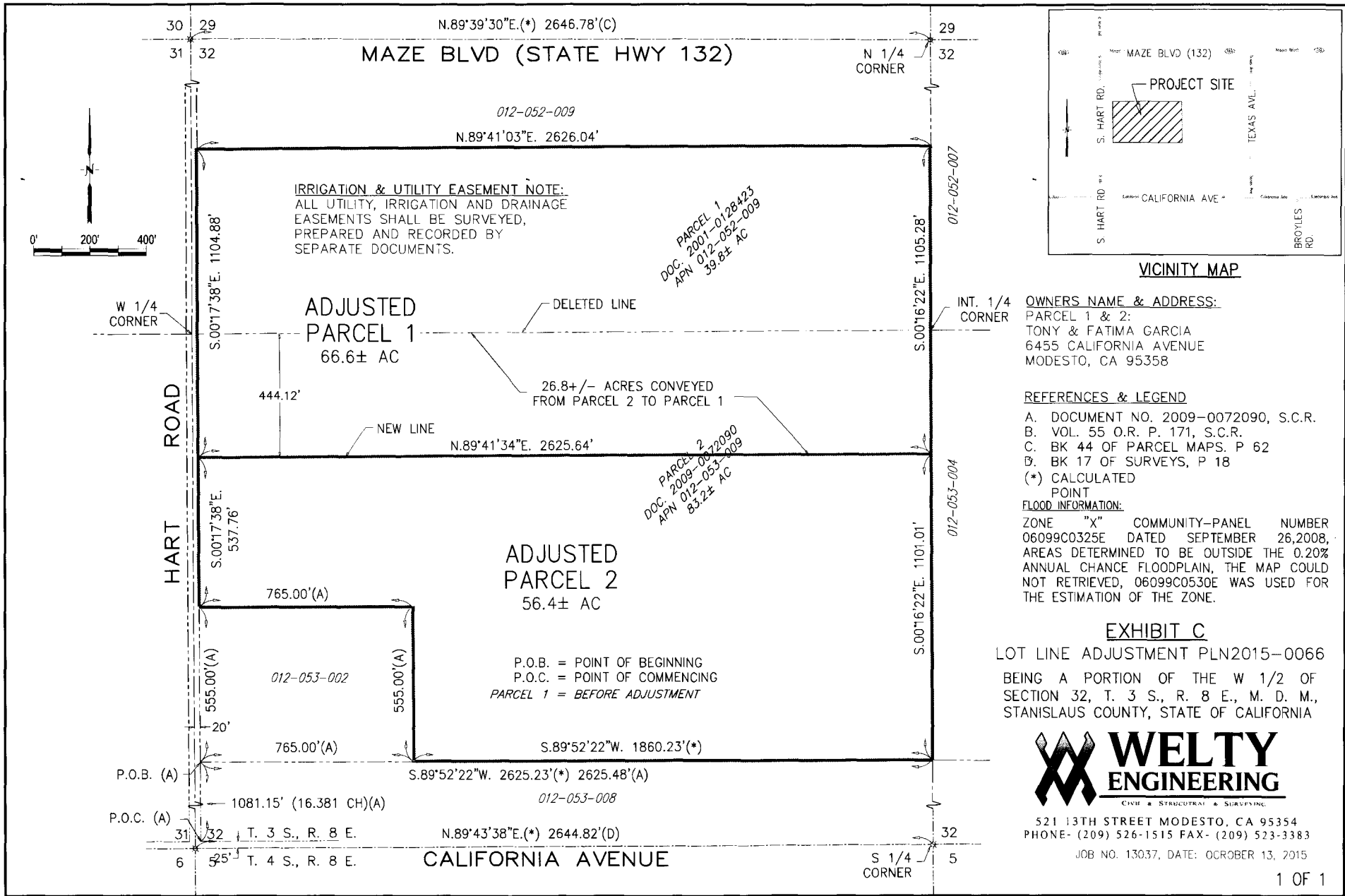
ZONE "X" COMMUNITY-PANEL NUMBER  
 06099C0325E DATED SEPTEMBER 26,2008,  
 AREAS DETERMINED TO BE OUTSIDE THE 0.20%  
 ANNUAL CHANCE FLOODPLAIN, THE MAP COULD  
 NOT RETRIEVED, 06099C0530E WAS USED FOR  
 THE ESTIMATION OF THE ZONE.

**EXHIBIT C**

LOT LINE ADJUSTMENT PLN2015-0066  
 BEING A PORTION OF THE W 1/2 OF  
 SECTION 32, T. 3 S., R. 8 E., M. D. M.,  
 STANISLAUS COUNTY, STATE OF CALIFORNIA



521 13TH STREET MODESTO, CA 95354  
 PHONE- (209) 526-1515 FAX- (209) 523-3383  
 JOB NO. 13037, DATE: OCTOBER 13, 2015

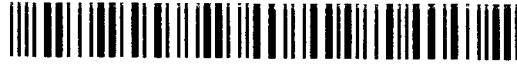


THIS SPACE FOR RECORDER ONLY

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. 2015-25**



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-0100051-00**  
Tuesday, DEC 29, 2015 11:44:28  
Ttl Pd \$0.00 Rcpt # 0003755311  
JMS/R2/2-13

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into December 15, 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: \_\_\_\_\_ TONY M & FATIMA M GARCIA \_\_\_\_\_  
 \_\_\_\_\_ 6455 CALIFORNIA AVENUE \_\_\_\_\_  
 \_\_\_\_\_ MODESTO, CA 95358 \_\_\_\_\_

- (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)
012-052-009	66.6 acres	612 S. HART ROAD, MODESTO, CA 95358

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2015-641 relating to Lot Line Adjustment No. PLN2015-0066 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 1972-0895 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.

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**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.

**OWNERS:**

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<del>Michael M. Garcia</del>	<del>Michael M. Garcia</del>		
T.M.G.	T.M.G.		
Tony M Garcia	Tony M. Garcia	10-29-15	Modesto, CA
Fatima M. Garcia	Fatima M. Garcia	10-29-15	Modesto, CA
_____	_____	_____	_____
_____	_____	_____	_____

**SECURITY HOLDERS:**

**OWNERS:**


NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Joe H.S. Mendonca Vice President & Senior Lending Executive Yosemite Farm Credit	Joe H.S. Mendonca	10-29-15	Modesto, Ca.
_____	_____	_____	_____
_____	_____	_____	_____

**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

12-29-2015  
Dated \_\_\_\_\_

  
Chairman, Board of Supervisors  
Angela Freitas for Terry Withrow

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 23, 2015 before me, Karlene L. Mello, a notary public, personally appeared Tony M. Garcia and Fatima M. Garcia, 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 Karlene L. Mello



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 23, 2015 before me, Karlene L. Mello, a notary public, personally appeared Joe H.S. Mendonca, 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 Karlene L. Mello



**EXHIBIT "A"**

**BEFORE LOT LINE ADJUSTMENT**

**PARCEL 1:**

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

**CONTAINING** an area of 39.8 acres more or less.

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

Apr: 012-052-009

**PARCEL 2:**

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears east 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.


**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**CONTAINING** an area of 83.2 acres more or less.

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

Apr: 012-053-009



  
Kaiser I. Shahbaz  
L. S. 8599

9/18/2015  
Date

**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

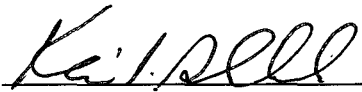
**PARCEL 1:**

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

**TOGETHER** with the Northerly 444.12 feet of that certain parcel of land as filed for record in Document No. 2009-0072090, lying in the Southwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County records.

**CONTAINING** an area of 66.6 acres more or less.

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

  
Kaiser I. Shahbaz  
L. S. 8599

Date 9/18/2015





**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

**PARCEL 2:**

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

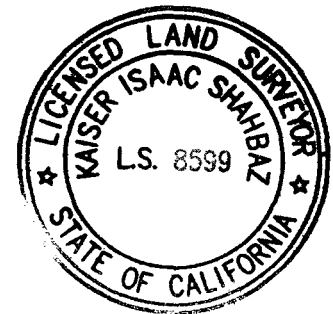
**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears East 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.

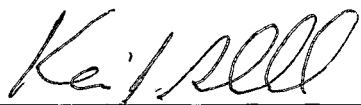
**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**ALSO EXCEPTING** therefrom the Northerly 444.12 feet.

**CONTAINING** an area of 56.4 acres more or less.

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



  
\_\_\_\_\_  
Kaiser I. Shahbaz  
L. S. 8599

Date 9/18/2015

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

DEPT: Planning and Community Development *AF*

BOARD AGENDA # \*D-1

Urgent

Routine

AGENDA DATE December 15, 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. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia

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. 2015-641

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

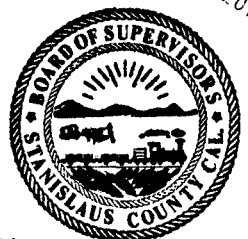
2) \_\_\_\_\_ Denied

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



DEC 21 2015

ATTEST:

Christine Ferraro Tallman  
CHRISTINE FERRARO TALLMAN, Clerk

Kelley Rodriguez  
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. 1972-0895 and 1972-0577, located at 612 S Hart Road, between State Route 132 and California Avenue, west of the City of Modesto.
  3. Approve new contracts pursuant to Minor Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia.
  4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Minor Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia.

**DISCUSSION:**

The parcels involved in the lot line adjustment are located at 612 S. Hart Road, between State Route 132 and California Avenue, in the unincorporated area of Stanislaus County. Lot Line Adjustment PLN2015-0066 was approved by staff pending the Board's action required by the Williamson Act. The lot line adjustment is requesting two parcels go from 39.8 and 83.2 acres (123 gross acres total) to two parcels of 66.6 and

56.4 acres (123 gross acres total). Parcel 1 is presently recognized as APN 012-052-009 and has a site address of 612 S. Hart Road. It has been improved with a single-family dwelling, a walnut orchard and hay barn. Parcel 2 is presently recognized as APN 012-053-009. Parcel 2 has been improved with 27 acres of walnuts and 40 acres of almonds. The reason for the lot line adjustment request is to relocate all planted walnuts on Parcel 1 and all almonds on Parcel 2. Both Parcel 1 and Parcel 2 are currently under common ownership.

Parcel 1 is currently enrolled as a portion of Williamson Act Contract No. 1972-0895. If this lot line is approved, Parcels 1 (66.6 gross acres) will be enrolled in a new contract. Parcel 2 is currently enrolled as a portion of Williamson Act Contract No. 1972-0577. If this lot line is approved, Parcel 2 (56.4 gross 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*

Approval to Rescind Portions Of Williamson Act Contract Nos. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia  
Page 4

*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 in the existing Williamson Act contracts, 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. Williamson Act contracts for 2016 came before the Board on December 15<sup>th</sup>; however, 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 both new contracts supersede a portion of each Williamson Act Contract Nos. 1972-0895 and 1972-0577, upon recording. The new contracts will cover the entire 123 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contracts 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. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia  
Page 5

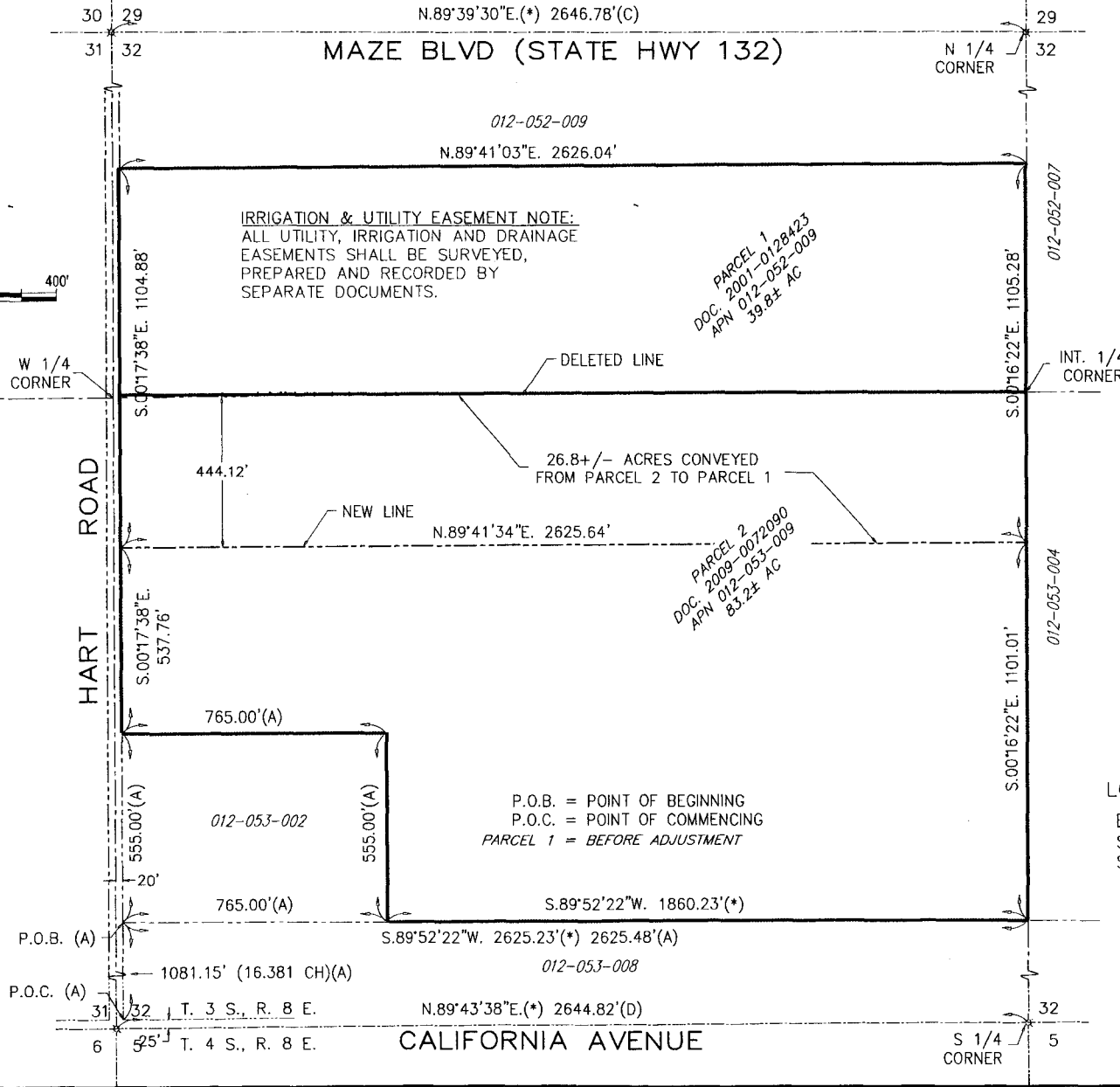
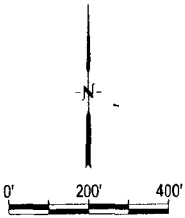
**CONTACT PERSON:**

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

**ATTACHMENTS:**

1. Lot Line Adjustment Application No. PLN2015-0066
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\2014\lla pln2014-0079- soderstrom\pln2014-0079\_board report\_final.doc)

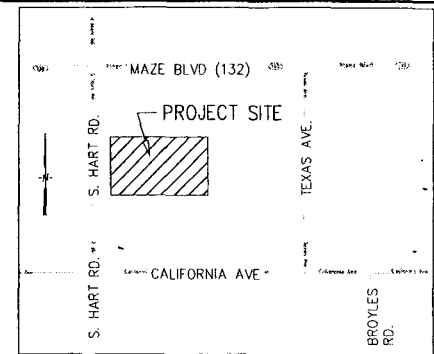


**IRRIGATION & UTILITY EASEMENT NOTE:**  
 ALL UTILITY, IRRIGATION AND DRAINAGE  
 EASEMENTS SHALL BE SURVEYED,  
 PREPARED AND RECORDED BY  
 SEPARATE DOCUMENTS.

**PARCEL 1**  
 DOC. 2001-0128423  
 APN 012-052-009  
 39.8± AC

**PARCEL 2**  
 DOC. 2009-0072090  
 APN 012-053-009  
 83.2± AC

P.O.B. = POINT OF BEGINNING  
 P.O.C. = POINT OF COMMENCING  
 PARCEL 1 = BEFORE ADJUSTMENT



**VICINITY MAP**

**OWNERS NAME & ADDRESS:**  
 PARCEL 1 & 2:  
 TONY & FATIMA GARCIA  
 6455 CALIFORNIA AVENUE  
 MODESTO, CA 95358

**REFERENCES & LEGEND**

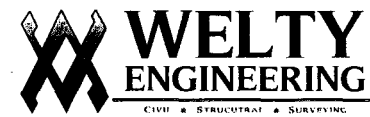
- A. DOCUMENT NO. 2009-0072090, S.C.R.
- B. VOL. 55 O.R. P. 171, S.C.R.
- C. BK 44 OF PARCEL MAPS. P 62
- D. BK 17 OF SURVEYS, P 18
- (\*) CALCULATED POINT

**FLOOD INFORMATION:**

ZONE "X" COMMUNITY-PANEL NUMBER  
 06099C0325E DATED SEPTEMBER 26,2008,  
 AREAS DETERMINED TO BE OUTSIDE THE 0.20%  
 ANNUAL CHANCE FLOODPLAIN, THE MAP COULD  
 NOT RETRIEVED, 06099C0530E WAS USED FOR  
 THE ESTIMATION OF THE ZONE.

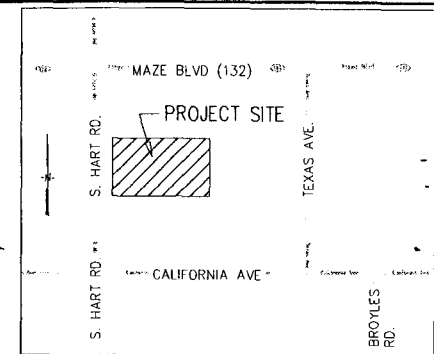
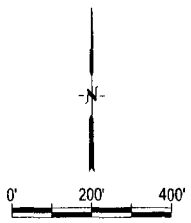
**EXHIBIT C**

LOT LINE ADJUSTMENT PLN2015-0066  
 BEING A PORTION OF THE W 1/2 OF  
 SECTION 32, T. 3 S., R. 8 E., M. D. M.,  
 STANISLAUS COUNTY, STATE OF CALIFORNIA



521 13TH STREET MODESTO, CA 95354  
 PHONE- (209) 526-1515 FAX- (209) 523-3383  
 JOB NO. 13037, DATE: OCROBER 13, 2015

FOR ILLUSTRATIVE PURPOSES ONLY



VICINITY MAP

**OWNERS NAME & ADDRESS:**  
 PARCEL 1 & 2:  
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 6455 CALIFORNIA AVENUE  
 MODESTO, CA 95358

**REFERENCES & LEGEND**

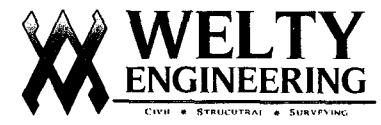
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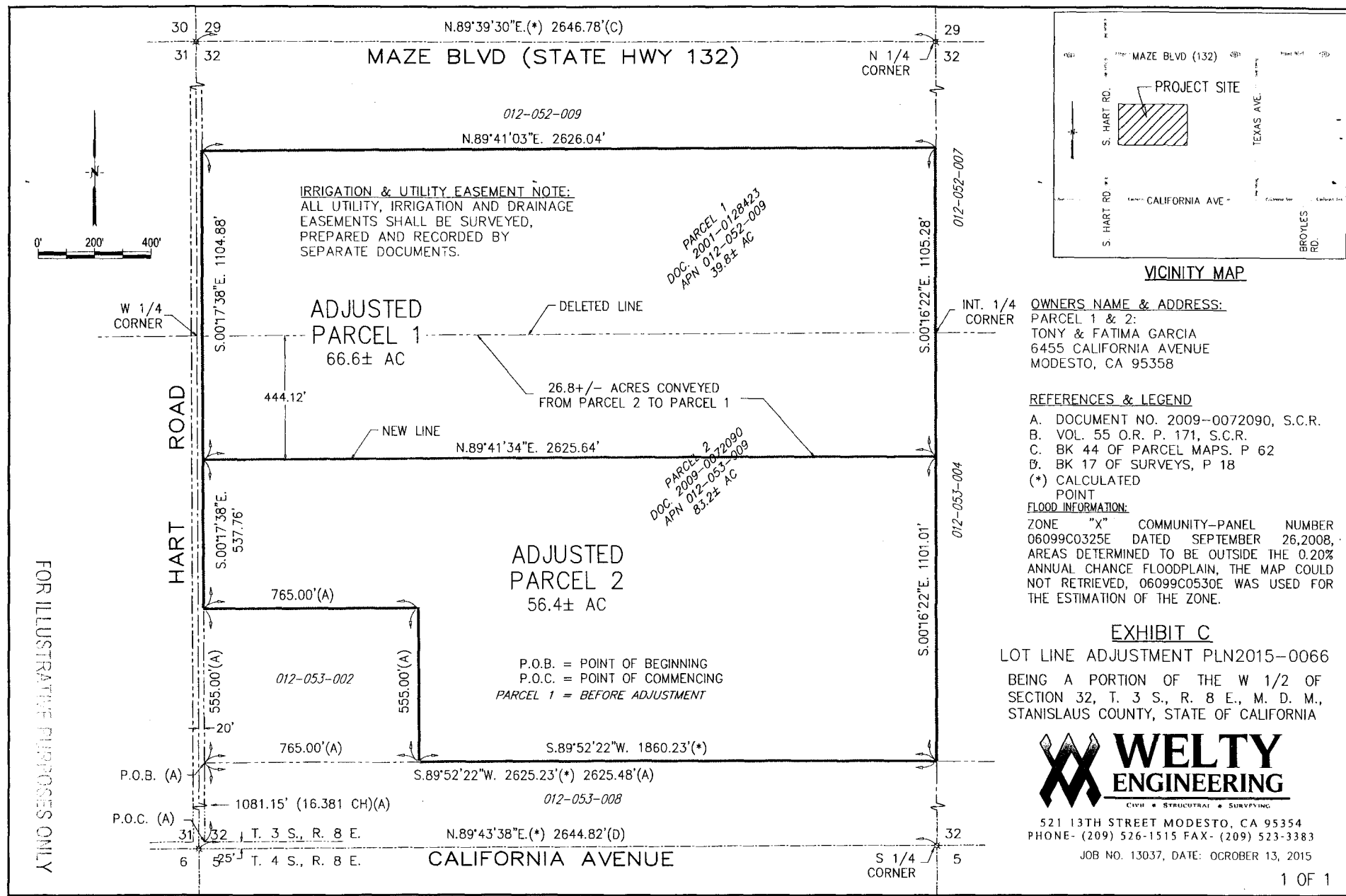
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521 13TH STREET MODESTO, CA 95354  
 PHONE- (209) 526-1515 FAX- (209) 523-3383

JOB NO. 13037, DATE: OCTOBER 13, 2015







Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-0100050-00**

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.  
Tuesday, DEC 29, 2015 11:35:36  
Ttl Pd \$44.00 Rcpt # 0003755310  
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 September 4, 2015, approved the lot line adjustment herein described submitted under the name of Tony & Fatima Garcia Lot Line Adjustment No. PLN2015-0066 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

12/22/15  
Date

10/18

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

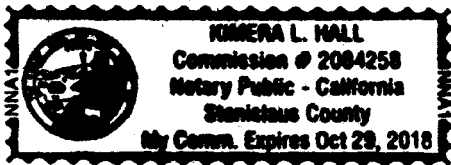
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Stanislaus )  
On 12/22/2015 before me, Kimera L Hall, 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 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: \_\_\_\_\_

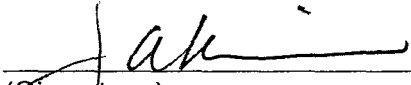
Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

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 Kimera L. Hall  
COMMISSION NO. 2084258  
DATE COMMISSION EXPIRES October 29, 2018  
PLACE OF EXECUTION Stanislaus County

December 29, 2015  
(Date)

  
\_\_\_\_\_  
(Signature)  
Stanislaus County Department of  
Planning & Community Development



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 23, 2015 before me, Karlene L. Mello, a notary public, personally appeared Tony Garcia and Fatima M. Garcia, 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 Karlene L. Mello



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 23, 2015 before me, Karlene L. Mello, a notary public, personally appeared Joe P. S. Mendonca, 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 Karlene L. Mello



## EXHIBIT "A"

### BEFORE LOT LINE ADJUSTMENT

#### PARCEL 1:

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

**CONTAINING** an area of 39.8 acres more or less.

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

Apn: 012-052-009

#### PARCEL 2:

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

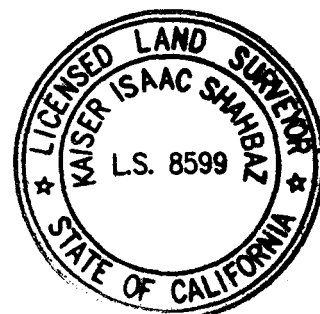
**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears east 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.


**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**CONTAINING** an area of 83.2 acres more or less.

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

Apn: 012-053-009





Kaiser I. Shahbaz  
L. S. 8599

9/18/2015  
Date

**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

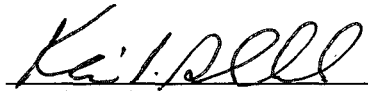
**PARCEL 1:**

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

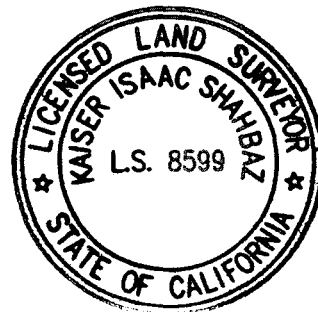
**TOGETHER** with the Northerly 444.12 feet of that certain parcel of land as filed for record in Document No. 2009-0072090, lying in the Southwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County records.

**CONTAINING** an area of 66.6 acres more or less.

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

  
Kaiser I. Shahbaz  
L. S. 8599

Date 9/18/2015



**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

**PARCEL 2:**

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

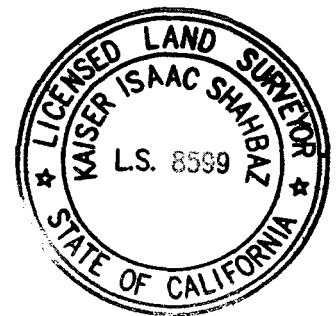
**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears East 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.


**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**ALSO EXCEPTING** therefrom the Northerly 444.12 feet.

**CONTAINING** an area of 56.4 acres more or less.

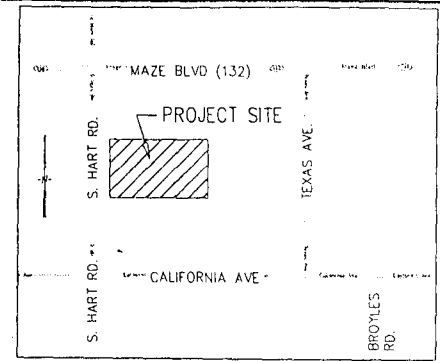
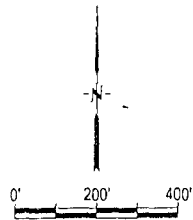
**SUBJECT** to all easements and/or rights of way of record.



  
\_\_\_\_\_  
Kaiser I. Shahbaz  
L. S. 8599

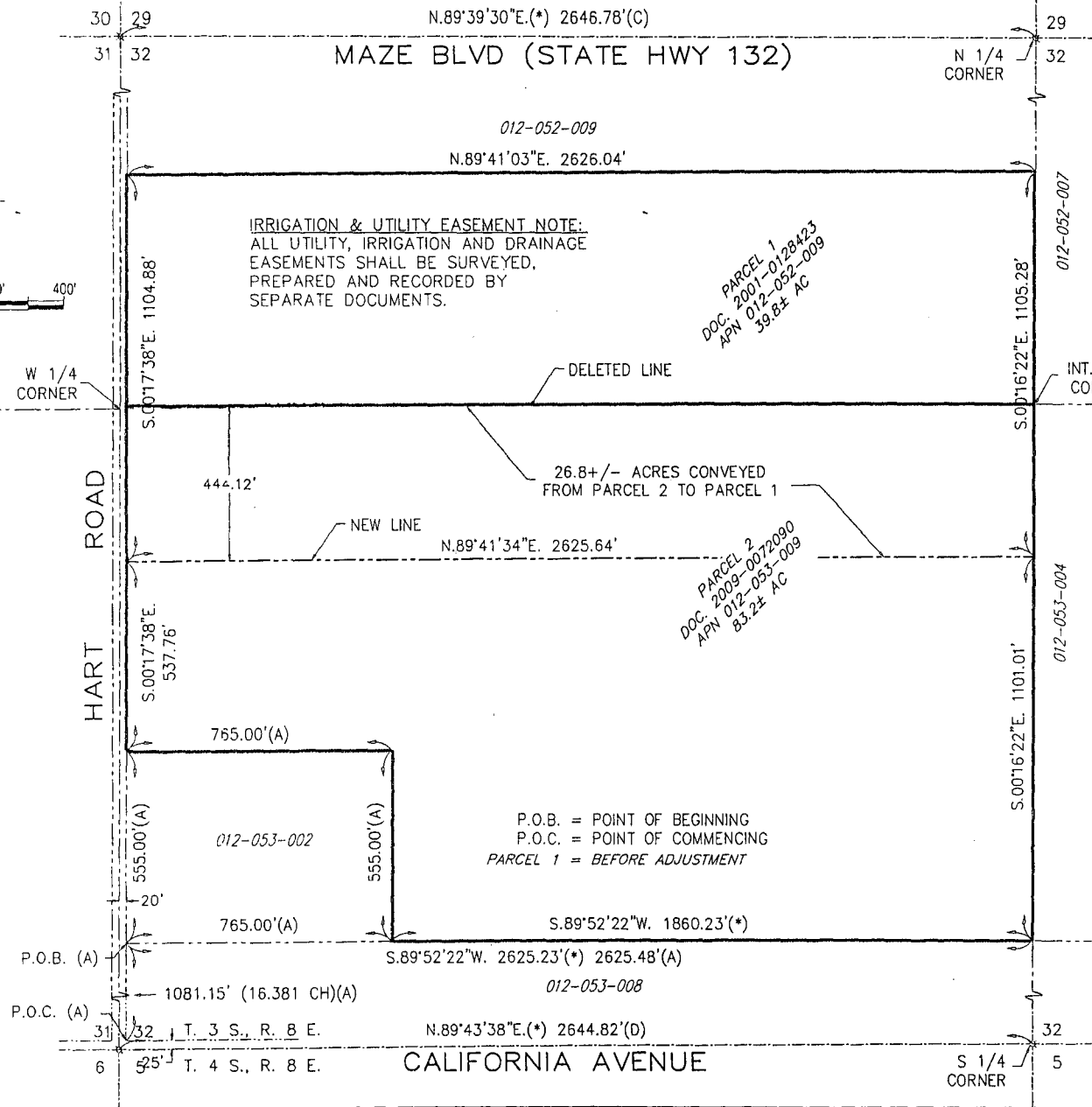
Date 9/18/2015





VICINITY MAP

FOR ILLUSTRATIVE PURPOSES ONLY



**IRRIGATION & UTILITY EASEMENT NOTE:**  
ALL UTILITY, IRRIGATION AND DRAINAGE EASEMENTS SHALL BE SURVEYED, PREPARED AND RECORDED BY SEPARATE DOCUMENTS.

**PARCEL 1**  
DOC. 2001-0128423  
APN 012-052-009  
39.8± AC

**PARCEL 2**  
DOC. 2009-0072090  
APN 012-053-009  
83.2± AC

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING  
PARCEL 1 = BEFORE ADJUSTMENT

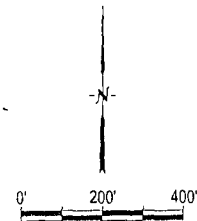
**OWNERS NAME & ADDRESS:**  
PARCEL 1 & 2:  
TONY & FATIMA GARCIA  
6455 CALIFORNIA AVENUE  
MODESTO, CA 95358

**REFERENCES & LEGEND**  
A. DOCUMENT NO. 2009-0072090, S.C.R.  
B. VOL. 55 O.R. P. 171, S.C.R.  
C. BK 44 OF PARCEL MAPS, P 62  
D. BK 17 OF SURVEYS, P 18  
(\* ) CALCULATED POINT  
**FLOOD INFORMATION:**  
ZONE "X" COMMUNITY-PANEL NUMBER  
06099C0325E DATED SEPTEMBER 26,2008,  
AREAS DETERMINED TO BE OUTSIDE THE 0.20%  
ANNUAL CHANCE FLOODPLAIN, THE MAP COULD  
NOT RETRIEVED, 06099C0530E WAS USED FOR  
THE ESTIMATION OF THE ZONE.

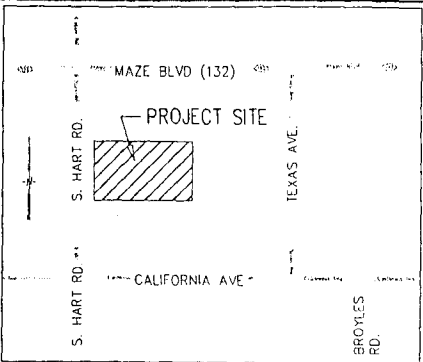
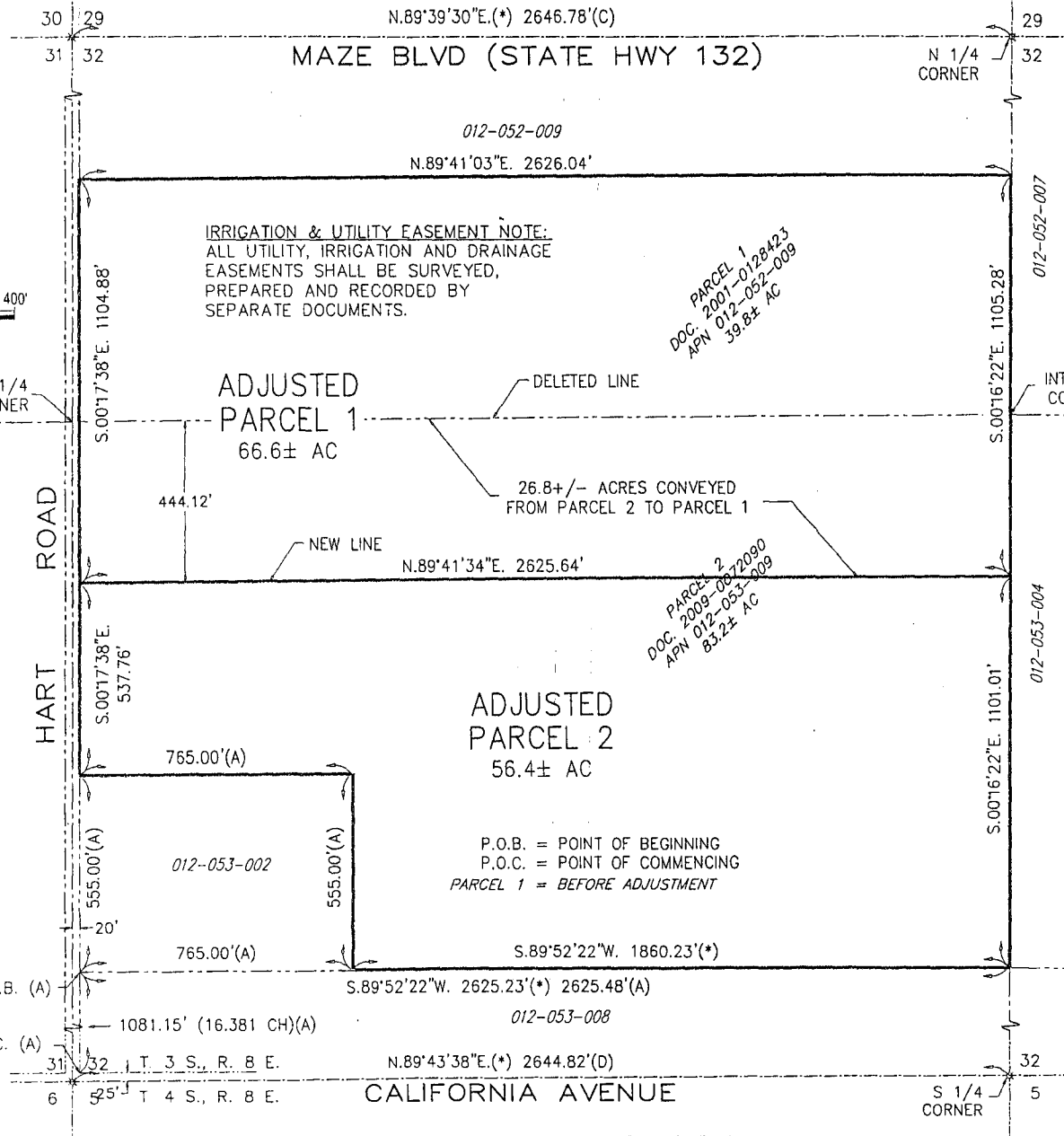
**EXHIBIT C**  
LOT LINE ADJUSTMENT PLN2015-0066  
BEING A PORTION OF THE W 1/2 OF  
SECTION 32, T. 3 S., R. 8 E., M. D. M.,  
STANISLAUS COUNTY, STATE OF CALIFORNIA



521 13TH STREET MODESTO, CA 95354  
PHONE- (209) 526-1515 FAX- (209) 523-3383  
JOB NO. 13037, DATE: OCTOBER 13, 2015



FOR ILLUSTRATIVE PURPOSES ONLY



VICINITY MAP

**OWNERS NAME & ADDRESS:**  
 PARCEL 1 & 2:  
 TONY & FATIMA GARCIA  
 6455 CALIFORNIA AVENUE  
 MODESTO, CA 95358

**REFERENCES & LEGEND**

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**EXHIBIT C**

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521 13TH STREET MODESTO, CA 95354  
 PHONE- (209) 526-1515 FAX- (209) 523-3383  
 JOB NO. 13037, DATE: OCTOBER 13, 2015

THIS SPACE FOR RECORDER ONLY

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



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-010052-00**  
Tuesday, DEC 29, 2015 11:44:49  
Ttl Pd \$0.00 Rcpt # 0003755312  
JMS/R2/2-12

**NOTICE OF RESCISSION AND  
SIMULTANEOUS RE-ENTRY INTO  
CALIFORNIA LAND CONSERVATION  
CONTRACT NO. 2015-26**

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered into December 15, 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: TONY M & FATIMA M GARCIA  
6455 CALIFORNIA AVENUE  
MODESTO, CA 95358

- (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>012-053-009</u>	<u>56.4</u>	<u>HART ROAD, MODESTO, CA 95358</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No. 2015-641 relating to Lot Line Adjustment No. PLN2015-0066 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 1972-0577 which encumbered the parcel described in Exhibit A are rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

*12/28*

**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.

**OWNERS:**

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Jony M. Garcia	<i>Jony M. Garcia</i>	9-23-15	Modesto
FATIMA M. GARCIA	<i>Fatima M. Garcia</i>	9-23-15	Modesto
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**SECURITY HOLDERS:**

**OWNERS:**


NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
Joe H. S. Mendonca Vice President & senior Lending Executive Yosemite Farm Credit	<i>Joe H. S. Mendonca</i>	9-23-15	Modesto, Ca
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**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

12-29-2015  
Dated

  
Chairman, Board of Supervisors  
Angela Freitas for Terry Withrow

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.

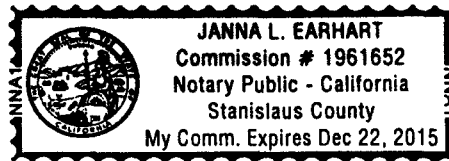
State of California )  
County of Stanislaus )

On October 29, 2015 before me, Janna L. Earhart, a notary public, personally appeared Tony M. Garcia & Fatima M. Garcia, 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 Janna L. Earhart



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.

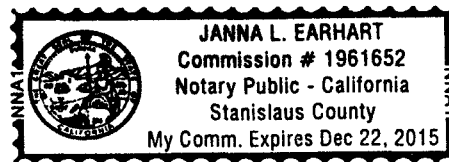
State of California )  
County of Stanislaus )

On October 29, 2015 before me, Janna Earhart, a notary public, personally appeared JOE H.S. Mendonca, 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 Janna L. Earhart



**EXHIBIT "A"**

**BEFORE LOT LINE ADJUSTMENT**

**PARCEL 1:**

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

**CONTAINING** an area of 39.8 acres more or less.

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

Apn: 012-052-009

**PARCEL 2:**

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

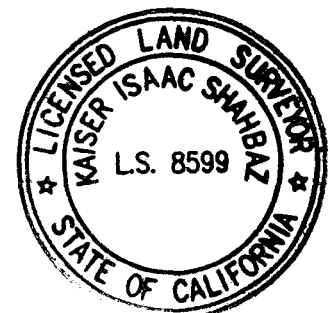
**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears east 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.

**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**CONTAINING** an area of 83.2 acres more or less.

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

Apn: 012-053-009





Kaiser I. Shahbaz  
L. S. 8599

9/18/2015  
Date

**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

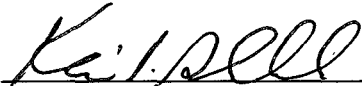
**PARCEL 1:**

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

**TOGETHER** with the Northerly 444.12 feet of that certain parcel of land as filed for record in Document No. 2009-0072090, lying in the Southwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County records.

**CONTAINING** an area of 66.6 acres more or less.

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

  
Kaiser I. Shahbaz  
L. S. 8599

Date 9/18/2015



**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

**PARCEL 2:**

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

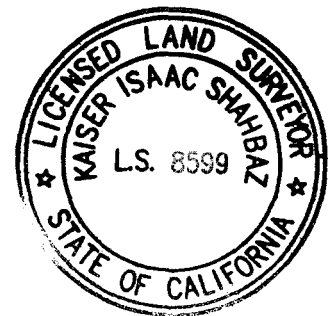
**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears East 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.


**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**ALSO EXCEPTING** therefrom the Northerly 444.12 feet.

**CONTAINING** an area of 56.4 acres more or less.

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



  
Kaiser I. Shahbaz  
L. S. 8599

Date 9/18/2015



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

DEPT: Planning and Community Development Af

BOARD AGENDA # \*D-1

Urgent

Routine

AGENDA DATE December 15, 2015

CEO Concur with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Rescind Portions of Williamson Act Contract Nos. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia

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. 2015-641

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

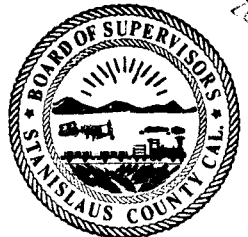
2)  Denied

3)  Approved as amended

4)  Other:

MOTION:

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



DEC 21 2015

ATTEST: Christine Ferraro Tallman Kelly Rodriguez  
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. 1972-0895 and 1972-0577, located at 612 S Hart Road, between State Route 132 and California Avenue, west of the City of Modesto.
  3. Approve new contracts pursuant to Minor Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia.
  4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Minor Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia.

**DISCUSSION:**

The parcels involved in the lot line adjustment are located at 612 S. Hart Road, between State Route 132 and California Avenue, in the unincorporated area of Stanislaus County. Lot Line Adjustment PLN2015-0066 was approved by staff pending the Board's action required by the Williamson Act. The lot line adjustment is requesting two parcels go from 39.8 and 83.2 acres (123 gross acres total) to two parcels of 66.6 and

Approval to Rescind Portions Of Williamson Act Contract Nos. 1972-0895 and 1972-0577, Located at 612 S. Hart Road, Between State Route 132 and California Avenue, West of the City of Modesto; and Approval of New Contracts Pursuant to Lot Line Adjustment PLN2015-0066, Tony and Fatima Garcia  
Page 3

56.4 acres (123 gross acres total). Parcel 1 is presently recognized as APN 012-052-009 and has a site address of 612 S. Hart Road. It has been improved with a single-family dwelling, a walnut orchard and hay barn. Parcel 2 is presently recognized as APN 012-053-009. Parcel 2 has been improved with 27 acres of walnuts and 40 acres of almonds. The reason for the lot line adjustment request is to relocate all planted walnuts on Parcel 1 and all almonds on Parcel 2. Both Parcel 1 and Parcel 2 are currently under common ownership.

Parcel 1 is currently enrolled as a portion of Williamson Act Contract No. 1972-0895. If this lot line is approved, Parcels 1 (66.6 gross acres) will be enrolled in a new contract. Parcel 2 is currently enrolled as a portion of Williamson Act Contract No. 1972-0577. If this lot line is approved, Parcel 2 (56.4 gross 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”)*

- (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 contracts, and will not compromise the continued agricultural use of the parcels.

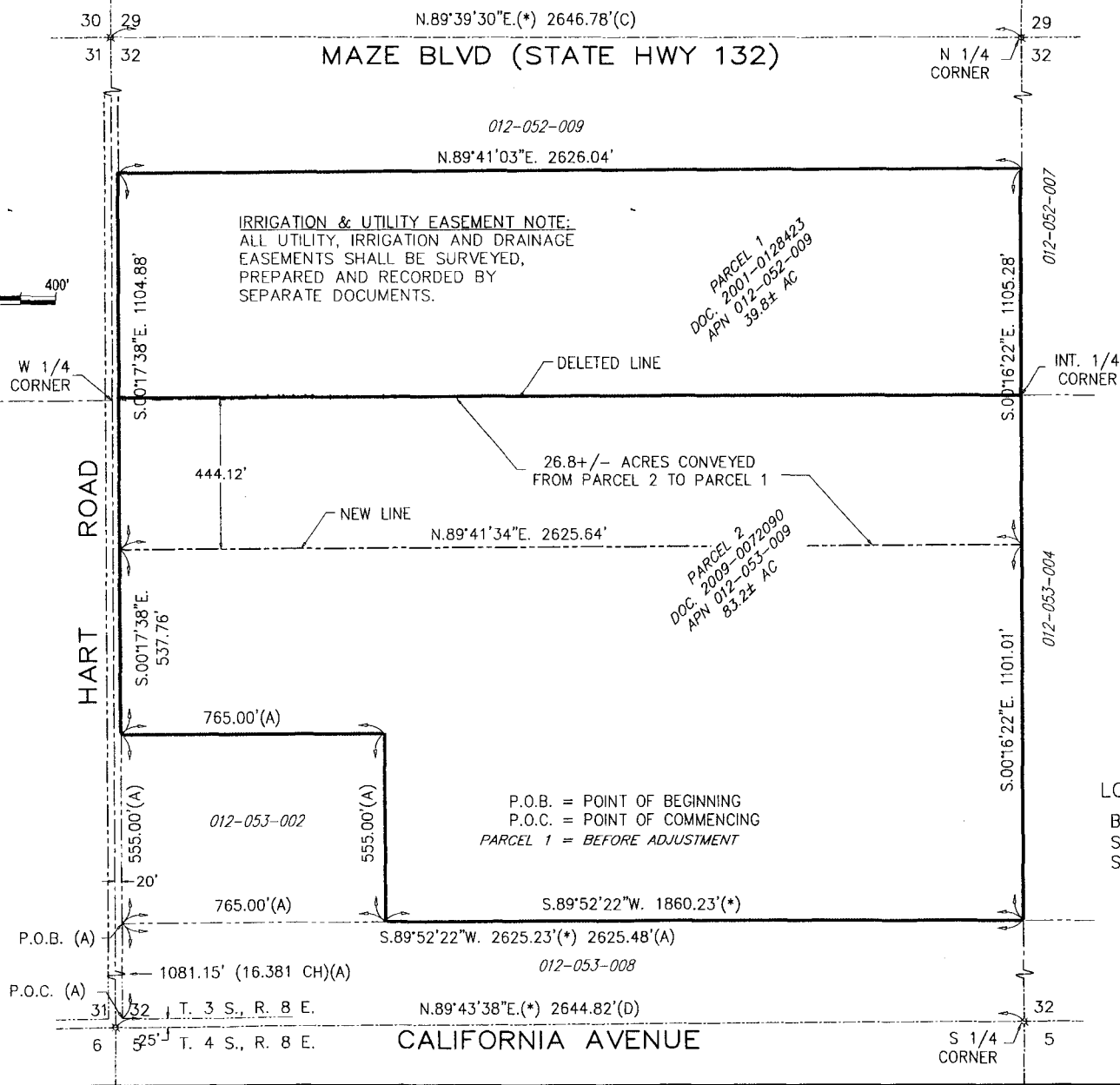
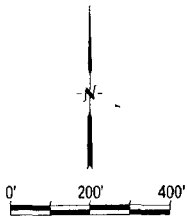
New Williamson Act contracts would typically come before the Board once a year, in December. Williamson Act contracts for 2016 came before the Board on December 15<sup>th</sup>; however, because this action is related to a Lot Line Adjustment, it is prudent to act on this action independently of other Williamson Act contracts. Therefore, it is the intention of this action that both new contracts supersede a portion of each Williamson Act Contract Nos. 1972-0895 and 1972-0577, upon recording. The new contracts will cover the entire 123 acres. As in the case with all Williamson Act contracts in Stanislaus County, the new contracts 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.



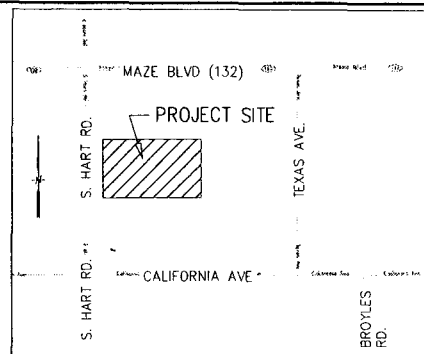
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VICINITY MAP

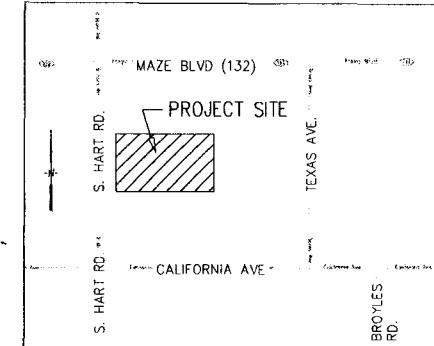
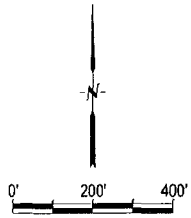
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- (\*) CALCULATED POINT
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 BEING A PORTION OF THE W 1/2 OF  
 SECTION 32, T. 3 S., R. 8 E., M. D. M.,  
 STANISLAUS COUNTY, STATE OF CALIFORNIA



Civil • Structural • Surveying  
 521 13TH STREET MODESTO, CA 95354  
 PHONE- (209) 526-1515 FAX- (209) 523-3383  
 JOB NO. 13037, DATE: OCOBER 13, 2015



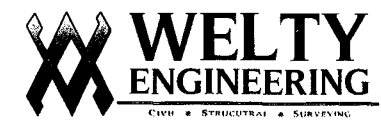
VICINITY MAP

**OWNERS NAME & ADDRESS:**  
PARCEL 1 & 2:  
TONY & FATIMA GARCIA  
6455 CALIFORNIA AVENUE  
MODESTO, CA 95358

**REFERENCES & LEGEND**  
A. DOCUMENT NO. 2009-0072090, S.C.R.  
B. VOL. 55 O.R. P. 171, S.C.R.  
C. BK 44 OF PARCEL MAPS. P 62  
D. BK 17 OF SURVEYS, P 18  
(\* ) CALCULATED POINT

**FLOOD INFORMATION:**  
ZONE "X" COMMUNITY-PANEL NUMBER  
06099C0325E DATED SEPTEMBER 26,2008,  
AREAS DETERMINED TO BE OUTSIDE THE 0.20%  
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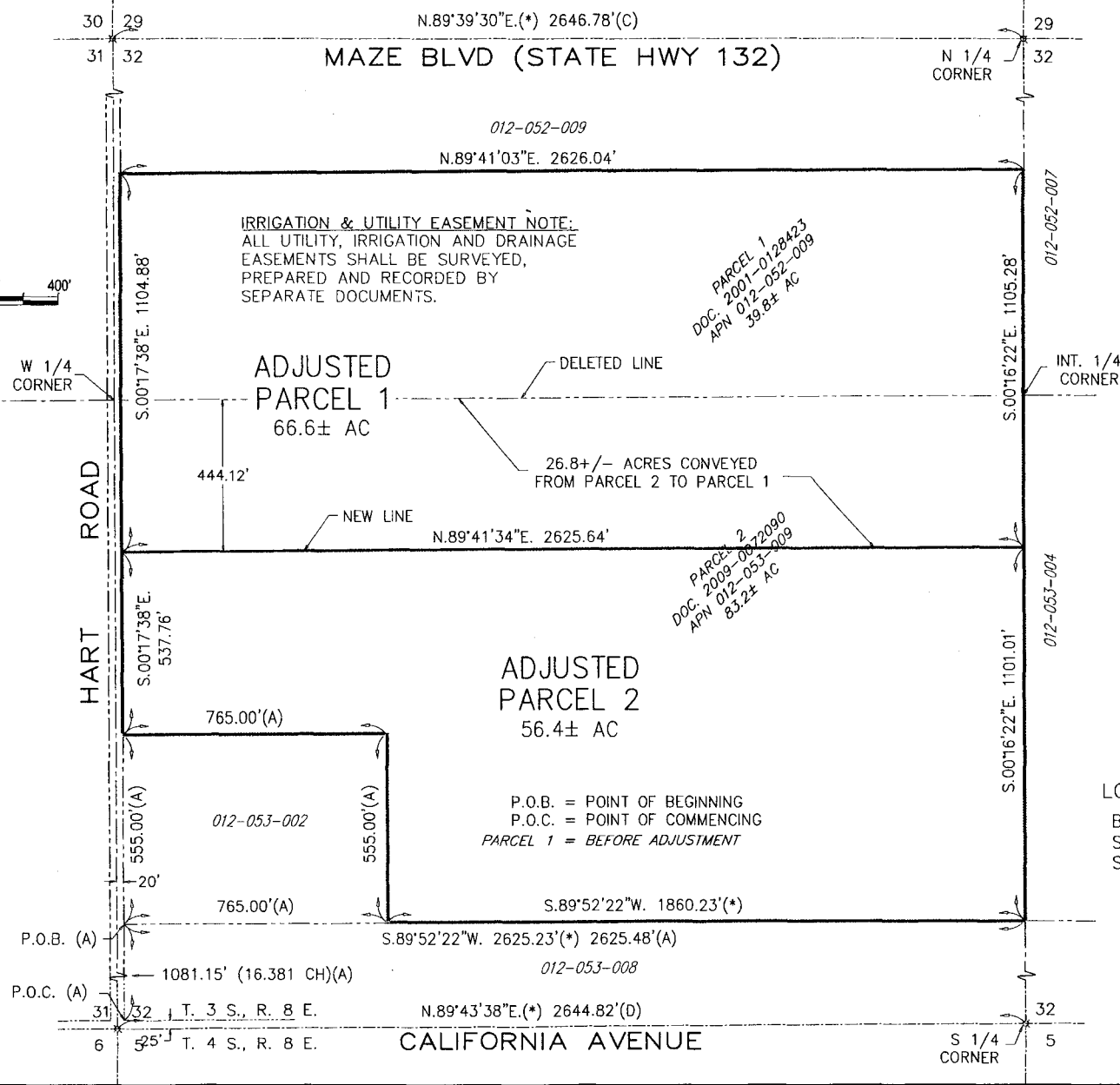
**EXHIBIT C**  
LOT LINE ADJUSTMENT PLN2015-0066  
BEING A PORTION OF THE W 1/2 OF  
SECTION 32, T. 3 S., R. 8 E., M. D. M.,  
STANISLAUS COUNTY, STATE OF CALIFORNIA



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FOR ILLUSTRATIVE PURPOSES ONLY



**IRRIGATION & UTILITY EASEMENT NOTE:**  
ALL UTILITY, IRRIGATION AND DRAINAGE  
EASEMENTS SHALL BE SURVEYED,  
PREPARED AND RECORDED BY  
SEPARATE DOCUMENTS.

**PARCEL 1**  
DOC. 2001-0128423  
APN 012-052-009  
66.6± AC

**PARCEL 2**  
DOC. 2009-0072090  
APN 012-053-009  
83.2± AC

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING  
PARCEL 1 = BEFORE ADJUSTMENT



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-0100050-00**

Acct 121-Planning.  
Tuesday, DEC 29, 2015 11:35:36  
Ttl Pd \$44.00 Rcpt # 0003755310  
JMS/R2/1-10

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

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


Space Above This Line for Recorder's Use

CERTIFICATE OF LOT LINE ADJUSTMENT

This is to certify that, pursuant to California Government Code Section 66412 (d) and Sections 20.14 and 21.20.060E of the Stanislaus County Code, the Stanislaus County Director of Planning and Community Development on September 4, 2015, approved the lot line adjustment herein described submitted under the name of Tony & Fatima Garcia Lot Line Adjustment No. PLN2015-0066 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

12/22/15  
Date

1058

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

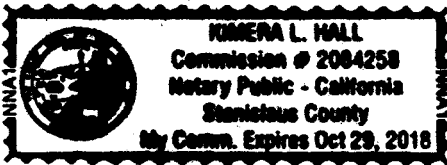
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Stanislaus )  
On 12/22/2015 before me, Kimera L Hall, 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 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: \_\_\_\_\_

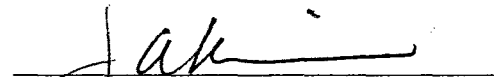


GOVERNMENT CODE 27361.7

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 Kimera L. Hall  
COMMISSION NO. 2084258  
DATE COMMISSION EXPIRES October 29, 2018  
PLACE OF EXECUTION Stanislaus County

December 29, 2015  
(Date)

  
(Signature)  
Stanislaus County Department of  
Planning & Community Development



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.

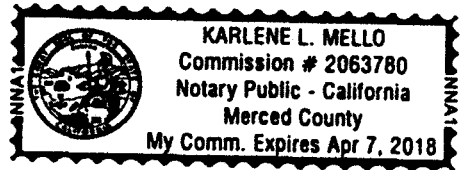
State of California )  
County of Stanislaus )

On September 23, 2015 before me, Karlene L. Mello, a notary public, personally appeared Tony Garcia and Fatima M. Garcia, 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 Karlene L. Mello



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 23, 2015 before me, Karlene L. Mello, a notary public, personally appeared Joe K. S. Mendonca, 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 Karlene L. Mello



**EXHIBIT "A"**

**BEFORE LOT LINE ADJUSTMENT**

**PARCEL 1:**

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

**CONTAINING** an area of 39.8 acres more or less.

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

Apn: 012-052-009

**PARCEL 2:**

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

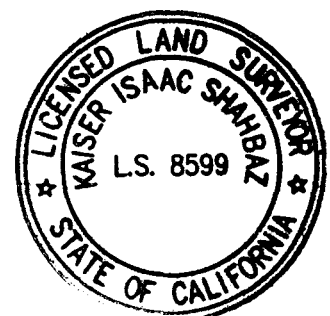
**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears east 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.


**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**CONTAINING** an area of 83.2 acres more or less.

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

Apn: 012-053-009



  
Kaiser I. Shahbaz  
L. S. 8599

9/18/2015  
Date

**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

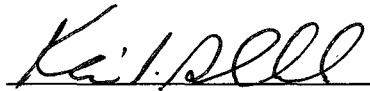
**PARCEL 1:**

The South half of the South half of the Northwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County.

**TOGETHER** with the Northerly 444.12 feet of that certain parcel of land as filed for record in Document No. 2009-0072090, lying in the Southwest quarter of Section 32, Township 3 South, Range 8 East, Mount Diablo Meridian, Stanislaus County records.

**CONTAINING** an area of 66.6 acres more or less.

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

  
Kaiser I. Shahbaz  
L. S. 8599

Date 9/18/2015



**EXHIBIT "B"**

**AFTER LOT LINE ADJUSTMENT**

**PARCEL 2:**

All that portion of the Southwest quarter of Section 32, Township 3 South, Range 8 East Mount Diablo Meridian, Stanislaus County, being more particularly described as follows:

**COMMENCING** at a point 25.00 feet North and 20.00 feet East of the Southwest corner of Section 32 of said Township and Range; thence North 16.381 chains to centerline of ditch and being the Northwest corner of property conveyed to S. Pometta, by Deed recorded August 5, 1921 in Volume 342 of Deeds, Page 242, as Document No. 7967, and being **THE TRUE POINT OF BEGINNING** of the herein described parcel of land; thence along the said centerline of ditch and North line of said Pometta property, South 89°50' East, 39.78 chains to the east line of the Southwest quarter of said Section 32; thence North 0°02' West along the East line of said Southwest quarter, 23.241 chains, more or less, to the Northeast corner of said Southwest quarter, thence West along the North line of the Southwest quarter of said Section, 39.78 chains, more or less, to a point which bears East 20.00 feet from the West line of said Section 32; thence South and parallel with the West line of said Section, 23.241 chains, more or less, to **THE TRUE POINT OF BEGINNING**.


**EXCEPTING** therefrom the South 555.00 feet of the West 765.00 feet.

**ALSO EXCEPTING** therefrom the Northerly 444.12 feet.

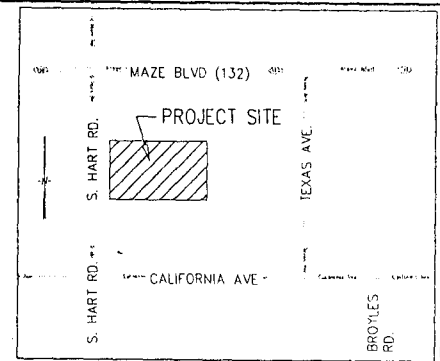
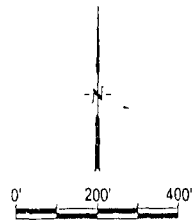
**CONTAINING** an area of 56.4 acres more or less.

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



  
\_\_\_\_\_  
Kaiser I. Shahbaz  
L. S. 8599

Date 9/18/2015



VICINITY MAP

**OWNERS NAME & ADDRESS:**  
 PARCEL 1 & 2:  
 TONY & FATIMA GARCIA  
 6455 CALIFORNIA AVENUE  
 MODESTO, CA 95358

**REFERENCES & LEGEND**

- A. DOCUMENT NO. 2009-0072090, S.C.R.
- B. VOL. 55 O.R. P. 171, S.C.R.
- C. BK 44 OF PARCEL MAPS, P 62
- B. BK 17 OF SURVEYS, P 18
- (\*) CALCULATED POINT

**FLOOD INFORMATION:**

ZONE "X" COMMUNITY-PANEL NUMBER  
 06099C0325E DATED SEPTEMBER 26,2008,  
 AREAS DETERMINED TO BE OUTSIDE THE 0.20%  
 ANNUAL CHANCE FLOODPLAIN, THE MAP COULD  
 NOT RETRIEVED, 06099C0530E WAS USED FOR  
 THE ESTIMATION OF THE ZONE.

**EXHIBIT C**

LOT LINE ADJUSTMENT PLN2015-0066

BEING A PORTION OF THE W 1/2 OF  
 SECTION 32, T. 3 S., R. 8 E., M. D. M.,  
 STANISLAUS COUNTY, STATE OF CALIFORNIA

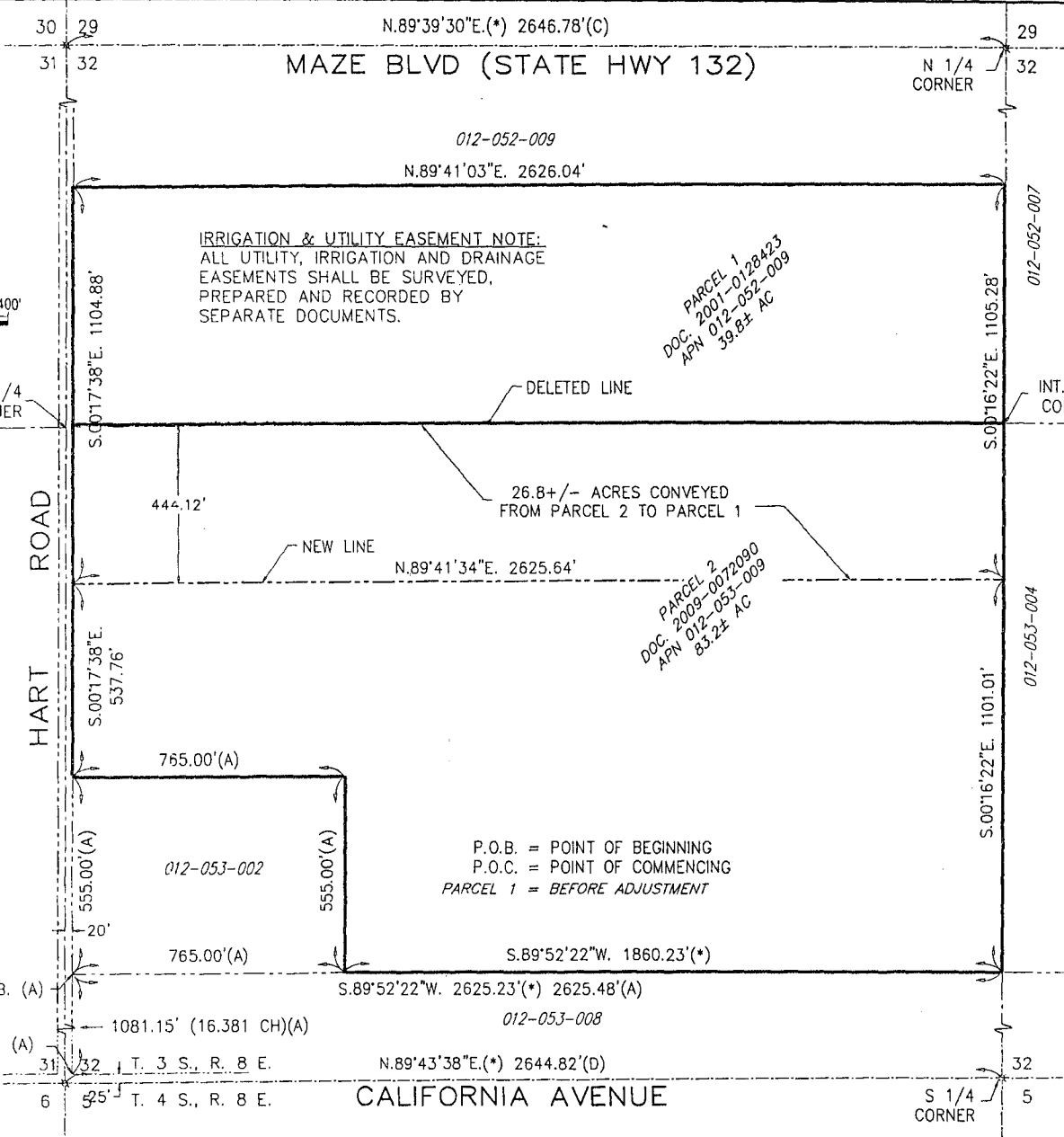


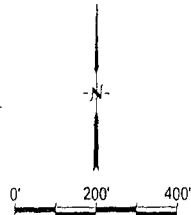
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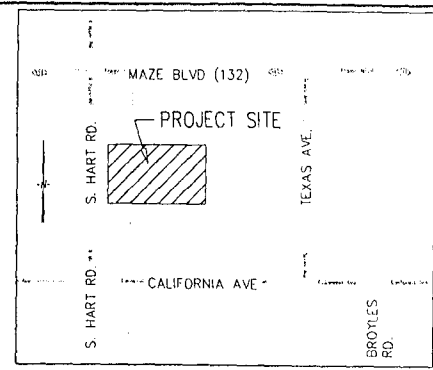
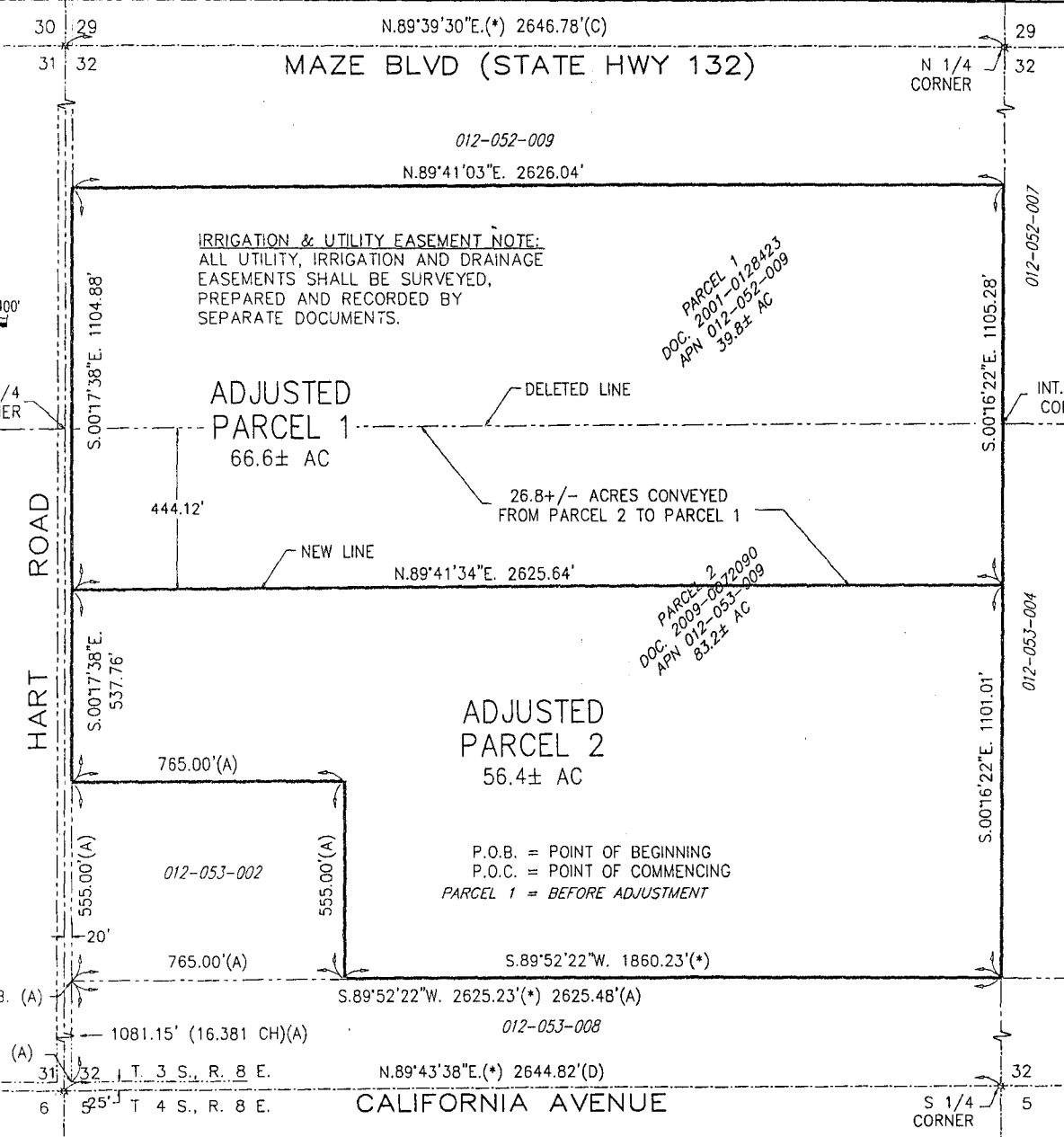
FOR ILLUSTRATIVE PURPOSES ONLY

EXHIBIT C





FOR ILLUSTRATIVE PURPOSES ONLY



VICINITY MAP

**OWNERS NAME & ADDRESS:**  
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 TONY & FATIMA GARCIA  
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**REFERENCES & LEGEND**

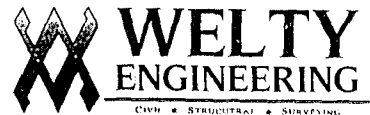
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