

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

DEPT: Planning and Community Development BOARD AGENDA #: *D-3

AGENDA DATE: August 23, 2016

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

BOARD ACTION AS FOLLOWS:

No. 2016-438

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-3

AGENDA DATE: August 23, 2016

AF

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

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 or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than ten years, except as authorized under the County implementation of AB1265.
 - 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 In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.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 Government Code 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.

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

2. Rescind a portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, west of the City of Turlock (APN's: 022-035-001, 022-033-005, and 022-034-005).
3. Approve a new contract pursuant to Lot Line Adjustment Application No. PLN 2011-0008, Alamo.
4. Authorize the Director of Planning and Community Development to execute new contracts pursuant to Lot Line Adjustment Application No. PLN 2011-0008, Alamo.

DISCUSSION:

The parcels involved in the lot line adjustments are located at 1500 and 1312 West Fulkerth Road, between South Carpenter Road and Crows Landing Road, west of the City of Turlock, in the unincorporated area of Stanislaus County. Lot Line Adjustment Application No. PLN2011-0008 was approved by staff pending the Board's action required by the Williamson Act. The lot line adjustment request includes the adjustment of four parcels (160 total acres) under common ownership. These are collectively used as part of an onsite dairy operation and contain multiple single family dwellings as outlined in Attachment 1. If approved each proposed parcel will be conforming to the A-2 (General Agriculture) zoning district in regards to number of dwellings per parcel. The reason for the lot line adjustment request is to relocate all dairy facilities onto one parcel.

Parcels 1, 2 and 3 are currently enrolled in Williamson Act Contract No. 1974-1666, while parcel 4 is enrolled as a portion of Contract No. 1974-1664. If this lot line is approved, all four parcels (160 acres total) 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 ten 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.

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

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 Government Code 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, 2015; 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 all new contracts supersede a portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, upon recording. The new contracts will cover the entire 160 acres involved in this lot line adjustment application. As in the case with all Williamson Act contracts in Stanislaus County, the new contracts will be subject to the provisions of AB1265.

POLICY ISSUE:

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's policies specifically state that the County shall continue to administer lot line adjustments involving agricultural land, provided the land is properly designed for agricultural purposes without materially decreasing the agricultural use of the site.

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

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 OF SUPERVISORS' PRIORITY:

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.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

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

ATTACHMENT(S):

1. Williamson Act and Lot Line Adjustment Request Overview
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

Williamson Act & Lot Line Adjustment (LLA) Overview

LLA Parcel No.	Assessors Parcel No. (APN)		Parcel Owners/Applicants	Williamson Contract				Parcel Size (Acres)		After LLA Use/Development
	No.	Portion Y/N		Contract No.	Portion Y/N	Acreage		Existing	Proposed	
						Existing	Proposed			
LLA Application No. PLN 2011-08 - Alamo Farms										
1	022-035-001	N	Alamo Limited Family Partnership	1974-1666	Y	20	11.72	20	11.72	One Single Family Dwelling & Row Crops
2	022-033-005	Y	Alamo Limited Family Partnership	1974-1966	Y	80	92.1	80	92.1	Dairy/ Two Single Family Dwellings and One Temporary Mobile Home for a Full Time Employee
3	022-033-005	Y	Alamo Limited Family Partnership	1974-1966	Y	40	40	40	40	Row Crops, One Single Family Dwelling
4	022-034-005	Y	Alamo Limited Family Partnership	1974-1964	Y	20	16.18	20	16.18	Row Crops
Total Acreage:						160.00	160.00	160.00	160.00	

February 23, 2011

Department of Planning
And Community Development
Stanislaus County
1010 10th Street
Modesto, Ca 95354

RE: Alamo Lot Line Adjustment Applicant Statement

This project is a lot line adjustment between Parcel 1: Assessors Parcel #022-035-001 (20 acres) Parcels 2 and 3, respectively: portions of Assessors Parcel #022-033-005 (80 and 40 acres), and Parcel 4: a portion of Assessor's Parcel #022-034-005 (20 acres). All four parcels are owned by Tony Alamo Jr. and Florinda O. Alamo.

The owners of this parcel were informed by the Stanislaus County Planning Department that a lot line adjustment would be required to mitigate existing setback issues near the line common to Assessor's Parcel# 022-035-001 and 022-033-005 prior to issuance of a building permit on the property.

At the completion of this lot line adjustment Parcel 1 will have an adjusted area of 11.7 acres, Parcel 2 will have an adjusted area of 92.1 acres, Parcel 3 will have an adjusted area of 40.0 acres, and Parcel 4 will have an adjusted area of 16.1 acres. All four parcels are currently enrolled in the Williamson Act.

Findings:

- (1) All four parcels were recently entered into the Williamson Act. They are not subject to non-renewal. All four parcels will remain under contract for at least 10 years.
- (2) All of the area involved in this lot line adjustment is between four parcels under contract. There will be no net change in the acreage enrolled in the Williamson Act.
- (3) As stated in the above finding (2) there will be no net change in the acreage enrolled in the Williamson Act.
- (4) As consistent with Government Code Section 51222 all four parcels will be larger than 10 acres after the lot line adjustment. These parcels qualify as prime farmland according to the Farmland Mapping and Monitoring Program Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance – Stanislaus County.
- (5) All four of these parcels have been used in active agricultural production since at least 1959. The new configuration will allow for the continuing agricultural use and would not negatively affect the long term agricultural viability of the parcels.

(6) The adjacent lands are all in either dairy or forage crop use. The proposed lot line adjustment would not create or promote a use inconsistent with those adjacent uses, and therefore would have no impact on the adjacent uses.

(7) This lot line adjustment will not result in more developable parcels. There will continue to be 4 parcels of roughly the same size. This lot line adjustment will only rearrange those parcels.

In conclusion, this lot line adjustment will only allow for the continuing agricultural use of the existing agricultural parcels. This lot line adjustment will in no way negatively affect the agricultural viability of these parcels. Please feel free to contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Genasci', with a stylized flourish at the end.

Kevin Genasci
Hawkins and Associates Engineering

40' WEST FULKERTH ROAD

PARCEL 1
BEFORE LOT LINE
ADJUSTMENT
A.P.N. 022-035-001
20.00 ACRES

PARCEL 3
BEFORE LOT LINE
ADJUSTMENT
A.P.N. 022-033-005
40.00 ACRES

PARCEL 2
BEFORE LOT LINE
ADJUSTMENT
A.P.N. 022-033-005
80.00 ACRES

PARCEL 4
BEFORE LOT LINE
ADJUSTMENT
A.P.N. 022-034-005
20.00 ACRES



EXISTING PARCELS EXHIBIT



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

**BEFORE LOT LINE ADJUSTMENT
LLA PLN 2011-08**

**ALAMO
STANISLAUS COUNTY, CALIFORNIA**

BY: RCS
CHK: KJG
DATE: 3/2016
SCALE: 1"=500'
JOB #: 2995
FILE: SUR/LLA

1
OF
1

40' WEST FULKERTH ROAD

PARCEL 1
AFTER LOT LINE ADJUSTMENT
11.7 ACRES

PARCEL 2
AFTER LOT LINE
ADJUSTMENT
92.1 ACRES

PARCEL 3
AFTER LOT LINE
ADJUSTMENT
40.0 ACRES

PARCEL 4
AFTER LOT LINE
ADJUSTMENT
16.1 ACRES



PROPOSED PARCELS EXHIBIT



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

**AFTER LOT LINE ADJUSTMENT
LLA PLN 2011-08**

**ALAMO
STANISLAUS COUNTY, CALIFORNIA**

BY: RCS
CHK: KJG
DATE: 3/2016
SCALE: 1"=500'
JOB #: 2995
FILE: SUR/LLA

1
OF
1



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2016-0080336-00

Acct 121-Planning.
Friday, OCT 14, 2016 12:20:45
Ttl Pd \$56.00 Rcpt # 0003879062
JMB/R2/1-14

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

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

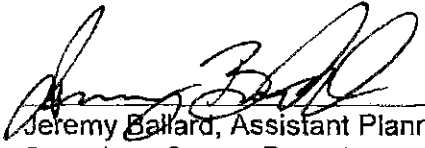
Space Above This Line for Recorder's Use

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 April 11, 2011 approved the lot line adjustment herein described submitted under the name of Alamo Lot Line Adjustment No. 2011-08 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

8/31/16
Date

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 8/31/2016 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's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer Is Representing: _____

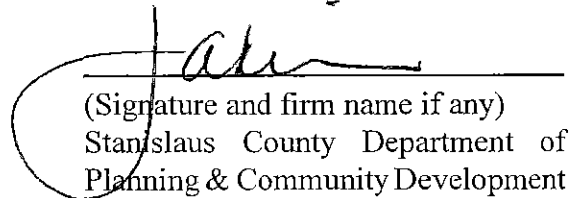
GOVERNMENT CODE 27361.7

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

October 13, 2016

(Date)


(Signature and firm name if any)
Stanislaus County Department of
Planning & Community Development

LOT LINE NO. 2011-08 - ALAMO

OWNERS:

NAME (Print or type)	SIGNATURE (All to be notarized)	DATE	SIGNED AT (City)
<u>Florinda O. Alamo, Trustee, T.&F. Alamo 2011-Trust-Bypass</u>	<u>Florinda O. Alamo</u>	<u>3/2/16</u>	<u>Turlock, CA</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SECURITY HOLDERS:

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

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)

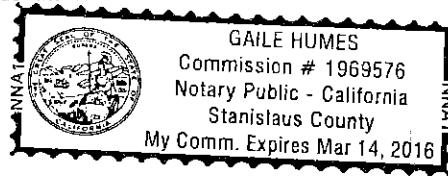
On March 2, 2016, before me, GAILE HUMES, a Notary Public, personally appeared FLORINDA O. ALAMO, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Gaile Humes

Notary Public



(SEAL)

EXHIBIT A
LEGAL DESCRIPTION
Parcel 1- Before Adjustment
APN 022-035-001
(From Doc #1999-0041439, S.C.R.)

The West half of the Northwest quarter of the Northwest quarter of Section 17, Township
5 South, Range 9 East, M.D.B.&M.

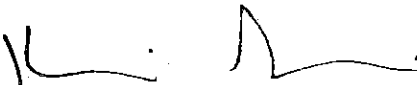


Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT A
LEGAL DESCRIPTION
Parcel 2- Before Adjustment
APN 022-033-005 (Portion)
(From Doc #1999-0041439, S.C.R.)

The East half of the Northeast quarter of Section 18, Township 5 South, Range 9 East,
M.D.B.&M., according to the Official Plat thereof.


Kevin J. Genasci, P.L.S. 8660
April 27, 2011

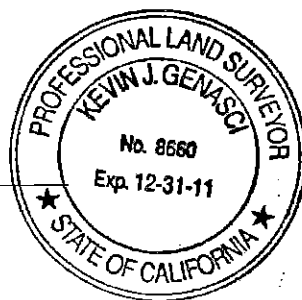


EXHIBIT A
LEGAL DESCRIPTION
Parcel 3- Before Adjustment
APN 022-033-005 (Portion)
(From Doc #1999-0041439, S.C.R.)

The East half of the West half of the Northeast Quarter of Section 18, Township 5 South, Range 9 East, M.D.B.&M., according to the Official Plat thereof.

EXCEPTING THEREFROM an undivided one-half interest in all oils, gas and minerals rights as reserved in the Deed, executed by E. Violet Locken and Arthur J. Locken, wife and husband, recorded January 20, 1942 in Vol. 766, Page 45 of Official Records, as Instrument No. 951.


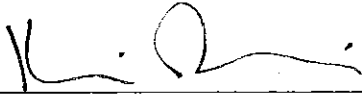

Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT A
LEGAL DESCRIPTION
Parcel 4- Before Adjustment
APN 022-034-005 (Portion)
(From Doc #1976-4920, S.C.R.)

Lot 3 of GLENDORA COLONY, according to the Official Map thereof filed in the office of the Recorder of Stanislaus County, California, on December 13, 1907, in Volume 3 of Maps, at Page 20.



Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 1- After Adjustment

BEING a portion of the Northeast Quarter of Section 18, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:


The north 345.00 feet of east 485.00 feet the East Half of the West Half of the Northeast Quarter of above said Section 18.

TOGETHER WITH the north 345.00 feet of the west 995.00 feet of the East Half of the Northeast Quarter of said Section 18.

CONTAINING 11.7 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.



Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 2- After Adjustment

BEING a portion of the Northeast Quarter of Section 18 and a portion of the Northwest Quarter of Section 17, all in Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

The West Half of the Northwest Quarter of the Northwest Quarter of above said Section 17.

TOGETHER WITH the East Half of the Northeast Quarter of above said Section 18.

EXCEPTING THEREFROM the north 345.00 feet of the west 995.00 feet of the East Half of the Northeast Quarter of said Section 18.

CONTAINING 92.1 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

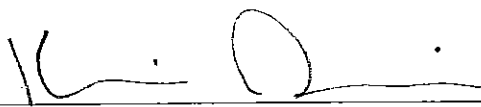

Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 3- After Adjustment

BEING a portion of the East Half of Section 18, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

The north 255.00 feet of Lot 3 as shown on the map of The Glendora Colony filed in Volume 3 of Maps, at Page 20, Stanislaus County Records.

TOGETHER WITH the East half of the West half of the Northeast Quarter of above said Section 18.

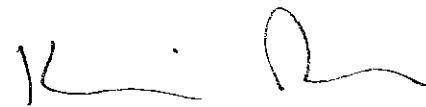
EXCEPTING THEREFROM the north 345.00 feet of the east 485.00 feet of the East Half of the West Half of the Northeast Quarter of above said Section 18.

ALSO EXCEPTING THEREFROM an undivided one-half interest in all oils, gas and minerals rights as reserved in the Deed, executed by E. Violet Locken and Arthur J. Locken, wife and husband, recorded January 20, 1942 in Vol. 766, Page 45 of Official Records, as Instrument No. 951.

CONTAINING 40.0 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.



Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 4- After Adjustment

BEING a portion of the Southeast Quarter of Section 18, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:


Lot 3 as shown on the map of The Glendora Colony filed in Volume 3 of Maps, at Page 20, Stanislaus County Records.

EXCEPTING THEREFROM the north 255.00 feet thereof.

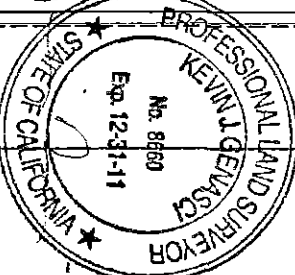
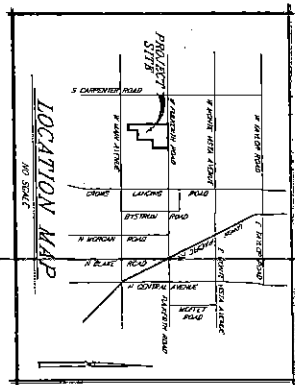
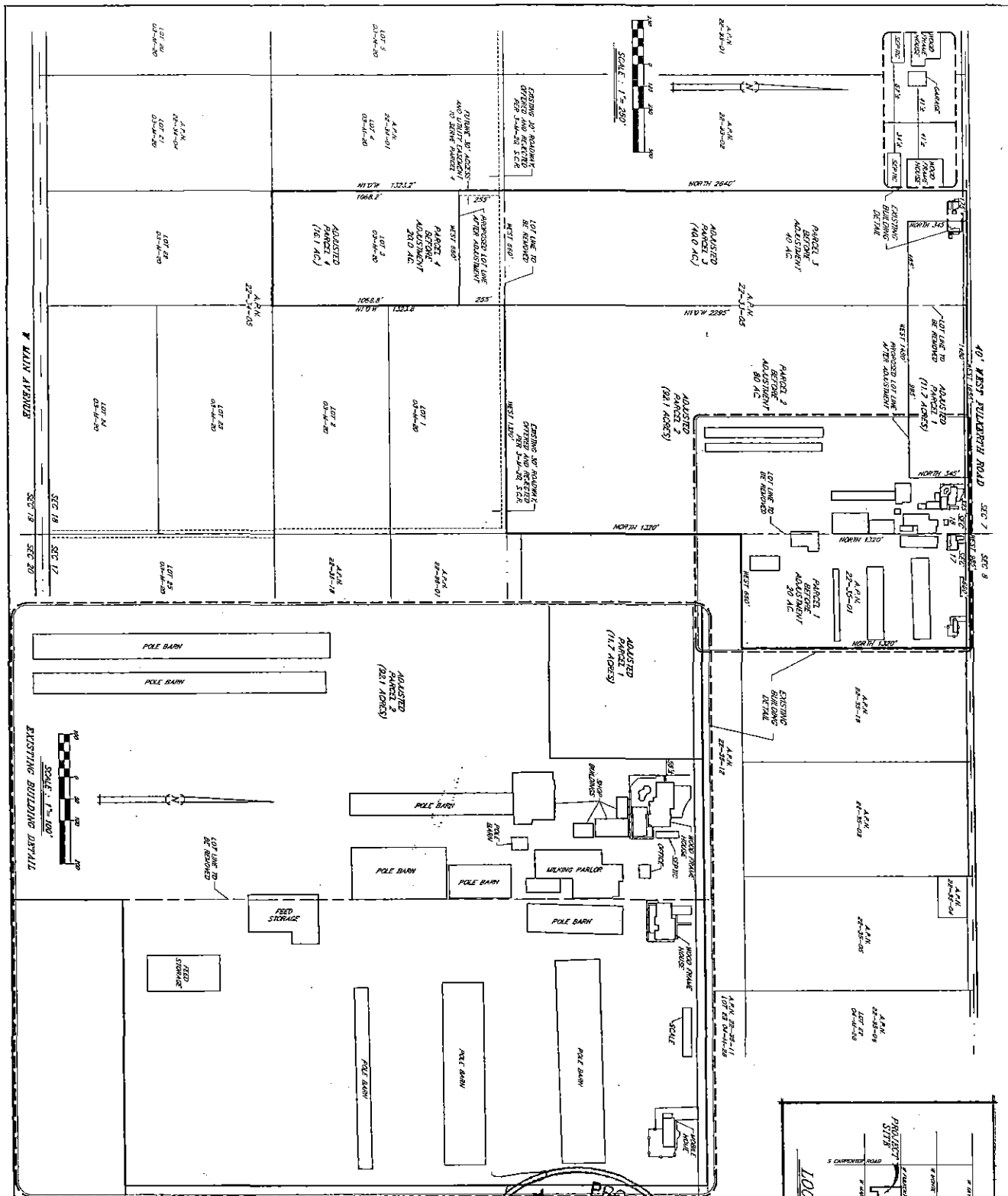
CONTAINING 16.1 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.


Kevin J. Genasci, P.L.S. 8660
April 27, 2011





5.4.11

NOTES:
 1. OWNER'S RECORDS.
 2. FIELD SURVEY BY ME & COMPANY IN JULY 1998.
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 100. FIELD SURVEY BY ME & COMPANY IN JULY 1998.

RECORDING REQUESTED BY:
STANISLAUS COUNTY BOARD OF
SUPERVISORS

WHEN RECORDED RETURN TO
STANISLAUS COUNTY PLANNING
DEPARTMENT, 1010 10TH Street, Suite 3400
Modesto, CA 95354

**NOTICE OF RESCISSION AND
SIMULTANEOUS RE-ENTRY INTO
CALIFORNIA LAND CONSERVATION
CONTRACT NO. 2016-29**

THIS SPACE FOR RECORDER ONLY



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2016-0080337-00

Friday, OCT 14, 2016 12:21:23
Ttl Pd \$0.00 Rcpt # 0003879064
JMB/R2/1-19

THIS NOTICE OF RESCISSION AND CALIFORNIA LAND CONSERVATION CONTRACT is made and entered August 23, 2016, 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: ALAMO FAMILY LIMITED PARTNERSHIP
1500 W. FULKERTH ROAD
CROWS LANDING, CA 95313

- (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>022-035-001</u>	<u>11.7</u>	<u>1500 FULKERTH ROAD, CROWS LANDING, CA</u>
<u>022-033-005 (Portion)</u>	<u>92.1</u>	<u>1500 FULKERTH ROAD, CROWS LANDING, CA</u>
<u>022-033-005 (Portion)</u>	<u>40.0</u>	<u>1500 FULKERTH ROAD, CROWS LANDING, CA</u>
<u>022-034-005</u>	<u>16.1</u>	<u>1500 FULKERTH ROAD, CROWS LANDING, CA</u>

Pursuant to Stanislaus County Board of Supervisors Resolution No 2016-438, relating to Lot Line Adjustment No. 2011-08 as authorized by Govt. Code § 51257, California Land Conservation Contract Nos. 74-1664 & 74-1666 which encumbered the parcel described in Exhibit A is rescinded and this contract which encumbers the newly configured parcel described in Exhibit B is entered into.

19JB

NOTICE OF RESCISSION AND SIMULTANEOUS RE-ENTRY INTO CALIFORNIA LAND CONSERVATION CONTRACT
Page 2

- (18) The effective date of this Contract shall be date of recording.
- (19) Uses on the subject property are limited to those specifically described in Chapter 21.20 of the Stanislaus County Code - General Agriculture District (A-2), as effective each year upon renewal of the contract, which is herein incorporated by reference.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

OWNER(S) NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)
Florinda O. Alamo, Trustee, T.&F. Alamo 2011 Trust-Bypass	<i>Florinda O. Alamo</i>	3/2/16	Turlock, CA

SECURITY HOLDERS:

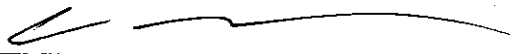
NAME (print or type)	SIGNATURE (all to be notarized)	DATE	SIGNED AT (city)

EXHIBITS:

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

COUNTY: Stanislaus County

10-13-2016
Dated


Chairman, Board of Supervisors
Angela Freitas for Dick Montieth

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 10-13-2016 before me, Christine Michele Smith, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Angela Freitas
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Christine Michele Smith
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Wm Act Decision RENTM Document Date: Aug 23, 2016
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: _____

EXHIBIT A
LEGAL DESCRIPTION
Parcel 1- Before Adjustment
APN 022-035-001
(From Doc #1999-0041439, S.C.R.)

The West half of the Northwest quarter of the Northwest quarter of Section 17, Township
5 South, Range 9 East, M.D.B.&M.

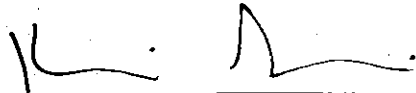


Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT A
LEGAL DESCRIPTION
Parcel 2- Before Adjustment
APN 022-033-005 (Portion)
(From Doc #1999-0041439, S.C.R.)

The East half of the Northeast quarter of Section 18, Township 5 South, Range 9 East,
M.D.B.&M., according to the Official Plat thereof.




Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT A
LEGAL DESCRIPTION
Parcel 3- Before Adjustment
APN 022-033-005 (Portion)
(From Doc #1999-0041439, S.C.R.)

The East half of the West half of the Northeast Quarter of Section 18, Township 5 South, Range 9 East, M.D.B.&M., according to the Official Plat thereof.

EXCEPTING THEREFROM an undivided one-half interest in all oils, gas and minerals rights as reserved in the Deed, executed by E. Violet Locken and Arthur J. Locken, wife and husband, recorded January 20, 1942 in Vol. 766, Page 45 of Official Records, as Instrument No. 951.



Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT A
LEGAL DESCRIPTION
Parcel 4- Before Adjustment
APN 022-034-005 (Portion)
(From Doc #1976-4920, S.C.R.)

Lot 3 of GLENDORA COLONY, according to the Official Map thereof filed in the office of the Recorder of Stanislaus County, California, on December 13, 1907, in Volume 3 of Maps, at Page 20.



Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 1- After Adjustment

BEING a portion of the Northeast Quarter of Section 18, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

The north 345.00 feet of east 485.00 feet the East Half of the West Half of the Northeast Quarter of above said Section 18.

TOGETHER WITH the north 345.00 feet of the west 995.00 feet of the East Half of the Northeast Quarter of said Section 18.

CONTAINING 11.7 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.



Kevin J. Genasci, P.L.S. 8660

April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 2- After Adjustment

BEING a portion of the Northeast Quarter of Section 18 and a portion of the Northwest Quarter of Section 17, all in Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

The West Half of the Northwest Quarter of the Northwest Quarter of above said Section 17.

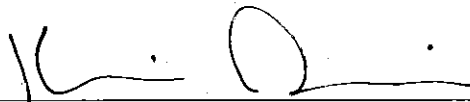
TOGETHER WITH the East Half of the Northeast Quarter of above said Section 18.

EXCEPTING THEREFROM the north 345.00 feet of the west 995.00 feet of the East Half of the Northeast Quarter of said Section 18.

CONTAINING 92.1 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.



Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 3- After Adjustment

BEING a portion of the East Half of Section 18, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

The north 255.00 feet of Lot 3 as shown on the map of The Glendora Colony filed in Volume 3 of Maps, at Page 20, Stanislaus County Records.

TOGETHER WITH the East half of the West half of the Northeast Quarter of above said Section 18.

EXCEPTING THEREFROM the north 345.00 feet of the east 485.00 feet of the East Half of the West Half of the Northeast Quarter of above said Section 18.

ALSO EXCEPTING THEREFROM an undivided one-half interest in all oils, gas and minerals rights as reserved in the Deed, executed by E. Violet Locken and Arthur J. Locken, wife and husband, recorded January 20, 1942 in Vol. 766, Page 45 of Official Records, as Instrument No. 951.

CONTAINING 40.0 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.



Kevin J. Genasci, P.L.S. 8660
April 27, 2011



EXHIBIT B
LEGAL DESCRIPTION
Parcel 4- After Adjustment

BEING a portion of the Southeast Quarter of Section 18, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:


Lot 3 as shown on the map of The Glendora Colony filed in Volume 3 of Maps, at Page 20, Stanislaus County Records.

EXCEPTING THEREFROM the north 255.00 feet thereof.

CONTAINING 16.1 acres, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.


Kevin J. Genasci, P.L.S. 8660
April 27, 2011



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

DEPT: Planning and Community Development BOARD AGENDA #: *D-3

AGENDA DATE: August 23, 2016

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

BOARD ACTION AS FOLLOWS:

No. 2016-438

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

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

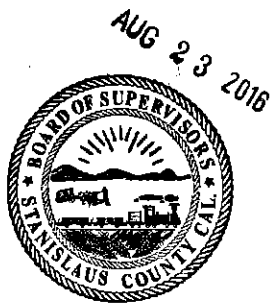
MOTION:

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.

ELIZABETH A. KING

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

By Patricia Gonzalez



ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

EXHIBIT C

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-3

AGENDA DATE: August 23, 2016

AF

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

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 or contracts would enforceably restrict the adjusted boundaries of the parcels for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than ten years, except as authorized under the County implementation of AB1265.
 - 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 Government Code 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.

Approval to Rescind a Portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, Located at 1500 and 1312 West Fulkerth Road, Between South Carpenter Road and Crows Landing Road, West of the City of Turlock; and Approval of New Contract Pursuant to Lot Line Adjustment Application No. PLN2011-0008, Alamo

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 Government Code 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, 2015; 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 all new contracts supersede a portion of Williamson Act Contract No. 1974-1664 and all of No. 1974-1666, upon recording. The new contracts will cover the entire 160 acres involved in this lot line adjustment application. As in the case with all Williamson Act contracts in Stanislaus County, the new contracts will be subject to the provisions of AB1265.

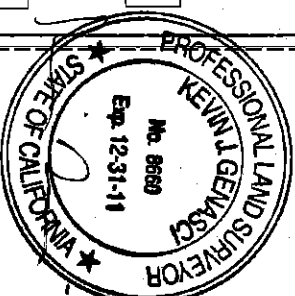
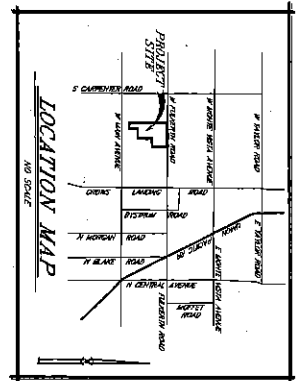
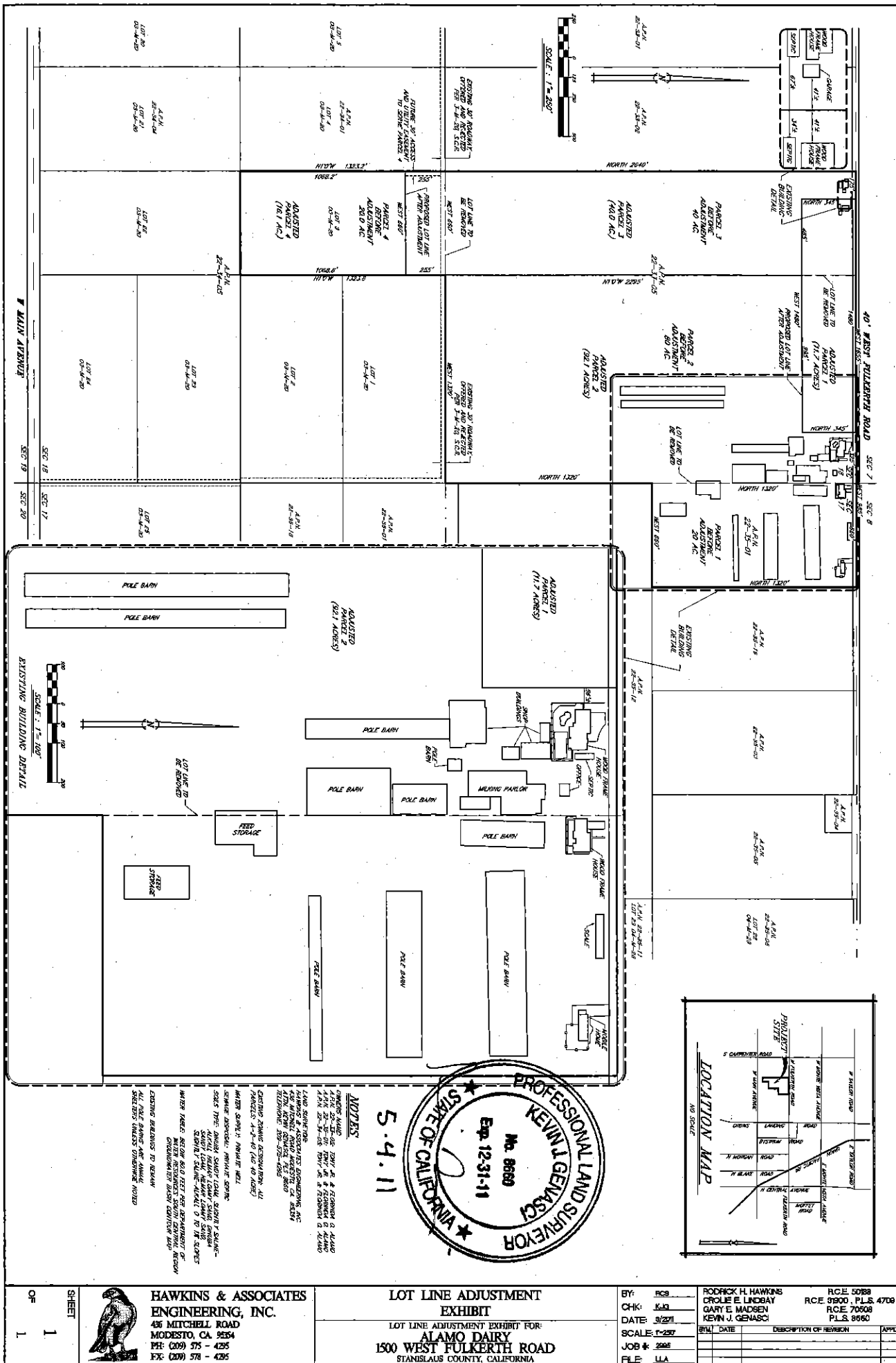
POLICY ISSUE:

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's policies specifically state that the County shall continue to administer lot line adjustments involving agricultural land, provided the land is properly designed for agricultural purposes without materially decreasing the agricultural use of the site.

Williamson Act & Lot Line Adjustment (LLA) Overview

LLA Parcel No.	Assessors Parcel No. (APN)		Parcel Owners/Applicants	Williamson Contract				Parcel Size (Acres)		After LLA Use/Development
	No.	Portion Y/N		Contract No.	Portion Y/N	Acreage		Existing	Proposed	
						Existing	Proposed			
LLA Application No. PLN 2011-08 - Alamo Farms										
1	022-035-001	N	Alamo Limited Family Partnership	1974-1666	Y	20	11.72	20	11.72	One Single Family Dwelling & Row Crops
2	022-033-005	Y	Alamo Limited Family Partnership	1974-1966	Y	80	92.1	80	92.1	Dairy/ Two Single Family Dwellings and One Temporary Mobile Home for a Full Time Employee
3	022-033-005	Y	Alamo Limited Family Partnership	1974-1966	Y	40	40	40	40	Row Crops, One Single Family Dwelling
4	022-034-005	Y	Alamo Limited Family Partnership	1974-1964	Y	20	16.18	20	16.18	Row Crops
Total Acreage:						160.00	160.00	160.00	160.00	

FOR ILLUSTRATIVE PURPOSES ONLY



5.4.11

NOTICES

CONTRACT NO. 2011-001
 PROJECT NO. 2011-001
 DATE: 5/4/11
 DRAWN BY: J. GENASC
 CHECKED BY: R. HAWKINS
 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM HAWKINS & ASSOCIATES, INC.
 HAWKINS & ASSOCIATES, INC.
 435 MITCHELL ROAD
 MODesto, CA 95354
 PH: (209) 575-4255
 FX: (209) 578-4255

<p>HAWKINS & ASSOCIATES ENGINEERING, INC. 435 MITCHELL ROAD MODesto, CA 95354 PH: (209) 575-4255 FX: (209) 578-4255</p>	<p>LOT LINE ADJUSTMENT EXHIBIT LOT LINE ADJUSTMENT EXHIBIT FOR ALAMO DAIRY 1500 WEST FULKERTH ROAD STANISLAUS COUNTY, CALIFORNIA</p>		<p>BY: RCH CHK: KJS DATE: 5/2/11 SCALE: 1"=200' JOB #: 2011 FILE: LLA</p>	<p>RODNEY H. HAWKINS GARY E. LINDBAY KEVIN J. GENASC R.C.E. 5088 R.C.E. 9500 - P.L.S. 4708 R.C.E. 70508 P.L.S. 8660</p>							
	<p>SHEET 1</p>			<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION OF REVISION</th> <th>APP'D.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV.	DATE	DESCRIPTION OF REVISION	APP'D.			
REV.	DATE	DESCRIPTION OF REVISION	APP'D.								