

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

DEPT: Planning and Community Development

BOARD AGENDA #: *D-1

AGENDA DATE: December 20, 2016

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 0.71 Acre Portion of Williamson Act Contract No. 75-2013 - Findlay Automotive Group, Located at the Southwest Corner of Wells and McHenry Avenues, in the Modesto Area

BOARD ACTION AS FOLLOWS:

No. 2016-657

On motion of Supervisor O'Brien, 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:


PAM VILLARREAL, Assistant Clerk

File No.

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

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-1

AGENDA DATE: December 20, 2016

AK

CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 0.71 Acre Portion of Williamson Act Contract No. 75-2013 - Findlay Automotive Group, Located at the Southwest Corner of Wells and McHenry Avenues, in the Modesto Area

STAFF RECOMMENDATIONS:

1. Find that the condition and contingencies of the Tentative Certificate of Cancellation of a Portion of Williamson Act Contract No. 75-2013 - Findlay Automotive Group (original contract name: Burchell Nursery, Inc.) located at the southwest corner of Wells and McHenry Avenues, in the Modesto area, have been satisfied.
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by December 22, 2016.

DISCUSSION:

On August 23, 2016, the Board of Supervisors granted tentative approval of a petition to cancel a 0.71 acre portion of Williamson Act Contract No. 75-2013 for property owned by Burchell Nursery, Inc. On August 30, 2016, a Certificate of Tentative Cancellation was recorded as Document Number 2016-0066807-00, Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$34,750. Said payment was made to Stanislaus County on November 22, 2016 (see Attachment 1).

State law requires the landowner to notify the County Board of Supervisors when they have complied with the conditions of tentative cancellation; and the landowner has done so through payment of the cancellation fee. A Certificate of Cancellation is to be executed by the Board of Supervisors within 30 days of such notice and recorded with the County Clerk-Recorder. Within 30 days of the execution of the Certificate of Cancellation by the Board of Supervisors, the County Treasurer shall transfer the entire cancellation fee amount to the State Controller.

POLICY ISSUE:

Government Code Section 51283.4(b) provides that the notification, execution, and recordation of a Certificate of Cancellation takes place as outlined above. This is the final step in processing the Williamson Act cancellation tentatively approved as a part of Williamson Act Cancellation, General Plan Amendment, and Rezone application number PLN2016-0013 – Findlay Automotive Group approved by the Board of Supervisors on August 23, 2016.

Authorization to Record a Certificate of Cancellation of a 0.71 Acre Portion of Williamson Act Contract No. 75-2013 - Findlay Automotive Group, Located at the Southwest Corner of Wells and McHenry Avenues, in the Modesto Area

FISCAL IMPACT:

There are no fiscal impacts associated with this item. Payment in the amount of \$ 34,750 was received by Stanislaus County on November 22, 2016, and will be forwarded to the State of California as required by State and local regulations.

BOARD OF SUPERVISORS' PRIORITY:

This authorization is consistent with the Board's priorities of a Strong Agricultural Economy/Heritage and Efficient Delivery of Public Services by following standard procedures for Williamson Act Contract cancellation requests.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the Williamson Act cancellation.

CONTACT PERSON:

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

ATTACHMENT(S):

1. Stanislaus County Deposit Permit
2. Draft Certificate of Cancellation

STANISLAUS COUNTY DEPOSIT PERMIT



BATCH KEYED BY: _____

BATCH DATE: _____ BATCH #: _____

DEPOSIT NUMBER: DP- 338111

AUDITOR-CONTROLLER DATE: 11-22-16

ORGANIZATION NAME: PLANNING TAX COLLECTOR

LINE	AMOUNT		FUND (4 CHAR)	ORG (7 CHAR)	ACCOUNT (5 CHAR)	GL PROJ (7 CHAR)	LOCATION (6 CHAR)	MISC (6 CHAR)	OTHER (5 CHAR)	DESCRIPTION
	DOLLARS	CENTS								
1	\$34,750.00		6200	0064100	02300	0000000	000000	WILACT	00000	Williamson Act Release Contract # 1975-2013
2										APN 046-005-010-000
3										Findlay-Shack Properties, LLC
4										
5										
6										
7										
8										
9										
10										
11										

\$34,750.00 TOTAL I APPROVE DEPOSIT OF THE ABOVE MONIES IN THE COUNTY TREASURY. REMARKS:

# OF BILLS	AMOUNT
@100	\$0.00
@50	\$0.00
@20	\$0.00
@10	\$0.00
@5	\$0.00
@2	\$0.00
0 @1	\$0.00
COIN	\$0.00
TOTAL CASH	\$0.00
CHECKS	\$34,750.00
WIRE/EFT	\$0.00
TOTAL	\$34,750.00

COUNTY AUDITOR-CONTROLLER

BY: [Signature] DEPUTY

MONIES LISTED ABOVE HAVE BEEN RECEIVED IN THE COUNTY TREASURY.

COUNTY TREASURER

BY: [Signature] DEPUTY

PREPARED BY: Angelica Ramos

EMAIL: Ramosan@Stancounty.com

PHONE#: 525-5923

DELIVERED BY:

I HEREBY CERTIFY THAT THE TOTAL AMOUNT LISTED ABOVE REPRESENTS COLLECTIONS RECEIVED BY ME FOR THE ABOVE NAMED FUND

DATE: 11/22/16

Danny Marshall, Planning Dept 525-6330

PREPARER'S SIGNATURE: [Signature]

WHITE COPY - RETURN THIS RECEIPT TO THE COUNTY AUDITOR-CONTROLLER
 CANARY COPY - TREASURER TO RETAIN THIS COPY
 PINK COPY - DEPOSITOR WILL RECEIVE THIS COPY FROM THE TREASURER.

ATTACHMENT 1

RECORDING REQUESTED BY
Stanislaus County Board of Supervisors

AND WHEN RECORDED MAIL TO:

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

CERTIFICATE OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NUMBER 1975-2013

WHEREAS, Burchell Nursery, Inc., owner of the property described herein, gave written notice of the cancellation of the Williamson Act Contract No. 1975-2013 entered into between the previous owner, Burchell Nursery, Inc. and the County of Stanislaus; and

WHEREAS, the amount of the cancellation fee as set forth by the Board of Supervisors has been paid in the sum of \$34,750.00;

NOTICE IS HEREBY GIVEN that on December 20, 2016, the Board of Supervisors of the County of Stanislaus, State of California, determines that the conditions and contingencies enumerated in the Certificate of Tentative Cancellation, recorded August 30, 2016, as Document No. 2016-0066807-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that Williamson Act Contract No. 1975-2013 originally recorded in Volume 2684 of the Official Records of Stanislaus County, on February 19, 1975, as Instrument Number 31784, affecting the land and improvements located on Assessor's Parcel Nos. 046-005-010 owned by Burchell Nursery, Inc. has been cancelled. The property is more fully identified on the attached map (Attachment A).

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.

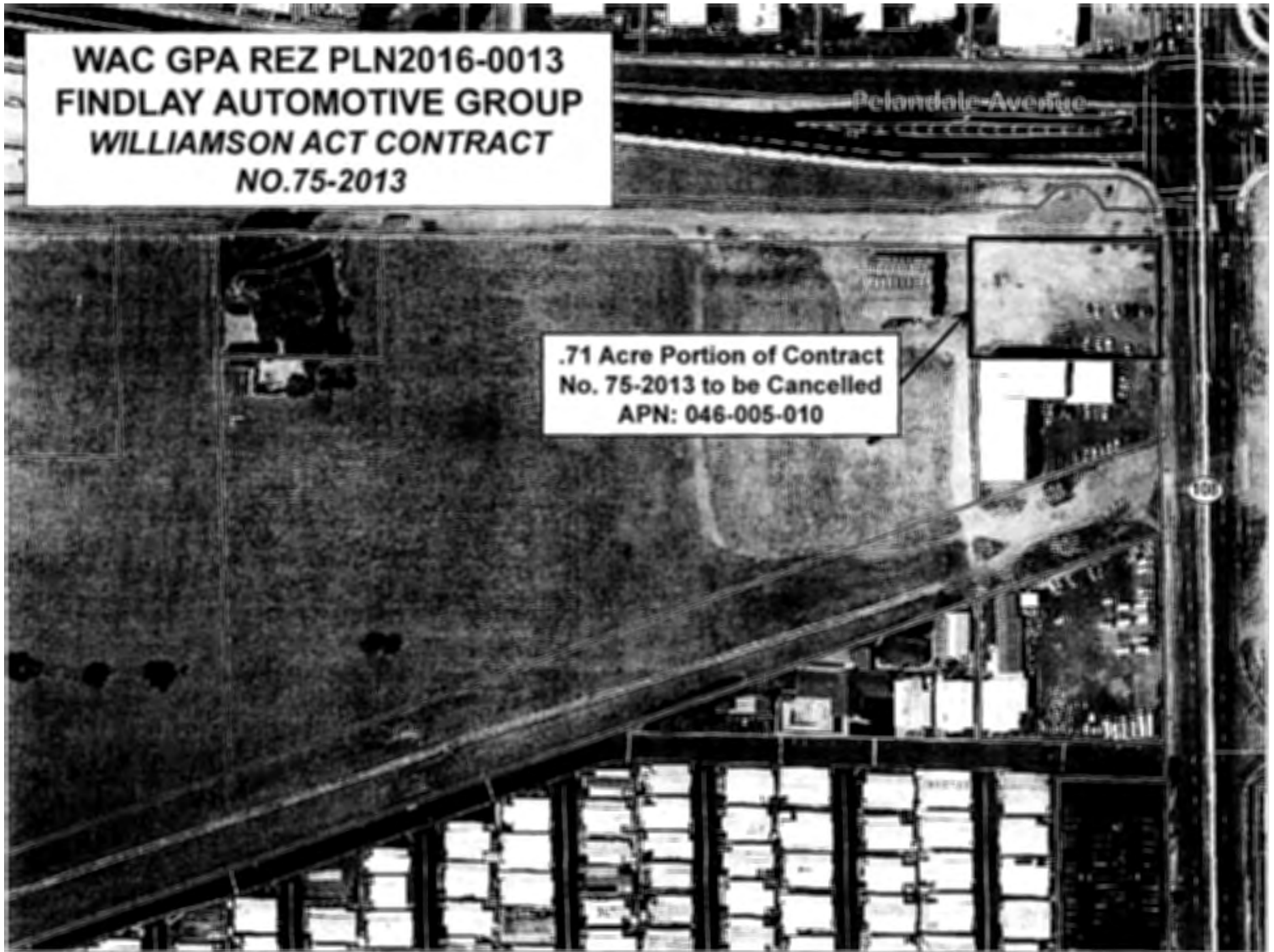
DATED: December 20, 2016

ATTEST: ELIZABETH A KING, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

By: Pamela Villareal, Assistant Clerk of the Board

**WAC GPA REZ PLN2016-0013
FINDLAY AUTOMOTIVE GROUP
WILLIAMSON ACT CONTRACT
NO.75-2013**

**.71 Acre Portion of Contract
No. 75-2013 to be Cancelled
APN: 046-005-010**





BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Dick Monteith, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

**CERTIFICATE OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NUMBER 1975-2013**

WHEREAS, Burchell Nursery, Inc., owner of the property described herein, gave written notice of the cancellation of the Williamson Act Contract No. 1975-2013 entered into between the previous owner, Burchell Nursery, Inc. and the County of Stanislaus; and

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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.

DATED: December 20, 2016

ATTEST: ELIZABETH A KING, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

By: 
Pamela L. Villarreal, Assistant Clerk of the Board

*1975-2013 – Original contract recorded on February 19, 1975, Instrument Number 31784, Volume 2684, Pages 542-554. Owner Burchell Nursery Inc.

**WAC GPA REZ PLN2016-0013
FINDLAY AUTOMOTIVE GROUP
WILLIAMSON ACT CONTRACT
NO.75-2013**

**.71 Acre Portion of Contract
No. 75-2013 to be Cancelled
APN: 046-005-010**

Pelandale Avenue

100



REC'T # 0003909681
December 21, 2016 ----- 14:48:21

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office

Official # 16-0101916-00

REQD BY
Free Issue

Total fee	\$0.00
Amount Tendered...	\$0.00
Change	\$0.00

OJC,R2/1/3



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

December 22, 2016

David Bunn, Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: CERTIFICATE OF CANCELLATION OF WILLIAMSON ACT CONTRACT NO.
1975-2013

Dear Mr. Bunn

Enclosed is a copy of the Certificate of Cancellation of Williamson Act Contract No. 1975-2013. On December 20, 2016, the Board of Supervisors found that all conditions and contingencies of the Tentative Certificate of Cancellation have been satisfied.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Pam Villarreal
Assistant Clerk of the
Board of Supervisors



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

1010 10th Street, Suite 6700, Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4420

December 22, 2016

Findlay Automotive Group
310 N. Gibson RD
Henderson, NV 89014

Burchell Nursery In.
1200 Highway 120
Oakdale, CA 95361

Associated Engineering Group Inc.
Jim Freitas
5205 Technology Dr. Suite 4
Modesto, CA 95356

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO.75-2013

Dear Applicants:

Please find enclosed a copy of the Certificate of Cancellation for a Portion of Williamson Act Contract No. 75-2013 which was approved by the Board of Supervisors on December 20, 2016. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on December 21, 2016 as Document No.16-0101916-00.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Pam Villarreal, Assistant Clerk
Board of Supervisors

DECLARATION OF MAILING

IN RE CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO.75-2013

I, Pam Villarreal, declare that I am a citizen of the United States, over 18 years of age, a resident of Stanislaus County, and not a part to the within action; that my business address is 1010 10th St., Ste. 6700, Modesto, California; that I served a copy of the attached notice by placing said copy in an envelope addressed to the following:

BURCHELL NURSERY INC 12000 HIGHWAY 120 OAKDALE CA 95361	ASSOCIATED ENGINEERING GROUP INC JIM FREITAS 5205 TECHNOLOGY DR SUITE 4 MODESTO CA 95356
FINDLAY AUTOMOTIVE GROUP 310 N. GIBSON RD HENDERSON NV 89014	

which envelope was then sealed and postage fully prepaid thereon and thereafter, on December 22, 2016, deposited in the United States Mail at Modesto, California; that there is delivery service by United States Mail at the place so addressed or regular communication by United States Mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Pam Villarreal

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2016-0101916-00
Wednesday, DEC 21, 2016 14:48:21
Ttl Pd \$0.00 Rcpt # 0003909681
OJC/R2/1-3

RECORDING REQUESTED BY
Stanislaus County Board of Supervisors

AND WHEN RECORDED MAIL TO:

Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

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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.

DATED: December 20, 2016

ATTEST: ELIZABETH A KING, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California

By: *Pamela L. Villarreal*
Pamela L. Villarreal, Assistant Clerk of the Board
AKA *Pamela Lynn Villarreal*

*1975-2013 – Original contract recorded on February 19, 1975, Instrument Number 31784, Volume 2684, Pages 542-554. Owner Burchell Nursery Inc.

3JC

ACKNOWLEDGMENT

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

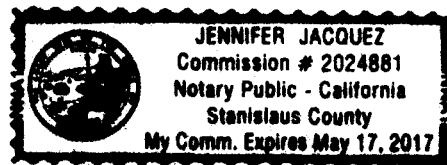
On December 21, 2014 before me, Jennifer Jacquez, Notary Public
(insert name and title of the officer)

personally appeared Pamela Lynn Villarreal
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 Jennifer Jacquez (Seal)



**WAC GPA REZ PLN2016-0013
FINDLAY AUTOMOTIVE GROUP
WILLIAMSON ACT CONTRACT
NO.75-2013**

**.71 Acre Portion of Contract
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