

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

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

AGENDA DATE: January 10, 2017

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 4.25 Acre Portion of Williamson Act Contract No. 1977-2725 - Aker, Located at 4530 Lone Tree Road, in the Valley Home Area

BOARD ACTION AS FOLLOWS:

No. 2017-16

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

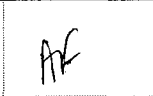
ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

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

DEPT: Planning and Community Development BOARD AGENDA #: *D-3
Urgent Routine AGENDA DATE: January 10, 2017



CEO CONCURRENCE: 4/5 Vote Required: Yes No

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 4.25 Acre Portion of Williamson Act Contract No. 1977-2725 - Aker, Located at 4530 Lone Tree Road, in the Valley Home Area

STAFF RECOMMENDATIONS:

1. Find that the condition and contingencies of the Tentative Certificate of Cancellation of a Portion of Williamson Act Contract No. 1977-2725 – Aker, located at the 4530 Lone Tree Road, in the Valley Home area, have been satisfied.
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by January 20, 2017.

DISCUSSION:

On November 8, 2016, the Board of Supervisors granted tentative approval of a petition to cancel a 4.25 acre portion of Williamson Act Contract No. 1977-2725 for property owned by the Phyllis Collen Aker Trust. On November 22, 2016, a Certificate of Tentative Cancellation was recorded as Document Number 2016-0092416-00, Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$31,250. Said payment was made to Stanislaus County on December 20, 2016 (see Attachment 1).

State law requires the landowner 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 Lot Line Adjustment and Williamson Act Cancellation application number PLN2016-0019 – Aker approved by the Board of Supervisors on November 8, 2016.

Authorization to Record a Certificate of Cancellation of a 4.25 Acre Portion of Williamson Act Contract No. 1977-2725 - Aker, Located at 4530 Lone Tree Road, in the Valley Home Area

FISCAL IMPACT:

There are no fiscal impacts associated with this item. Payment in the amount of \$ 31,250 was received by Stanislaus County on December 20, 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 Receipt
2. Draft Certificate of Cancellation



Stanislaus County Tax Collector
1010 Tenth St., Ste. 2500, Modesto, CA 95354
Phone: 209 525 6388

100674

Date: 1-3-17

RECEIPT

Received from Colleen Aker

the sum of thirty one thousand two hundred fifty DOLLARS \$ 31,250.-

For Cancellation of Williamson Act deposited on 12-22-16

Asmt No (APN) 002-010-010 DP# 360030

Cash M.O. Cashier's CK Check No. 9768 By [Signature]
Stanislaus County Tax Collector

Deputy

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 1977-2725

WHEREAS, Phyllis Collen Aker Trust, owner of the property described herein, gave written notice of the cancellation of the Williamson Act Contract No. 1977-2725 entered into between the property owner 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 \$31,250.00;

NOTICE IS HEREBY GIVEN that on January 10, 2017, 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 November 22, 2016, as Document No. 2016-0092416-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that Williamson Act Contract No. 1977-2725 originally recorded in Volume 2885 of the Official Records of Stanislaus County, on February 15, 1977, as Instrument Number 46630, affecting the land and improvements located on Assessor's Parcel No. 002-010-010 owned by Leroy B. & Collen P. Aker 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: January 10, 2017

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

*1977-2725 – Original contract recorded on February 15, 1977, Instrument Number 46630, Volume 2885, Pages 889. Leroy B. Aker and Collen P. Aker.

Williamson Act Contract No. 1977-2725

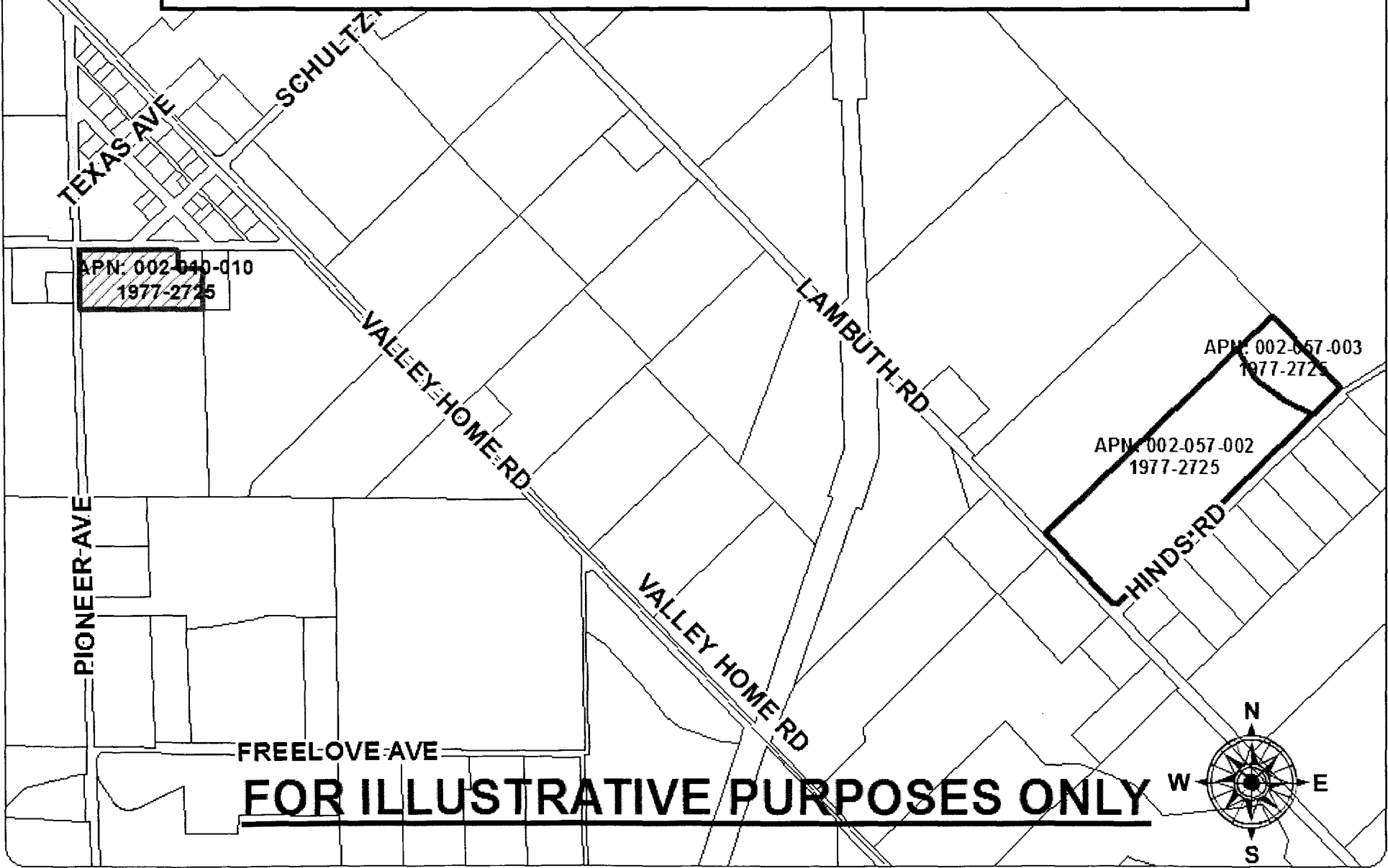
ATTACHMENT A



Portion of Contract to Remain



Portion of Contract to be Cancelled Per Lot Line Adjustment & Cancellation App. No. PLN2016-0019 - Aker



FOR ILLUSTRATIVE PURPOSES ONLY



BOARD OF SUPERVISORS

Kristin Olsen, 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: 209.525.6560 Fax: 209.525.4410

**CERTIFICATE OF CANCELLATION OF A PORTION OF
WILLIAMSON ACT CONTRACT NUMBER 1977-2725**

WHEREAS, Phyllis Collen Aker Trust, owner of the property described herein, gave written notice of the cancellation of the Williamson Act Contract No. 1977-2725 entered into between the property owner and the County of Stanislaus; and

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DATED: January 10, 2017

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

By: 
Pamela Lynn Villarreal, Assistant Clerk of the Board

*1977-2725 – Original contract recorded on February 15, 1977, Instrument Number 46630, Volume 2885, Pages 889. Leroy B. Aker and Collen P. Aker.

REC'T # 0003917984

January 11, 2017 ----- 10:51:20

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office

Official # 17-0002142-00

REQD BY
Free Issue

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

Change	\$0.00
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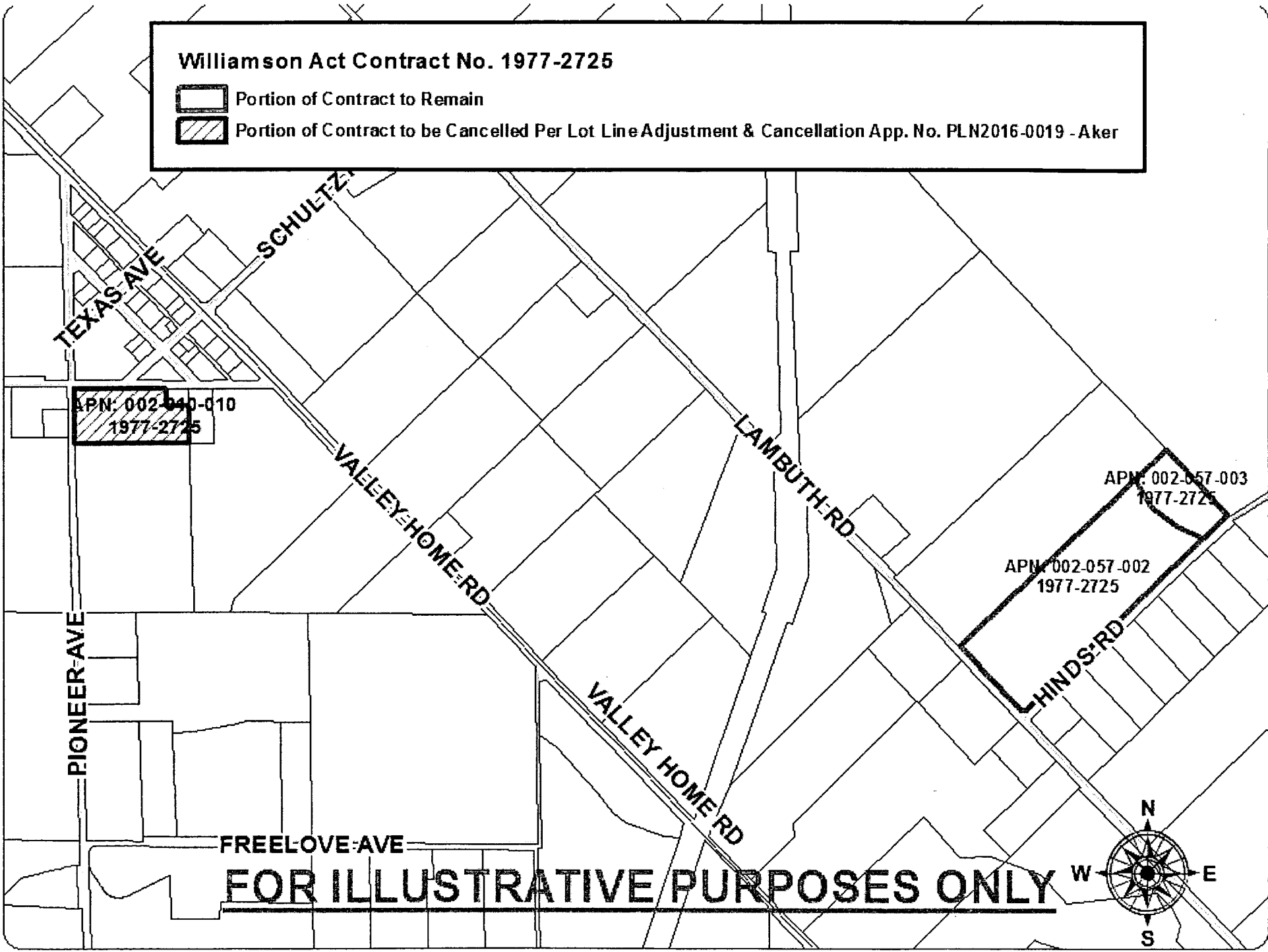
010 02/1/4

Williamson Act Contract No. 1977-2725



Portion of Contract to Remain

Portion of Contract to be Cancelled Per Lot Line Adjustment & Cancellation App. No. PLN2016-0019 - Aker

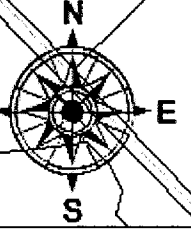


APN: 002-040-010
1977-2725

APN: 002-057-003
1977-2725

APN: 002-057-002
1977-2725

FOR ILLUSTRATIVE PURPOSES ONLY



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND UNLESS OTHERWISE SHOWN BELOW MAIL TAX STATEMENT TO

Name Roger M. Schrimp
Street Damrell, Nelson, Schrimp,
Address Pallios & Ladine
City & State 1601 I Street, 5th Floor
Modesto, CA 95354

Title Order No _____ Lien No _____

Stanislaus, Co Recorder's Office
Karen Mathews, County Recorder

DOC - 94-0095164-00
Acct 400-Miscellaneous Mail Documents
Monday, OCT 03, 1994 15:28:05
REC \$3.00;MOD \$2.00;MIC \$1.00
STF \$0.00;
Ttl Pd \$6.00 Nbr-0000130217
RPJ

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CTC 1-101 (8-93)

Grant Deed

UNADJUSTED PARCEL "A"

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ -0-
unincorporated area City of Valley Home

Parcel No.
computed on full value of interest or property conveyed, or
computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION receipt of which is hereby acknowledged.

Colleen P. Aker, a widow,

hereby GRANT(S) to Colleen Phyllis Aker, Trustee of the Colleen Phyllis Aker Trust under instrument dated September 26, 1994

the following described real property in the City of Valley Home,
county of Stanislaus, state of California

The North 5 acres of the West 1/2 on the Northwest 1/4 of the
Northeast 1/4 of Section 30, Township 1 South, Range 10 East,
Mount Diablo Base and Meridian.

EXCEPTING THEREFROM the North 125 feet of the East 125 feet.

A.P.N. 2-10-10

Dated September 26, 1994

Colleen P. Aker
Colleen P. Aker

STATE OF CALIFORNIA
COUNTY OF Stanislaus
On September 26, 1994

Gregory J. Oliver
a Notary Public in and for said County and State, personally appeared
COLLEEN P. AKER

personally known to me (or 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 he/she/they
signature(s) on the instrument is/are the person(s), or the entity upon behalf
of which the person(s) acted, as defined in the instrument.

WITNESS my hand and official seal
Signature Gregory J. Oliver



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE
Colleen Phyllis Aker, Trustee 4630 Lone Tree Rd. Valley Home, CA 95384

095134 01-394



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

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

January 11, 2017

COLLEEN AKER
1698 PARK VISTA DRIVE
CHICO, CA 95928

GIULIANI & KULL, INC.
KEVIN COLD
440 S. YOSEMITE AVE.
OAKDALE, CA 95361

RE: CERTIFICATE OF CANCELLATION OF A PORTION WILLIAMSON ACT
CONTRACT NO. 77-2725

Dear Ms. Aker:

Please find enclosed a copy of the Certificate of Cancellation for Williamson Act Contract No. 1977-2725 approved by the Board of Supervisors on 01/10/2017. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on 01/11/2017 as Document No. 17-0003917984

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

Sincerely,

Pamela 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

January 11, 2017

COLLEEN AKER
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CHICO, CA 95928

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KEVIN COLD
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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

January 11, 2017

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

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 77-2725

Dear Mr. Bunn:

Enclosed is a copy of the Certificate of Cancellation of a Portion of Williamson Act Contract No. 77-2725. On January 10, 2017, the Board of Supervisors found that all conditions and contingencies of the 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
Board of Supervisors

DECLARATION OF MAILING

**IN RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 77-2725**

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:

GIULIANI & KULL, INC. KEVIN COLD 440 S. YOSEMITE AVE. OAKDALE, CA 95361	COLLEEN AKER 1698 PARK VISTA DRIVE CHICO, CA 95928

In which envelope was then sealed and postage fully prepaid thereon and thereafter, on January 11, 2017, 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- 2017-0002142-00

Wednesday, JAN 11, 2017 10:51:20
Ttl Pd \$0.00 Rcpt # 0003917984
OJC/R2/1-4

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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State of California

By: 
Pamela Lynn Villarreal, Assistant Clerk of the Board

*1977-2725 – Original contract recorded on February 15, 1977, Instrument Number 46630, Volume 2885, Pages 889. Leroy B. Aker and Collen P. Aker.

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 Jan. 11, 2017 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)

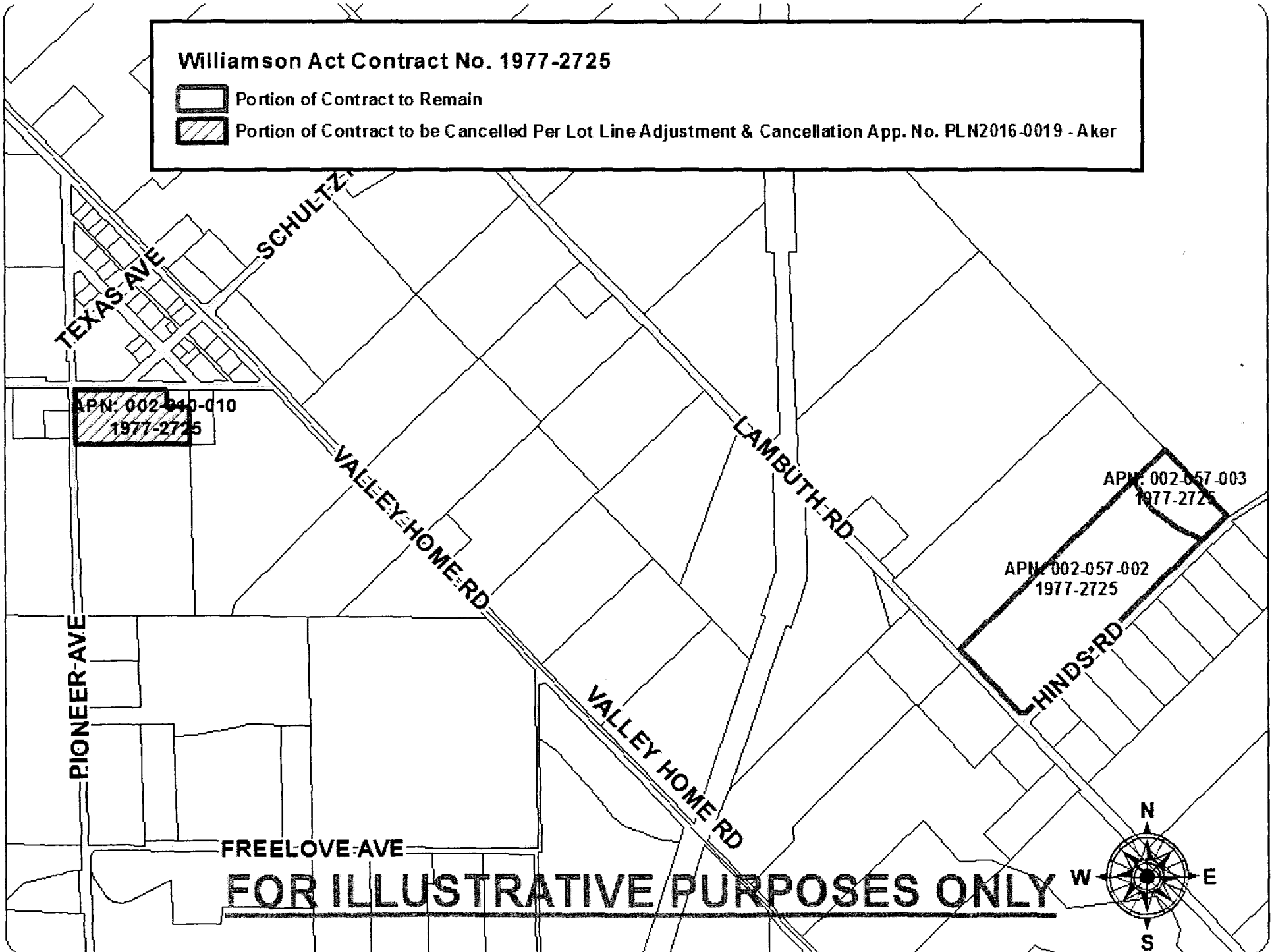


Williamson Act Contract No. 1977-2725



Portion of Contract to Remain

Portion of Contract to be Cancelled Per Lot Line Adjustment & Cancellation App. No. PLN2016-0019 - Aker



RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DEED AND UNLESS OTHERWISE SHOWN BELOW MAIL TAX STATEMENT TO

Name Roger M. Schrimp
Street Damrell, Nelson, Schrimp,
Address Pallios & Ladine
City & State 1601 I Street, 5th Floor
Modesto, CA 95354

Title Order No _____ Lien No _____

Stanislaus, Co Recorder's Office
Karen Mathews, County Recorder

DOC - 94-0095164-00
Acct 400-Miscellaneous Mail Documents
Monday, OCT 03, 1994 15:28:05
REC \$3.00;MOD \$2.00;MIC \$1.00
STF \$0.00;
Ttl Pd \$6.00 Nbr-0000130217
RPJ

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CTC 1-101 (8-93)

Grant Deed

UNADJUSTED PARCEL "A"

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ -0-
 _____ unincorporated area City of Valley Home

Parcel No. _____
 computed on full value of interest or property conveyed, or
 computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION receipt of which is hereby acknowledged.

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hereby GRANT(S) to Colleen Phyllis Aker, Trustee of the Colleen Phyllis Aker Trust under instrument dated September 26, 1994

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The North 5 acres of the West 1/2 on the Northwest 1/4 of the
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EXCEPTING THEREFROM the North 125 feet of the East 125 feet.

A.P.N. 2-10-10

Dated September 26, 1994

Colleen P. Aker
Colleen P. Aker

STATE OF CALIFORNIA)
COUNTY OF Stanislaus) ss
On September 26, 1994 before me

Gregory J. Oliver
a Notary Public in and for said County and State, personally appeared
COLLEEN P. AKER

personally known to me (or 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 he/she/they (or the signature(s) on the instrument) the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal

Signature *Gregory J. Oliver*



MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE, IF NO PARTY SHOWN, MAIL AS DIRECTED ABOVE
Colleen Phyllis Aker, Trustee 4630 Lone Tree Rd. Valley Home, CA 95384

095154 CT-394

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