

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

DEPT: Planning and Community Development

BOARD AGENDA #: *D-3

AGENDA DATE: October 17, 2017

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 3.56 Acre Portion of Williamson Act Contract No. 1971-0064, Located at 3780 Ladd Road, on the Southeast Corner of Ladd and Stoddard Roads, in the Salida Area

BOARD ACTION AS FOLLOWS:

No. 2017-576

On motion of Supervisor Olsen, 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
Urgent Routine

BOARD AGENDA #: *D-3

AGENDA DATE: October 17, 2017

AF

CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 3.56 Acre Portion of Williamson Act Contract No. 1971-0064, Located at 3780 Ladd Road, on the Southeast Corner of Ladd and Stoddard Roads, in the Salida Area

STAFF RECOMMENDATIONS:

1. Find that the condition and contingencies of the Tentative Certificate of Cancellation of a 3.56 acre portion of Williamson Act Contract No. 1971-0064, (original contract name: John C. DeBoer), located at 3780 Ladd Road, on the southeast corner of Ladd and Stoddard Roads, in the Salida Area, have been satisfied.
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by November 17, 2017.

DISCUSSION:

On April 18, 2017, the Board of Supervisors granted tentative approval of a petition to cancel a 3.56 acre portion of Williamson Act Contract No. 1971-0064 for property owned by the Darrin & Sandra Beachler Trust. On May 1, 2017, a Certificate of Tentative Cancellation was recorded as Document Number 2017-0030970, Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$26,250. Said payment was made to Stanislaus County on October 3, 2017 (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. A condition of approval included with Williamson Act Contract Cancellation and Parcel Map application number PLN2016-0108 – Beachler-Rumble requires the Certificate of Cancellation to be recorded in concert with the final parcel map.

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

Authorization to Record a Certificate of Cancellation of a 3.56 Acre Portion of Williamson Act Contract No. 1971-0064, Located at 3780 Ladd Road, on the Southeast Corner of Ladd and Stoddard Roads, in the Salida Area

processing the Williamson Act cancellation tentatively approved as a part of Williamson Act Contract Cancellation and Parcel Map application number PLN2016-0108 – Beachler-Rumble approved by the Board of Supervisors on April 18, 2017.

FISCAL IMPACT:

There are no fiscal impacts associated with this item. Payment in the amount of \$ 26,250 was received by Stanislaus County on October 3, 2017, 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

374656

BATCH KEYED BY _____

DEPOSIT NUMBER: DP- _____

AUDITOR'S DATE: 10/4/2017 *10-4-17*

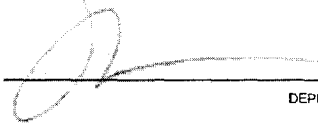
BATCH DATE _____ BATCH NO _____

DEPOSITING SECTION: **TAX COLLECTOR** DEPOSITING SECTION NUMBER: _____

LINE	AMOUNT		FUND	ORG	ACCNT	GL PROJ	LOCATN	MISC	OTHER	DESCRIPTION
	DOLLARS	CENTS								
1	\$26,250.00		6200	0064100	02300			<i>077656</i>	<i>MISC</i>	WILLIAMSON ACT CANCELLATION FEE
2										
3										RUMBLE AG SERVICE, INC.
4										Modesto CA 95357
5										
6										
7										
8										
9										
10										

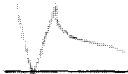
\$26,250.00		TOTAL
NO. OF BILLS	AMOUNT	
0 @100		
0 @50		
0 @20		
0 @10		
0 @5		
0 @2		
0 @1		
COIN		
TOTAL CASH		
CHECKS	\$26,250.00	
TOTAL	\$26,250.00	

I APPROVE DEPOSIT OF THE ABOVE MONIES IN THE COUNTY TREASURY.

BY:  _____ DEPUTY

MONIES LISTED ABOVE HAVE BEEN RECEIVED IN THE COUNTY TREASURY

COUNTY TREASURER

BY:  _____ DEPUTY

REMARKS:

DELIVERED BY Jegan L Raja

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

PERIOD October 3, 2017

Lauren Klein BY: Jegan L Raja 5-6400

DEPARTMENT HEAD: Lauren Klein

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

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 1971-0064

WHEREAS, Darrin & Sandra Beachler Trust, owner of the property described herein, gave written notice of the cancellation of the Williamson Act Contract No. 1971-0064 entered into between the previous owner, John C. DeBoer, the current owner, the Darrin & Sandra Beachler Trust, 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 \$26,250.00;

NOTICE IS HEREBY GIVEN that on October 17, 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 May 1, 2017, as Document No. 2017-0030970-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that Williamson Act Contract No. 1971-0064 originally recorded in Volume 2362 of the Official Records of Stanislaus County, on December 9, 1970, as Instrument Number 41088, affecting the land and improvements located on Assessor's Parcel Nos. 003-021-020 owned by the Darrin & Sandra Beachler Trust has been cancelled. The property is more fully identified as 3.56 gross acres (Parcel No. 1) 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.

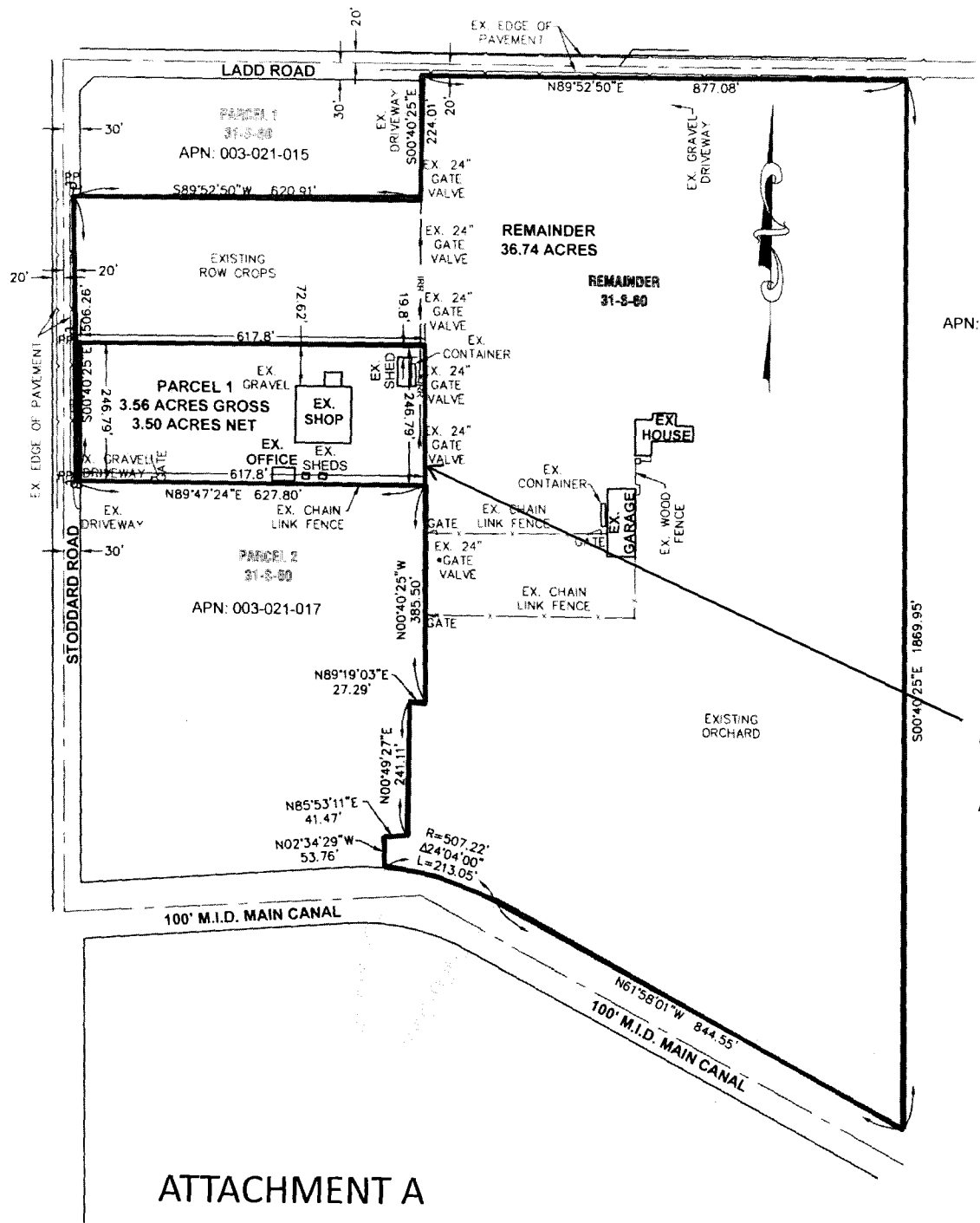
DATED: November 17, 2017

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

*1971-0064 – Original contract recorded on December 9, 1970, Instrument Number 41088, Volume 2362, Pages 75-81, Owner John C. DeBoer.

**WAC & PM PLN2016-0108
BEACHLER - RUMBLE
WILLIAMSON ACT
CONTRACT NO. 1971-0064**



10-8-21

APN: 003-021-002

**3.56 Gross Acre Portion of
Contract No. 1971-0064
to be Cancelled
APN: 003-021-020**

REC'T # **0004043643**
November 02, 2017 ----- 14:16:07

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office

Official # **17-0081458-00**

RECD BY
Free Issue

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

OLD,R2/1/3

RECORDING REQUESTED BY
Stanislaus County Board of Supervisors
NO FEE

AND WHEN RECORDED MAIL TO:

Stanislaus County Board of Supervisors
Pamela L. Villarreal, Assistant Clerk
1010 10th Street, Suite 6500
Modesto, CA 95354



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2017-0081458-00

Thursday, NOV 02, 2017 14:16:07
Ttl Pd \$0.00 Rcpt # 0004043643
OLD/R2/1-3

**CERTIFICATE OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NUMBER 1971-0064**

WHEREAS, Darrin & Sandra Beachler Trust, owner of the property described herein, gave written notice of the cancellation of the Williamson Act Contract No. 1971-0064 entered into between the previous owner, John C. DeBoer, the current owner, the Darrin & Sandra Beachler Trust, 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 \$26,250.00;


NOTICE IS HEREBY GIVEN that on October 17, 2017, the Board of Supervisors of the County of Stanislaus, State of California, determined that the conditions and contingencies enumerated in the Certificate of Tentative Cancellation, recorded May 1, 2017, as Document No. 2017-0030970-00 have been satisfied. Note, the Certificate of Tentative Cancellation incorrectly stated the date of recording for Williamson Act Contract 1971-0064 as December 8, 1970, when in fact the date of recording was December 9, 1970.

NOTICE IS HEREBY GIVEN, that Williamson Act Contract No. 1971-0064 originally recorded in Volume 2362 of the Official Records of Stanislaus County, on December 9, 1970, as Instrument Number 41088, affecting the land and improvements located on Assessor's Parcel Nos. 003-021-020 owned by the Darrin & Sandra Beachler Trust has been cancelled. The property is more fully identified as 3.56 gross acres (Parcel No. 1) 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: October 17, 2017

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

*1971-0064 – Original contract recorded on December 9, 1970, Instrument Number 41088, Volume 2362, Pages 75-81, Owner John C. DeBoer.

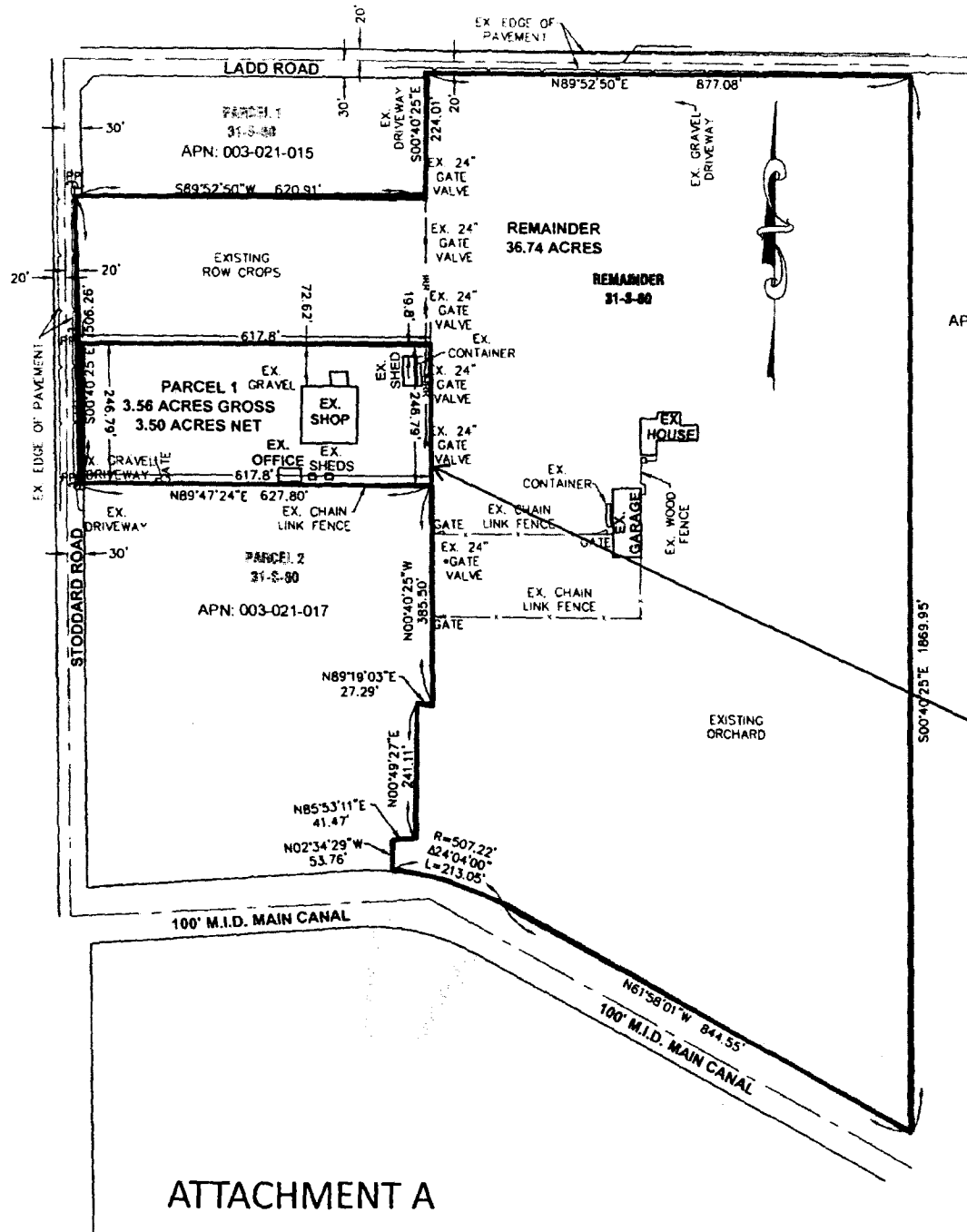
30

**WAC & PM PLN2016-0108
 BEACHLER - RUMBLE
 WILLIAMSON ACT
 CONTRACT NO. 1971-0064**

10-S-21

APN: 003-021-002

**3.56 Gross Acre Portion of
 Contract No. 1971-0064
 to be Cancelled
 APN: 003-021-020**



ATTACHMENT A

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

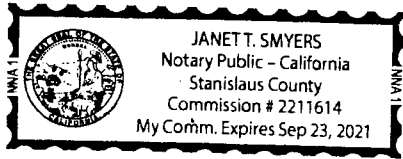
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Stanislaus)
On November 2, 2017 before me, Janet T Smyers, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Pamela L. Villarreal
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 Janet T Smyers
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: Williamson Act Cancel 1971-0064 Document Date: October 17, 2017
Number of Pages: 2 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Pamela L. Villarreal
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: Asst Clerk of the Board
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: _____



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

November 2, 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. 71-0064 – BEACHLER – RUMBLE

Dear Mr. Bunn:

Enclosed is a copy of Certificate of Cancellation of a Portion of Williamson Act Contract No. 1971-0064 – Beachler – Rumble. On October 17, 2017, the Stanislaus County 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 209-525-6330 or the Board of Supervisors at 209-525-6415.

Sincerely,

Pam Villarreal, Assistant Clerk
Board of Supervisors



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

November 2, 2017

Darin Beachler
3780 Ladd Road
Modesto, CA 95356

Dave Romano, P.E., AICP
1034 12th Street
Modesto, CA 95354

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 71-0064 – BEACHLER - RUMBLE

Dear Applicant:

Please find enclosed a copy of the Certificate of Cancellation for a portion of Williamson Act Contract No. 71-0064 approved by the Board of Supervisors on October 17, 2017. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on November 2, 2017 as Document No. 2017-0081458-00.

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

Sincerely,

Pamela L. Villarreal
Assistant Clerk of the
Board of Supervisors

DECLARATION OF MAILING

IN RE: CANCELLATION OF A PORTION OF WILLIAMSON ACT CONTRACT NO.
1971-0064 BEACHLER - RUMBLE

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:

DAVE ROMANO, P.E., AICP, 1034 12TH STREET MODESTO, CA, 95354	DARIN BEACHLER 3780 LADD ROOD MODESTO, CA, 95356
--	--

which envelope was then sealed and postage fully prepaid thereon and thereafter, on November 2, 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.