

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

DEPT: PUBLIC WORKS *CP*

BOARD AGENDA# 9:30 a.m.

Urgent _____ Routine ☒

AGENDA DATE JUNE 11, 2002

CEO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES ☒ NO _____

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

STAFF
RECOMMEN-
DATIONS:

1. MAKE FINDINGS THAT: (1) THE PUBLIC INTEREST AND NECESSITY REQUIRE THE PROPOSED PROJECT; (2) THE PROPOSED PROJECT IS PLANNED OR LOCATED IN THE MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; (3) THE PROPERTY DESCRIBED IN THE RESOLUTION IS NECESSARY FOR THE PROPOSED PROJECT; AND (4) THAT THE OFFER REQUIRED BY SECTION 7267.2 OF THE GOVERNMENT CODE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY TO BE ACQUIRED;

(CONTINUED ON PAGE 2)

FISCAL
IMPACT:

There is no fiscal impact to the County, all costs of acquisition are the responsibility of the developer.

BOARD ACTION AS FOLLOWS:

No. 2002-444

On motion of Supervisor Caruso, Seconded by Supervisor Paul
and approved by the following vote,
Ayes: Supervisors: Paul, Blom, Simon, Caruso, and Chairman Mayfield
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

- 1) _____ Approved as recommended
- 2) _____ Denied
- 3) ☒ Approved as amended

MOTION:

SEE ATTACHED PAGE 1-A FOR AMENDED MOTION

Christine Ferraro

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

PAGE: 1-A

Based upon staff reports and all attachments A-L and other written correspondence, testimony received at the hearing and comments from Boardmembers, the Board states they have received and considered staff reports and testimony today; the Board adopts the four staff recommendations set forth on pages 1 and 2 of the staff report and adopts the additional findings; the Board finds that the public interest and necessity require the proposed project (construction of the primary access road for the Diablo Grande Planned Development Project); finds that the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; finds the property described in the resolution is necessary for the proposed project; finds the offer required by GC §7267.2 has been made to the owners of record of the property to be acquired; finds pursuant to GC §51292, that the location of the improvements is not based primarily on a condition of the lower costs of acquired land in an agricultural preserve; finds that there is no land within or outside the preserve on which it is reasonably feasible to locate the public improvement; adopted a Resolution of Necessity, and authorized County Counsel in conjunction with outside counsel, Mr. Balestracci, to initiate eminent domain proceedings to acquire the affected properties; that topography and design standards are the primary consideration for location, the Board finds that the finding in section 51292(a) can be made; the location of the cut-across road is limited by the location of the subdivision and Interstate 5, as well as the existing connector roads and points of intersection with Interstate 5, three alternatives to the proposed alignment were evaluated, the alternatives were determined to be impractical for reasons of cost, traffic flow, or engineering limitations, or a combination of these reasons and, based upon these factors, the Board finds that the finding in section 51292(b) can be made; the road location is primarily based upon topography and design standards needed to make the most direct route from the project to the highway; the Board finds that the conditions for determining public necessity have been satisfied; and, the Board finds that the two conditions required under section 51292, the Williamson Act, have been satisfied – PW

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

PAGE: 2

**STAFF
RECOMMEND-
ATIONS**

- (Continued):**
2. MAKE FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 51292 THAT: (1) THE LOCATION OF THE ROAD IS NOT BASED PRIMARILY ON A CONDITION OF THE LOWER COSTS OF ACQUIRED LAND IN AN AGRICULTURAL PRESERVE; AND (2) THERE IS NO LAND WITHIN OR OUTSIDE THE PRESERVE ON WHICH IT IS REASONABLY FEASIBLE TO LOCATE THE PUBLIC IMPROVEMENT;
 3. ADOPT A RESOLUTION OF NECESSITY IN THE FORM ATTACHED HERETO AS ATTACHMENT A; AND,
 4. AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE THE AFFECTED PROPERTIES.

DISCUSSION: Diablo Grande proposes to construct Diablo Grande Parkway, also referred to as the "cut across road", from Del Puerto Canyon Road to a point approximately 6,300 feet Southwest of Del Puerto Canyon Road. As part of the Diablo Grande project, the cut-across road was approved by the Board of Supervisors on December 7, 1999, following recertification of all appropriate documentation under CEQA. The project incorporates developing the full length of Diablo Grande Parkway from its intersection of Interstate 5 to its intersection of Oak Flat Road. This project is needed because previous approvals of the Diablo Grande project require the primary project access road to be constructed as a four (4) lane roadway in this location. This road will ultimately become a County maintained public road. (See Attachment B.)

The project description, as approved, includes the "cut across road" as a major component of the development. Mitigation Measures H-2 and H-5 for the project specifically requires that this road be constructed to four (4) lanes, attached as (Attachment C). The Conditions of Approval for the Tentative Map 97-01, attached as (Attachment D); numbered 3, 4, 27, 29 and 33 specify that construction, dedication and acceptance by the County of the road is required prior to the acceptance of the final subdivision map.

Because of construction scheduling, it is necessary to obtain immediate possession of the parcel that has not already been acquired. Section 1245.235 of the Code of Civil Procedures requires that a hearing be conducted by the Board on whether a resolution of necessity should be adopted to institute condemnation proceedings. On April 9, 2002, you authorized a necessity hearing for today's date and instructed County Counsel to inform affected property owners of the hearing. Pursuant to Government Code of Civil Procedure Section 7267.2, the landowners were served with written notice of this hearing, a copy of which is attached as (Attachment E). The

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

PAGE: 3

DISCUSSION

(Continued):

necessary initial steps in the condemnation procedure have completed. Today's hearing is to give affected property owners and others an opportunity to be heard on three separate issues as stipulated by Civil Code 1240.030 as condemnation criteria. The three issues are as follows: (1) whether the public interest and necessity require the project; (2) whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private harm; and (3) whether the property sought to be acquired is necessary for the project.

The Public Works Department offers the following brief statements in response to each of the above mentioned criteria:

1. The Public Interest and necessity require the project. The expected daily projected traffic volume on Diablo Grande Parkway at full build-out of the Phase 1 Diablo Grande project, as approved by the Board of Supervisors on December 7, 1999 is approximately 9,850 trips per day. An additional 3,920 vehicles per day are expected to use old Oak Flat Road. The original approvals of the Diablo Grande project in 1993, and subsequent approvals in 1997 and 1999 all envisioned the primary access to the project would be along a newly constructed County-maintained road beginning at the Interstate Highway 5 intersection with Sperry/Del Puerto Canyon Roads and traversing the intervening rangeland to Oak Flat Road, and subsequently to the project property boundary. This access has commonly been referred to as the "cut-across road".

A 3-mile stretch of Diablo Grande Parkway was built between 1995 and 1996 roughly following the old alignment of old Oak Flat Road. Oak Flat Road, from its intersection with Ward Avenue, has been the only access to this portion of Diablo Grande Parkway and to the Diablo Grande project to date. Although this is acceptable at the current state of development of the Diablo Grande project, the lower 3 miles of Oak Flat Road are not designed or constructed to handle traffic volumes expected with build-out of the Diablo Grande project. The remaining approximately 3.4-mile portion of Diablo Grande Parkway from Interstate Highway 5 to the previously constructed section is required to complete the primary access to Diablo Grande.

Mitigation Measures defined on pages H-2 and H-5 of the Diablo Grande Mitigation Monitoring and Reporting Plan stipulate that the project access road between Del Puerto Canyon and Oak Flat Road should be constructed to 4-lanes. The mitigation measure defined on page H-22 of the Diablo Grande Mitigation Monitoring and Reporting Plan further defines the phasing required for full 4-lane construction of this road. Conditions of approval 3, 4, 27 and 29

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

PAGE: 4

DISCUSSION

(Continued):

for the first unit tentative map (TM97-01) for the Diablo Grande project further require complete construction and acceptance by the County of the "cut-across road" prior to occupancy of any new home or the hotel at Diablo Grande. As determined by the environmental documentation and findings for the Diablo Grande project, including traffic reports and analysis, which are incorporated herein by reference, the planned construction of the "cut-across road" is in the public's interest and is necessary for development of Diablo Grand.

2. The project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury. The project has been aligned to conform with suitable topography and County Road design standards as required with the approvals of the Diablo Grande project. The alignment has always been envisioned to traverse portions of previously unimproved parcels between Interstate Highway 5 and the Diablo Grande project boundary, with only three (3) landowners affected.

Diablo Grande Parkway, as proposed, will provide direct access to the Diablo Grande project from Interstate Highway 5, from Sperry Road, and to the City of Patterson without the need to improve and generate large traffic volumes on nearby agricultural roadways such as Ward Avenue. Lower Oak Flat Road will continue to be used to access Diablo Grande, but will provide only secondary access from those local agricultural roads.

The roadway has been designed to minimize impacts to endangered species and mitigation/compensation lands have already been acquired on adjacent private lands by Diablo Grande for potential impacts to San Joaquin kit fox.

Because all impacts to wetlands from construction of the County-maintained portion of the road could not be completely avoided, a Section 404 permit is required from the US Army Corps of Engineers to construct the road. This permit has been incorporated into Diablo Grande's overall project-wide permitting process with the Corps. The proposed road alignment has also been modified to reduce impacts to these adjacent wetlands as much as possible as required by the Corps.

Mitigation is required for the remaining unavoidable impacts to wetlands associated with construction of the Diablo Grande project and specifically with construction of the "cut-across road". Mitigation plans have been designed to compensate for minor impacts to these resources and include expansion of a small seep impacted by construction of the County-maintained roadway. The seep mitigation area is located immediately adjacent to the road right-of-way.

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

PAGE: 5

DISCUSSION

(Continued):

Diablo Grande is responsible for acquisition of the permit and development of the mitigation area as required in the Mitigation Monitoring and Reporting Plan and as further required by Condition of Approval number 6 for the first unit tentative map (TM97-01) for the Diablo Grande project. They will also be responsible for providing on-going maintenance of the seep mitigation area. Environmental documentation regarding the Diablo Grande project has consistently envisioned construction of the "cut-across road" as integral part of the Diablo Grande project. Specific mitigation measures have been designed to offset potentially significant impacts associated with construction of Diablo Grande Parkway as much as possible. Where potential impacts related to the Diablo Grande project could not be mitigated to a level of insignificance, findings of overriding considerations were made by the Board of Supervisors.

All appropriate state and federal permits required for construction have either been obtained by Diablo Grande or are expected shortly. For example, a NPDES permit has been obtained from the State Regional Water Quality Control Board by the Diablo Grande proponents as required, and a detailed Storm Water Pollution Prevention Plan has been prepared and approved specifically for construction of Diablo Grande Parkway. The Corps of Engineers permit is awaiting final minor modification to the proposed mitigation plan.

3. The property sought to be acquired is necessary for the project. The proposed Diablo Grande Parkway road alignment has been planned since 1993 as an ultimate 4-lane roadway that traverses the rangeland from the Interstate Highway 5 intersection with Del Puerto Canyon Road to the Diablo Grande Project boundary. This road is designed to handle all traffic volumes generated from the Diablo Grande Phase 1 project as approved in 1999. Most of the necessary right-of-way has been acquired by the Diablo Grande project proponents and will be transferred to the County following completion of construction. The remaining approximately 6,400 feet portion of the right-of-way, slope easements, and seep mitigation area is needed to complete the approximately 6-mile long primary access to the Diablo Grande project.
4. Offers of just compensation have been made. All of the right-of-way needed for the Diablo Grande access road project has been purchased from the landowners through negotiation, except for one parcel (APN 021-25-18) owned by Alison S. Hengehold, et. al. The firm of Cogdill and Giomi was retained to appraise the Hengehold property and ascertain the fair market value of the property for the purpose of determining an amount for just compensation under Government Code sections 7267.1 and 7267.2. By letter dated March 20, 2002, a copy of which is attached as (Attachment F), the County made an offer to the owners of the Hengehold property to acquire the land

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

PAGE: 6

DISCUSSION

(Continued):

necessary for the project for the full amount established by such appraisal, and provided a written statement of and summary of the basis for the amount established as just compensation. A copy of the County's last offer to purchase portions of the parcel necessary for the project is attached to this report, along with the legal description for the property to be acquired.

Williamson Act Findings

In addition to the findings of necessity, the Williamson Act requires the Board to make findings that (1) the location of the road is not based primarily on a condition of the lower cost of acquired land in an agricultural preserve, and (2) there is no land within or outside the preserve on which it is reasonably feasible to locate the public improvements. (Gov. Code, § 51292) As previously discussed, the project has been aligned to conform with suitable topography and County Road design standards, and the road alignment is designed to provide direct access from the Diablo Grande project to Interstate Highway 5. In sum, the road location is based primarily on topography and design standards needed to make the most direct route from the project to the highway. Further, all land in the vicinity is subject to Williamson Act contract and, therefore, it is not feasible to locate the road on non-preserve land (Attachment G). The findings required by the Williamson Act can be made under the facts of this matter.

Pursuant to Government Code Section 51291, the California Department of Conservation was notified that the County intended to acquire land under Williamson Act Contract and requested comments regarding the effect of the proposed acquisition (Attachment H). The Department requested additional information (Attachment I) and, requested documentation and information that supports the County's findings under section 51292. In addition, by letter dated May 10, 2002 (Attachment K) the developer sent the Department requested documentation about the wetland mitigation area, including the (1) Section 404 Permit issued by the Army Corps of Engineers; (2) Wetlands Mitigation and Monitoring Plan, Diablo Grande (Oak Flat Village); and (3) Preserve Management Plan Diablo Grande (Oak Flat Village); and (4) 404(b) (1) Alternatives Analysis-Oak Flat Village.

By letter dated May 22, 2002 (Attachment L), the County provided the Department further clarification to support the required findings. The County also explained that findings under section 51292 were not required to be made for the wetland mitigation area because of applicable exemptions.

Under Government Code section 51293 (e)(2), the wetland mitigation area is exempt from findings under Section 51292 because it fits the definition of a public works required for fish and wildlife enhancement and preservation. As detailed in the documentation about the wetland mitigation area provided by the developer, the

SUBJECT: PUBLIC HEARING TO CONSIDER THE APPROVAL TO ADOPT A RESOLUTION OF NECESSITY TO INITIATE AND COMPLETE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE PROPERTY FOR CONSTRUCTION OF THE PRIMARY ACCESS ROAD FOR THE DIABLO GRANDE PLANNED DEVELOPMENT PROJECT; AND, IF APPROPRIATE, TO AUTHORIZE COUNTY COUNSEL TO INITIATE EMINENT DOMAIN PROCEEDINGS TO CONDEMN THE REMAINING UNACQUIRED PARCELS

PAGE: 7

DISCUSSION

(Continued): Department of Army Permit requires the developer to offset the impacts to jurisdictional wetlands and effects to wildlife habitat of special status species. The preserve management plan for all mitigation must be submitted to and approved by the U.S. Fish and Wildlife Service ("USFWS") and the California Department of Fish and Game. It is clear that these responsible agencies consider the wetland mitigation area an improvement to fish and wildlife habitat.

The wetland mitigation area also is exempt from findings under Section 51293 (j) because it is a fee interest being acquired in order to restrict the land to open space uses as defined by subdivision (o) of Section 51201. The wetland mitigation area is an "open space use" in that it will be used and maintained in a manner that enhances and preserves its natural characteristics, beauty and openness, and will provide essential habitat for wildlife that utilize and depend on aquatic ecosystems. The mitigation area obviously is within a "managed wetland area" in that water is an integral part of the mitigation, and the area has been in an agricultural preserve for more than the past three consecutive years and maintained for grazing purposes. The wetland mitigation area is being acquired to provide open space use in a managed wetland and, therefore, is exempt under Government Code section 51293 (j).

Recommendations

We recommend that you: (1) find that the four conditions for determining public necessity have been satisfied; (2) find that the two conditions required under the section 51292 of the Williamson Act have been satisfied and that the wetland mitigation area is exempt from those findings; (3) adopt a Resolution of Necessity to commence eminent domain proceedings to acquire the subject property; and (4) authorize County Counsel to initiate eminent domain proceedings to acquire the subject property.

POLICY

ISSUES: This action is consistent with facilitating economic development.

STAFFING

IMPACT: There are no staffing impacts related with this item.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: June 11, 2002

No. 2002-444

On motion of Supervisor _____ Caruso _____ Seconded by Supervisor _____ Paul _____
and approved by the following vote,
Ayes: Supervisors: _____ Paul, Blom, Simon, Caruso, and Chairman Mayfield _____
Noes: Supervisors: _____ None _____
Excused or Absent: Supervisors: _____ None _____
Abstaining: Supervisor: _____ None _____

Item: 9:30 a.m.

THE FOLLOWING RESOLUTION WAS ADOPTED:

**APPROVING RESOLUTION OF NECESSITY OF THE
STANISLAUS COUNTY BOARD OF SUPERVISORS AND
DIRECTING THAT AN ACTION IN EMINENT DOMAIN
BE INSTITUTED FOR THE ACQUISITION OF
REAL PROPERTY FOR CONSTRUCTION OF A ROADWAY,
NECESSARY EASEMENTS, AND MITIGATION MEASURES**

WHEREAS, Section 25350.5 of the Government Code authorizes the Board of Supervisors of any County to acquire by eminent domain any property necessary to carry out any of the powers or functions of the County; and

WHEREAS, Section 66462.5 of the Government Code authorizes a local government entity to acquire an interest in land which will permit the Diablo Grande Limited Partnership ("DEVELOPER") to construct a roadway providing access to subdivided lands, and mitigation of effects of that road construction as a requirement of Tentative Map Conditions imposed by the County on the DEVELOPER; and

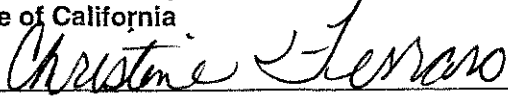
WHEREAS the conditions of the Tentative Map requires the DEVELOPER to pay all costs associated with acquiring the property upon which the improvements will be constructed, including appraisal and attorney fees and court costs, to be paid directly to Independent counsel mutually agreed upon by the DEVELOPER and County, and the County shall have no obligation therefor; and

WHEREAS, the County and DEVELOPER have mutually agreed that the law offices of Neumiller & Beardslee will act as independent counsel to act as the agent on behalf of the County to meet all of the requirements of Government Code Section 66462.5; and

WHEREAS, the real property to be taken is described in Exhibits "A", "B", "C", and "D" attached hereto and made a part hereof; and

WHEREAS, the public interest and necessity require the acquisition of said interests in real property for the purpose of construction of a roadway, its appurtenances, and mitigation measures, and

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California


By: Deputy

338518-2

File No.

WHEREAS, notice has been properly given as required by and according to the provisions of Section 1245.235 of the California Code of Civil Procedure, and a public hearing has been held at which all persons whose property may be acquired by eminent domain and whose name and address appear on the last equalized County Assessment Roll have been given a reasonable opportunity to appear and be heard by the Board of Supervisors on the matters set forth in Code of Civil Procedure Sections 1240.030 and 1240.510; and

WHEREAS, notice has been properly given to the Director of Conservation pursuant to Government Code section 51291 of the intent to consider the property for location of the project; and

WHEREAS, a two-thirds vote of all of the members of the Board of Supervisors is required for adoption hereof,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stanislaus County that the following findings be made:

1. That the public interest and necessity require the acquisition of the real property interests described in Exhibit "A", "B", "C", and "D" attached hereto and incorporated by this reference for the purpose of constructing a roadway, slope easements, temporary construction easements, and wetlands mitigation measures for its construction;
2. That the property to be acquired and the project to be developed are planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
3. That the property sought to be acquired is necessary for the proposed project;
4. The location of the project is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve;
5. There is no other land within or outside the agricultural preserve on the property to be acquired on which it is reasonably feasible to locate the roadway, necessary easements, and wetland mitigation measures; and
6. The offer required by Section 7267.2 of the Government Code has been made to the owners of record.

BE IT FURTHER RESOLVED as follows:

1. That the law firm of Neumiller & Beardslee, as independent special counsel for the County, and being mutually acceptable to the DEVELOPERS, is hereby authorized to institute and conduct to the conclusion an action in eminent domain in the Superior Court of the State of California for the County of Stanislaus for the acquisition of the described interests in real property and to take such action as is necessary to accomplish this upon direction of the Board of Supervisors.

2. The law firm of Neumiller & Beardslee, as independent special counsel for the County, is also hereby authorized to obtain an order for prejudgment possession of the herein described real property and any other orders reasonably necessary for the prosecution of the action in eminent domain, or which may be necessary for the orderly completion of the proposed project.

BE IT FURTHER RESOLVED that the Auditor/Controller of Stanislaus County is directed to draw all necessary warrants payable to the State Treasurer or County Clerk in the amount specified in the Written Summary of Just Compensation prepared in accordance with Code of Civil Procedure Sections 1255.010, et seq. All warrants shall be drawn from the County Treasury. No warrant shall be drawn on that account for purposes of furthering the eminent domain action unless sufficient funds have been deposited to fund any such warrant.

LEGAL DESCRIPTION

All that portion of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987176.500 feet and E= 6360193.338 feet, said point being North $89^{\circ}12'06''$ West 4828.41 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South $89^{\circ}01'49''$ East 409.55 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, along the south line of said southwest quarter of Section 34, North $89^{\circ}01'48''$ West 60.87 feet to a point on a non-tangent curve to the right, having a radius of 1550.00 feet, whose radius point bears South $54^{\circ}53'57''$ East; thence northeasterly, along the arc of said curve, through a central angle of $1^{\circ}22'50''$, an arc distance of 37.35 feet; thence North $36^{\circ}28'53''$ East 761.52 feet to the beginning of a curve to the left, having a radius of 950.00 feet and a central angle of $39^{\circ}46'14''$; thence northeasterly, along the arc of said curve, 659.42 feet; thence North $03^{\circ}17'21''$ West 763.11 feet to the beginning of a curve to the right, having a radius of 750.00 feet and a central angle of $48^{\circ}25'33''$; thence northeasterly, along the arc of said curve, 633.89 feet; thence North $45^{\circ}08'12''$ East 2167.74 feet to the beginning of a curve to the right, having a radius of 1050.00 feet and a central angle of $22^{\circ}52'04''$; thence northeasterly, along the arc of said curve, 419.08 feet; thence North $68^{\circ}00'16''$ East 373.83 feet to the beginning of a curve to the left, having a radius of 25.00 feet and a central angle of $101^{\circ}10'55''$; thence northerly, along the arc of said curve, 44.15 feet to a point of compound curvature; thence northwesterly, along the arc of a curve to the left, having a radius of 270.00 feet, whose radius point bears South $56^{\circ}49'21''$ West, through a central angle of $25^{\circ}40'32''$, an arc distance of 120.99 feet to a point of cusp on the southerly line of that certain parcel of land conveyed to the State of California and described as Parcel No. 2 in the Grant Deed recorded February 10, 1965 in Book 2011 of Official Records, at Page 106, Stanislaus County Records; thence along the southerly line of said Parcel No. 2 the following two (2) courses:
1) South $74^{\circ}29'44''$ East 74.78 feet to the beginning of a curve to the left, having a radius of 890.00 feet and a central angle of $37^{\circ}30'00''$;

2) Easterly, along the arc of said curve, 582.50 feet; thence leaving said southerly line, on a non-tangent line, South $21^{\circ}59'44''$ East 10.00 feet; thence South $68^{\circ}00'16''$ West 950.65 feet to the beginning of a curve to the left, having a radius of 950.00 feet and a central angle of $22^{\circ}52'04''$; thence southwesterly, along the arc of said curve, 379.16 feet; thence South $45^{\circ}08'12''$ West 2167.74 feet to the beginning of a curve to the left, having a radius of 650.00 feet and a central angle of $48^{\circ}25'33''$; thence southwesterly, along the arc of said curve, 549.37 feet; thence South $03^{\circ}17'21''$ East 763.11 feet to the beginning of a curve to the right, having a radius of 1050.00 feet and a central angle of $39^{\circ}46'14''$; thence southwesterly, along the arc of said curve, 728.83 feet; thence South $36^{\circ}28'53''$ West 727.83 feet to the south line of the southwest quarter of said Section 34; thence along said south line, North $89^{\circ}01'48''$ West 61.42 feet to the point of beginning.

Containing 14.194 Acres, more or less

Subject to existing easements and rights-of-way of record.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



EXP: 12-31-03

COORDINATES, BEARINGS AND DISTANCES ARE
BASED ON THE CALIFORNIA COORDINATE SYSTEM,
NAD 83, ZONE 3. DISTANCES ARE GRID.
TO CONVERT TO GROUND DISTANCE MULTIPLY
THE GRID DISTANCE BY 1.0007847.

DEL PUERTO
CANYON ROAD

OWNER
ALISON HENGHOLD ET. AL.
I. N. 58-072762

LEGEND:

- ① SEE LINE TABLE SHEET 2
- ② SEE CURVE TABLE SHEET 2

SCALE 1" = 600'

100.00'

100.00'

AREA OF TAKE

14.194 Acres

POINT OF BEGINNING

N= 1987176.500
E= 6360193.338

DETAIL "A"

SCALE: 1" = 200'

SEC. 33

SEC. 34

SEC. 34

T. 5 S, R. 7 E.

N= 1987109.216
E= 6365021.283

SEC. 4

SEC. 3

SEE DETAIL "A"

T. 6 S, R. 7 E.

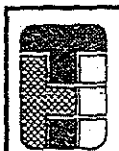
SEC COR
FD ROCK W/ "X"

SHEET 1 of 2

HENGHOLD PROPERTY
WITH CUT ACROSS ROAD

DATE: JAN 07, 2002

**DIABLO GRANDE
PARKWAY**



**THOMPSON-HYSELL
ENGINEERS**

A DIVISION OF THE KEITH COMPANIES
1016 12TH ST. - MODESTO, CA 95354

LINE TABLE:

NO.	BEARING	DISTANCE
1	N 89°01'48" W	60.87'
2	N 68°00'16" E	373.83'
3	S 56°49'21" W	270.00'
4	N 31°08'49" E	270.00'
5	S 74°29'44" E	74.78'
6	S 21°59'44" E	10.00'
7	N 89°01'48" W	61.42'

CURVE TABLE:

NO.	DELTA	RADIUS	LENGTH
1	01°22'50"	1550.00'	37.35'
2	39°46'14"	950.00'	659.42'
3	48°25'33"	750.00'	633.89'
4	22°52'04"	1050.00'	419.08'
5	101°10'55"	25.00'	44.15'
6	25°40'32"	270.00'	120.99'
7	37°30'00"	890.00'	582.50'
8	22°52'04"	950.00'	379.16'
9	48°25'33"	650.00'	549.37'
10	39°46'14"	1050.00'	728.83'

COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, NAD 83, ZONE 3. DISTANCES ARE GRID. TO CONVERT TO GROUND DISTANCE MULTIPLY THE GRID DISTANCE BY 1.0007847.

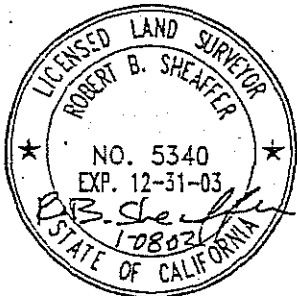
SCALE

1" = 300'

PARCEL NO. 2
BK. 2011 O.R. PG. 106
STANISLAUS COUNTY RECORDS

DEL
PUERTO
CANYON ROAD

INTERSTATE 5



N 45°08'12" E
2167.74'
S 45°08'12" W
2167.74'

950.65'
S 68°00'16" W

OWNER
ALISON HENGHOLD
I. N. 88 072762

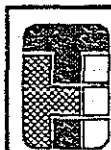
LEGEND:

- ① SEE LINE TABLE SHEET 2
- ② SEE CURVE TABLE SHEET 2

SHEET 2 of 2

HENGHOLD PROPERTY
WITH CUT ACROSS ROAD

DIABLO GRANDE
PARKWAY



THOMPSON-HYSELL
ENGINEERS

A DIVISION OF THE KEITH COMPANIES

1016 12TH ST. - MODESTO, CA 95354

DATE • JAN 07 2002

LEGAL DESCRIPTION
(Wetlands Mitigation Area)

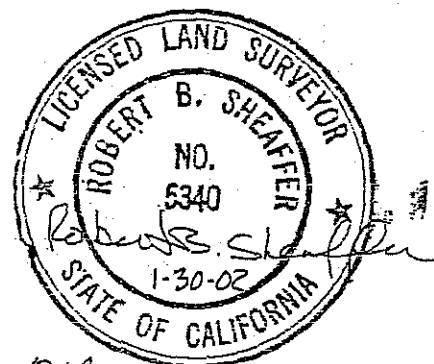
Being all that portion of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at a point having coordinates of N= 1990844.257 feet and E= 6362182.763 feet, said point being North 37°14'02" West 4691.24 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 33°14'12" East 4376.81 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 45°08'12" East 552.83 feet to the beginning of a curve concave to the southeast, having a radius of 950.00 feet and a central angle of 22°52'04"; thence northeasterly, along the arc of said curve, 379.16 feet; thence North 68°00'16" East 71.96 feet; thence South 47°52'04" East 63.01 feet; thence South 43°41'16" East 37.44 feet; thence South 23°38'34" East 49.00 feet; thence South 05°12'35" West 84.40 feet; thence South 31°29'02" West 137.79 feet; thence South 31°33'34" West 141.33 feet; thence South 59°03'56" West 100.00 feet; thence South 57°30'32" West 91.71 feet; thence South 43°31'42" West 135.31 feet; thence North 77°05'16" West 89.78 feet; thence South 16°25'17" West 77.38 feet; thence South 45°43'39" West 70.61 feet; thence South 53°17'47" West 100.00 feet; thence North 62°15'05" West 100.00 feet; thence North 44°51'48" West 179.48 feet to the point of beginning.

Containing 6.748 Acres, more or less.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



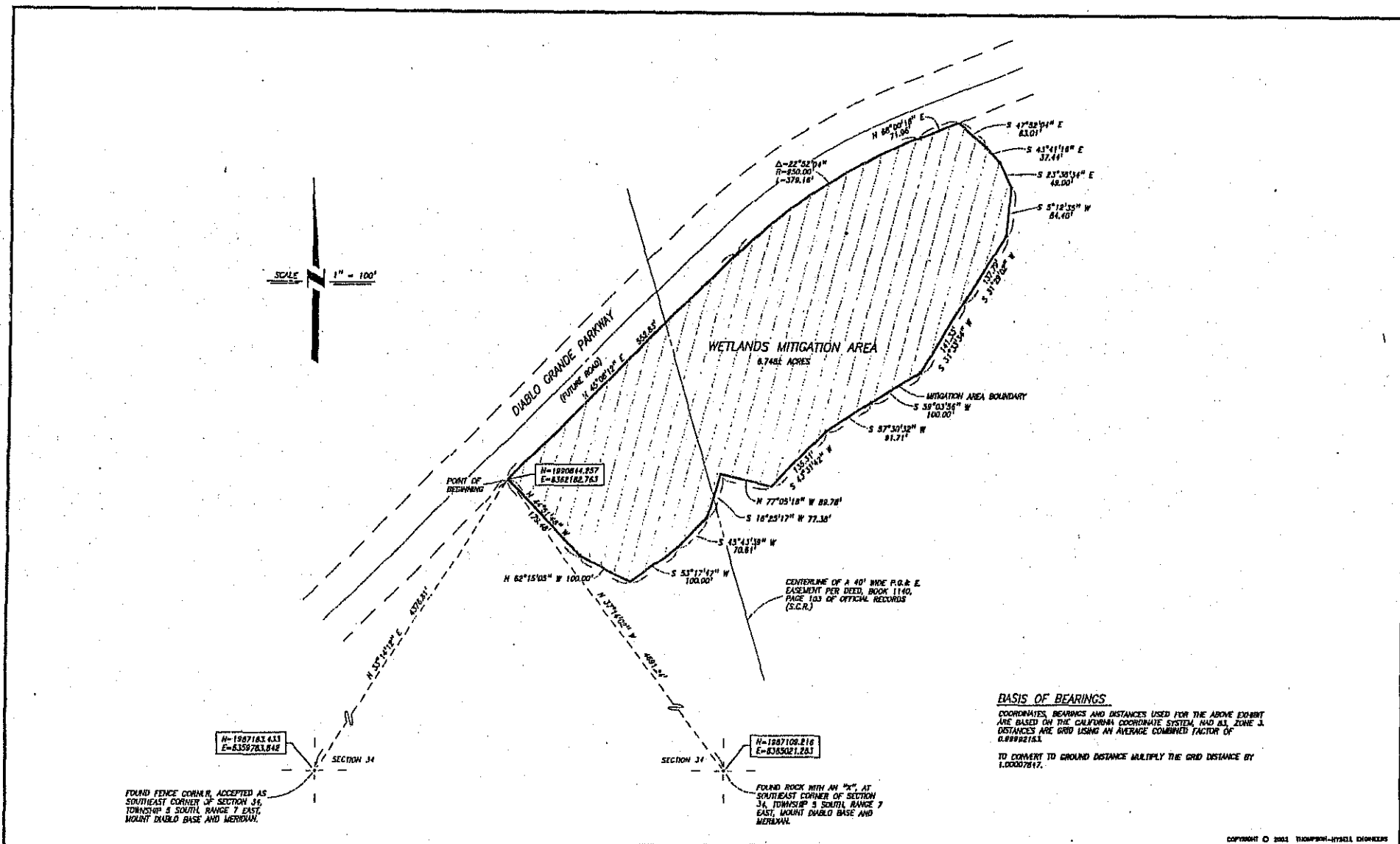


EXHIBIT "A"
WETLANDS MITIGATION AREA

DIABLO GRANDE PARKWAY

STANISLAUS COUNTY,

CALIFORNIA



THOMPSON-HYSELL
ENGINEERS

A DIVISION OF THE KEITH COMPANIES

1018 12TH STREET, MODESTO, CA 95304 (208) 821-9888 FAX (208) 821-9048

APPROVED BY: _____
 P.O.B. _____ E.O.P. _____
 SCALE 1"=100' D.R. BY: JH
 DATE 1/31/2008 CH. BY: R.B.S.
 FILE 01749607 CONTROL [Sign/Exhibit.dwg]

SHEET
NUMBER

1 of 1

COPYRIGHT © 2001 THOMPSON-HYSELL ENGINEERS

LEGAL DESCRIPTION
(Slope Maintenance and Drainage Easement)

Being an easement for slope maintenance and drainage purposes over and across those portions of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

PARCEL NO. 1

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987177.531 feet and E= 6360132.473 feet, said point being North 89°11'58" West 4889.29 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South 89°01'48" East 348.68 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, along the south line of said southwest quarter of Section 34, North 89°01'48" West 7.68 feet; thence North 37°10'00" East 200.00 feet; thence North 35°10'00" East 150.00 feet; thence North 36°10'00" East 250.00 feet; thence North 37°35'00" East 55.00 feet; thence North 45°00'00" East 48.40 feet; thence South 36°28'53" West 660.99 feet to the beginning of a curve concave to the southeast, having a radius of 1550.00 feet and a central angle of 01°22'50"; thence southwesterly, along the arc of said curve; 37.35 feet to the point of beginning.

Containing 0.099 Acres, more or less

PARCEL NO. 2

BEGINNING at a point having coordinates of N= 1987820.127 feet and E= 6360607.087 feet, said point being North 80°51'04" West 4471.08 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 52°16'54" East 1040.73 feet from the found fence corner accepted as the southwest corner of

(Slope Maintenance and Drainage Easement)

said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 31°30'00" East 94.00 feet; thence North 05°58'00" West 57.50 feet; thence North 11°17'00" East 47.00 feet; thence North 06°30'00" West 51.00 feet; thence North 17°17'00" East 88.00 feet; thence North 11°35'00" East 43.00 feet; thence North 02°30'00" East 44.00 feet; thence North 09°54'00" West 70.00 feet; thence North 01°43'00" East 77.00 feet; thence North 08°22'00" East 64.00 feet; thence North 55°06'00" East 106.00 feet; thence North 06°12'00" East 51.00 feet; thence North 13°13'00" West 50.00 feet; thence North 18°27'00" West 52.00 feet; thence North 06°40'00" West 50.00 feet; thence North 03°00'00" East 50.50 feet; thence North 08°35'00" East 51.00 feet; thence North 00°50'00" East 72.00 feet; thence North 13°38'00" West 55.00 feet; thence North 02°27'00" West 100.00 feet; thence North 00°02'00" East 150.00 feet; thence North 04°09'00" West 78.00 feet; thence North 13°40'00" West 57.00 feet; thence North 05°53'00" West 57.00 feet; thence North 06°58'00" East 56.50 feet; thence North 22°14'00" East 57.00 feet; thence North 35°27'00" East 57.50 feet; thence North 42°54'00" East 45.83 feet to a point of cusp; thence southwesterly, along the arc of a non-tangent curve concave to the southeast, whose radius point bears South 66°07'20" East, said curve having a radius of 750.00 feet, through a central angle of 27°10'01", an arc distance of 355.61 feet; thence South 03°17'21" East 763.11 feet to the beginning of a curve concave to the northwest, having a radius of 950.00 feet and a central angle of 39°46'14"; thence southwesterly, along the arc of said curve, 659.42 feet to the point of beginning.

Containing 1.512 Acres, more or less.

PARCEL NO. 3

BEGINNING at a point having coordinates of N= 1989940.113 feet and E= 6361132.539 feet, said point being North 53°56'47" West 4810.02 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 26°04'12" East 3068.92 feet

(Slope Maintenance and Drainage Easement)

from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 33°22'00" East 120.50 feet; thence North 53°53'00" East 51.00 feet; thence North 57°37'00" East 51.00 feet; thence North 46°04'00" East 200.00 feet; thence North 43°45'00" East 100.00 feet; thence North 40°24'00" East 50.00 feet; thence North 44°20'00" East 78.00 feet; thence North 37°00'00" East 73.00 feet; thence North 13°37'00" East 58.00 feet; thence North 50°00'00" East 51.00 feet; thence North 63°25'00" East 52.00 feet; thence North 55°28'00" East 51.00 feet; thence North 26°43'00" East 53.00 feet; thence North 42°08'00" East 50.00 feet; thence North 54°16'00" East 50.00 feet; thence North 36°28'00" East 51.00 feet; thence North 40°54'00" East 75.00 feet; thence North 44°10'00" East 75.00 feet; thence North 51°43'00" East 101.00 feet; thence North 59°24'00" East 52.00 feet; thence North 54°54'00" East 101.00 feet; thence North 46°39'00" East 150.00 feet; thence North 42°37'00" East 100.00 feet; thence North 37°27'00" East 101.00 feet; thence North 34°28'00" East 68.00 feet; thence North 16°48'00" East 41.00 feet; thence North 77°25'00" East 63.00 feet; thence North 63°54'00" East 54.00 feet; thence North 55°37'00" East 53.00 feet; thence North 63°57'00" East 54.00 feet; thence North 60°32'00" East 104.00 feet; thence North 66°42'00" East 154.00 feet; thence North 64°32'00" East 50.00 feet; thence North 72°27'00" East 50.00 feet; thence North 55°18'00" East 52.00 feet; thence North 75°40'00" East 75.00 feet; thence North 67°27'00" East 65.27 feet; thence South 21°59'44" East 5.86 feet; thence South 68°00'16" West 373.83 feet to the beginning of a curve concave to the southeast, having a radius of 1050.00 feet and a central angle of 22°52'04"; thence southwesterly, along the arc of said curve, 419.08 feet; thence South 45°08'12" West 1935.02 feet to the point of beginning.

Containing 1.066 Acres, more or less.

Subject to existing easements and rights-of-way of record.

(Slope Maintenance and Drainage Easement)

PARCEL NO. 4

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987175.461 feet and E= 6360254.753 feet, said point being North 89°12'14" West 4766.99 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South 89°01'48" East 470.98 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 36°28'53" East 727.83 feet to the beginning of a curve concave to the northwest, having a radius of 1050.00 feet and a central angle of 39°46'14"; thence northeasterly, along the arc of said curve, a distance of 728.83 feet; thence North 03°17'21" West 763.11 feet to the beginning of a curve concave to the southeast having a radius of 650.00 feet and a central angle of 48°25'33"; thence northeasterly, along the arc of said curve, a distance of 549.37 feet; thence North 45°08'12" East 596.41 feet; thence South 39°15'00" West 94.90 feet; thence South 31°33'00" West 65.00 feet; thence South 44°57'00" West 90.00 feet; thence South 45°52'00" West 100.00 feet; thence South 48°00'00" West 140.00 feet; thence South 49°45'00" West 75.00 feet; thence South 48°37'00" West 50.00 feet; thence South 44°22'00" West 50.00 feet; thence South 37°02'00" West 45.00 feet; thence South 32°00'00" West 50.00 feet; thence South 26°44'00" West 55.00 feet; thence South 22°37'00" West 50.00 feet; thence South 19°00'00" West 100.00 feet; thence South 06°43'00" West 100.00 feet; thence South 01°30'00" East 85.00 feet; thence South 07°05'00" East 75.00 feet; thence South 05°22'00" East 78.00 feet; thence South 03°05'00" East 100.00 feet; thence South 03°57'00" East 275.00 feet; thence South 04°53'00" East 175.00 feet; thence South 05°03'00" East 105.00 feet; thence South 01°40'00" East 50.00 feet; thence South 01°34'00" West 70.00 feet; thence South 07°15'00" West 65.00 feet; thence South 10°13'00" West 55.00 feet; thence South 10°54'00" West 55.00 feet; thence South 14°51'00" West 55.00 feet; thence South 22°04'00" West 80.00 feet; thence South 23°48'00" West 55.00 feet; thence South 30°26'00" West 55.00 feet; thence South 34°15'00" West 100.00 feet; thence South 39°18'00" West 136.00 feet; thence South 32°48'00" West 52.00 feet; thence

(Slope Maintenance and Drainage Easement)

South 46°04'00" West 50.00 feet; thence South 37°35'00" West 95.00 feet; thence South 36°44'30" West 200.00 feet; thence South 36°47'00" West 250.00 feet; thence North 89°01'48" West 11.45 feet to the point of beginning.

Containing 1.459 Acres, more or less.

PARCEL NO. 5

BEGINNING at a point having coordinates of N= 1990305.178 feet and E= 6361641.108 feet, said point being North 46°36'16" West 4651.86 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 30°45'01" East 3632.45 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 45°08'12" East 244.77 feet; thence South 39°10'00" West 55.15 feet; thence South 46°52'00" West 190.000 feet to the point of beginning.

Containing 0.016 Acres, more or less.

PARCEL NO. 6

BEGINNING at a point having coordinates of N= 1990904.786 feet and E= 6362243.581 feet, said point being North 36°11'52" West 4703.40 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 33°27'50" East 4460.81 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 45°08'12" East 467.02 feet to the beginning of a curve concave to the southeast, having a radius of 950.00 feet and a central angle of 22°52'04"; thence northeasterly, along the arc of said curve, 379.16 feet; thence

(Slope Maintenance and Drainage Easement)

North 68°00'16" East 433.43 feet; thence South 66°45'23" West 49.11 feet; thence South 68°02'00" West 50.00 feet; thence South 67°07'00" West 50.00 feet; thence South 68°28'30" West 125.00 feet; thence South 67°19'00" West 100.00 feet; thence South 61°47'30" West 50.00 feet; thence South 69°53'00" West 52.00 feet; thence South 67°34'30" West 45.00 feet; thence South 59°16'00" West 70.00 feet; thence South 57°56'30" West 48.00 feet; thence South 55°12'00" West 45.00 feet; thence South 50°05'00" West 45.00 feet; thence South 49°30'30" West 75.00 feet; thence South 45°05'30" West 295.00 feet; thence South 42°24'30" West 55.00 feet; thence South 45°06'00" West 75.00 feet; thence South 49°43'30" West 50.00 feet to the point of beginning.

Containing 0.067 Acres, more or less.

Subject to existing easements and rights-of-way of record.

PARCEL NO. 7

BEGINNING at a point having coordinates of N= 1991807.058 feet and E= 6363766.651 feet, said point being North 14°57'10" West 4862.49 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 40°44'30" East 6102.51 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet, said point of beginning also being the beginning of course numbered 7 of Parcel No. 2 of that certain parcel of land conveyed to the State of California and described as Parcel No. 2 in the Grant Deed recorded February 10, 1965 in Book 2011 of Official Records, at Page 106, Stanislaus County Records; thence leaving said point of beginning, along the southerly line of said Parcel No. 2, North 68°00'16" East 70.83 feet; thence, leaving said southerly line, South 50°14'41" West 90.50 feet; thence South 62°31'30" West 75.00 feet; thence South 75°15'00" West 30.00 feet; thence South 80°19'00" West 50.00 feet; thence South 88°07'30" West

(Slope Maintenance and Drainage Easement)

30.00 feet; thence North 68°00'16" East 196.79 feet; thence North 21°59'44" West 10.00 feet to the point of beginning.

Containing 0.097 Acres, more or less.

Subject to existing easements and rights-of-way of record.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



CHANGE

16:

.9063 1384 -497 1383 9064 9065*9080 9063 #

LOT SUMMARY

sec 34 slope easement no.1

			1362	1987177.531	6360132.473
1362 INV	N 89-01-48.2 W	7.683	9001	1987177.661	6360124.791
9001 INV	N 37-10-00.0 E	200.000	9002	1987337.037	6360245.618
9002 INV	N 35-10-00.0 E	150.000	9003	1987459.659	6360332.011
9003 INV	N 36-10-00.0 E	250.000	9004	1987661.485	6360479.545
9004 INV	N 37-35-00.0 E	55.000	9005	1987705.071	6360513.091
9005 INV	N 45-00-00.0 E	48.400	9006	1987739.295	6360547.315
9006 INV	S 36-28-53.1 W	660.991	1363	1987207.825	6360154.315
RADIUS POINT			1691	1986286.255	6361400.592

RADIAL BRG IN: S 53-31-07.0 E

DELTA:- 1-22-50.1 R= 1550.000 A= 37.348 C= 37.347 T= 18.675

RADIAL BRG OUT: N 54-53-57.1 W

P.C. - P.T.

1363 INV	S 35-47-27.9 W	37.347	1362	1987177.530	6360132.473
			1362	1987177.531	6360132.473
	N 20-25-45.3 E	0.000	CLOSING LINE		
		1409.422	DISTANCE TRAVERSED		
		5549824.059	PRECISION		

AREA: 4164.98 Square Feet 0.0956 Acres

sec 34 slope easement no. 2

			1364	1987820.127	6360607.087
1364 INV	N 31-30-00.0 E	94.000	10098	1987900.275	6360656.201 10 RP
10098 INV	N 5-58-00.0 W	57.500	10097	1987957.463	6360650.224 10 RP
10097 INV	N 11-17-00.0 E	47.000	10096	1988003.555	6360659.420 10 RP
10096 INV	N 6-30-00.0 W	51.000	10095	1988054.227	6360653.647 10 RP
10095 INV	N 17-17-00.0 E	88.000	10093	1988138.254	6360679.792 10 RP
10093 INV	N 11-35-00.0 E	43.000	10092	1988180.378	6360688.426 10 RP
10092 INV	N 2-30-00.0 E	44.000	10091	1988224.336	6360690.345 10 RP
10091 INV	N 9-54-00.0 W	70.000	9007	1988293.294	6360678.310
9007 INV	N 1-43-00.0 E	77.000	9008	1988370.259	6360680.617
9008 INV	N 8-22-00.0 E	64.000	10086	1988433.578	6360689.929 10 RP
10086 INV	N 55-06-00.0 E	106.000	10085	1988494.225	6360776.865 10 RP
10085 INV	N 6-12-00.0 E	51.000	10084	1988544.927	6360782.373 10 RP
10084 INV	N 13-13-00.0 W	50.000	10083	1988593.603	6360770.941 10 RP
10083 INV	N 18-27-00.0 W	52.000	10082	1988642.930	6360754.485 10 RP
10082 INV	N 6-40-00.0 W	50.000	10081	1988692.592	6360748.680 10 RP
10081 INV	N 3-00-00.0 E	50.500	10080	1988743.023	6360751.323 10 RP
10080 INV	N 8-35-00.0 E	51.000	10079	1988793.451	6360758.934 10 RP
10079 INV	N 0-50-00.0 E	72.000	9009	1988865.444	6360759.982
9009 INV	N 13-38-00.0 W	55.000	9010	1988918.894	6360747.018
9010 INV	N 2-27-00.0 W	100.000	9011	1989018.803	6360742.743
9011 INV	N 0-02-00.0 E	150.000	9012	1989168.803	6360742.830
9012 INV	N 4-09-00.0 W	78.000	10076	1989246.598	6360737.186 10 RP
10076 INV	N 13-40-00.0 W	57.000	10075	1989301.984	6360723.718 10 RP
10075 INV	N 5-53-00.0 W	57.000	10074	1989358.684	6360717.875 10 RP
10074 INV	N 6-58-00.0 E	56.500	10073	1989414.767	6360724.728 10 RP
10073 INV	N 22-14-00.0 E	57.000	10072	1989467.529	6360746.296 10 RP
10072 INV	N 35-27-00.0 E	57.500	10071	1989514.370	6360779.646 10 RP

10071 INV N 42-54-00.0 E 45.834 9013 1989547.945 6360810.846
RADIUS POINT 608 1989244.356 6361496.654
RADIAL BRG IN: S 66-07-20.3 E

DELTA: - 27-10-00.9 R= 750.000 A= 355.614 C= 352.292 T= 181.215

RADIAL BRG OUT: S 86-42-38.8 W

P.C. - P.T.

9013 INV S 10-17-39.2 W 352.292 1366 1989201.324 6360747.890
1366 INV S 3-17-21.2 E 763.112 1365 1988439.469 6360791.674
RADIUS POINT 605 1988384.961 6359843.239
RADIAL BRG IN: S 86-42-38.8 W

DELTA: 39-46-14.3 R= 950.000 A= 659.422 C= 646.263 T= 343.620

RADIAL BRG OUT: S 53-31-06.9 E

P.C. - P.T.

1365 INV S 16-35-45.9 W 646.263 1364 1987820.127 6360607.087
1364 1987820.127 6360607.087

S 8-47-34.4 W 0.001 CLOSING LINE
3609.982 DISTANCE TRAVERSED
3966518.510 PRECISION

AREA: 65882.46 Square Feet 1.5125 Acres

ac 34 slope easement no.3

			9014	1989940.113	6361132.539	
014 INV	N 33-22-00.0 E	120.500	10065	1990040.751	6361198.813	10 RP
065 INV	N 53-53-00.0 E	51.000	10064	1990070.812	6361240.012	10 RP
064 INV	N 57-37-00.0 E	51.000	10063	1990098.127	6361283.081	10 RP
063 INV	N 46-04-00.0 E	200.000	10059	1990236.891	6361427.110	10 RP
059 INV	N 43-45-00.0 E	100.000	10057	1990309.127	6361496.262	10 RP
057 INV	N 40-24-00.0 E	50.000	10056	1990347.204	6361528.668	10 RP
056 INV	N 44-20-00.0 E	78.000	9087	1990402.997	6361583.176	
087 INV	N 37-00-00.0 E	73.000	10053	1990461.297	6361627.109	10 RP
053 INV	N 13-37-00.0 E	58.000	10052	1990517.667	6361640.764	10 RP
052 INV	N 50-00-00.0 E	51.000	10051	1990550.449	6361679.832	10 RP
051 INV	N 63-25-00.0 E	52.000	10050	1990573.719	6361726.335	10 RP
050 INV	N 55-28-00.0 E	51.000	10000	1990602.630	6361768.348	10 RP
000 INV	N 26-43-00.0 E	53.000	10001	1990649.972	6361792.176	10 RP
001 INV	N 42-08-00.0 E	50.000	10002	1990687.051	6361825.719	10 RP
002 INV	N 54-16-00.0 E	50.000	10003	1990716.252	6361866.306	10 RP
003 INV	N 36-28-00.0 E	51.000	10004	1990757.266	6361896.618	10 RP
004 INV	N 40-54-00.0 E	75.000	9088	1990813.955	6361945.724	
088 INV	N 44-10-00.0 E	75.000	10007	1990867.754	6361997.980	10 RP
007 INV	N 51-43-00.0 E	101.000	10009	1990930.328	6362077.260	10 RP
009 INV	N 59-24-00.0 E	52.000	10010	1990956.799	6362122.019	10 RP
010 INV	N 54-54-00.0 E	101.000	10012	1991014.874	6362204.652	10 RP
012 INV	N 46-39-00.0 E	150.000	10015	1991117.842	6362313.728	10 RP
015 INV	N 42-37-00.0 E	100.000	10017	1991191.432	6362381.437	10 RP
017 INV	N 37-27-00.0 E	101.000	10019	1991271.614	6362442.852	10 RP
019 INV	N 34-28-00.0 E	68.000	10021	1991327.677	6362481.335	10 RP
021 INV	N 16-48-00.0 E	41.000	10022	1991366.927	6362493.186	10 RP
022 INV	N 77-25-00.0 E	63.000	10024	1991380.653	6362554.672	10 RP
024 INV	N 63-54-00.0 E	54.000	10025	1991404.409	6362603.166	10 RP
025 INV	N 55-37-00.0 E	53.000	10026	1991434.340	6362646.906	10 RP
026 INV	N 63-57-00.0 E	54.000	10027	1991458.054	6362695.420	10 RP
027 INV	N 60-32-00.0 E	104.000	9015	1991509.214	6362785.966	
015 INV	N 66-42-00.0 E	154.000	9016	1991570.128	6362927.407	
016 INV	N 64-32-00.0 E	50.000	9017	1991591.627	6362972.549	

9017 INV N 72-27-00.0 E 50.000 9018 1991606.704 6363020.222
 9018 INV N 55-18-00.0 E 52.000 9019 1991636.306 6363062.973
 9019 INV N 75-40-00.0 E 75.000 9020 1991654.874 6363135.639
 9020 INV N 67-27-00.0 E 65.270 9021 1991679.904 6363195.918
 9021 INV S 21-59-43.9 E 5.859 1370 1991674.471 6363198.113
 1370 INV S 68-00-16.1 W 373.831 1369 1991534.459 6362851.492
 RADIUS POINT 497 1990560.884 6363244.752
 RADIAL BRG IN: S 21-59-43.9 E

DELTA:- 22-52-04.5 R= 1050.000 A= 419.076 C= 416.300 T= 212.365

RADIAL BRG OUT: N 44-51-48.4 W

P.C. - P.T.

1369 INV S 56-34-13.8 W 416.300 1368 1991305.115 6362504.062
 1368 INV S 45-08-11.6 W 1935.020 9014 1989940.114 6361132.539
 9014 1989940.113 6361132.539

S 33-36-41.9 W 0.001 CLOSING LINE
 5511.556 DISTANCE TRAVERSED
 9241503.392 PRECISION

AREA: 45427.45 Square Feet 1.0658 Acres

sec 34 slope easement no.4

1389 INV N 36-28-53.1 E 727.828 1389 1987175.461 6360254.753
 1388 1987760.670 6360687.491
 RADIUS POINT 605 1988384.961 6359843.239

RADIAL BRG IN: N 53-31-06.9 W

DELTA:- 39-46-14.3 R= 1050.000 A= 728.835 C= 714.291 T= 379.790

RADIAL BRG OUT: N 86-42-38.8 E

P.C. - P.T.

1388 INV N 16-35-45.9 E 714.291 1387 1988445.206 6360891.510
 1387 INV N 3-17-21.2 W 763.112 1386 1989207.060 6360847.725
 RADIUS POINT 608 1989244.356 6361496.654

RADIAL BRG IN: N 86-42-38.8 E

DELTA: 48-25-32.8 R= 650.000 A= 549.373 C= 533.167 T= 292.297

RADIAL BRG OUT: N 44-51-48.4 W

P.C. - P.T.

1386 INV N 20-55-25.2 E 533.167 1385 1989705.069 6361038.132
 1385 INV N 45-08-11.6 E 596.411 9022 1990125.788 6361460.862
 9022 INV S 39-15-00.0 W 94.896 9023 1990052.302 6361400.821
 9023 INV S 31-33-00.0 W 65.000 9024 1989996.910 6361366.810
 9024 INV S 44-57-00.0 W 90.000 9025 1989933.215 6361303.226
 9025 INV S 45-52-00.0 W 100.000 9026 1989863.582 6361231.454
 9026 INV S 48-00-00.0 W 140.000 9027 1989769.903 6361127.413
 9027 INV S 49-45-00.0 W 75.000 9028 1989721.444 6361070.171
 9028 INV S 48-37-00.0 W 50.000 9029 1989688.389 6361032.656
 9029 INV S 44-22-00.0 W 50.000 9030 1989652.645 6360997.693
 9030 INV S 37-02-00.0 W 45.000 9031 1989616.723 6360970.591
 9031 INV S 32-00-00.0 W 50.000 9032 1989574.320 6360944.095
 9032 INV S 26-44-00.0 W 55.000 9033 1989525.199 6360919.354
 9033 INV S 22-37-00.0 W 50.000 9034 1989479.044 6360900.125
 9034 INV S 19-00-00.0 W 100.000 9035 1989384.492 6360867.569
 9035 INV S 6-43-00.0 W 100.000 9036 1989285.179 6360855.873
 9036 INV S 1-30-00.0 E 85.000 9037 1989200.208 6360858.098
 9037 INV S 7-05-00.0 E 75.000 9038 1989125.780 6360867.346
 9038 INV S 5-22-00.0 E 78.000 9039 1989048.122 6360874.641

9039	INV	S	3-05-00.0	E	100.000	9040	1988948.267	6360880.020
9040	INV	S	3-57-00.0	E	275.000	9041	1988673.920	6360898.964
9041	INV	S	4-53-00.0	E	175.000	9042	1988499.555	6360913.861
9042	INV	S	5-03-00.0	E	105.000	9043	1988394.963	6360923.104
9043	INV	S	1-40-00.0	E	50.000	9044	1988344.984	6360924.558
9044	INV	S	1-34-00.0	W	70.000	9045	1988275.010	6360922.644
9045	INV	S	7-15-00.0	W	65.000	9046	1988210.530	6360914.441
9046	INV	S	10-13-00.0	W	55.000	9047	1988156.402	6360904.686
9047	INV	S	10-54-00.0	W	55.000	9048	1988102.394	6360894.286
9048	INV	S	14-51-00.0	W	55.000	9049	1988049.231	6360880.190
9049	INV	S	22-04-00.0	W	80.000	9050	1987975.091	6360850.135
9050	INV	S	23-48-00.0	W	55.000	9051	1987924.769	6360827.940
9051	INV	S	30-26-00.0	W	55.000	9052	1987877.347	6360800.080
9052	INV	S	34-15-00.0	W	100.000	9053	1987794.688	6360743.800
9053	INV	S	39-18-00.0	W	136.000	9054	1987689.445	6360657.660
9054	INV	S	32-48-00.0	W	52.000	9055	1987645.736	6360629.491
9055	INV	S	46-04-00.0	W	50.000	9056	1987611.045	6360593.484
9056	INV	S	37-35-00.0	W	95.000	9057	1987535.761	6360535.542
9057	INV	S	36-44-30.0	W	200.000	9058	1987375.492	6360415.900
9058	INV	S	36-47-00.0	W	250.000	9059	1987175.266	6360266.203
9059	INV	N	89-01-48.2	W	11.452	1389	1987175.460	6360254.752
						1389	1987175.461	6360254.753

N 11-35-52.6 E 0.001 CLOSING LINE
6757.907 DISTANCE TRAVERSED
9456555.029 PRECISION

REA: 63553.11 Square Feet 1.4590 Acres

ac 34 slope easement no.5

					9060	1990305.178	6361641.108	
060	INV	N	45-08-11.6	E	244.769	9061	1990477.843	6361814.597
061	INV	S	39-10-00.0	W	55.154	9062	1990435.081	6361779.763
062	INV	S	46-52-00.0	W	190.000	9060	1990305.178	6361641.108
					9060	1990305.178	6361641.108	

S 40-33-55.3 W 0.001 CLOSING LINE
489.923 DISTANCE TRAVERSED
666991.698 PRECISION

EA: 702.03 Square Feet 0.0161 Acres

ac 34 slope easement no.6

					9063	1990904.786	6362243.581	
063	INV	N	45-08-11.6	E	467.025	1384	1991234.235	6362574.604
064	INV	S	44-51-48.4	E		497	1990560.884	6363244.752

ATA: 22-52-04.5 R= 950.000 A= 379.164 C= 376.653 T= 192.140

IAL BRG OUT: N 21-59-43.9 W

- P.T.

84	INV	N	56-34-13.8	E	376.653	1383	1991441.737	6362888.945
83	INV	N	68-00-16.1	E	433.427	9064	1991604.070	6363290.824
64	INV	S	66-45-22.7	W	49.113	9065	1991584.688	6363245.697
65	INV	S	68-02-00.0	W	50.000	9066	1991565.985	6363199.327
66	INV	S	67-07-00.0	W	50.000	9067	1991546.542	6363153.262
67	INV	S	68-28-30.0	W	125.000	9068	1991500.679	6363036.980
68	INV	S	67-19-00.0	W	100.000	9069	1991462.115	6362944.715
69	INV	S	61-47-30.0	W	50.000	9070	1991438.481	6362900.653
70	INV	S	69-53-00.0	W	52.000	9071	1991420.596	6362851.826
71	INV	S	67-34-30.0	W	45.000	9072	1991403.430	6362810.229

9072	INV	S 59-16-00.0 W	70.000	9073	1991367.657	6362750.060
9073	INV	S 57-56-30.0 W	48.000	9074	1991342.179	6362709.379
9074	INV	S 55-12-00.0 W	45.000	9075	1991316.497	6362672.428
9075	INV	S 50-05-00.0 W	45.000	9076	1991287.622	6362637.914
9076	INV	S 49-30-30.0 W	75.000	9077	1991238.922	6362580.876
9077	INV	S 45-05-30.0 W	295.000	9078	1991030.659	6362371.946
9078	INV	S 42-24-30.0 W	55.000	9079	1990990.050	6362334.854
9079	INV	S 45-06-00.0 W	75.000	9080	1990937.109	6362281.728
9080	INV	S 49-43-30.0 W	50.000	9063	1990904.786	6362243.581
				9063	1990904.786	6362243.581

N 78-07-15.1 E 0.001 CLOSING LINE
 2558.729 DISTANCE TRAVERSED
 3844085.079 PRECISION

REA: 2917.19 Square Feet 0.0670 Acres

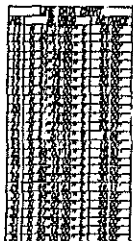
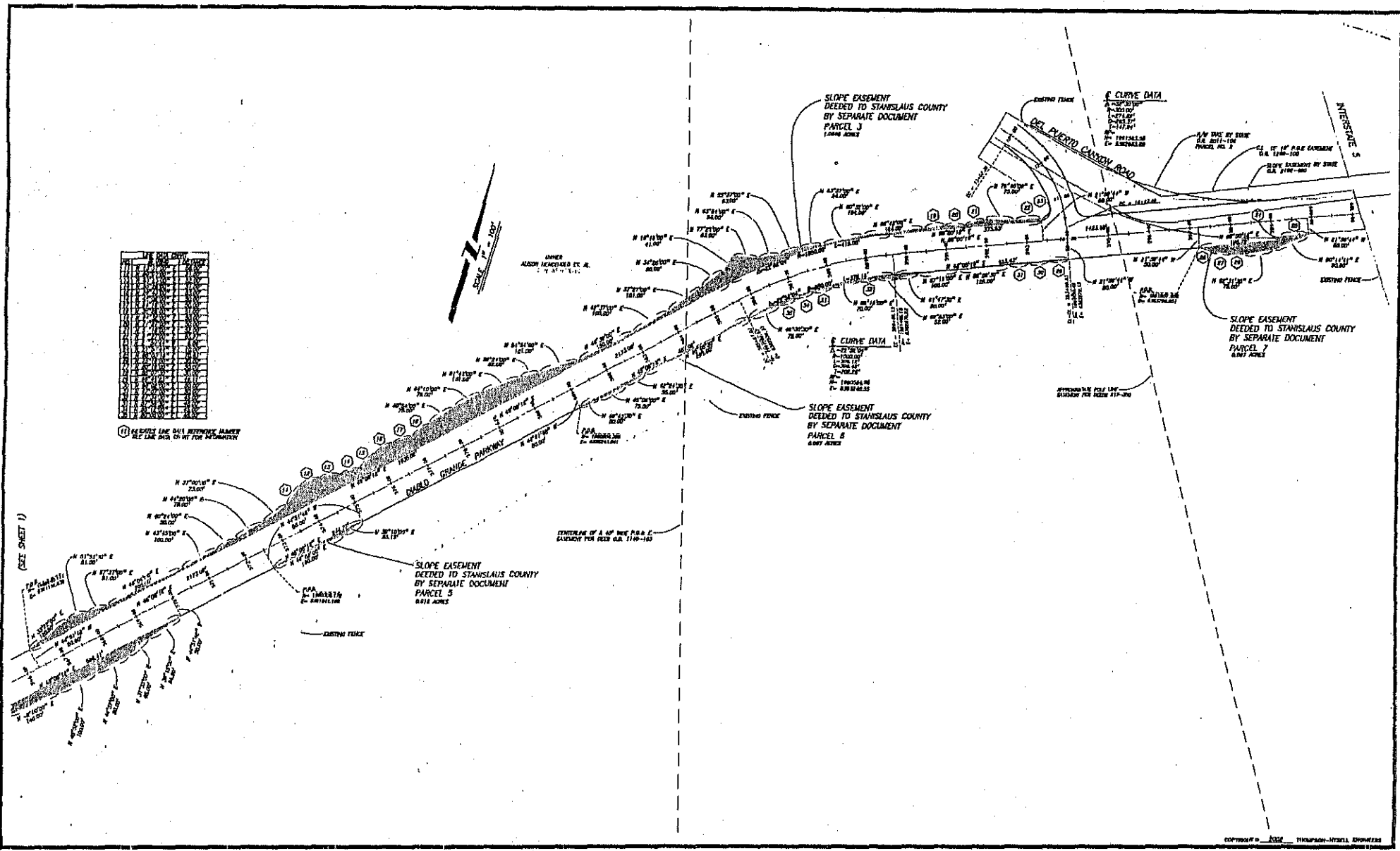
ec 34 slope easement no.7

				1381	1991807.058	6363766.651
1381	INV	N 68-00-16.1 E	70.830	9082	1991833.586	6363832.325
9082	INV	S 50-14-41.3 W	90.497	9083	1991775.713	6363762.753
9083	INV	S 62-31-30.0 W	75.000	9084	1991741.111	6363696.212
9084	INV	S 75-15-00.0 W	30.000	9085	1991733.473	6363667.200
9085	INV	S 80-19-00.0 W	50.000	9086	1991725.062	6363617.913
9086	INV	S 88-07-30.0 W	30.000	9081	1991724.081	6363587.929
9081	INV	N 68-00-16.1 E	196.791	1382	1991797.786	6363770.396
1382	INV	N 21-59-43.9 W	10.000	1381	1991807.058	6363766.651
				1381	1991807.058	6363766.651

N 43-07-43.0 E 0.000 CLOSING LINE
 553.118 DISTANCE TRAVERSED
 2806813.739 PRECISION

REA: 4208.18 Square Feet 0.0966 Acres

 coordinates stored Tuesday January 29, 2002 3:32 PM



SEE SHEET 1

**HENGHOLD PROPERTY
SLOPE EASEMENTS**

**DIABLO GRANDE
PARKWAY**
STANISLAUS COUNTY, CALIFORNIA

NO.	REVISIONS	DATE
1	DESCRIPTIONS	
2		
3		
4		
5		
6		
7		
8		
9		
10		



**THOMPSON-HYSELL
ENGINEERS**
A DIVISION OF THE KEITH COMPANY

APPROVED BY: _____
DATE: _____
SCALE: 1"=100' OR BY: _____
DATE: _____ OR BY: _____

SHEET
JANUARY
2

LEGAL DESCRIPTION
(temporary construction easement)

All that portion of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987176.500 feet and E= 6360193.338 feet, said point being North $89^{\circ}12'06''$ West 4828.41 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South $89^{\circ}01'48''$ East 409.55 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, along the south line of said southwest quarter of Section 34, North $89^{\circ}01'48''$ West 180.04 feet to a point on a non-tangent curve to the right, having a radius of 1650.00 feet, whose radius point bears South $57^{\circ}13'18''$ East; thence northeasterly, along the arc of said curve, through a central angle of $3^{\circ}42'11''$, an arc distance of 106.64 feet; thence North $36^{\circ}28'53''$ East 761.52 feet to the beginning of a curve to the left, having a radius of 850.00 feet and a central angle of $39^{\circ}46'14''$; thence northeasterly, along the arc of said curve, 590.01 feet; thence North $03^{\circ}17'21''$ West 763.11 feet to the beginning of a curve to the right, having a radius of 850.00 feet and a central angle of $48^{\circ}25'33''$; thence northeasterly, along the arc of said curve, 718.41 feet; thence North $45^{\circ}08'12''$ East 2167.74 feet to the beginning of a curve to the right, having a radius of 1150.00 feet and a central angle of $22^{\circ}52'04''$; thence northeasterly, along the arc of said curve, 458.99 feet; thence North $68^{\circ}00'16''$ East 318.78 feet; thence North $74^{\circ}29'44''$ West 110.34 feet; thence North $15^{\circ}30'16''$ East 50.00 feet to the southerly line of that certain parcel of land conveyed to the State of California and described as Parcel No. 2 in the Grant Deed recorded February 10, 1965 in Book 2011 of Official Records, at Page 106, Stanislaus County Records; thence along the southerly line of said Parcel No. 2 the following two (2) courses:

- 1) South $74^{\circ}29'44''$ East 185.50 feet to the beginning of a curve to the left, having a radius of 890.00 feet and a central angle of $37^{\circ}30'00''$;
- 2) Easterly, along the arc of said curve, 582.50 feet; thence leaving said southerly line, on a non-tangent line, South $21^{\circ}59'44''$ East 110.00 feet; thence South $68^{\circ}00'16''$ West 950.65 feet to the beginning of a curve to the left, having a

radius of 850.00 feet and a central angle of $22^{\circ}52'04''$; thence southwesterly, along the arc of said curve, 339.25 feet; thence South $45^{\circ}08'12''$ West 2167.74 feet to the beginning of a curve to the left, having a radius of 550.00 feet and a central angle of $48^{\circ}25'33''$; thence southwesterly, along the arc of said curve, 464.85 feet; thence South $03^{\circ}17'21''$ East 763.11 feet to the beginning of a curve to the right, having a radius of 1150.00 feet and a central angle of $39^{\circ}46'14''$; thence southwesterly, along the arc of said curve, 798.25 feet; thence South $36^{\circ}28'53''$ West 656.47 feet to the south line of the southwest quarter of said Section 34; thence along said south line, North $89^{\circ}01'48''$ West 184.27 feet to the point of beginning.

Containing 42.120 Acres, more or less

Subject to existing easements and rights-of-way of record.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



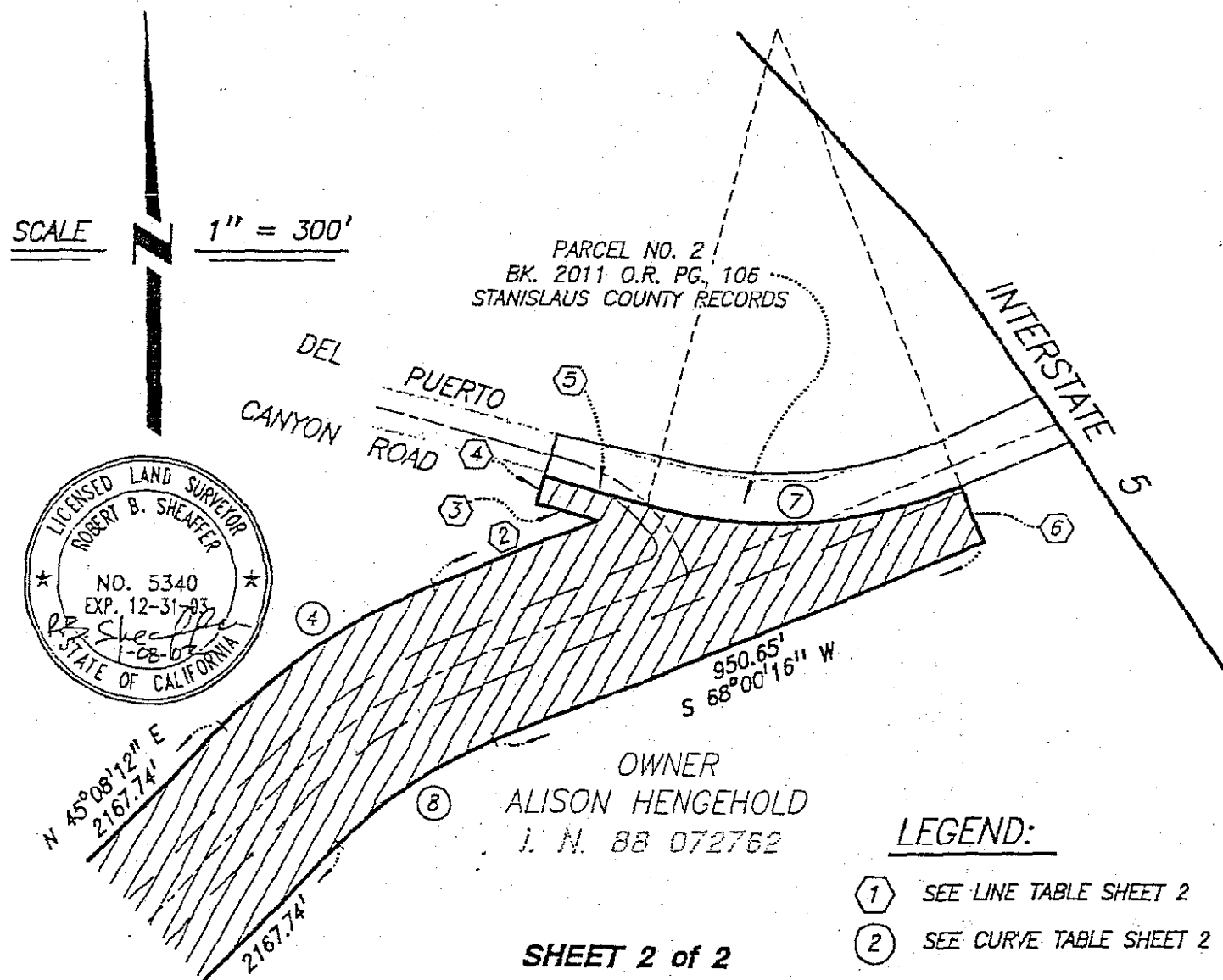
LINE TABLE:

NO.	BEARING	DISTANCE
1	N 89°01'48" W	180.04'
2	N 68°00'16" E	318.78'
3	N 74°29'44" W	110.34'
4	N 15°30'16" E	50.00'
5	S 74°29'44" E	185.50'
6	S 21°59'44" E	110.00'
7	N 89°01'48" W	184.27'

CURVE TABLE:

NO.	DELTA	RADIUS	LENGTH
1	03°42'11"	1650.00'	106.64'
2	39°46'14"	850.00'	590.01'
3	48°25'33"	850.00'	718.41'
4	22°52'04"	1150.00'	458.99'
7	37°30'00"	890.00'	582.50'
8	22°52'04"	850.00'	339.25'
9	48°25'33"	550.00'	464.85'
10	39°46'14"	1150.00'	798.25'

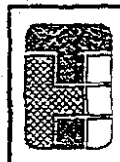
COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, NAD 83, ZONE 3. DISTANCES ARE GRID. TO CONVERT TO GROUND DISTANCE MULTIPLY THE GRID DISTANCE BY 1.0007847.



HENGHOLD PROPERTY
TEMPORARY CONSTRUCTION
EASEMENT

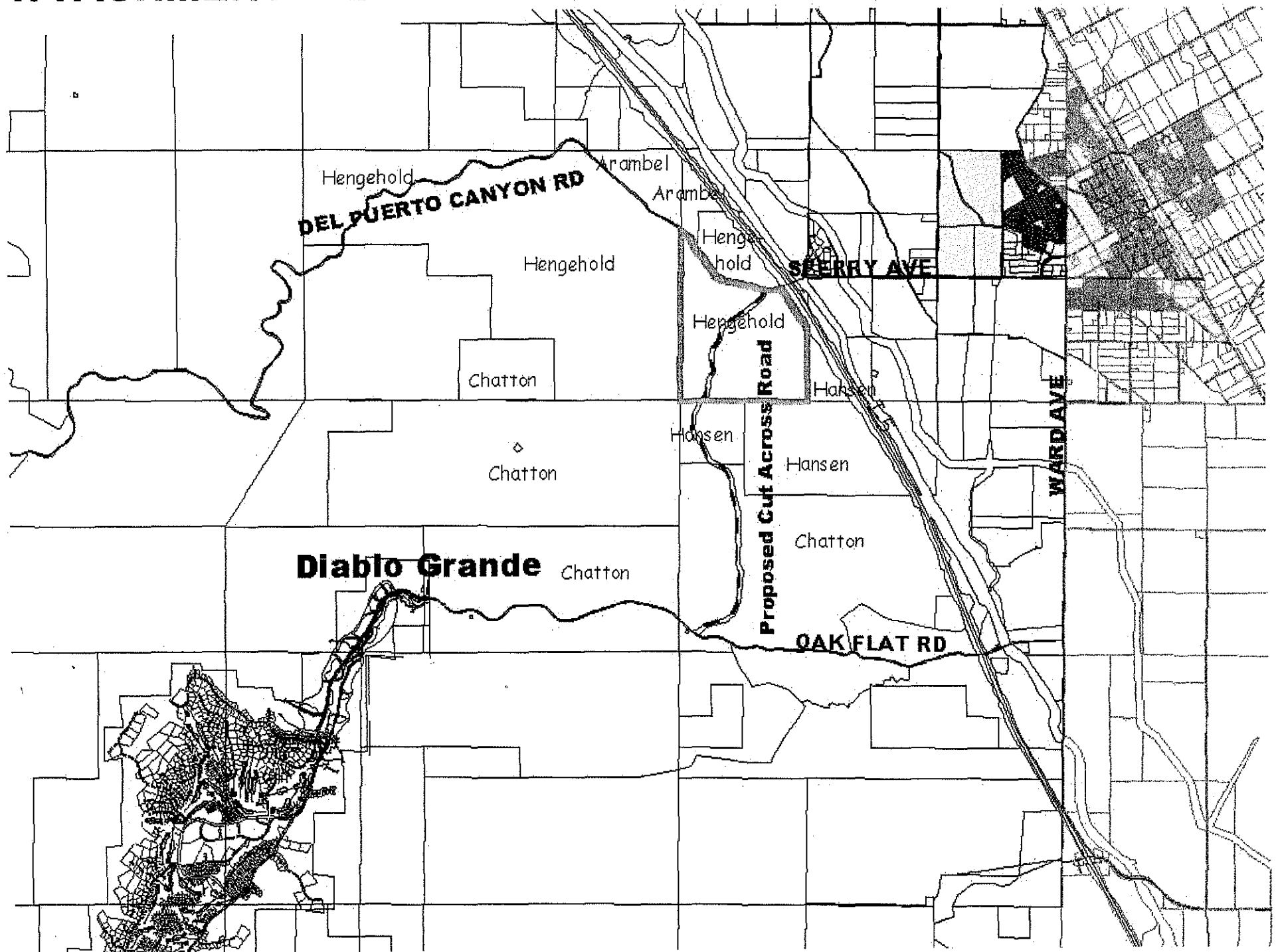
DATE: JAN 07, 2002

DIABLO GRANDE
PARKWAY



THOMPSON-HYSELL
ENGINEERS
A DIVISION OF THE KEITH COMPANIES
1018 12TH ST. - MODESTO, CA 95354
(209) 521-8086

ATTACHMENT B



THE FOLLOWING MITIGATION MEASURES ARE FROM THE DEIR DATED AUGUST 31, 1992, AND OCCUR ON PAGES IV-281 to IV-284. NONE OF THE MITIGATION MEASURES ARE NUMBERED IN THE DEIR. IN THIS DOCUMENT, ALL TRAFFIC MITIGATION MEASURES ARE SET FORTH, WITH ALL ON-SITE AND PHASE 1 MITIGATION MEASURES NUMBERED IN THE ORDER THEY APPEAR IN THE DEIR:

Mitigation Measure: *Existing Plus Project* (DEIR Page IV-281)

- a. Crows Landing Road from Highway 33 to north of Grayson Road should be widened to four lanes.
- b. Highway 33 between Crows Landing Road and Stuhr Road should be widened to four lanes.
- c. Carpenter Road north of Grayson Road should be widened to four lanes.
- d. The I-5 Southbound/Sperry Road intersection should be signalized, as well as improved to provide a southbound shared through-left turn lane and a southbound right turn lane.
- e. The I-5 Northbound/Sperry Road intersection should be signalized.
- f. The project access road between Del Puerto Canyon Road and Oak Flat Road should be constructed as a four lane roadway.
- g. Oak Flat Road should be widened to four lanes.

Impact to be
Mitigated:

Increased traffic and congestion at full buildout of the project.

Agency/Individual
Responsible for
Implementation:

Developer and Stanislaus County.

Implementation
Timing:

Ongoing throughout project implementation.

**Mitigation
Specifications:**

The County Public Works Department shall determine the fair share contribution from Diablo Grande for the required improvements. The improvements above are projected to be needed at full buildout of Diablo Grande, 5000 units, and not necessarily at buildout of Phase 1, 2000 units. The following information is offered for reference regarding the individual improvements:

- a. This improvement is part of the existing County Public Facilities Fee Program, and Diablo Grande will pay these fees;
- b. The County Public Works Department will determine if additional fees are needed from Diablo Grande for this improvement;
- c. This improvement is part of the existing County Public Facilities Fee Program, and Diablo Grande will pay these fees;
- d. The County Public Works Department will determine Diablo Grande's fair share contribution to this improvement;
- e. The County Public Works Department will determine Diablo Grande's fair share contribution to this improvement;
- f. Diablo Grande will pay for this improvement. The road will initially be constructed as a two lane roadway. The roadway will be widened to four lanes when the threshold level of 700 peak hour trips is reached; and,
- g. Diablo Grande will pay for this improvement. The road will initially be constructed as a two lane roadway. The roadway will be widened to four lanes when the threshold level of 700 peak hour trips is reached; and,

The traffic study will be updated prior to approval of future phases of development as part of the Preliminary Development Plan environmental review process. This will provide an opportunity for the Public Works Department to reanalyze and reevaluate the assumptions for the overall project traffic impacts, and the basis for the mitigation measures set forth above.

**Agency/Individual
Responsible for
Monitoring:**

County Planning Department, Public Works Department, Board of Supervisors and Developer.

**Action by
Monitor:**

The County Public Works Department shall determine if any fees are needed from Diablo Grande beyond those which would be collected through the existing Public Facilities Fee Program for roadway improvements.

The Public Works Department and Diablo Grande will also enter into an agreement regarding the timing of improvements which will be constructed by Diablo Grande. This agreement shall include how often the Oak Flat Road traffic shall be monitored, and shall establish mechanisms for the widening of Oak Flat Road from two to four lanes prior to the traffic threshold of 700 peak hour trips being reached. The County will not approve development beyond that which will generate a maximum of 700 peak hour trips on Oak Flat Road, until such time as the road is widened to four lanes.

The County Planning Department Environmental Coordinator shall consult with the Public Works Department throughout the Phase 1 development to determine if the traffic threshold levels for Oak Flat Road are being approached, and if so, shall notify the Developer. In addition, the Environmental Coordinator shall make certain all fees to be paid to the Public Works Department for future roadway improvements are collected prior to the issuance of Building Permits.

Prior to project approval, the Board of Supervisors will determine the responsibility for acquiring any necessary off-site road easements or rights-of-way including, but not limited to, the Oak Flat Connector Road.

**Monitoring
Timing:**

Ongoing throughout the Phase 1 development, with verification of fee payment prior to the issuance of Building Permits.

Monitor:

Completion Date: _____

Signature: _____

Mitigation Measure:

Cumulative Without Lakeborough Plus Project (DEIR Pages IV-281 to IV-282)

The following measures would be required to mitigate the incremental impact associated with development of the Diablo Grande project. These measures are in addition to any other improvements which would be required to ameliorate cumulative development impacts.

- a. I-5 should be widened to six lanes.
- b. Ward Avenue south of Oak Flat Road should be widened to four lanes.
- c. Fink Road east of Ward Avenue should be widened to four lanes.
- d. Carpenter Road between West Main Street and Crows Landing Road should be widened to four lanes.
- e. The I-5 Southbound/Sperry Road intersection should be improved to provide an additional eastbound through lane, a separate westbound left turn lane, and a separate westbound through lane.
- f. The Sperry Road/Ward Avenue intersection should be improved to provide an additional northbound through lane.
- g. The Ward Avenue/Marshall Road intersection should be improved to provide an additional northbound through lane, a separate southbound left turn lane, and a separate southbound through lane.
- h. The Ward Avenue/Oak Flat Road intersection should be signalized and improved to provide two northbound through lanes, a northbound left turn lane, an additional southbound through lane, and separate eastbound left and right turn lanes.
- i. The I-5 Southbound/Ward Avenue intersection should be signalized.
- j. The I-5 Northbound/Ward Avenue intersection should be signalized.
- k. The project access road between Del Puerto Canyon Road and Oak Flat Road should be constructed as a four lane roadway and Oak Flat Road should be widened to four lanes.

**Impact to be
Mitigated:**

Increased traffic and congestion based upon the full buildout of Diablo Grande plus all reasonably foreseeable projects over the next twenty years.

**Agency/Individual
Responsible for
Implementation:**

Developer and Stanislaus County.

**Implementation
Timing:**

Ongoing throughout project implementation.

**Mitigation
Specifications:**

The County Public Works Department shall determine the fair share contribution from Diablo Grande for the required improvements. The improvements above are projected to be needed at full buildout of Diablo Grande, 5000 units, plus all reasonably foreseeable projects over the next twenty years. The following information is offered for reference regarding the individual improvements:

- a. This improvement has been analyzed by The County Public Works Department to determine the Diablo Grande fair share contribution to this cumulative improvement. The Diablo Grande project at full buildout is responsible for a contribution of \$4,534,300. This fee will be paid to the Stanislaus County Public Works Department and deposited into a fund to ultimately be used for the widening of I-5. The fee will be collected upon issuance of Building Permits at a rate of \$907 per residence.

This fee has been determined with the assumption that the cumulative development along the I-5 corridor, including Diablo Grande, will pay 100% of the cost of widening I-5. Whether or not Lakeborough is constructed, Diablo Grande's pro-rata share remains the same on an incremental basis.

If additional funding becomes available, and is used for the widening of I-5, e.g. State funding, Diablo Grande shall be entitled to a proportional refund of the fee's paid which were earmarked for the widening.

- b & c. The County Public Works Department will determine if additional fees are needed from Diablo Grande for its cumulative share of this improvement. The cost for this improvement should also be shared by the City of Patterson;

- d. The County Public Works Department will determine if additional fees are needed from Diablo Grande for its cumulative share of this improvement;

e, f, g, h, i and j:

The County Public Works Department will determine if additional fees are needed from Diablo Grande for its cumulative share of these improvements. The cost for these improvements should also be shared by the City of Patterson; and,

- k. These improvements will be constructed as specified in the mitigation measure for *Existing Plus Project* conditions as spelled out in mitigation measures f. and g. The mitigation specifications are reiterated below for ease of reference:

Diablo Grande will pay for this improvement. The road will initially be constructed as a two lane roadway. The roadway will be widened to four lanes when the threshold level of 700 peak hour trips is reached.

The traffic study will be updated prior to approval of future phases of development as part of the Preliminary Development Plan environmental review process. This will provide an opportunity for the Public Works Department to reanalyze and reevaluate the assumptions for the overall project traffic impacts, and the basis for the mitigation measures set forth above.

**Agency/Individual
Responsible for
Monitoring:**

County Planning Department and Public Works Department.

**Action by
Monitor:**

The County Public Works Department shall determine if any fees are needed from Diablo Grande for its incremental impact as a part of the cumulative development of the general area for the improvements specified above. The Environmental Coordinator shall make certain all fees to be paid to the Public Works Department for future roadway improvements are collected prior to the issuance of Building Permits.

**Monitoring
Timing:**

Ongoing throughout the Phase 1 development, with verification of fee payment prior to the issuance of Building Permits.

Monitor:

Completion Date: _____

Signature: _____

THE FOLLOWING ARE NEW TRAFFIC MITIGATION MEASURES FROM THE FEIR DATED JUNE 15, 1993 AND REFERENCED BY PAGE NUMBER AND RESPONSE TO COMMENT NUMBER AS FOLLOWS: (41;4) MEANS PAGE 41 RESPONSE NO. 4.

Mitigation Measure: 41;4 The County will condition the project for additional environmental review when either of the following occurs.

- The project traffic on the new frontage roadway connector between Oak Flat Road and Del Puerto Canyon Road reaches 750 vehicles per hour, or
- The peak hour level of service on the new connector roadway between Oak Flat Road and Del Puerto Canyon Road or at the intersection of Sperry Road and SR I-5 operate below a level of service "C" at a volume to capacity ratio of 0.77 (77 percent of capacity)."

Impact to be Mitigated: Traffic congestion.

Agency/Individual Responsible for Implementation: County and Developer.

Implementation Timing: Ongoing throughout the construction of Phase 1.

Mitigation Specifications: The Public Works Department and Diablo Grande will also enter into an agreement regarding the timing of improvements which will be constructed by Diablo Grande. This agreement shall include how often the Connector Road traffic shall be monitored, and shall establish mechanisms for the widening from two to four lanes prior to the traffic threshold of 700 peak hour trips being reached. The County will not approve development beyond that which will generate a maximum of 700 peak hour trips on the Connector Road, until such time as the road is widened to four lanes.

If it appears, from the ongoing monitoring of the traffic from the site that the traffic study assumptions are being substantially exceeded, the Public Works Department may request the applicant to update the traffic study when 80% (560 peak hour trips) of the Connector Road threshold is reached. This will provide an opportunity for the Public Works Department to reanalyze and reevaluate the assumptions for the overall project traffic impacts, and the basis for the traffic mitigation measures and fees.

**Agency/Individual
Responsible for
Monitoring:**

County Planning Department and Public Works Department.

**Action by
Monitor:**

The County Planning Department Environmental Coordinator shall consult with the Public Works Department throughout the Phase 1 development to determine if the traffic threshold levels for the Connector Road are being approached, and if so, shall notify the Developer. In addition, the Environmental Coordinator shall make certain all fees to be paid to the Public Works Department for future roadway improvements are collected prior to the issuance of Building Permits.

**Monitoring
Timing:**

Ongoing throughout the Phase 1 development, with verification of fee payment prior to the issuance of Building Permits.

Monitor:

Completion Date: _____

Signature: _____

ATTACHMENT D

AS AMENDED BY THE PLANNING COMMISSION JULY 2, 1998 AND NOVEMBER 1, 1999 AND APPROVED BY THE BOARD OF SUPERVISORS DECEMBER 7, 1999, AND AS REVISED BY THE BOARD OF SUPERVISORS DECEMBER 11, 2001

REVISED CONDITIONS OF APPROVAL

TENTATIVE MAP APPLICATION NO. 97-01 DIABLO GRANDE UNIT 1, 336 LOT SUBDIVISION

Department of Planning and Community Development

1. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense. (County Policy and Government Code Sec. 66474.9)
2. Within two weeks of approval by the Board of Supervisors, an \$850.00 fee for an Environmental Impact Report (EIR), made payable to Stanislaus County and a \$50.00 Administrative fee for made payable to the "Stanislaus County Clerk/Recorder" shall be submitted to Planning and Community Development Department for the purpose of recording project documents.
3. These improvements and uses shall be installed and conducted as described in the application and supporting information (including the improvement plans, MMRP, draft and final EIR, Diablo Grande Specific Plan, Diablo Grande Standards and Specifications, and Western Hills Water District Standard Drawings and Specifications) as approved and in accordance with other laws and ordinances.
4. "Subdivision improvements" as used in these conditions include, but are not limited to,
 - A. Such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; and
 - B. Such other specific improvements or type of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the county or by a combination thereof, as are necessary or convenient to insure conformity to or implementation of the general plan. (Ord. CS 179 § 1 (part), 1986: Ord. NS 1061 § 2, (part), 1981: prior code § 9-24(j)).

Other specific improvements that are required to be built as a part of this subdivision shall include, but not be limited to: residential lot and road grading and finishing; public area landscaping; utilities; curbs, gutters, and sidewalks; on and off-site stormwater drainage facilities and basins; water and wastewater collection, treatment, and distribution facilities; the Community Park; fire protection improvements including hydrants, fire breaks, and access easements/roads; the cut-across road; emergency vehicle access road; emergency communication facilities; and

wetlands mitigation areas (as defined by the Corps of Engineers permits).

5. Applicant must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license when necessary.
6. Prior to any construction on any subdivision improvement, Diablo Grande shall obtain all required state, federal, and local regulatory permits and authorizations including, but not limited to: US Army Corps of Engineers Permits, California Department of Fish and Game Streambed Alteration Agreements, US Fish and Wildlife Service Management Plans, and other natural resource regulatory agency approvals as are required.
7. Prior to recording the final map, the Applicant shall provide and maintain standard cattle fencing along the property line adjacent to the former bombing range, and post "no trespassing" signs every 200 feet (MMRP A-7).
8. Prior to issuance of any single family residential building permit, the permit applicant shall pay a fee of \$250 to the County Redevelopment Agency. (MMRP A-9)
9. A final geotechnical report shall be submitted with each Improvement and/or building plan providing detailed design criteria, calculations, and standards. The final geotechnical report shall also include site-specific erosion control measures, identification of areas with unstable soils and high soil liquefaction, expansion, and/or corrosion potential, and construction methods for building foundations, roads, utilities and other improvements designed to minimize likelihood of structural failure associated with soil characteristics. (MMRP B-2, B-6, B-12, B-20, B-23, B-24, B-27, C-12)
10. Prior to recording the final map, a "Construction Inspection Plan" shall be submitted to the Departments of Planning and Community Development and Public Works. The inspection plan shall set forth: who is to perform the construction inspection, and the necessary monitoring and reporting protocols for the inspection work. (MMRP B-4)
11. Diablo Grande shall be responsible for inspecting and verifying construction of all non-county maintained subdivision improvements. Diablo Grande shall hire an independent licensed Engineer to conduct subdivision improvement inspections. The Engineer must be approved by the Departments of Public Works and Planning and Community Development. Inspection reports must verify that subdivision improvements have been built to Diablo Grande and Western Hills Water District Standards and be signed by the licensed Engineer. All construction inspection reports shall be forwarded to the County Environmental Coordinator.
12. Prior to approval of any building permit or improvement plan, the applicant shall submit Final Grading Plans for approval by the Department of Works. This shall include, but not be limited to, plans for all subdivision improvements, streets, access roads, utilities, water and wastewater facilities, and subdivision lot improvements. (MMRP B-5)
13. Areas of 25%-plus slopes shall be shown, when they occur, on all tentative maps and site plans. (MMRP B-7)
14. Landscape Plans shall be submitted with improvement plans for the water and wastewater treatment facilities and the Community Park. (MMRP B-18)

15. The "Diablo Grande Earthquake Emergency Plan" shall be provided to all residents. (MMRP B-22)
16. Prior to construction of any subdivision improvement, the applicant shall either revise the existing or prepare a new Stormwater Pollution Prevention Plan in accordance with NPDES permit requirements. (MMRP C-2)
17. All project drainage systems shall be designed and constructed in conformance with the Stanislaus County Drainage ordinance, and FEMA and RWQCB regulations. (MMRP C-6)
18. All project structures, utilities, and roadways shall be located outside of the 100-year floodplain. The 100-year flood plain shall be shown on any Subdivision improvement Plans or Final Maps where it occurs. (MMRP C-10)
19. All construction and development activity shall comply with the Overall Phase 1 Wildlife Corridor Plan. (MMRP D-2)
20. All construction activity shall comply with applicable sections of the approved Diablo Grande Oak Habitat Management Plan, Riparian Habitat Management Plan, Western Pond Turtle Management Plan, Western Spadefoot Toad Management Plan, US Army Corps of Engineers Permits, and California Department of Fish and Game Agreements.
21. Applicant shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the project site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (CEQA, Section 15041)
22. If subsurface cultural resources are discovered on the project site during the construction process, all work shall stop until a qualified archaeologist, approved by the Planning Department, evaluates said resources and establishes boundaries around archaeologically sensitive areas. If the site is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with Appendix K of CEQA. (CEQA, Section 15041)
23. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
24. Western Hills Water District, or the designated Association responsible for sewer service at Diablo Grande shall provide an operational plan to the County prior to County approval of water and wastewater treatment facility plans. This operational Plan shall detail how all infrastructure and public areas/improvements will be maintained and funded, how funds will be collected by the district, and the organizational structure of the district. (MMRP F-16).
25. At the issuance of each residential building permit, \$339 or the current rate, shall be paid to satisfy the Sheriff's Department needs for the first year sheriff's services. (MMRP F-42)
26. Prior to issuance of the 201st residential building permit, plans for construction of the Community Park shall be provided to and approved by the Parks and Planning Departments. An Operational Plan must also be provided by the District or Association slated to operate

and maintain the park (prior to approval of the plans for any improvement) which details how all infrastructure and public areas/improvements will be maintained and funded, how funds will be collected by the district, and the organizational structure of the district.

DEPARTMENT OF PUBLIC WORKS

27. A complete set of grading, drainage, and road improvement plans shall be reviewed and/or approved by the Department of Public Works prior to the final map being recorded. The subdivision improvements shall include, but not be limited to, road pavement, curb and gutter, sidewalks, street lights, drainage facilities, pavement markings, signage, sewer systems, water systems, cut-across road and emergency access road. Public Works will approve all plans for County maintained subdivision improvements and will review all non-County maintained subdivision improvements. National Geodetic survey vertical (elevation) datum shall be used. If available, 1988 data shall be used.

The Cut-across road shall be designed in conformance with Stanislaus County and CalTrans standards and specifications. The following design criteria shall be used: 45 mph design speed, 7% maximum grad, 100 foot right-of-way, slope easements where necessary, 36 foot paved width, and a 30" structural section (5"AC over 9" AB over 16" processed subgrade).

28. Prior to recording the final map, Oak Flat Road abandonment west of the guard station shall be resolved to the satisfaction of the Department of Public Works.
29. Lower Oak Flat Road and Diablo Grande Parkway shall remain a construction zone and be maintained by the subdivider until the cut-across road is constructed to County standards and lower Oak Flat Road and Diablo Grande Parkway are in an acceptable condition to be accepted for maintenance by Stanislaus County. The cut-across road, lower Oak Flat Road and Diablo Grande Parkway shall be accepted for maintenance all at the same time by a single action of the Board of Supervisors.
30. Improvement plans for the water and sewer systems (distribution system and treatment plants) shall be reviewed by Stanislaus County prior to the final map being recorded.
31. Subdivision improvements that will not be maintained by Stanislaus County shall be designed and constructed in conformance with the Diablo Grande Standard Drawings and Specifications, Western Hills Water District Standard Drawings and Specifications, and the California Department of Forestry & Fire Protection standards. Improvements that will be maintained by Stanislaus County shall be designed and constructed in conformance with County standards.
32. Street monuments and covers shall be installed to County standards on all roads to be maintained by Stanislaus County.
33. The right-of-way for all roads to be maintained by Stanislaus County shall be dedicated to the County prior to the final map being recorded.
34. Soil reports shall be required for all lots, roads, easements, and any other areas where deemed necessary by the Department of Public Works. The reports shall be prepared and signed by a Geotechnical Engineer. Soil reports shall be reviewed and approved by Public Works prior to starting any work.

35. Provide for a storm water drainage system in conformance with the tentative map, the EIR and the specific plan.
36. All utilities shall be located in easements as required by the utility companies. The easements shall be shown on the final map.
37. Prior to the final map being recorded all required subdivision improvements shall be bonded and a Subdivision Improvement Agreement executed by the subdivider. The bonds shall be in a format approved by the County. The bond amounts shall be based on an engineer's estimate. The performance bond shall be in an amount equal to 100% of the cost to construct the subdivision improvements. The labor and materials bond shall be 50% of the performance bond.
38. Prior to the final map being recorded, a "district" shall be formed to provide the on going operation and maintenance of the non-county maintained roads, emergency access road, drainage system, street lights, water system, sewer system, common areas, etc. The type of district and its formation will be subject to review and approval of Stanislaus County.
Planning Note: An Operational Plan must also be provided by the District or Association (prior to approval of the plans for any improvement) which details how all infrastructure and public areas/improvements will be maintained and funded, how funds will be collected by the district, and the organizational structure of the district.
39. Prior to the final map being recorded a fee program shall be established by the subdivider for the construction of all off-site traffic improvements required by the EIR. The fee program shall also include funding for all traffic studies required by the EIR. The fee program shall require the subdivider to pay fees prior to issuance of each building permit. for the off-site traffic improvements required by the EIR or any subsequent traffic studies. The fee program, and fee amounts per building permit, shall be approved by the Department of Public Works prior to the final map being recorded.
40. All lots shall have a lot grading plan showing individual pad elevations and drainage patterns which shall be approved by the Department of Public Works. Written certification of lot grades conforming to the approved grading plan by a civil engineer or geotechnical engineer shall be required by the Department of Public Works prior to issuance of a building permit.
41. A set of Record Drawings shall be provided to and approved by the Department of Public Works prior to acceptance of the subdivision improvements by the County. The drawings shall be on 3 mil mylar with each sheet signed and stamped by the design engineer and marked "Record Drawing".

42. One bench mark shall be established within the subdivision on a brass cap and the elevation shall be shown on the Record Drawing. A copy of the field notes shall be furnished to the Department of Public Works. The elevation of the bench mark and all subdivision improvements shall be based on National Geodetic Survey vertical (elevation) datum. If available, 1988 data shall be used.
43. Stanislaus County shall not issue more than 30 single family dwelling building permits prior to the cut-across road being constructed to the satisfaction of the Department of Public Works. Stanislaus County will not issue a final inspection and/or occupancy permit for any structure within the subdivision until all the required subdivision improvements have been constructed/installed to the satisfaction of the Departments of Public Works and Planning.
44. Prior to the final map being recorded the subdivider shall deposit \$70,000.00 with the department of Public Works and sign a "Subdivision Processing/Inspection Agreement."

SHERIFF/CONSOLIDATED FIRE/WEST STANISLAUS FIRE PROTECTION DISTRICT

45. Prior to final inspection for any dwelling, Diablo Grande will provide reliable two-way, motorola compatible, communication to the Phase 1 area and Diablo Grande Parkway - including the cut-across road. One (1) reliable command channel each for fire and sheriff is acceptable. Hard-wire communication stations from radio receivers/transmitters back to dispatch rather than microwave stations would be acceptable. Provisions shall be made for system ownership and maintenance.
46. Prior to combustible construction, fire hydrants will be installed and operational to Stanislaus County Standards. As an alternative, some construction may commence if adequate onsite water storage facilities exist, subject to approval of Consolidated Fire and West Stanislaus Fire Protection Districts.
47. Access easements within the development should be a minimum of 20 feet wide in keeping with the Specific Plan, and no trees or shrubs should be planted within the 20-foot easement. Minimal Standards shall be either California Public Resources Code Section 4290 (CDF Guidelines) or project standards for estate lot driveways. Roadway grades shall be limited to 16% or less unless specifically approved by both Consolidated Fire and West Stanislaus Fire Protection Districts.
48. During the construction of structures at the site, adequate access shall be provided to each building site to assure that emergency vehicles, including fire trucks, can reach the building site if required. This provision of adequate access may include the installation of road base and filling of trenches so that access is available at all times to the building sites.
49. Development Improvements and all residential lots shall be built and maintained in accordance with the Diablo Grande Preliminary Wildfire and Fuel Reduction Plan.
50. All appropriate fire protection fees shall be paid prior to issuance of building permits. The developer shall enter into an agreement with West Stanislaus Fire Protection District and shall pay a fair share of the standard annual benefit assessment fee.

51. Prior to final inspection of any dwelling, Diablo Grande shall provide an approved, all-weather road for emergency vehicle access or adequate on-site public safety facilities. If an emergency access road is constructed, it—This road shall be built and maintained to provide year-round access by a two-wheel drive sheriff's cruiser and by a standard firefighting water-tender. The Department of Public Works will assist in making certain that the emergency access road, if constructed, is designed and constructed to adequate standards. (Revised 12-11-01)

DEPARTMENT OF ENVIRONMENTAL RESOURCES

52. Prior to recording final map engineered plans for potable water and sewer collection, transport, distribution, and treatment must be provided to the County for review and approval.
53. Prior to recording final map appropriate pump tests shall be completed on all wells proposed as a potable water source to verify amounts of water from on-site wells are appropriate.

STATE DEPARTMENT OF HEALTH SERVICES

54. Prior to recording the final map, Diablo Grande and/or Western Hills Water District shall obtain all appropriate State and local permits necessary for supplying potable water to the proposed subdivision.

CALTRANS - Edwin J. Erwin or Eduardo Fuentes

55. Prior to issuance of any residential building permit, a \$907 fee (per each building permit) shall be paid to Stanislaus County for future freeway widening and improvements at the Interstate 5/Sperry Road interchange.
56. The Stanislaus County Planning Commission's approval for Vesting Tentative Map Application TM 97-01 is subject to Stanislaus County Board of Supervisors approval of:
- I. Certification of Diablo Grande Water Resources Plan Supplemental EIR (SCH No. 97032022)
 - II. Re-Authorization of the Project, including:
 - (1) Re-Certification of 1993 Diablo Grande Specific Plan EIR (SCH No. 91032066) as supplemented;
 - (2) Re-Authorization of General Plan Amendment 91-01,
 - (3) Re-Approval of Rezone Application No. 91-01,
 - (4) Re-Approval of Specific Plan Application 91-01 and Phase 1 PDP, as updated; and
 - (5) Reaffirmation of Original 1993 Findings including:
 1. Phase 1 - Finding of Significant Environmental Impact
 2. Phase 1 - Statement of Overriding Considerations
 3. Overall Project - Findings of Significant Environmental Impact

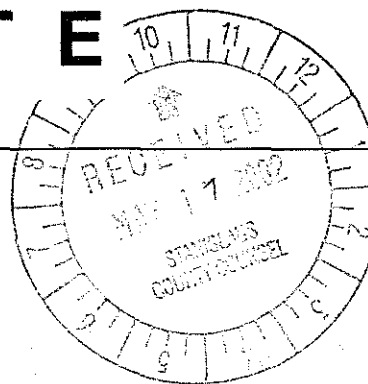
4. Overall Project - Statement of Overriding Considerations
 5. Findings that the MMRP Implements the FEIR
 6. General Plan Amendment 91-01 Consistency Findings
 7. Rezone Application 91-01 Findings
-
57. Prior to recording any Final Map for Phase 1 development that has anticipated water needs beyond that supplied by on-site wells, Diablo Grande and/or Western Hills Water District shall obtain all required governmental approvals necessary for supplying all anticipated water needs of Phase 1 from the Berrenda Mesa or Kern County Water Agency (KCWA) Supply options. (Revised 12-11-01)

ATTACHMENT E



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS



ESTABLISHED 1903

80950-26241

PAUL N. BALESTRACCI

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

May 16, 2002

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

Edwards Investment Partnership
dated December 28, 1984
c/o Geraldine Edwards
5387 Old San Jose Road
Soquel, CA 95073

Michael E. Slone
c/o John A. Christerson, Esq.
311 Bonita Drive
Aptos, CA 95003

John C. Slone
c/o John A. Christerson, Esq.
311 Bonita Drive
Aptos, CA 95003

James A. Hengehold and Alison S.
Hengehold, as Trustees of the James A.
Hengehold and Alison S. Hengehold Trust
Dated November 1, 1977 as amended
1110 Trinity Drive
Menlo Park, CA 94025

James A. Hengehold and Alison S.
Hengehold, as Trustees of the James A.
Hengehold and Alison S. Hengehold
Trust Dated November 1, 1977 as
amended
c/o John A. Christerson, Esq.
311 Bonita Drive
Aptos, CA 95003

Re: County of Stanislaus, Assessor's Parcel No. 21-25-18
Diablo Grande Parkway

Dear Ladies and Gentlemen:

YOU ARE HEREBY NOTIFIED, pursuant to *Code of Civil Procedure* section 1245.235, that the Board of Supervisors of the County of Stanislaus intends to consider adoption of a resolution of necessity for acquisition of real property for construction of a public roadway from Del Puerto Canyon Road to Oak Flat Road, the easements necessary for construction and maintenance of that road and property

necessary to mitigate the effects on wetlands created by the project. The property sought to be acquired, which is owned by you, is more particularly described as Assessor's Parcel Number 21-25-18.

The hearing of the Board of Supervisors on the resolution is set for **9:30 a.m., or as soon thereafter as the matter may be heard, on June 11, 2002**, in the Board Chambers, Stanislaus County Administration Building, 1010 Tenth Street, Basement Room, Modesto, California 95354.

YOU ARE FURTHER NOTIFIED that you have a right to appear and to be heard on the matters referred to in *Code of Civil Procedure* section 1240.030, namely: (1) whether the public interest and necessity require the project, (2) whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, (3) whether the property sought to be acquired is necessary for the project, (4) whether the offer pursuant to Government Code Section 7267.2 has been made.

Separately, the Board will consider (1) whether the project is not based primarily on the lower cost of acquiring land in an agricultural preserve, and (2) whether there is no other land within or outside the agricultural preserve on which it is reasonably feasible to locate the project and associated improvements.

If you desire to appear and be heard on these matters, you must file a written request to appear and be heard within 15 days of the date this Notice was mailed by filing or delivering such request to:

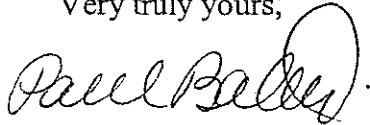
Christine Ferraro-Tallman
Clerk of the Board of Supervisors
Stanislaus County Administration Building
1010 Tenth Street, Suite 6500
Modesto, California 95354

FAILURE TO FILE A WRITTEN REQUEST TO APPEAR AND BE HEARD WITHIN 15 DAYS AFTER THIS NOTICE WAS MAILED WILL RESULT IN WAIVER OF THE RIGHT TO APPEAR AND BE HEARD.

Edwards Investment Partnership, et al.
May 16, 2002
Page 3

For further information, contact George Stillman, Director, Stanislaus County
Department of Public Works at (209) 525-6550.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul Balestracci".

PAUL N. BALESTRACCI
Attorney at Law

PNB:kjs

Enclosures

cc: Jack Doering, Esq. (w/encs.)
Russell A. Newman, Esq. (w/encs.)
Frank Clohan, Esq. (w/encs.)

Resolution No. _____

**APPROVING RESOLUTION OF NECESSITY OF THE
STANISLAUS COUNTY BOARD OF SUPERVISORS AND
DIRECTING THAT AN ACTION IN EMINENT DOMAIN
BE INSTITUTED FOR THE ACQUISITION OF
REAL PROPERTY FOR CONSTRUCTION OF A ROADWAY,
NECESSARY EASEMENTS, AND MITIGATION MEASURES**

WHEREAS, Section 25350.5 of the Government Code authorizes the Board of Supervisors of any County to acquire by eminent domain any property necessary to carry out any of the powers or functions of the County; and

WHEREAS, Section 66462.5 of the Government Code authorizes a local government entity to acquire an interest in land which will permit the Diablo Grande Limited Partnership ("DEVELOPER") to construct a roadway providing access to subdivided lands, and mitigation of effects of that road construction as a requirement of Tentative Map Conditions imposed by the County on the DEVELOPER; and

WHEREAS the conditions of the Tentative Map requires the DEVELOPER to pay all costs associated with acquiring the property upon which the improvements will be constructed, including appraisal and attorney fees and court costs, to be paid directly to Independent counsel mutually agreed upon by the DEVELOPER and County, and the County shall have no obligation therefor; and

WHEREAS, the County and DEVELOPER have mutually agreed that the law offices of Neumiller & Beardslee will act as independent counsel to act as the agent on behalf of the

County to meet all of the requirements of Government Code Section 66462.5; and

WHEREAS, the real property to be taken is described in Exhibits "A", "B", "C", and "D" attached hereto and made a part hereof; and

WHEREAS, the public interest and necessity require the acquisition of said interests in real property for the purpose of construction of a roadway, its appurtenances, and mitigation measures, and

WHEREAS, notice has been properly given as required by and according to the provisions of Section 1245.235 of the California Code of Civil Procedure, and a public hearing has been held at which all persons whose property may be acquired by eminent domain and whose name and address appear on the last equalized County Assessment Roll have been given a reasonable opportunity to appear and be heard by the Board of Supervisors on the matters set forth in Code of Civil Procedure Sections 1240.030 and 1240.510; and

WHEREAS, notice has been properly given to the Director of Conservation pursuant to Government Code section 51291 of the intent to consider the property for location of the project; and

WHEREAS, a two-thirds vote of all of the members of the Board of Supervisors is required for adoption hereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Stanislaus County that the following findings be made:

1. That the public interest and necessity require the acquisition of the real property interests described in Exhibit "A", "B", "C", and "D" attached hereto and incorporated by this reference for the purpose of constructing a roadway, slope easements, temporary construction easements, and wetlands mitigation measures for its construction;

2. That the property to be acquired and the project to be developed are planned and located in the manner that will be most compatible with the greatest public good and the least private injury;

3. That the property sought to be acquired is necessary for the proposed project;

4. That the proposed use will not unreasonably interfere with or impair the continuance of any existing public use on the property as it exists or may reasonably be expected to exist in the future within the meaning of Code of Civil Procedure Section 1240.510;

5. The location of the project is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve;

6. There is no other land within or outside the agricultural preserve on the property to be acquired on which it is reasonably feasible to locate the roadway, necessary easements, and wetland mitigation measures; and

7. The offer required by Section 7267.2 of the Government Code has been made to the owners of record.

BE IT FURTHER RESOLVED as follows:

1. That the law firm of Neumiller & Beardslee, as independent special counsel for the County, and being mutually acceptable to the DEVELOPERS, is hereby authorized to institute and conduct to the conclusion an action in eminent domain in the Superior Court of the State of California for the County of Stanislaus for the acquisition of the described interests in real property and to take such action as is necessary to accomplish this upon direction of the Board of Supervisors.

2. The law firm of Neumiller & Beardslee, as independent special counsel for the County, is also hereby authorized to obtain an order for prejudgment possession of the herein described real property and any other orders reasonably necessary for the prosecution of the action in eminent domain, or which may be necessary for the orderly completion of the proposed project.

BE IT FURTHER RESOLVED that the Auditor/Controller of Stanislaus County is directed to draw all necessary warrants payable to the State Treasurer or County Clerk in the amount specified in the Written Summary of Just Compensation prepared in accordance with Code of Civil Procedure Sections 1255.010, et seq. All warrants shall be drawn from the County Treasury. No warrant shall be drawn on that account for purposes of furthering the eminent

domain action unless sufficient funds have been deposited to fund any such warrant.

On motion duly seconded, the foregoing Resolution was duly passed and adopted by the Board of Supervisors of the County Stanislaus this ____ day of June, 2002, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTENTIONS: _____

ATTEST:

Secretary _____

LEGAL DESCRIPTION

All that portion of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987176.500 feet and E= 6360193.338 feet, said point being North 89°12'06" West 4828.41 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South 89°01'48" East 409.55 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, along the south line of said southwest quarter of Section 34, North 89°01'48" West 60.87 feet to a point on a non-tangent curve to the right, having a radius of 1550.00 feet, whose radius point bears South 54°53'57" East; thence northeasterly, along the arc of said curve, through a central angle of 1°22'50", an arc distance of 37.35 feet; thence North 36°28'53" East 761.52 feet to the beginning of a curve to the left, having a radius of 950.00 feet and a central angle of 39°46'14"; thence northeasterly, along the arc of said curve, 659.42 feet; thence North 03°17'21" West 763.11 feet to the beginning of a curve to the right, having a radius of 750.00 feet and a central angle of 48°25'33"; thence northeasterly, along the arc of said curve, 633.89 feet; thence North 45°08'12" East 2167.74 feet to the beginning of a curve to the right, having a radius of 1050.00 feet and a central angle of 22°52'04"; thence northeasterly, along the arc of said curve, 419.08 feet; thence North 68°00'16" East 373.83 feet to the beginning of a curve to the left, having a radius of 25.00 feet and a central angle of 101°10'55"; thence northerly, along the arc of said curve, 44.15 feet to a point of compound curvature; thence northwesterly, along the arc of a curve to the left, having a radius of 270.00 feet, whose radius point bears South 56°49'21" West, through a central angle of 25°40'32", an arc distance of 120.99 feet to a point of cusp on the southerly line of that certain parcel of land conveyed to the State of California and described as Parcel No. 2 in the Grant Deed recorded February 10, 1965 in Book 2011 of Official Records, at Page 106, Stanislaus County Records; thence along the southerly line of said Parcel No. 2 the following two (2) courses:
1) South 74°29'44" East 74.78 feet to the beginning of a curve to the left, having a radius of 890.00 feet and a central angle of 37°30'00";

2) Easterly, along the arc of said curve, 582.50 feet; thence leaving said southerly line, on a non-tangent line, South $21^{\circ}59'44''$ East 10.00 feet; thence South $68^{\circ}00'16''$ West 950.65 feet to the beginning of a curve to the left, having a radius of 950.00 feet and a central angle of $22^{\circ}52'04''$; thence southwesterly, along the arc of said curve, 379.16 feet; thence South $45^{\circ}08'12''$ West 2167.74 feet to the beginning of a curve to the left, having a radius of 650.00 feet and a central angle of $48^{\circ}25'33''$; thence southwesterly, along the arc of said curve, 549.37 feet; thence South $03^{\circ}17'21''$ East 763.11 feet to the beginning of a curve to the right, having a radius of 1050.00 feet and a central angle of $39^{\circ}46'14''$; thence southwesterly, along the arc of said curve, 728.83 feet; thence South $36^{\circ}28'53''$ West 727.83 feet to the south line of the southwest quarter of said Section 34; thence along said south line, North $89^{\circ}01'46''$ West 61.42 feet to the point of beginning.

Containing 14.194 Acres, more or less

Subject to existing easements and rights-of-way of record.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



EXP: 12-31-03

COORDINATES, BEARINGS AND DISTANCES ARE
BASED ON THE CALIFORNIA COORDINATE SYSTEM,
NAD 83, ZONE 3. DISTANCES ARE GRID.
TO CONVERT TO GROUND DISTANCE MULTIPLY
THE GRID DISTANCE BY 1.0007847.

DEL PUERTO
CANYON ROAD

OWNER
ALISON HENGHOLD ET. AL.
I. N. 88-072762

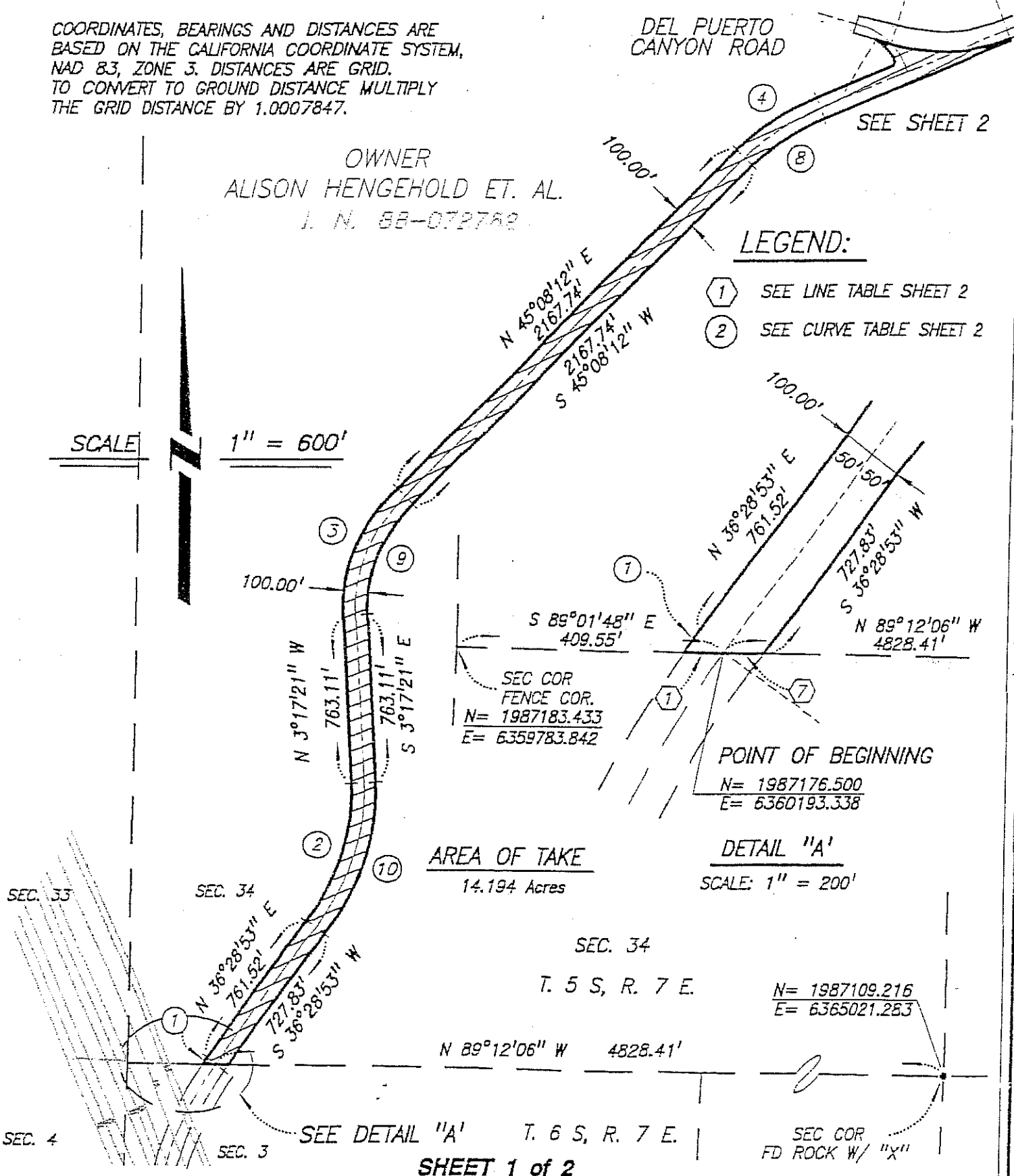
SEE SHEET 2

LEGEND:

- ① SEE LINE TABLE SHEET 2
- ② SEE CURVE TABLE SHEET 2

SCALE

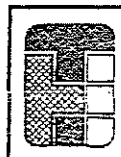
1" = 600'



SHEET 1 of 2

HENGHOLD PROPERTY
WITH CUT ACROSS ROAD

DIABLO GRANDE
PARKWAY



THOMPSON-HYSELL
ENGINEERS

A DIVISION OF THE KEITH COMPANIES

1016 12TH ST. - MODESTO, CA. 95354
(209) 521-8986

DATE : JAN 07, 2002

LINE TABLE:

NO.	BEARING	DISTANCE
1	N 89°01'48" W	60.87'
2	N 68°00'16" E	373.83'
3	S 56°49'21" W	270.00'
4	N 31°08'49" E	270.00'
5	S 74°29'44" E	74.78'
6	S 21°59'44" E	10.00'
7	N 89°01'48" W	61.42'

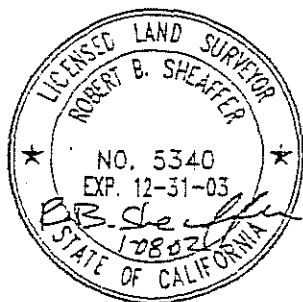
CURVE TABLE:

NO.	DELTA	RADIUS	LENGTH
1	01°22'50"	1550.00'	37.35'
2	39°46'14"	950.00'	659.42'
3	48°25'33"	750.00'	633.89'
4	22°52'04"	1050.00'	419.08'
5	101°10'55"	25.00'	44.15'
6	25°10'32"	270.00'	120.99'
7	37°30'00"	890.00'	582.50'
8	22°52'04"	950.00'	379.16'
9	48°25'33"	650.00'	549.37'
10	39°46'14"	1050.00'	728.83'

COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, NAD 83, ZONE 3. DISTANCES ARE GRID. TO CONVERT TO GROUND DISTANCE MULTIPLY THE GRID DISTANCE BY 1.0007847.

SCALE

1" = 300'



PARCEL NO. 2
BK. 2011 O.R. PG. 106
STANISLAUS COUNTY RECORDS

DEL
PUERTO
CANYON
ROAD

INTERSTATE 5

N 45°08'12" E
2167.74'
S 45°08'12" W
2167.74'

OWNER
ALISON HENGHOLD
I. N. 88 072762

LEGEND:

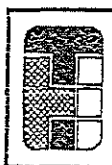
- (1) SEE LINE TABLE SHEET 2
- (2) SEE CURVE TABLE SHEET 2

SHEET 2 of 2

HENGHOLD PROPERTY
WITH CUT ACROSS ROAD

DATE : JAN 07, 2002

DIABLO GRANDE
PARKWAY



THOMPSON-HYSELL
ENGINEERS

A DIVISION OF THE KEITH COMPANIES
1016 12TH ST. - MODESTO, CA 95354
(209) 521-8986

LEGAL DESCRIPTION
(Wetlands Mitigation Area)

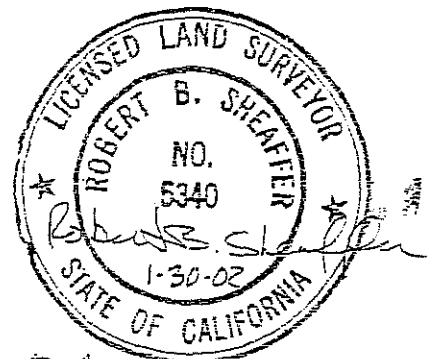
Being all that portion of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at a point having coordinates of N= 1990844.257 feet and E= 6362182.763 feet, said point being North 37°14'02" West 4691.24 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 33°14'12" East 4376.81 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 45°08'12" East 552.83 feet to the beginning of a curve concave to the southeast, having a radius of 950.00 feet and a central angle of 22°52'04"; thence northeasterly, along the arc of said curve, 379.16 feet; thence North 68°00'16" East 71.96 feet; thence South 47°52'04" East 63.01 feet; thence South 43°41'16" East 37.44 feet; thence South 23°38'34" East 49.00 feet; thence South 05°12'35" West 84.40 feet; thence South 31°29'02" West 137.79 feet; thence South 31°33'34" West 141.33 feet; thence South 59°03'56" West 100.00 feet; thence South 57°30'32" West 91.71 feet; thence South 43°31'42" West 135.31 feet; thence North 77°05'16" West 89.78 feet; thence South 16°25'17" West 77.38 feet; thence South 45°43'39" West 70.61 feet; thence South 53°17'47" West 100.00 feet; thence North 62°15'05" West 100.00 feet; thence North 44°51'48" West 179.48 feet to the point of beginning.

Containing 6.748 Acres, more or less.

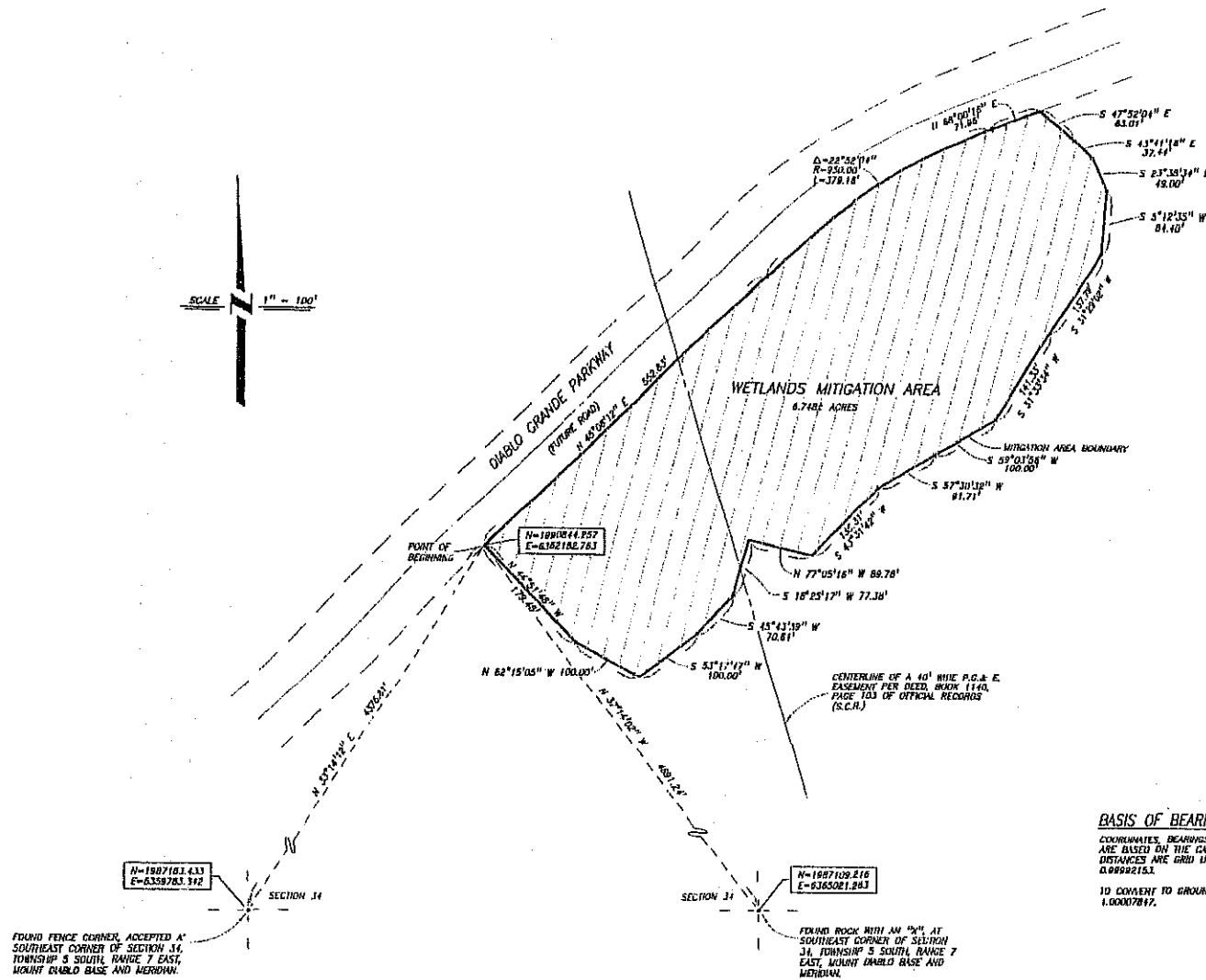
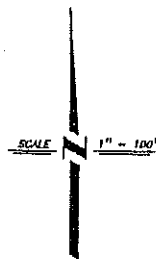
Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



Q:\149607\wpd\149607-27.doc
01/31/02

Exhibit "B" EXP: 12-31-03



BASIS OF BEARINGS

COORDINATES, BEARINGS AND DISTANCES USED FOR THE ABOVE EXHIBIT ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, AND AS, ZONE 3. DISTANCES ARE GRID USING AN AVERAGE COMBINED FACTOR OF 0.99992753.

TO CONVERT TO GROUND DISTANCE MULTIPLY THE GRID DISTANCE BY 1.00007247.

TOPPING 11 10 2007 THOMPSON-HYSELL ENGINEERS

EXHIBIT "A" **WETLANDS MITIGATION AREA**

DIABLO GRANDE PARKWAY

STANISLAUS COUNTY,

CALIFORNIA



THOMPSON-HYSELL **ENGINEERS**

A DIVISION OF THE KEITH COMPANIES

1018 19TH STREET, MOUNTAIN VIEW, CA 95944 (209) 621-8800 FAX: (209) 621-4048

APPROVED BY:

R.E. _____ EXP. _____
SCALE 1"=100' DTL BY _____
DATE 1/11/2002 CK BY _____ R.E.S.
FILE Q\188607\CONTRM\Exhibit.dwg

SHEET
NUMBER

1 OF 1

LEGAL DESCRIPTION
(Slope Maintenance and Drainage Easement)

Being an easement for slope maintenance and drainage purposes over and across those portions of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

PARCEL NO. 1

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987177.531 feet and E= 6360132.473 feet, said point being North $89^{\circ}11'58''$ West 4889.29 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South $89^{\circ}01'48''$ East 348.68 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, along the south line of said southwest quarter of Section 34, North $89^{\circ}01'48''$ West 7.68 feet; thence North $37^{\circ}10'00''$ East 200.00 feet; thence North $35^{\circ}10'00''$ East 150.00 feet; thence North $36^{\circ}10'00''$ East 250.00 feet; thence North $37^{\circ}35'00''$ East 55.00 feet; thence North $45^{\circ}00'00''$ East 48.40 feet; thence South $36^{\circ}28'53''$ West 660.99 feet to the beginning of a curve concave to the southeast, having a radius of 1550.00 feet and a central angle of $01^{\circ}22'50''$; thence southwesterly, along the arc of said curve, 37.35 feet to the point of beginning.

Containing 0.099 Acres, more or less

PARCEL NO. 2

BEGINNING at a point having coordinates of N= 1987820.127 feet and E= 6360607.087 feet, said point being North $80^{\circ}51'04''$ West 4471.08 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North $52^{\circ}16'54''$ East 1040.73 feet from the found fence corner accepted as the southwest corner of

(Slope Maintenance and Drainage Easement)

said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 31°30'00" East 94.00 feet; thence North 05°58'00" West 57.50 feet; thence North 11°17'00" East 47.00 feet; thence North 06°30'00" West 51.00 feet; thence North 17°17'00" East 88.00 feet; thence North 11°35'00" East 43.00 feet; thence North 02°30'00" East 44.00 feet; thence North 09°54'00" West 70.00 feet; thence North 01°43'00" East 77.00 feet; thence North 08°22'00" East 64.00 feet; thence North 55°06'00" East 106.00 feet; thence North 06°12'00" East 51.00 feet; thence North 13°13'00" West 50.00 feet; thence North 18°27'00" West 52.00 feet; thence North 06°40'00" West 50.00 feet; thence North 03°00'00" East 50.50 feet; thence North 08°35'00" East 51.00 feet; thence North 00°50'00" East 72.00 feet; thence North 13°38'00" West 55.00 feet; thence North 02°27'00" West 100.00 feet; thence North 00°02'00" East 150.00 feet; thence North 04°09'00" West 78.00 feet; thence North 13°40'00" West 57.00 feet; thence North 05°53'00" West 57.00 feet; thence North 06°58'00" East 56.50 feet; thence North 22°14'00" East 57.00 feet; thence North 35°27'00" East 57.50 feet; thence North 42°54'00" East 45.83 feet to a point of cusp; thence southwesterly, along the arc of a non-tangent curve concave to the southeast, whose radius point bears South 66°07'20" East, said curve having a radius of 750.00 feet, through a central angle of 27°10'01", an arc distance of 355.61 feet; thence South 03°17'21" East 763.11 feet to the beginning of a curve concave to the northwest, having a radius of 950.00 feet and a central angle of 39°46'14"; thence southwesterly, along the arc of said curve, 659.42 feet to the point of beginning.

Containing 1.512 Acres, more or less.

PARCEL NO. 3

BEGINNING at a point having coordinates of N= 1989940.113 feet and E= 6361132.539 feet, said point being North 53°56'47" West 4810.02 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 26°04'12" East 3068.92 feet

(Slope Maintenance and Drainage Easement)

from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 33°22'00" East 120.50 feet; thence North 53°53'00" East 51.00 feet; thence North 57°37'00" East 51.00 feet; thence North 46°04'00" East 200.00 feet; thence North 43°45'00" East 100.00 feet; thence North 40°24'00" East 50.00 feet; thence North 44°20'00" East 78.00 feet; thence North 37°00'00" East 73.00 feet; thence North 13°37'00" East 58.00 feet; thence North 50°00'00" East 51.00 feet; thence North 63°25'00" East 52.00 feet; thence North 55°28'00" East 51.00 feet; thence North 26°43'00" East 53.00 feet; thence North 42°08'00" East 50.00 feet; thence North 54°16'00" East 50.00 feet; thence North 36°28'00" East 51.00 feet; thence North 40°54'00" East 75.00 feet; thence North 44°10'00" East 75.00 feet; thence North 51°43'00" East 101.00 feet; thence North 59°24'00" East 52.00 feet; thence North 54°54'00" East 101.00 feet; thence North 46°39'00" East 150.00 feet; thence North 42°37'00" East 100.00 feet; thence North 37°27'00" East 101.00 feet; thence North 34°28'00" East 68.00 feet; thence North 16°48'00" East 41.00 feet; thence North 77°25'00" East 63.00 feet; thence North 63°54'00" East 54.00 feet; thence North 55°37'00" East 53.00 feet; thence North 63°57'00" East 54.00 feet; thence North 60°32'00" East 104.00 feet; thence North 66°42'00" East 154.00 feet; thence North 64°32'00" East 50.00 feet; thence North 72°27'00" East 50.00 feet; thence North 55°18'00" East 52.00 feet; thence North 75°40'00" East 75.00 feet; thence North 67°27'00" East 65.27 feet; thence South 21°59'44" East 5.86 feet; thence South 68°00'16" West 373.83 feet to the beginning of a curve concave to the southeast, having a radius of 1050.00 feet and a central angle of 22°52'04"; thence southwesterly, along the arc of said curve, 419.08 feet; thence South 45°08'12" West 1935.02 feet to the point of beginning.

Containing 1.066 Acres, more or less.

Subject to existing easements and rights-of-way of record.

(Slope Maintenance and Drainage Easement)

PARCEL NO. 4

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987175.461 feet and E= 6360254.753 feet, said point being North 89°12'14" West 4766.99 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South 89°01'48" East 470.98 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 36°28'53" East 727.83 feet to the beginning of a curve concave to the northwest, having a radius of 1050.00 feet and a central angle of 39°46'14"; thence northeasterly, along the arc of said curve, a distance of 728.83 feet; thence North 03°17'21" West 763.11 feet to the beginning of a curve concave to the southeast having a radius of 650.00 feet and a central angle of 48°25'33"; thence northeasterly, along the arc of said curve, a distance of 549.37 feet; thence North 45°08'12" East 596.41 feet; thence South 39°15'00" West 94.90 feet; thence South 31°33'00" West 65.00 feet; thence South 44°57'00" West 90.00 feet; thence South 45°52'00" West 100.00 feet; thence South 48°00'00" West 140.00 feet; thence South 49°45'00" West 75.00 feet; thence South 48°37'00" West 50.00 feet; thence South 44°22'00" West 50.00 feet; thence South 37°02'00" West 45.00 feet; thence South 32°00'00" West 50.00 feet; thence South 26°44'00" West 55.00 feet; thence South 22°37'00" West 50.00 feet; thence South 19°00'00" West 100.00 feet; thence South 06°43'00" West 100.00 feet; thence South 01°30'00" East 85.00 feet; thence South 07°05'00" East 75.00 feet; thence South 05°22'00" East 78.00 feet; thence South 03°05'00" East 100.00 feet; thence South 03°57'00" East 275.00 feet; thence South 04°53'00" East 175.00 feet; thence South 05°03'00" East 105.00 feet; thence South 01°40'00" East 50.00 feet; thence South 01°34'00" West 70.00 feet; thence South 07°15'00" West 65.00 feet; thence South 10°13'00" West 55.00 feet; thence South 10°54'00" West 55.00 feet; thence South 14°51'00" West 55.00 feet; thence South 22°04'00" West 80.00 feet; thence South 23°48'00" West 55.00 feet; thence South 30°26'00" West 55.00 feet; thence South 34°15'00" West 100.00 feet; thence South 39°18'00" West 136.00 feet; thence South 32°48'00" West 52.00 feet; thence

(Slope Maintenance and Drainage Easement)

South 46°04'00" West 50.00 feet; thence South 37°35'00" West 95.00 feet; thence South 36°44'30" West 200.00 feet; thence South 36°47'00" West 250.00 feet; thence North 89°01'48" West 11.45 feet to the point of beginning.

Containing 1.459 Acres, more or less.

PARCEL NO. 5

BEGINNING at a point having coordinates of N= 1990305.178 feet and E= 6361641.108 feet, said point being North 46°36'16" West 4651.86 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 30°45'01" East 3632.45 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 45°08'12" East 244.77 feet; thence South 39°10'00" West 55.15 feet; thence South 46°52'00" West 190.000 feet to the point of beginning.

Containing 0.016 Acres, more or less.

PARCEL NO. 6

BEGINNING at a point having coordinates of N= 1990904.786 feet and E= 6362243.581 feet, said point being North 36°11'52" West 4703.40 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 33°27'50" East 4460.81 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, North 45°08'12" East 467.02 feet to the beginning of a curve concave to the southeast, having a radius of 950.00 feet and a central angle of 22°52'04"; thence northeasterly, along the arc of said curve, 379.16 feet; thence

(Slope Maintenance and Drainage Easement)

North 68°00'16" East 433.43 feet; thence South 66°45'23" West 49.11 feet; thence South 68°02'00" West 50.00 feet; thence South 67°07'00" West 50.00 feet; thence South 68°28'30" West 125.00 feet; thence South 67°19'00" West 100.00 feet; thence South 61°47'30" West 50.00 feet; thence South 69°53'00" West 52.00 feet; thence South 67°34'30" West 45.00 feet; thence South 59°16'00" West 70.00 feet; thence South 57°56'30" West 48.00 feet; thence South 55°12'00" West 45.00 feet; thence South 50°05'00" West 45.00 feet; thence South 49°30'30" West 75.00 feet; thence South 45°05'30" West 295.00 feet; thence South 42°24'30" West 55.00 feet; thence South 45°06'00" West 75.00 feet; thence South 49°43'30" West 50.00 feet to the point of beginning.

Containing 0.067 Acres, more or less.

Subject to existing easements and rights-of-way of record.

PARCEL NO. 7

BEGINNING at a point having coordinates of N= 1991807.058 feet and E= 6363766.651 feet, said point being North 14°57'10" West 4862.49 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being North 40°44'30" East 6102.51 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet, said point of beginning also being the beginning of course numbered 7 of Parcel No. 2 of that certain parcel of land conveyed to the State of California and described as Parcel No. 2 in the Grant Deed recorded February 10, 1965 in Book 2011 of Official Records, at Page 106, Stanislaus County Records; thence leaving said point of beginning, along the southerly line of said Parcel No. 2, North 68°00'16" East 70.83 feet; thence, leaving said southerly line, South 50°14'41" West 90.50 feet; thence South 62°31'30" West 75.00 feet; thence South 75°15'00" West 30.00 feet; thence South 80°19'00" West 50.00 feet; thence South 88°07'30" West

(Slope Maintenance and Drainage Easement)

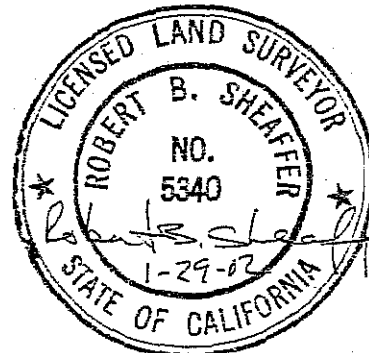
30.00 feet; thence North 68°00'16" East 196.79 feet; thence North 21°59'44" West 10.00 feet to the point of beginning.

Containing 0.097 Acres, more or less.

Subject to existing easements and rights-of-way of record.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



EXP: 12-31-03

CHANGE

16:

.9063 1384 -497 1383 9064 9065*9080 9063 #

LOT SUMMARY

sec 34 slope easement no.1

				1362	1987177.531	6360132.473
1362 INV	N 89-01-48.2 W	7.683	9001	1987177.661	6360124.791	
9001 INV	N 37-10-00.0 E	200.000	9002	1987337.037	6360245.618	
9002 INV	N 35-10-00.0 E	150.000	9003	1987459.659	6360332.011	
9003 INV	N 36-10-00.0 E	250.000	9004	1987661.485	6360479.545	
9004 INV	N 37-35-00.0 E	55.000	9005	1987705.071	6360513.091	
9005 INV	N 45-00-00.0 E	48.400	9006	1987739.295	6360547.315	
9006 INV	S 36-28-53.1 W	660.991	1363	1987207.825	6360154.315	
RADIUS POINT			1691	1986286.255	6361400.592	
RADIAL BRG IN: S 53-31-07.0 E						

DELTA:- 1-22-50.1 R= 1550.000 A= 37.348 C= 37.347 T= 18.675

RADIAL BRG OUT: N 54-53-57.1 W

P.C. - P.T.

1363 INV	S 35-47-27.9 W	37.347	1362	1987177.530	6360132.473
			1362	1987177.531	6360132.473
N 20-25-45.3 E 0.000 CLOSING LINE					

1409.422 DISTANCE TRAVERSED

5549824.059 PRECISION

AREA: 4164.98 Square Feet 0.0956 Acres

sec 34 slope easement no. 2

			1364	1987820.127	6360607.087
1364 INV	N 31-30-00.0 E	94.000	10098	1987900.275	6360656.201 10 RP
10098 INV	N 5-58-00.0 W	57.500	10097	1987957.463	6360650.224 10 RP
10097 INV	N 11-17-00.0 E	47.000	10096	1988003.555	6360659.420 10 RP
10096 INV	N 6-30-00.0 W	51.000	10095	1988054.227	6360653.647 10 RP
10095 INV	N 17-17-00.0 E	88.000	10093	1988138.254	6360679.792 10 RP
10093 INV	N 11-35-00.0 E	43.000	10092	1988180.378	6360688.426 10 RP
10092 INV	N 2-30-00.0 E	44.000	10091	1988224.336	6360690.345 10 RP
10091 INV	N 9-54-00.0 W	70.000	9007	1988293.294	6360678.310
9007 INV	N 1-43-00.0 E	77.000	9008	1988370.259	6360680.617
9008 INV	N 8-22-00.0 E	64.000	10086	1988433.578	6360689.929 10 RP
10086 INV	N 55-06-00.0 E	106.000	10085	1988494.225	6360776.865 10 RP
10085 INV	N 6-12-00.0 E	51.000	10084	1988544.927	6360782.373 10 RP
10084 INV	N 13-13-00.0 W	50.000	10083	1988593.603	6360770.941 10 RP
10083 INV	N 18-27-00.0 W	52.000	10082	1988642.930	6360754.485 10 RP
10082 INV	N 6-40-00.0 W	50.000	10081	1988692.592	6360748.680 10 RP
10081 INV	N 3-00-00.0 E	50.500	10080	1988743.023	6360751.323 10 RP
10080 INV	N 8-35-00.0 E	51.000	10079	1988793.451	6360758.934 10 RP
10079 INV	N 0-50-00.0 E	72.000	9009	1988865.444	6360759.982
9009 INV	N 13-38-00.0 W	55.000	9010	1988918.894	6360747.018
9010 INV	N 2-27-00.0 W	100.000	9011	1989018.803	6360742.743
9011 INV	N 0-02-00.0 E	150.000	9012	1989168.803	6360742.830
9012 INV	N 4-09-00.0 W	78.000	10076	1989246.598	6360737.186 10 RP
10076 INV	N 13-40-00.0 W	57.000	10075	1989301.984	6360723.718 10 RP
10075 INV	N 5-53-00.0 W	57.000	10074	1989358.684	6360717.875 10 RP
10074 INV	N 6-58-00.0 E	56.500	10073	1989414.767	6360724.728 10 RP
10073 INV	N 22-14-00.0 E	57.000	10072	1989467.529	6360746.296 10 RP
10072 INV	N 35-27-00.0 E	57.500	10071	1989514.370	6360779.646 10 RP

10071 INV N 42-54-00.0 E 45.834 9013 1989547.945 6360810.846
RADIUS POINT 608 1989244.356 6361496.654
RADIAL BRG IN: S 66-07-20.3 E

DELTA:- 27-10-00.9 R= 750.000 A= 355.614 C= 352.292 T= 181.215

RADIAL BRG OUT: S 86-42-38.8 W

P.C. - P.T.

9013 INV S 10-17-39.2 W 352.292 1365 1989201.324 6360747.890

1366 INV S 3-17-21.2 E 763.112 1365 1988439.469 6360791.674

RADIUS POINT 605 1988384.961 6359843.239

RADIAL BRG IN: S 86-42-38.8 W

DELTA: 39-46-14.3 R= 950.000 A= 659.422 C= 646.263 T= 343.620

RADIAL BRG OUT: S 53-31-06.9 E

P.C. - P.T.

1365 INV S 16-35-45.9 W 646.263 1364 1987820.127 6360607.087

1364 1987820.127 6360607.087

S 8-47-34.4 W 0.001 CLOSING LINE

3609.982 DISTANCE TRAVERSED

3966518.510 PRECISION

AREA: 65882.46 Square Feet 1.5125 Acres

sec 34 slope easement no.3

			9014	1989940.113	6361132.539	
9014	INV	N 33-22-00.0 E	120.500	10065	1990040.751	6361198.813 10 RP
10065	INV	N 53-53-00.0 E	51.000	10064	1990070.812	6361240.012 10 RP
10064	INV	N 57-37-00.0 E	51.000	10063	1990098.127	6361283.081 10 RP
10063	INV	N 46-04-00.0 E	200.000	10059	1990236.891	6361427.110 10 RP
10059	INV	N 43-45-00.0 E	100.000	10057	1990309.127	6361496.262 10 RP
10057	INV	N 40-24-00.0 E	50.000	10056	1990347.204	6361528.668 10 RP
10056	INV	N 44-20-00.0 E	78.000	9087	1990402.997	6361583.176
9087	INV	N 37-00-00.0 E	73.000	10053	1990461.297	6361627.109 10 RP
10053	INV	N 13-37-00.0 E	58.000	10052	1990517.667	6361640.764 10 RP
10052	INV	N 50-00-00.0 E	51.000	10051	1990550.449	6361679.832 10 RP
10051	INV	N 63-25-00.0 E	52.000	10050	1990573.719	6361726.335 10 RP
10050	INV	N 55-28-00.0 E	51.000	10000	1990602.630	6361768.348 10 RP
10000	INV	N 26-43-00.0 E	53.000	10001	1990649.972	6361792.176 10 RP
10001	INV	N 42-08-00.0 E	50.000	10002	1990687.051	6361825.719 10 RP
10002	INV	N 54-16-00.0 E	50.000	10003	1990716.252	6361866.306 10 RP
10003	INV	N 36-28-00.0 E	51.000	10004	1990757.266	6361896.618 10 RP
10004	INV	N 40-54-00.0 E	75.000	9088	1990813.955	6361945.724
9088	INV	N 44-10-00.0 E	75.000	10007	1990867.754	6361997.980 10 RP
10007	INV	N 51-43-00.0 E	101.000	10009	1990930.328	6362077.260 10 RP
10009	INV	N 59-24-00.0 E	52.000	10010	1990956.799	6362122.019 10 RP
10010	INV	N 54-54-00.0 E	101.000	10012	1991014.874	6362204.652 10 RP
10012	INV	N 46-39-00.0 E	150.000	10015	1991117.842	6362313.728 10 RP
10015	INV	N 42-37-00.0 E	100.000	10017	1991191.432	6362381.437 10 RP
10017	INV	N 37-27-00.0 E	101.000	10019	1991271.614	6362442.852 10 RP
10019	INV	N 34-28-00.0 E	68.000	10021	1991327.677	6362481.335 10 RP
10021	INV	N 16-48-00.0 E	41.000	10022	1991366.927	6362493.186 10 RP
10022	INV	N 77-25-00.0 E	63.000	10024	1991380.653	6362554.672 10 RP
10024	INV	N 63-54-00.0 E	54.000	10025	1991404.409	6362603.166 10 RP
10025	INV	N 55-37-00.0 E	53.000	10026	1991434.340	6362646.906 10 RP
10026	INV	N 63-57-00.0 E	54.000	10027	1991458.054	6362695.420 10 RP
10027	INV	N 60-32-00.0 E	104.000	9015	1991509.214	6362785.966
9015	INV	N 66-42-00.0 E	154.000	9016	1991570.128	6362927.407
9016	INV	N 64-32-00.0 E	50.000	9017	1991591.627	6362972.549

9017 INV	N 72-27-00.0 E	50.000	9018	1991506.704	6363020.222
9018 INV	N 55-18-00.0 E	52.000	9019	1991636.306	6363062.973
9019 INV	N 75-40-00.0 E	75.000	9020	1991654.874	6363135.639
9020 INV	N 67-27-00.0 E	65.270	9021	1991679.904	6363195.918
9021 INV	S 21-59-43.9 E	5.859	1370	1991674.471	6363198.113
1370 INV	S 68-00-16.1 W	373.831	1369	1991534.459	6362851.492
RADIUS POINT			497	1990560.884	6363244.752
RADIAL BRG IN: S 21-59-43.9 E					

DELTA:- 22-52-04.5 R= 1050.000 A= 419.076 C= 416.300 T= 212.365

RADIAL BRG OUT: N 44-51-48.4 W

P.C. - P.T.

1369 INV	S 56-34-13.8 W	416.300	1368	1991305.115	6362504.062
1368 INV	S 45-08-11.6 W	1935.020	9014	1989940.114	6361132.539
			9014	1989940.113	6361132.539
S 33-36-41.9 W		0.001	CLOSING LINE		
		5511.556	DISTANCE TRAVERSED		
		9241503.392	PRECISION		

AREA: 46427.45 Square Feet 1.0658 Acres

sec 34 slope easement no.4

			1389	1987175.461	6360254.753
1389 INV	N 36-28-53.1 E	727.828	1388	1987760.670	6360687.491
RADIUS POINT			605	1988384.961	6359843.239
RADIAL BRG IN: N 53-31-06.9 W					

DELTA:- 39-46-14.3 R= 1050.000 A= 728.835 C= 714.291 T= 379.790

RADIAL BRG OUT: N 86-42-38.8 E

P.C. - P.T.

1388 INV	N 16-35-45.9 E	714.291	1387	1988445.206	6360891.510
1387 INV	N 3-17-21.2 W	763.112	1386	1989207.060	6360847.725
RADIUS POINT			608	1989244.356	6361496.654
RADIAL BRG IN: N 86-42-38.8 E					

DELTA: 48-25-32.8 R= 650.000 A= 549.373 C= 533.167 T= 292.297

RADIAL BRG OUT: N 44-51-48.4 W

P.C. - P.T.

1386 INV	N 20-55-25.2 E	533.167	1385	1989705.069	6361038.132
1385 INV	N 45-08-11.6 E	596.411	9022	1990125.788	6361460.862
9022 INV	S 39-15-00.0 W	94.896	9023	1990052.302	6361400.821
9023 INV	S 31-33-00.0 W	65.000	9024	1989996.910	6361366.810
9024 INV	S 44-57-00.0 W	90.000	9025	1989933.215	6361303.226
9025 INV	S 45-52-00.0 W	100.000	9026	1989863.582	6361231.454
9026 INV	S 48-00-00.0 W	140.000	9027	1989769.903	6361127.413
9027 INV	S 49-45-00.0 W	75.000	9028	1989721.444	6361070.171
9028 INV	S 48-37-00.0 W	50.000	9029	1989688.389	6361032.656
9029 INV	S 44-22-00.0 W	50.000	9030	1989652.645	6360997.693
9030 INV	S 37-02-00.0 W	45.000	9031	1989616.723	6360970.591
9031 INV	S 32-00-00.0 W	50.000	9032	1989574.320	6360944.095
9032 INV	S 26-44-00.0 W	55.000	9033	1989525.199	6360919.354
9033 INV	S 22-37-00.0 W	50.000	9034	1989479.044	6360900.125
9034 INV	S 19-00-00.0 W	100.000	9035	1989384.492	6360867.569
9035 INV	S 6-43-00.0 W	100.000	9036	1989285.179	6360855.873
9036 INV	S 1-30-00.0 E	85.000	9037	1989200.208	6360858.098
9037 INV	S 7-05-00.0 E	75.000	9038	1989125.780	6360867.346
9038 INV	S 5-22-00.0 E	78.000	9039	1989048.122	6360874.641

9039	INV	S	3-05-00.0	E	100.000	9040	1988948.267	6360880.020
9040	INV	S	3-57-00.0	E	275.000	9041	1988673.920	6360898.964
9041	INV	S	4-53-00.0	E	175.000	9042	1988499.555	6360913.861
9042	INV	S	5-03-00.0	E	105.000	9043	1988394.963	6360923.104
9043	INV	S	1-40-00.0	E	50.000	9044	1988344.984	6360924.558
9044	INV	S	1-34-00.0	W	70.000	9045	1988275.010	6360922.644
9045	INV	S	7-15-00.0	W	65.000	9046	1988210.530	6360914.441
9046	INV	S	10-13-00.0	W	55.000	9047	1988156.402	6360904.686
9047	INV	S	10-54-00.0	W	55.000	9048	1988102.394	6360894.286
9048	INV	S	14-51-00.0	W	55.000	9049	1988049.231	6360880.190
9049	INV	S	22-04-00.0	W	80.000	9050	1987975.091	6360850.135
9050	INV	S	23-48-00.0	W	55.000	9051	1987924.769	6360827.940
9051	INV	S	30-26-00.0	W	55.000	9052	1987877.347	6360800.080
9052	INV	S	34-15-00.0	W	100.000	9053	1987794.688	6360743.800
9053	INV	S	39-18-00.0	W	136.000	9054	1987689.445	6360657.660
9054	INV	S	32-48-00.0	W	52.000	9055	1987645.736	6360629.491
9055	INV	S	46-04-00.0	W	50.000	9056	1987611.045	6360593.484
9056	INV	S	37-35-00.0	W	95.000	9057	1987535.761	6360535.542
9057	INV	S	36-44-30.0	W	200.000	9058	1987375.492	6360415.900
9058	INV	S	36-47-00.0	W	250.000	9059	1987175.266	6360266.203
9059	INV	N	89-01-48.2	W	11.452	1389	1987175.460	6360254.752
						1389	1987175.461	6360254.753

N 11-35-52.6 E 0.001 CLOSING LINE
6757.907 DISTANCE TRAVERSED
9456555.029 PRECISION

AREA: 63553.11 Square Feet 1.4590 Acres

sec 34 slope easement no.5

				9060	1990305.178	6361541.108		
9060	INV	N	45-08-11.6	E	244.769	9061	1990477.843	6361814.597
9061	INV	S	39-10-00.0	W	55.154	9062	1990435.081	6361779.763
9062	INV	S	46-52-00.0	W	190.000	9060	1990305.178	6361541.108
				9060	1990305.178	6361541.108		

S 40-33-55.3 W 0.001 CLOSING LINE
489.923 DISTANCE TRAVERSED
666991.698 PRECISION

AREA: 702.03 Square Feet 0.0161 Acres

sec 34 slope easement no.6

				9063	1990904.786	6362243.581		
9063	INV	N	45-08-11.6	E	467.025	1384	1991234.235	6362574.604
RADIUS POINT				497	1990560.884	6363244.752		
RADIAL BRG IN: S 44-51-48.4 E								

DELTA: 22-52-04.5 R= 950.000 A= 379.164 C= 376.653 T= 192.140

RADIAL BRG OUT: N 21-59-43.9 W

P.C. - P.T.

1384	INV	N	56-34-13.8	E	376.653	1383	1991441.737	6362888.945
1383	INV	N	68-00-16.1	E	433.427	9064	1991604.070	6363290.824
9064	INV	S	66-45-22.7	W	49.113	9065	1991584.688	6363245.697
9065	INV	S	68-02-00.0	W	50.000	9066	1991565.985	6363199.327
9066	INV	S	67-07-00.0	W	50.000	9067	1991546.542	6363153.262
9067	INV	S	68-28-30.0	W	125.000	9068	1991500.679	6363036.980
9068	INV	S	67-19-00.0	W	100.000	9069	1991462.115	6362944.715
9069	INV	S	61-47-30.0	W	50.000	9070	1991438.481	6362900.653
9070	INV	S	69-53-00.0	W	52.000	9071	1991420.596	6362851.826
9071	INV	S	67-34-30.0	W	45.000	9072	1991403.430	6362810.229

9072 INV	S 59-16-00.0 W	70.000	9073	1991367.657	6362750.060
9073 INV	S 57-56-30.0 W	48.000	9074	1991342.179	6362709.379
9074 INV	S 55-12-00.0 W	45.000	9075	1991316.497	6362672.428
9075 INV	S 50-05-00.0 W	45.000	9076	1991287.622	6362637.914
9076 INV	S 49-30-30.0 W	75.000	9077	1991238.922	6362580.876
9077 INV	S 45-05-30.0 W	295.000	9078	1991030.659	6362371.946
9078 INV	S 42-24-30.0 W	55.000	9079	1990990.050	6362334.854
9079 INV	S 45-06-00.0 W	75.000	9080	1990937.109	6362281.728
9080 INV	S 49-43-30.0 W	50.000	9063	1990904.786	6362243.581
			9063	1990904.786	6362243.581

N 78-07-15.1 E 0.001 CLOSING LINE
 2552.722 DISTANCE TRAVERSED
 3844085.079 PRECISION

AREA: 2917.19 Square Feet 0.0670 Acres

sec 34 slope easement no.7

			1381	1991807.058	6363766.651
1381 INV	N 68-00-16.1 E	70.830	9082	1991833.586	6363832.325
9082 INV	S 50-14-41.3 W	90.497	9083	1991775.713	6363762.753
9083 INV	S 62-31-30.0 W	75.000	9084	1991741.111	6363696.212
9084 INV	S 75-15-00.0 W	30.000	9085	1991733.473	6363667.200
9085 INV	S 80-19-00.0 W	50.000	9086	1991725.062	6363617.913
9086 INV	S 88-07-30.0 W	30.000	9081	1991724.081	6363587.929
9081 INV	N 68-00-16.1 E	196.791	1382	1991797.786	6363770.396
1382 INV	N 21-59-43.9 W	10.000	1381	1991807.058	6363766.651
			1381	1991807.058	6363766.651

N 43-07-43.0 E 0.000 CLOSING LINE
 553.118 DISTANCE TRAVERSED
 2806813.739 PRECISION

AREA: 4208.18 Square Feet 0.0966 Acres

 Coordinates stored Tuesday January 29, 2002 3:32 PM

LEGAL DESCRIPTION
(temporary construction easement)

All that portion of Section 34, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at a point on the south line of the southwest quarter of said Section 34, said point having coordinates of N= 1987176.500 feet and E= 6360193.338 feet, said point being North 89°12'06" West 4828.41 feet from the found rock marked with an "X" at the southeast corner of said Section 34, said rock having the coordinates of N= 1987109.216 feet and E= 6365021.283 feet, said point of beginning also being South 89°01'48" East 409.55 feet from the found fence corner accepted as the southwest corner of said Section 34, said fence corner having the coordinates of N= 1987183.433 feet and E= 6359783.842 feet; thence leaving said point of beginning, along the south line of said southwest quarter of Section 34, North 89°01'48" West 180.04 feet to a point on a non-tangent curve to the right, having a radius of 1650.00 feet, whose radius point bears South 57°13'18" East; thence northeasterly, along the arc of said curve, through a central angle of 3°42'11", an arc distance of 106.64 feet; thence North 36°28'53" East 761.52 feet to the beginning of a curve to the left, having a radius of 850.00 feet and a central angle of 39°46'14"; thence northeasterly, along the arc of said curve, 590.01 feet; thence North 03°17'21" West 763.11 feet to the beginning of a curve to the right, having a radius of 850.00 feet and a central angle of 48°25'33"; thence northeasterly, along the arc of said curve, 718.41 feet; thence North 45°08'12" East 2167.74 feet to the beginning of a curve to the right, having a radius of 1150.00 feet and a central angle of 22°52'04"; thence northeasterly, along the arc of said curve, 458.99 feet; thence North 68°00'16" East 318.78 feet; thence North 74°29'44" West 110.34 feet; thence North 15°30'16" East 50.00 feet to the southerly line of that certain parcel of land conveyed to the State of California and described as Parcel No. 2 in the Grant Deed recorded February 10, 1965 in Book 2011 of Official Records, at Page 106, Stanislaus County Records; thence along the southerly line of said Parcel No. 2 the following two (2) courses:

- 1) South 74°29'44" East 185.50 feet to the beginning of a curve to the left, having a radius of 890.00 feet and a central angle of 37°30'00";
- 2) Easterly, along the arc of said curve, 582.50 feet; thence leaving said southerly line, on a non-tangent line, South 21°59'44" East 110.00 feet; thence South 68°00'16" West 950.65 feet to the beginning of a curve to the left, having a

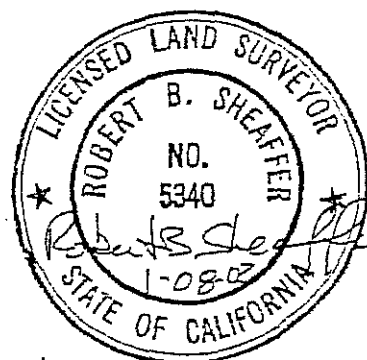
radius of 850.00 feet and a central angle of $22^{\circ}52'04''$; thence southwesterly, along the arc of said curve, 339.25 feet; thence South $45^{\circ}08'12''$ West 2167.74 feet to the beginning of a curve to the left, having a radius of 550.00 feet and a central angle of $48^{\circ}25'33''$; thence southwesterly, along the arc of said curve, 464.85 feet; thence South $03^{\circ}17'21''$ East 763.11 feet to the beginning of a curve to the right, having a radius of 1150.00 feet and a central angle of $39^{\circ}46'14''$; thence southwesterly, along the arc of said curve, 798.25 feet; thence South $36^{\circ}28'53''$ West 656.47 feet to the south line of the southwest quarter of said Section 34; thence along said south line, North $89^{\circ}01'48''$ West 184.27 feet to the point of beginning.

Containing 42.120 Acres, more or less

Subject to existing easements and rights-of-way of record.

Coordinates, bearings and distances used in the above description are based on the California Coordinate System, NAD 83, Zone 3. Distances are grid using an average combined factor of 0.99992153.

To convert to ground distance multiply the grid distance by 1.00007847.



EXP 12-31-03

COORDINATES, BEARINGS AND DISTANCES ARE
BASED ON THE CALIFORNIA COORDINATE SYSTEM,
NAD 83, ZONE 3. DISTANCES ARE GRID.
TO CONVERT TO GROUND DISTANCE MULTIPLY
THE GRID DISTANCE BY 1.0007847.

DEL PUERTO
CANYON ROAD

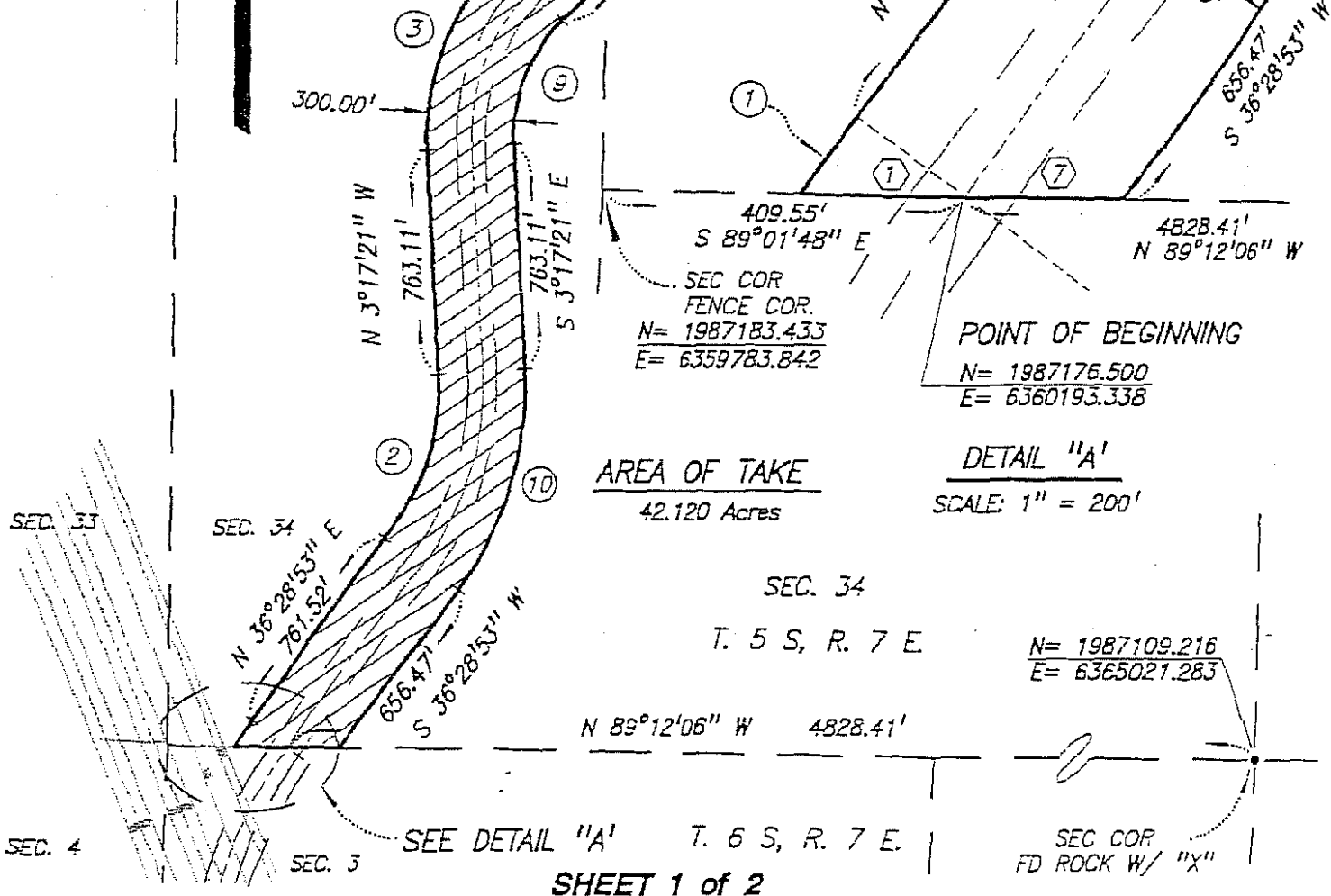
OWNER
ALISON HENGHELD ET. AL.
N. 88-072762

LEGEND:

- ① SEE LINE TABLE SHEET 2
- ② SEE CURVE TABLE SHEET 2

SCALE

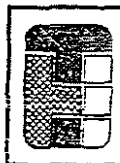
1" = 600'



SHEET 1 of 2

HENGHELD PROPERTY
TEMPORARY CONSTRUCTION
EASEMENT

DIABLO GRANDE
PARKWAY



THOMPSON-HYSELL
ENGINEERS

A DIVISION OF THE KEITH COMPANIES

1016 12TH ST. - MODESTO, CA 95354
(209) 521-2000

DATE : JAN 07, 2002

LINE TABLE:

NO.	BEARING	DISTANCE
1	N 89°01'48" W	180.04'
2	N 68°00'16" E	318.78'
3	N 74°29'44" W	110.34'
4	N 15°30'16" E	50.00'
5	S 74°29'44" E	185.50'
6	S 21°59'44" E	110.00'
7	N 89°01'48" W	184.27'

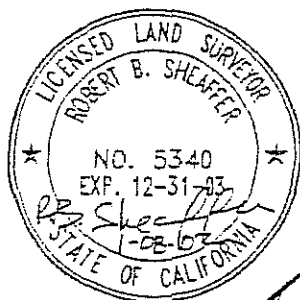
CURVE TABLE:

NO.	DELTA	RADIUS	LENGTH
1	03°42'11"	1650.00'	106.64'
2	39°46'14"	850.00'	590.01'
3	48°25'33"	850.00'	718.41'
4	22°52'04"	1150.00'	458.99'
7	37°30'00"	890.00'	582.50'
8	22°52'04"	850.00'	339.25'
9	48°25'33"	550.00'	464.85'
10	39°46'14"	1150.00'	798.25'

COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, NAD 83, ZONE 3. DISTANCES ARE GRID. TO CONVERT TO GROUND DISTANCE MULTIPLY THE GRID DISTANCE BY 1.0007847.

SCALE

1" = 300'



PARCEL NO. 2
BK. 2011 O.R. PG. 106
STANISLAUS COUNTY RECORDS

DEL
PUERTO
CANYON
ROAD

INTERSTATE 5

950.65'
S 68°00'16" W

OWNER
ALISON HENGHOLD
I.N. 88 072762

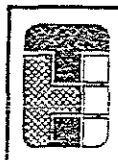
LEGEND:

- (1) SEE LINE TABLE SHEET 2
- (2) SEE CURVE TABLE SHEET 2

SHEET 2 of 2

HENGHOLD PROPERTY
TEMPORARY CONSTRUCTION
EASEMENT

DIABLO GRANDE
PARKWAY

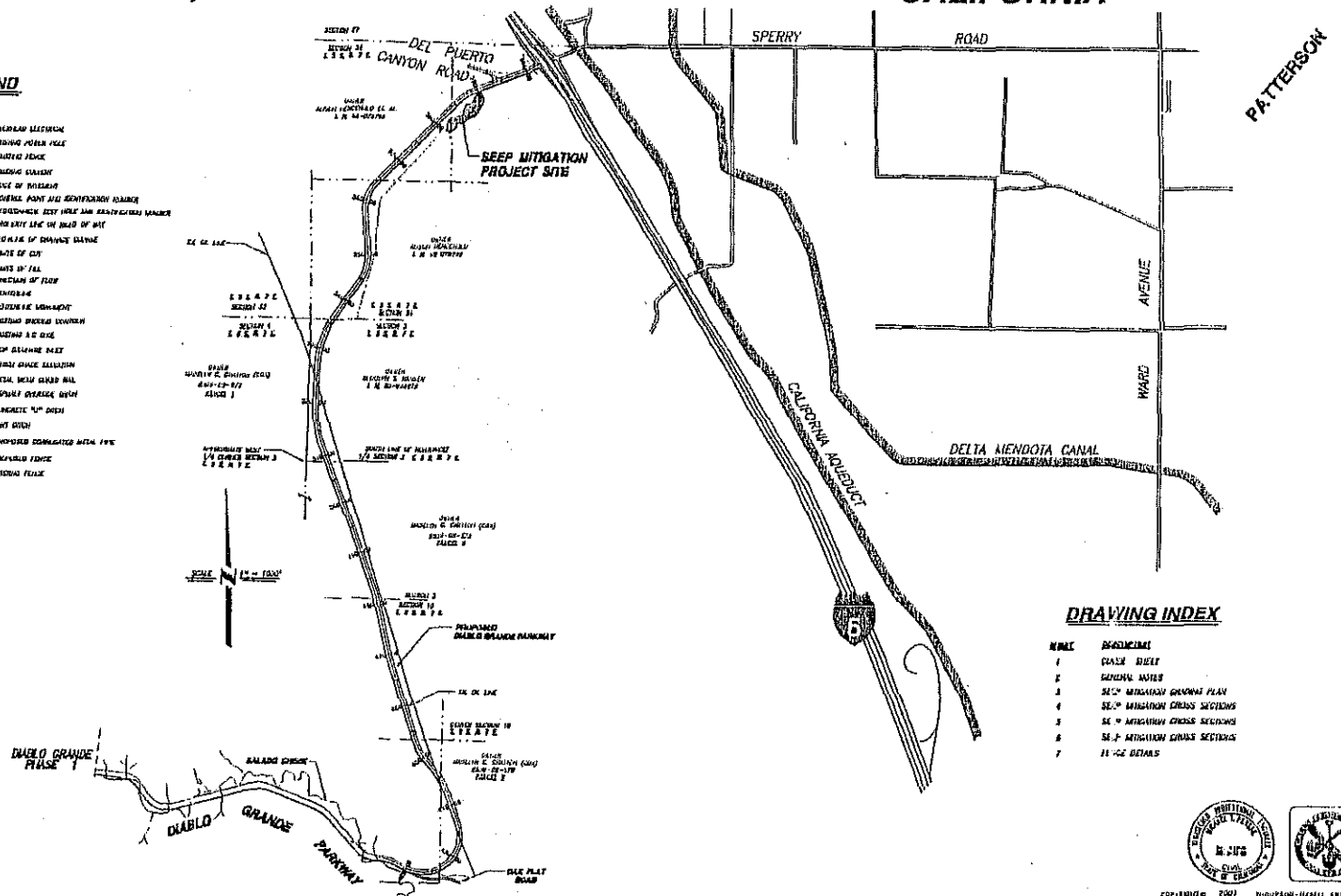


THOMPSON-HYSELL
ENGINEERS

A DIVISION OF THE KEITH COMPANIES

1016 12TH ST. - MODESTO, CA. 95354
(209) 521-8986

DATE : JAN 07, 2002

CALIFORNIA[illegible][illegible]

NO.	DESCRIPTION
1	CRASH STUDY
2	GENERAL NOTES
3	SEC. MIGRATION GROUND PLAN
4	SEC. MIGRATION CROSS SECTIONS
5	SEC. MIGRATION CROSS SECTIONS
6	SEC. MIGRATION CROSS SECTIONS
7	PRICE DETAILS



CONFIDENTIAL - FOUO HIGH-PASSION-116411. ENGINEERS

COVER SHEET

**DIABLO GRANDE PARKWAY
SEEP MITIGATION**
STANISLAUS COUNTY, CALIFORNIA

[illegible]

**THOMPSON-HYSELL
ENGINEERS**
A DIVISION OF THE KEITH COMPANY
1015 25TH STREET, ALBUQUERQUE, NM 87104 (505) 837-0900 FAX (505) 837-0041

[illegible]

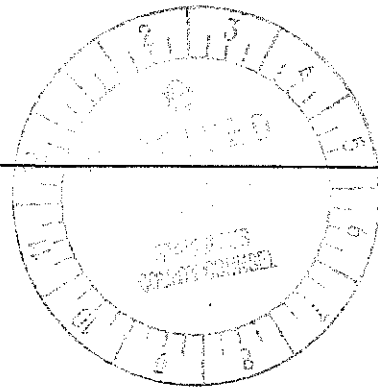
1
of 7

ATTACHMENT F



NEUMILLER & BEARDSLEE

A PROFESSIONAL CORPORATION • ATTORNEYS & COUNSELORS



ESTABLISHED 1903

80950-26241

PAUL N. BALESTRACCI

509 WEST WEBER AVENUE
FIFTH FLOOR
STOCKTON, CA 95203

POST OFFICE BOX 20
STOCKTON, CA 95201-3020

(209) 948-8200
(209) 948-4910 FAX

FROM MODESTO:
(209) 577-8200
(209) 577-4910 FAX

March 20, 2002

Edwards Investment Partnership
dated December 28, 1984
c/o Geraldine Edwards
5387 Old San Jose Road
Soquel, CA 95073

John C. Slone
c/o John A. Christerson, Esq.
311 Bonita Drive
Aptos, CA 95003

James A. Hengehold and Alison S.
Hengehold, as Trustees of the James A.
Hengehold and Alison S. Hengehold
Trust Dated November 1, 1977 as
amended
c/o John A. Christerson, Esq.
311 Bonita Drive
Aptos, CA 95003

Michael E. Slone
c/o John A. Christerson, Esq.
311 Bonita Drive
Aptos, CA 95003

James A. Hengehold and Alison S.
Hengehold, as Trustees of the James A.
Hengehold and Alison S. Hengehold Trust
Dated November 1, 1977 as amended
1110 Trinity Drive
Menlo Park, CA 94025

Re: Offer to Purchase Property; Diablo Grande Parkway

Dear Ladies and Gentlemen:

The County of Stanislaus has approved plans for a public improvement project to construct a public roadway from Del Puerto Canyon Road to Oak Flat Road including necessary slope easements, temporary construction easements, and a parcel to be used for wetlands mitigation required for the project. This project requires the acquisition of a portion of your property for those improvements.

Accordingly, the County hereby makes a conditional offer to purchase a portion of your property in Stanislaus County, to be divided among you in proportion to your respective interests in the property, as follows:

1. For a fee simple absolute in the real property described in Exhibits "A" and "B" attached hereto, approximately 20.942 acres.
2. For an easement for slope purposes in the real property described in Exhibit "C", attached hereto, containing 4.316 acres.
3. For a temporary construction easement in the real property described in Exhibit "D", attached hereto, containing 27.926 acres. (The legal description includes the 14.194 acres already being taken in fee.)
4. For the replacement cost of a holding corral.

The sum of \$38,000.00 is offered to purchase these interests

This offer is the full amount determined to be just compensation for the property. The basis for that determination is explained in the attached written statement of and summary of the basis for the amount established as just compensation. It is the County's hope that this price is agreeable to you and that the acquisition can begin immediately.

With regard to the fee interest sought, this offer is to be paid on the property to vest in the County free and clear of all liens, encumbrances, assessments, leases, and taxes except:

1. Taxes for the fiscal year in which the property is acquired shall be cleared, paid in the manner required by Section 4986 of the Revenue and Taxation Code, if unpaid at the close of escrow.
2. Covenants, conditions, restrictions and reservations of record, if any.
3. Easements or rights-of-way of record over the property.

This offer is conditioned on final approval of the Board of Supervisors of the County of Stanislaus. We would request that you contact us on as soon as possible with your decision in this regard. If you should have any questions or wish to discuss any

matter regarding the property or the proposed plans of the County, you may contact David Romano, who has been authorized by the Board to engage in negotiations with you for acquisition of the property. You may reach him at (209) 521-9521.

Very truly yours,



PAUL N. BALESTRACCI
Attorney at Law

PNB:kjs

Enclosures

cc: Jack Doering, Esq. (w/encs.)
Russell A. Newman, Esq. (w/encs.)

**WRITTEN STATEMENT OF AND SUMMARY OF THE
BASIS FOR THE AMOUNT ESTABLISHED AS JUST COMPENSATION**

PROJECT:	Diablo Grande cut-across road
OWNER OF RECORD:	James A. Hengehold and Alison S. Hengehold, as Trustee of the James A. Hengehold and Alison S. Hengehold Trust Dated November 1, 1977 as amended, et al.
LEGAL DESCRIPTION:	Attached as Exhibits "A" through "D"
LOCATION:	Western Stanislaus County, from Del Puerto Canyon Road south toward Oak Flat Road. Maps contained in Exhibits "A" through "D".
ASSESSOR'S PARCEL NO.:	Portion of 021-25-018
LAND AREA:	20.942± acres in fee 4.316+ acres for permanent easement 27.926+ acres temporary easement(portion of 601.3 acre parcel)
IMPROVEMENTS:	Holding corral.
ZONING:	A-2-40, agricultural minimum parcel size 40 acres, County of Stanislaus
HIGHEST AND BEST USE:	40 acre homesites
INTEREST BEING VALUED:	Fee simple absolute, permanent easement, temporary construction easements. as described in Exhibits "A" through "D".
VALUATION DATE:	March 1, 2002
COMPARABLE DATA UTILIZED:	Attached as Exhibit "E"
VALUATION APPROACH:	Market Data
APPRAISED VALUE:	\$37,868.00
DAMAGES TO REMAINDER:	None
BENEFITS TO REMAINDER:	\$230,000.00
TOTAL AMOUNT OFFERED:	\$38,000.00

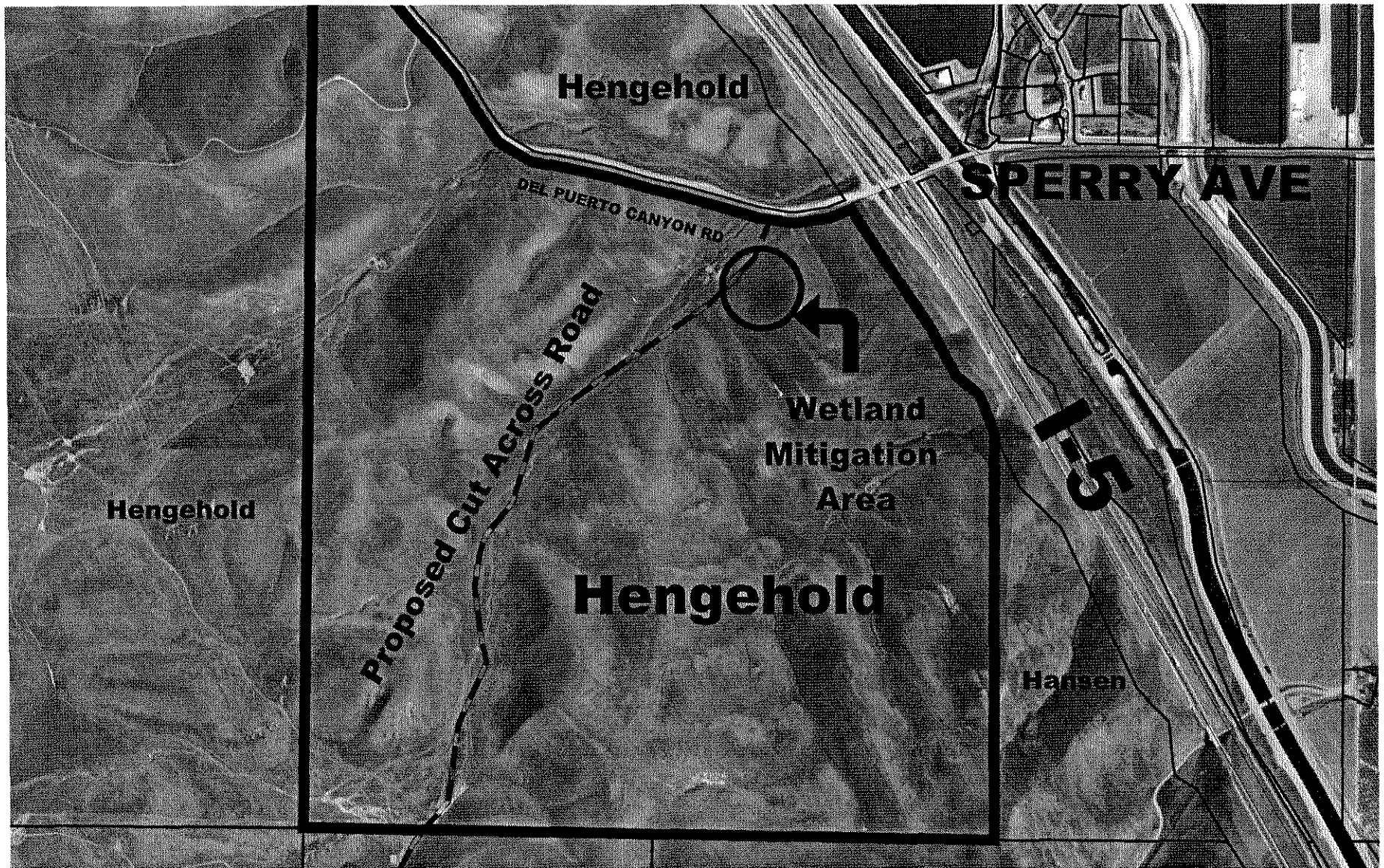
EXHIBIT

Location/APN	Grantor Grantee Doc. No.	Sale Date	Sale Price	Size (AC.)	Price Per Acre	Zoning	Building Improvements	Utilities	Water	Access	Use
Contiguous to NWC of Diablo Grande/ 25-30-35, 25-040-07	<u>Stadler</u> Diablo Grande #7457	Jan-96	\$320,000	316.28	\$1,012	A-2-160	None	Electricity & Telephone	Springs	Good	Homesite
15062 Del Puerto Canyon Road/ 25-09-04	<u>Stewart</u> Daniel #73872	Sep-97	\$245,000	160	\$1,125	A-2-160	Two SFRs \$65,000	Electricity & Telephone	Springs	Good	Homesite
15001 Del Puerto Canyon Road/ 25-03-33	<u>Slack</u> Perez #28266	Apr-91	\$190,000	158.653	\$1,198	A-2-160	None	Electricity & Telephone	Stock	Good	Homesite
North of Del Puerto Canyon Road 10 ± miles west of I-5/ 25-08-22	Hildebrand Mason #42249	May-98	\$63,000	39	\$1,615	A-2-40	None	Electricity & Telephone	Well	Dirt	Homesite
North side of Mines Road near Santa Clara County Line/ 70-14-06	Ferrero	Feb-99	\$89,000	68.39	\$1,308	AG	None	Electricity & Telephone	Well	Dirt	Homesite
N/S of Del Puerto Canyon Road 025-08-47	<u>Morrison</u> Currier 82794	Oct-00	\$64,000	38.74	\$1,652	A-2-40	None	Electricity & Phone	Well	Good	Homesite
5925 Sullivan Road 022-15-02	<u>Fronzen</u> Reese 51968	Apr-00	\$675,000	314	\$2,150 *(\$1,831)	A-2-40	House, Barn, Outbuildings	Electricity & Phone	Well	Good	Homesite

*(Adjusted to Account for Improvements)

**THE FOLLOWING EXHIBITS ARE OMITTED FROM THIS COPY
AND CAN BE FOUND ON OTHER ATTACHMENTS**

Legal Descriptions of Property to Be Acquired
(See Exhibit A to Board Report)



**Location of Proposed Cut Across Road and Wetland Mitigation Area
Hengehold Property**

500 0 500 1000 Feet

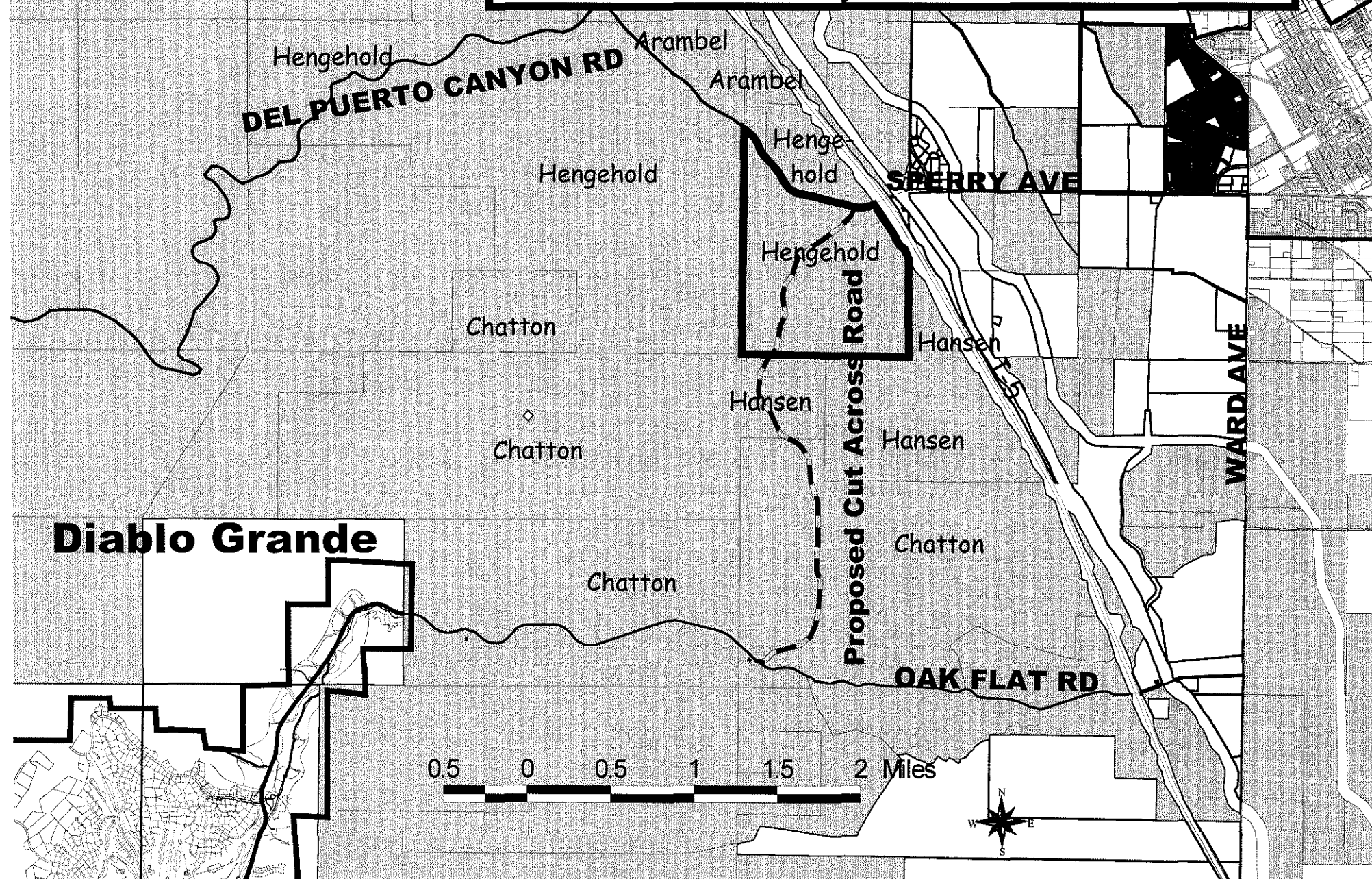


Williamson Act Contracted Land
in the Vicinity of the
Proposed "Cut-Across" Road
Stanislaus County

 Cut Across Road

 Project Site

 Williamson Act Lands





OFFICE OF STANISLAUS COUNTY COUNSEL

ATTACHMENT H

Michael H. Krausnick
COUNTY COUNSEL
E. Vernon Seeley
ASSISTANT COUNTY COUNSEL

DEPUTIES
Wm. Dean Wright
Linda S. Macy
John P. Doering
Victoria A. Halliday
Vicki F. de Castro
Carrie M. Stephens
Gina B. Leguria

April 2, 2002

1010 10th Street, Suite 6400 Modesto, CA 95354
PO Box 74, Modesto, CA 95353-0074
Phone: 209.525.6376 Fax: 209.525.4473

Thomas W. Mayfield,
Chair
Stanislaus County Board of Supervisors
1010 10th Street
Modesto, CA 95354

Director of Conservation
California Department of Conservation
801 K Street, MS 24-01
Sacramento, California 95814

Re: Proposed Diablo Grande Cut-across Road:
Site subject to Williamson Act Contract within an Agricultural Preserve

Dear Ladies and Gentlemen:

This notice is sent pursuant to Government Code section 51291 (copy enclosed), to advise you of the intent of the County of Stanislaus to consider the location of a public improvement (roadway, slope and construction easements, and wetlands mitigation area) within an agricultural preserve. The County intends to acquire a fee in a portion of a parcel of land for the road and wetlands mitigation, a permanent easement will be acquired for slope, and temporary construction easements will be acquired.. The parcel upon which the improvement would be constructed is located in western Stanislaus County, and is identified by Assessor's Parcel No. 21-25-18. The parcels to be acquired are further described in the enclosed legal descriptions (Exhibits "A", "B", "C", "D"). Maps are attached to each of the exhibits, showing the area of the proposed acquisition for your review.

The parcels include approximately 14.194 acres of a fee take for the road, 6.748 acres for the wetlands mitigation, 4.316 acres of slope easements and 27.92 acres of temporary construction easements. The County is currently in negotiations with Edwards Investment Partnership dated December 28, 1984 c/o Geraldine Edwards, Michael E. Slone, c/o John A. Christerson, Esq., John C. Slone, co John A. Christerson, Esq., James A. Hengehold and Alison S. Hengehold, as Trustees of the James A. Hengehold and Alison S. Hengehold Trust Dated November 1, 1977 as amended, and James A. Hengehold and Alison S. Hengehold, as Trustees of the James A. Hengehold and Alison S. Hengehold Trust Dated November 1, 1977 as amended, c/o John A. Christerson, Esq., to acquire these interests in those parcels. These parcels are currently under a Williamson Act contract. The County intends to commence eminent domain proceedings if negotiations are not successful.

In order to provide adequate capacity of expected traffic flow arising from the proposed Diablo Grande subdivision, which is not within the agricultural preserve, it is necessary that a roadway be constructed on this site, a site subject to the Williamson Act. Additionally, due to the

Thomas W. Mayfield
April 2, 2002
Page 2

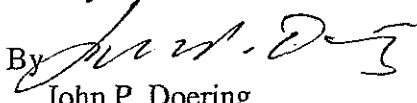
construction of the roadway, the wetlands mitigation is required. Construction will commence at the conclusion of all mandated findings and notices. The project when finished, will be on the surface of the ground.

Please direct to the undersigned all correspondence and comments with respect to the effect of the location of the proposed roadway, slope, easements, temporary construction easements and wetlands mitigation area on land subject to the Williamson Act contract within the agricultural preserve.

Thank you for your consideration of this matter.

Very truly yours,

MICHAEL H. KRAUSNICK
County Counsel

By 
John P. Doering
Assistant County Counsel

JPD:vlh
Enclosures

cc: Paul N. Balestracci, Esq., (w/encs.)
Russell A. Newman, Esq. (w/encs.)
Edwards Investment Partnership dated December 28, 1984
c/o Geraldine Edwards (w/encs.)
Michael E. Slone, c/o John A. Christerson, Esq. (w/encs.)
John C. Slone, c/o John A. Christerson, Esq. (w/encs.)
James A. Hengehold and Alison S. Hengehold, as Trustees of the
James A. Hengehold and Alison S. Hengehold Trust Dated
November 1, 1977 as amended (w/encs.)
James A. Hengehold and Alison S. Hengehold, as Trustees of the
James A. Hengehold and Alison S. Hengehold Trust Dated
November 1, 1977 as amended c/o John A. Christerson, Esq. (w/encs.)

Service: **Get by LEXSTAT®**

TOC: [Deering's California Code Annotated](#) > /.../ > [ARTICLE 6. Eminent Domain or Other Acquisition](#)
> § 51291. "Public agency"; Advertisement of intention to consider location within preserve; Notice;
Comments

Citation: Cal. Govt. Code section 51291

Cal Gov Code § 51291

DEERING'S CALIFORNIA CODES ANNOTATED

Copyright (c) 2001 by Matthew Bender & Company, one of the LEXIS Publishing companies.
All rights reserved.

*** THIS SECTION IS CURRENT THROUGH THE 2002 SUPPLEMENT (2001 SESSION) ***

GOVERNMENT CODE
TITLE 5. Local Agencies
DIVISION 1. Cities and Counties
PART 1. Powers and Duties Common to Cities and Counties
CHAPTER 7. Agricultural Land
ARTICLE 6. Eminent Domain or Other Acquisition

♦ **GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION**

Cal Gov Code § 51291 (2001)

§ 51291. "Public agency"; Advertisement of intention to consider location within preserve; Notice; Comments

(a) As used in this section and Sections 51292 and 51295, (1) "public agency" means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2) "person" means any person authorized to acquire property by eminent domain.

(b) Except as provided in Section 51291.5, whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve. In accordance with Section 51290, the notice shall include an explanation of the preliminary consideration of Section 51292, and give a general description, in text or by diagram, of the agricultural preserve land proposed for acquisition, and a copy of any applicable contract created under this chapter. The Director of Conservation shall forward to the Secretary of Food and Agriculture, a copy of any material received from the public agency or person relating to the proposed acquisition.

Within 30 days thereafter, the Director of Conservation and the local governing body shall forward to the appropriate public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and those comments shall be considered by the public agency or person. In preparing those comments, the Director of Conservation shall consider issues related to agricultural land use, including, but not limited to, matters related to the effects of the proposal on the conversion of adjacent or nearby agricultural land to nonagricultural uses, and shall consult with, and incorporate the comments of, the Secretary of Food and Agriculture on any other matters related to agricultural operations. The failure by any person or public agency, other than a state agency, to comply with the requirements of this section shall be admissible in evidence in any litigation for the acquisition of that land or involving the allocation of funds or the construction of the public improvement. This subdivision does

not apply to the erection, construction, alteration, or maintenance of gas, electric, piped subterranean water or wastewater, or communication utility facilities within an agricultural preserve if that preserve was established after the submission of the location of those facilities to the city or county for review or approval.

(c) When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to Section 51292. If different from that previously provided pursuant to subdivision (b), the notice shall also include a general description, in text or by diagram, of the agricultural preserve land acquired and a copy of any applicable contract created under this chapter.

(d) If, after giving the notice required under subdivisions (b) and (c) and before the project is completed within an agricultural preserve, the public agency or person proposes any significant change in the public improvement, it shall give notice of the changes to the Director of Conservation and the local governing body responsible for the administration of the preserve. Within 30 days thereafter, the Director of Conservation and the local governing body may forward to the public agency or person their comments with respect to the effect of the change to the public improvement on the land within the preserve and the compliance of the changed public improvements with this article. Those comments shall be considered by the public agency or person, if available within the time limits set by this subdivision.

(e) Any action or proceeding regarding notices or findings required by this article filed by the Director of Conservation or the local governing body administering the agricultural preserve shall be governed by Section 51294.

HISTORY:

Added Stats 1965 ch 1443 § 1; Amended Stats 1967 ch 1371 § 13.5; Stats 1974 ch 544 § 23; Stats 1975 ch 1240 § 37, operative July 1, 1976; Stats 1984 ch 851 § 4.

Amended Stats 1994 ch 1158 § 2 (SB 1534).

Amended Stats 1998 ch 690 § 7 (SB 1835).

Amended Stats 1999 ch 1018 § 10 (SB 985).

NOTES:

AMENDMENTS:

1967 Amendment:

Added the last sentence.

1974 Amendment:

Added "Food and" before "Agriculture" in subd (b).

1975 Amendment:

Deleted "by Section 1001 of the Civil Code" after "authorized" in subd (a).

1984 Amendment:

Amended subd (b) by (1) generally eliminating "such"; (2) substituting "Director of Conservation" for "Director of Food and Agriculture" in the first sentences of the first and second paragraphs; and (3) adding the second sentences of the first and second paragraphs.

1994 Amendment:

Added (1) the second sentence of subd (b); (2) "to comply with the requirements of this section" in the fourth sentence of the second paragraph of subd (b); and (3) subds (c) through (e) and the last paragraph.

1998 Amendment:

In addition to making technical changes, (1) substituted "and Sections 51292 and 51295, (1) 'public agency' means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2)" for "Section 51292, and Section 51295 'public agency' means the state, or any department or agency thereof, and any county, city, school district, or other local public district, agency, or entity; and" in subd (a); (2) amended the first paragraph of subd (b) by substituting (a) "its" for "the" after "administration of the preserve of" in the first sentence; and (b) "Secretary of

Food and Agriculture," for "Director of Food and Agriculture" in the third sentence; and (3) amended the second paragraph of subd (b) by (a) adding "appropriate" after "shall forward to the" in the first sentence; and (b) substituting "Secretary of Food and Agriculture" for "Director of Food and Agriculture" in the second sentence.

OFFICIAL COMMENT:

LAW REVISION COMMISSION COMMENTS:

1975--Section 51291 is amended to delete the reference to former Civil Code Section 1001 (repealed). See Code Civ Proc § 1240.020 (statutory delegation of condemnation authority required).

CROSS REFERENCES:

Director of Food and Agriculture: Fd & Ag C §§ 101 et seq.

Director of Conservation: Pub Res C §§ 600 et seq.

Service: **Get by LEXSTAT®**

TOC: [Deering's California Code Annotated](#) > [/.../](#) > [ARTICLE 6. Eminent Domain or Other Acquisition](#)
> [§ 51291. "Public agency"; Advertisement of intention to consider location within preserve; Notice;](#)
[Comments](#)

Citation: **Cal. Govt. Code section 51291**

View: **Full**

Date/Time: Monday, April 1, 2002 - 7:53 PM EST

[About LexisNexis](#) | [Terms and Conditions](#)

Copyright © 2002 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

**THE FOLLOWING EXHIBITS ARE OMITTED FROM THIS COPY
AND CAN BE FOUND ON OTHER ATTACHMENTS**

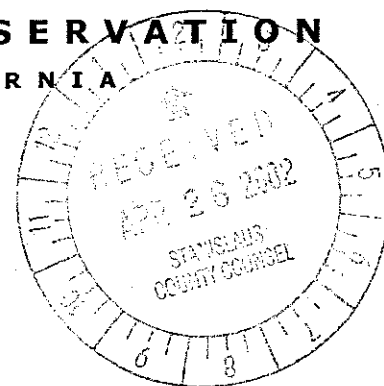
Legal Descriptions of Property to Be Acquired
(See Exhibit A to Board Report)

ATTACHMENT I

DEPARTMENT OF CONSERVATION STATE OF CALIFORNIA



April 22, 2002



DIVISION OF LAND RESOURCE PROTECTION

■ ■ ■

801 K STREET
SACRAMENTO
CALIFORNIA
95814

PHONE
916/324-0850

FAX
916/327-3430

TDD
916/324-2555

INTERNET
consrv.ca.gov

■ ■ ■

GRAY DAVIS
GOVERNOR

Mr. Michael H. Krausnick, County Counsel
Stanislaus County
P.O. Box 74
Modesto, CA 95353-0074

Subject: Public Acquisition of Land Enrolled in a Williamson Act Contract
(APN 21-25-18)

Dear Mr. Krausnick:

Thank you for your letter of April 2, 2002 notifying the Department of Conservation (Department) of Stanislaus County's (County) intent to consider the acquisition of land enforceably restricted by Williamson Act contract. The purpose of the acquisition is to construct a roadway in conjunction with the new Diablo Grande subdivision. The proposed project involves taking 14.194 acres for the road, 6.748 acres for wetlands mitigation, 4.316 acres for permanent slope easements and 27.92 acres for temporary construction easements. The subject property is located in western Stanislaus County and appears to be a short distance southwest of Interstate 5 and Sperry Road.

Government Code §51291, cited in the letter, includes the requirement that certain information be included with the notification, most importantly an explanation supporting that the findings required in Government Code §51292 can be met. In accordance with this requirement and to enable our review of and comment on the proposed acquisition, the Department requests the following: (1) a map showing the new road between the Diablo Grande subdivision and Interstate 5 (similar to the letter's enclosed map entitled Diablo Grande Parkway Seep Mitigation). The map should depict the proposed acquisition locations for the road, mitigation area, and permanent and temporary easements. It should also show parcel, or other, boundaries and describe the current land use within those boundaries (Williamson Act contract, non-contract agricultural, residential, industrial, etc.). Finally, the map should depict an area large enough to include all potential alternate routes. (2) copies of CEQA documentation related to the project. If documentation has not been completed, we request an explanation of the County's plans for completion.

(3) Explanation and documentation that supports making the following required findings:

- *"The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve (§51292(a))."*
- *"If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement (§51292(b))."*

The letter names one parcel by APN (21-25-18) but states that more than one parcel is under contract. We request clarification of the contract acres, parcel numbers and contracts involved in the proposed acquisitions, as well as copies of the contracts. The letter states that wetlands mitigation is required because of the roadway construction. We request an explanation of the origin of the mitigation requirement, the specific requirements involved, names of State or Federal agencies involved and an explanation as to why the mitigation area cannot be located elsewhere on noncontract land.

The County is currently involved in negotiations with property owners and intends to commence eminent domain proceedings if negotiations are not successful. A Williamson Act contract is an enforceable restriction pursuant to Article XIII, §8 of the California Constitution and Government Code §51252. Public agency acquisition of Williamson Act land must meet requirements for acquisition by eminent domain or in lieu of eminent domain in order to void the contract pursuant to Government Code §51295. The Department cannot provide counsel regarding eminent domain law but encourages the County to obtain legal counsel for this purpose. To assist our review, we request that the County provide documentation of eminent domain proceedings undertaken and documentation evidencing acquisition in lieu of eminent domain pursuant to Government Code §§7267.1 and 7267.2, including a resolution of necessity, property appraisal and written offer. A chronological explanation of actions taken and planned to acquire the property in lieu of eminent domain would also be helpful.

Please review the enclosed Notification Provisions, which list the above information and additional items requested. Please be aware that, pursuant to Government Code §51291(d), the Department must be notified of any proposed, significant changes to the project. The Department must also be notified if the acquisition is completed (Government Code §51291(c)). If the County determines not to locate the proposed public improvement on the subject property, before returning the land to private ownership, the Department must be notified. The land shall be reenrolled in a new contract or encumbered by an enforceable restriction at least as restrictive as that provided by the Williamson Act (Government Code §51295). If you have any questions, please contact Bob Blanford, Research Analyst, at (916) 327-2145.

Sincerely,



Erik Vink
Assistant Director

Enclosure

ACQUISITION NOTIFICATION PROVISIONS OF THE WILLIAMSON ACT

Notification provisions of the Williamson Act (Government Code Section 51291) require an agency to notify the Director of the Department of Conservation of the possible acquisition of Williamson Act contracted land for a public improvement. Such notification must occur when it **appears** that land enrolled in a Williamson Act contract may be required for a public use, is **acquired**, the original public improvement for the acquisition is **changed**, or the land acquired is **not used** for the public improvement. The local governing body responsible for the administration of the agricultural preserve must also be notified.

NOTIFICATION (Government Code Section 51291 (b))

The following information must be included in the notification correspondence.

1. The total number of acres of Williamson Act contracted land to be acquired and whether the land is considered prime agricultural land according to Government Code Section 51201.
2. The purpose for the acquisition and why the land was identified for acquisition. (If available, include documentation of eminent domain proceedings or a property appraisal and written offer in lieu of eminent domain per GC §§7267.1 and 7267.2 to void the contract per GC §51295; include a chronology of steps taken or planned to effect acquisition by eminent domain or in lieu of eminent domain.)
3. A description of where the parcel(s) is located.
4. Characteristics of adjacent land (urban development, Williamson Act, noncontract agricultural, etc.)
5. A vicinity map and a location map (may be the same as #8).
6. A copy of the contract(s) covering the land.
7. CEQA documents for the project.
8. **The findings required under GC §51292, documentation to support the findings and an explanation of the preliminary consideration of §51292.** (Include a map of the proposed site and an area of surrounding land identified by characteristics and large enough to help clarify that no other, noncontract land is reasonably feasible for the public improvement.)

ACQUISITION (Government Code Section 51291 (c))

The following information must be included in the notification when land within an agricultural preserve has been **acquired**. The notice must be forwarded to the Director within **10 working days** of the acquisition of the land. The notice must also include the following:

1. A general explanation of the decision to acquire the land, and why noncontracted land is not available for the public improvement.
2. Findings made pursuant to Government Code Section 51292, as amended.
3. If the information is different from that provided in the previous notice sent upon consideration of the land, a general description of the land, and a copy of the contract covering the land shall be included in the notice.

SIGNIFICANT CHANGE IN PUBLIC IMPROVEMENT (Government Code Section 51291 (d))

Once notice is given as required, if the public agency proposed any significant change in the public improvement, the Director must be notified of the **changes** before the project is completed.

LAND ACQUIRED IS NOT USED FOR PUBLIC IMPROVEMENT (Government Code Section 51295)

If the acquiring public agency does not use the land for the stated public improvement and plans to return it to private ownership, **before** returning the land to private ownership the Director must be notified of the action. **Additional requirements apply.** The mailing address for the Director is: **Darryl Young, Director, Department of Conservation, 801 K Street, MS 13-71, Sacramento, CA 95814.**



OFFICE OF STANISLAUS COUNTY COUNSEL

ATTACHMENT J

Michael H. Krausnick
COUNTY COUNSEL
E. Vernon Seeley
ASSISTANT COUNTY COUNSEL

DEPUTIES
Wm. Dean Wright
Linda S. Macy
John P. Doering
Victoria A. Halliday
Vicki F. de Castro
Carrie M. Stephens
Gina B. Leguria

1010 10th Street, Suite 6400 Modesto, CA 95354
PO Box 74, Modesto, CA 95353-0074
Phone: 209.525.6376 Fax: 209.525.4473

May 9, 2002

Erik Vink
Assistant Director
Department of Conservation
801 "K" Street
Sacramento, CA 95814

Re: Acquisition of Land for a Public Use in an Agricultural Preserve
Assessor's Parcel Nos. 021-25-18; 025-06-01; 025-06-55

Dear Mr. Vink:

This letter is a follow-up to the notice to the Department of Conservation dated April 2, 2002, and your letter dated April 22, 2002, requesting additional information to assist the Department in providing comments about the effect of the location of public improvements on land under Williamson Act contract. Pursuant to Government Code section 51291, we have enclosed the following information:

1. An explanation of the preliminary findings required under section 51292, as set forth in the staff report to the Stanislaus County Board of Supervisors. We direct your attention to page 6 of the report where it explains that the specific findings required under section 51292 can be made for this project. Attachment A to the staff report is the proposed Resolution of Necessity, which contains the proposed findings required under section 51292.
2. A general description, by diagram, of the land to be acquired in an agricultural preserve is shown on the map titled *Williamson Act Contracted Land in the Vicinity of the Proposed "Cut-Across" Road Stanislaus County*. Please note that this map shows that the cut-across road to Diablo Grande goes through land under Williamson Act contract regardless of its exact location. We believe that this fact alone supports the findings required under section 51292. Although not depicted on the map, all surrounding land is being used as grazing land. We also have enclosed a larger map of the Henghold property showing the location of the wetland mitigation area.
3. A general description, by text and by diagram, of the land to be acquired in an agricultural preserve is shown legal descriptions and right-of-way maps for the cut-across road. These documents also show the location of the road, mitigation area, and permanent and temporary easements. We have not included, however, another copy of the legal description for right-of-way through the Henghold property (APN 021-25-18), which is included in staff report enclosed as Attachment 1.

4. Copies of the California Land Conservation Contract for the parcels where right-of-way is to be acquired: No. 73-1459 Henghold (originally Dihel); No. 91-4211 Hansen; and No. 73-1375 Chatton (originally Cox).

In addition to the information required to be included in the notice under section 51291, we have enclosed the following information that you requested:

5. The materials attached as Attachment 5 documents that the County has completed documentation and analysis of environmental impacts as required under CEQA. We also direct your attention to Attachment C to the staff report, which includes excerpts of applicable mitigation measures, and Attachment D to the staff report, which are the Revised Conditions of Approval for Tentative Map Application No. 97-01, Diablo Grande Unit 1, 336 Lot Subdivision. The EIR and supporting documentation for the Diablo Grande project, which includes the cut-across road, is available for inspection at our office.

The County does not have documentation you requested about wetland mitigation and, therefore, we have asked the developer to provide such material directly to your Department. Please note, however, that under subdivisions (e)(2) and (j) of section 51293 (e), findings under section 51292 are not required for the wetland mitigation area.

You also requested information and documentation regarding acquisition of the right-of-way for the cut across road, including the resolution of necessity, property appraisals, and offers. Right-of-way is being condemned only within the Henghold property, and the Board of Supervisors intends to adopt a Resolution of Necessity to initiate condemnation proceedings at its meeting on June 11, 2002. Documentation regarding that matter is included in the staff report enclosed as Attachment 1, including the proposed Resolution of Necessity (Attachment A), the County's written offer to purchase the Henghold property (Attachment F), which includes a written statement of and summary of the basis for the amount of just compensation. The contents of the real estate appraisal is confidential and is not subject to disclosure until after the property is acquired. (See Gov. Code, § 6254 (h).)

Right-of-way through the Hanson and Chatton properties is being acquired through negotiated purchase by the developer in lieu of condemnation. The County does not have copies of or access to property appraisals or written offers documenting those transactions. We do not consider such information relevant to the findings required under section 51292 in this case. As can be seen in the map enclosed as Attachment 2, the necessary right-of-way could only be located in an agricultural preserve and, therefore, the location could not have been based primarily on a consideration of the lower cost of acquiring in an agricultural preserve. Nonetheless, we are willing to ask the developer to provide documentation to your Department if it is needed to assist the Department to comment about the effect of the road location in the agricultural preserve.

You also requested clarification regarding the parcels to be acquired for right-of-way. Right-of-way is being acquired from several different landowners, referred to by the Assessor's Parcel No. ("APN") assigned to the property owned by each landowner:

	<u>APN</u>	<u>Owner(s)</u>
1.	021-25-18	Henghold, et al.
2.	025-06-01	Hansen
3.	025-06-55	Chatton

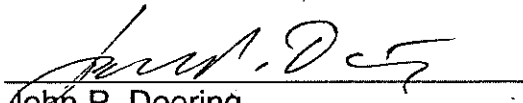
For purposes of acquisition, each piece of property being acquired is also referred to as a parcel. Accordingly, within each Assessor's Parcel, there are located several designated parcels for acquisition. For example, the Henghold acquisition includes a parcel for right-of-way, a parcel for wetland mitigation, and seven parcels for slope maintenance and drainage. Thus, several parcels/pieces of property are being acquired within each Assessor's Parcel under Williamson Act contract.

The Stanislaus County Board of Supervisors continued its hearing to adopt a Resolution of Necessity to June 11, 2002, so that it may consider the comments of the Department of Conservation. We look forward to receiving within 30 days any comments the Department may have with respect to the effect of the location of the public improvement on land under Williamson Act contract.

Very truly yours,

MICHAEL H. KRAUSNICK
COUNTY COUNSEL

By


John P. Doering
Assistant County Counsel

JPD:

enclosures

cc: Paul N. Balestracci, Esq. (w/ enclosures)
Russell A. Newman, Esq. (w/ enclosures)
Frank E. Clohan, Esq. (w/ enclosures)

List of Documents and Exhibits

Attachment No.	Description
1	Explanation of the preliminary findings under § 51292: Staff Report to Board of Supervisors; Attachment A to the report is the Resolution of Necessity
2	General description in text or diagram of ag. preserve to be acquired: Map showing road location and land under Williamson Act contract
3	General description in text or diagram of ag. preserve to be acquired: Legal descriptions & plats for <u>all</u> right-of-way/mitigation area.
4	Williamson Act contracts for Henghold, Hansen, and Chatton
ADDITIONAL INFORMATION REQUESTED BY DEPARTMENT OF CONSERVATION	
5	CEQA documentation: Board Report adopting ROD, and excerpts from conditions of approval and mitigation monitoring plan; make other CEQA documents available for inspection

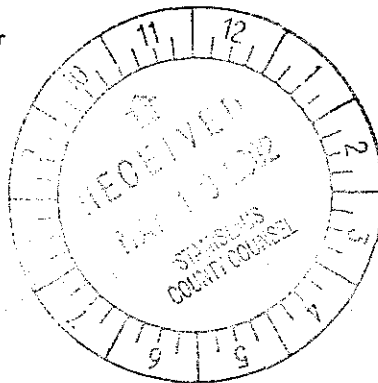
V:\CO\jpd\Documents\PW\Dept Conserv Ltr.wpd

**ATTACHMENTS 1-5 LISTED ABOVE ARE
OMITTED FROM THIS COPY AND ARE
AVAILABLE FROM THE CLERK OF THE
BOARD OF SUPERVISORS**

RUSSELL A. NEWMAN

A PROFESSIONAL LAW CORPORATION

ATTACHMENT K



Russell A. Newman
Leslie Kalim McHugh

David O. Romano, P.E., AICP

Tenth Street Place
1020 Tenth Street • Suite 310
Modesto, California
95354-0825
TELEPHONE 209.521.9521
FAX 209.521.4968

May 10, 2002

Mr. Erik Vink
Assistant Director
Department of Conservation
801 "K" Street
Sacramento, CA 95814

RE: Acquisition of Land for a Public Use in an Agricultural Preserve
Assessor's Parcel Nos. 021-25-18; 025-06-01; 025-06-55

Dear Mr. Vink:

In Stanislaus County's letter to you dated May 9, 2002, the County noted that they do not have the documentation you requested about wetland mitigation. Therefore, we enclose copies of the following:

1. Corps of Engineers - Section 404 Permit;
2. Wetlands Mitigation and Monitoring Plan, Diablo Grande (Oak Flat Village);
3. Preserve Management Plan Diablo Grande (Oak Flat Village); and
4. 404(b)(1) Alternatives Analysis - Oak Flat Village.

With respect to our purchase of rights-of-way, we are paying over market value for the properties which are being acquired through private negotiation.

Very truly yours,

David O. Romano, P.E., AICP

DOR:lma
Enclosures

cc: Paul N. Balestracci, Esq. (w/ enclosures)
Frank E. Clohan, Esq. (w/ enclosures)
John P. Doering (w/ enclosures)

**ATTACHMENTS 1-4 LISTED ABOVE ARE
OMITTED FROM THIS COPY AND ARE
AVAILABLE FROM THE CLERK OF THE
BOARD OF SUPERVISORS**



OFFICE OF STANISLAUS COUNTY COUNSEL

Michael H. Krausnick
COUNTY COUNSEL
E. Vernon Seeley
ASSISTANT COUNTY COUNSEL

DEPUTIES
Wm. Dean Wright
Linda S. Macy
John P. Doering
Victoria A. Halliday
Vicki F. de Castro
Carrie M. Stephens
Gina B. Leguria

1010 10th Street, Suite 6400 Modesto, CA 95354
PO Box 74, Modesto, CA 95353-0074
Phone: 209.525.6376 Fax: 209.525.4473

ATTACHMENT L

May 22, 2002

Bob Blanford
Research Analyst
Department of Conservation
801 "K" Street
Sacramento, CA 95814

**Re: Acquisition of Land for a Public Use in an Agricultural Preserve
Assessor's Parcel Nos. 021-25-18; 025-06-01; 025-06-55**

Dear Mr. Blanford:

During our phone conversation on May 15, 2002, you asked for clarification of four issues related to the County's notice to acquire land in an agricultural preserve. We offer the following clarification and answers to each question or issue.

1. Is the County or the developer acquiring land in lieu of condemnation?

The County ultimately will own the right-of-way and easements. The process of acquiring right-of-way begins by first making every reasonable effort to acquire real property by negotiation. (See Gov. Code, § 7267.1) In this case, the developer obtained an appraisal for the property and offered to purchase the necessary right-of-way by offering the full amount determined to be just compensation. Negotiations were successful except for the Henghold property and we are now completing the steps necessary to initiate condemnation to acquire that property. The other property interests were acquired by consensual sale/purchase in lieu of formal condemnation proceedings.

You expressed a concern that road construction could not begin until the Land Conservation Contract was terminated when the County actually acquired the property interest. The developer has acquired the property interest in the name of and/or for the benefit of the County as a public improvement that is required as part of the mitigation for the Diablo Grande project. Because of liability concerns, the County typically takes title to on-site and off-site subdivision improvements after the County has approved construction and accepted the dedication of the improvements. Another practical consideration is that the precise area taken for slope easements can't be known until construction is complete and as-built descriptions are prepared. That way, the County actually acquires only that area necessary for the improvement. However, for all intent

and purpose, the County has effectively acquired title to the land on which improvements will be constructed by the developer.

Also, we believe the County action is consistent with the language in the relevant statutes. Section 51292 requires findings whenever a public agency "locates" a public improvement in an agricultural preserve, and the provisions of Section 51291 (b) are triggered when land in a preserve is "required" by a public agency for a public use. In this case, the County has required the cut across road to be constructed by the developer, and has required it to be located in an agricultural preserve because it cannot physically be located anywhere but within an agricultural preserve. In any event, we understand that the developer has acquired the necessary right-of-way for the cut across road on behalf of and in the name of the County and that the relevant deeds will be recorded once the road is constructed, final legal descriptions are prepared, and the improvements are accepted by the County.

2. Can the County either make findings under Section 51292 for the wetland mitigation area, or explain why an exemption applies?

First, the County contends that the findings under Section 51292 can be made for the wetland mitigation area. Several alternatives were considered and presented to the Corps of Engineers related to the wetland mitigation and, ultimately, the federal government selected and required wetland mitigation in the area being acquired for this purpose. Because the federal government required this mitigation, the developer was not free to choose other locations. The location of the wetland mitigation area was selected by the federal government because it was the best site for mitigation, not because it was less expensive to acquire the land in a preserve. Further, we understand that the federal government prefers on-site mitigation over off-site mitigation. Like the road location itself, many alternative wetland mitigation areas were located in agricultural preserves.

Second, the County further contends that findings under Section 51292 are not required for the wetland mitigation area. The mitigation area fits the definition of a public works required for fish and wildlife enhancement and preservation under Section 51293 (e)(2). As detailed in the documentation about the wetland mitigation area provided by the developer, the Department of Army Permit requires the developer to offset the impacts to jurisdictional wetlands and effects to wildlife habitat of special status species. The preserve management plan for all mitigation must be submitted to and approved by the U.S. Fish and Wildlife Service ("USFWS") and the California Department of Fish and Game. It is clear that these responsible agencies consider the wetland mitigation area an improvement to fish and wildlife habitat.

The wetland mitigation area also is exempt from findings under Section 51293 (j) because it is a fee interest being acquired in order to restrict the land to open space uses as defined by subdivision (o) of Section 51201. The wetland mitigation area is an "open space use" in that it will be used and maintained in a manner that enhances and preserves its natural characteristics, beauty and openness, and will provide essential

habitat for wildlife that utilize and depend on aquatic ecosystems. The mitigation area obviously is within a "managed wetland area" in that water is an integral part of the mitigation, and the area has been in an agricultural preserve for more than the past three consecutive years and maintained for grazing purposes. The wetland mitigation area is being acquired to provide opens space use in a managed wetland.

3. Why was the Oak Flat Road not improved rather than construct the new cut across road, and was that alternative considered in the environmental documentation?

Kirk Ford explained to you in a phone conversation that the project EIR included an alternative road analysis and that the cut across road was selected because it resulted in less environmental impact than other alternatives. We also explained that the cut across road was the most direct route to connect the Diablo Grande project area to a freeway interchange. Kirk mentioned that you were satisfied with the verbal explanation and that further documentation regarding this matter was not necessary.

4. Does the Diablo Grande EIR address the loss of agricultural land due to the wetland mitigation area?

Again, we understand that the verbal explanation given to you by Kirk Ford satisfied your concern. We acknowledged and responded to the Department of Conservation's concern about the loss of agricultural land. A copy of the Department's comment letter and the County's response is enclosed for your reference. The EIR identified the loss of rangeland and agricultural land as an unavoidable, unmitigatable significant impact, the Board of Supervisors adopted a statement of overriding considerations. The impact to agricultural land identified and discussed in the EIR extended to all aspects of the project, including adopted mitigation.

As we pointed out in our letter dated May 9, 2002, the Stanislaus County Board of Supervisors continued its hearing to adopt a Resolution of Necessity to June 11, 2002, so that it may consider the comments of the Department of Conservation. We look forward to receiving the Department's comments.

Very truly yours,

MICHAEL H. KRAUSNICK
COUNTY COUNSEL

~~DIGITALLY SIGNED~~ BUT NOT SIGNED. MAILED IN
By THE WRITER'S ABSENCE TO AVOID DELAY.

John P. Doering
Assistant County Counsel

JPD:
enclosures

Bob Blandford
May 22, 2002
Page 4

STANISLAUS COUNTY
OFFICE OF COUNTY COUNSEL

cc: Paul N. Balestracci, Esq. (w/ enclosures)
Russell A. Newman, Esq. (w/ enclosures)
Frank E. Clohan, Esq. (w/ enclosures)

V:\CO\jpd\Documents\PW\PW-PROJ\Henghold Condemn\Blandford Ltr.wpd

State of California

THE RESOURCES AGENCY OF CALIFORNIA

M E M O R A N D U M

To: Mr. Douglas P. Wheeler
Secretary for Resources

Date: October 13, 1992

Mr. Bob Kachel
Stanislaus County Planning Department
1100 H Street
Modesto, CA 95354

RECEIVED
OCT 15 1992

STANISLAUS COUNTY
PLANNING COMMISSION

From: Department of Conservation
Governmental and Environmental Relations

Subject: Draft Environmental Impact Report (DEIR) for the Diablo Grande Project. SCH #91032066

The Department of Conservation, which is responsible for monitoring farmland conversion on a statewide basis, has reviewed the County of Stanislaus' Draft Environmental Impact Report (DEIR) for the project referenced above which affects 29,500 acres of Williamson Act contracted land including 400 acres of prime agricultural land.

The Department is concerned about the impacts of this project on the prime agricultural land and the Williamson Act contracted land within the project area. The DEIR eludes to the fact that the contracted land will be canceled for the development of the project, however, the document does not identify the significance of this action. According to CEQA, "a project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation (Williamson) Act for any parcel of 100 acres or more" would pose implications of Statewide significance. This project meets this criteria.

The Williamson Act is "a legislative effort to maximize the preservation of agricultural land and discourage the premature conversion of such land to urban use." (County of Orange v. Cory (1979) 97 Cal.App.3d 760. As a general rule, lands can be withdrawn from the Williamson Act only through the nine year process on non-renewal. Cancellation is reserved for unusual, "emergency" situations. (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-853.) Cancellation must be based on specific findings that are supported by substantial evidence.

The Supreme Court has stated that cancellation is not appropriate where the objectives served by cancellation could be served by nonrenewal. (Sierra Club, at 855.)

Mr. Wheeler and Mr. Kachel
October 13, 1992
Page Two

Therefore, the nine-year nonrenewal process has been identified as the legally preferred alternative to cancellation for removing the land from its current restricted status.

In addition, the loss of prime agricultural land should be identified and treated as a significant environmental impact. The California Administrative Code (Section 15000 et seq., Appendix G (y)) states that a project will normally have a significant effect on the environment if it will convert prime agricultural land to a non-agricultural use or impair the agricultural productivity of prime agricultural productivity of prime agricultural land.

The following mitigation measures should be considered in order to lessen the impacts of the "new town" development once nonrenewal of the contracts is completed.

- Directing urban growth to lower quality soils in order to protect prime agricultural land.
- Protecting other, existing farmland of equivalent, or better, quality through planning policy that relies on an active and strategic use of the Williamson Act.
- Establishing buffers such as setbacks, berms, greenbelts, and open space areas to separate farmland from urban uses. Many communities have considered 300 feet as a sufficient buffer for impacts such as pesticide spraying, noise and dust.
- Implementing right-to-farm ordinances to diminish nuisance impacts of urban uses on neighboring agricultural operations, and vice-versa.
- Imposing development impact fees to help fund a farmland protection program that utilizes such land use planning tools as transfer of development rights, purchase of development rights or conservation easements, and farmland trusts.

In summary we reiterate that the Supreme Court has stated that cancellation is not appropriate where the objectives served by nonrenewal. (Sierra Club, at 855.) Therefore, the Department of Conservation recommends that the Williamson Act contracts be terminated by the nonrenewal process. If you have any questions, or need additional information, please feel free to contact me at (916) 445-8733.

Deborah L. Herrmann
Deborah L. Herrmann
Environmental Program Coordinator

cc: Kenneth E. Trott, Manager
Land Conservation Unit
West Stanislaus Resource Conservation District

RESPONSES TO CALIFORNIA DEPARTMENT OF CONSERVATION, GOVERNMENT AND ENVIRONMENTAL RELATIONS OCTOBER 13, 1992 COMMENT LETTER

1. As of February 1993, Phase 1 is the only project phase that may potentially require cancellation of the Williamson Act in order to meet the development schedule; the other phases are expected to be removed from the contract by non-renewal. The following mitigation is hereby incorporated into the EIR as Mitigation 5 on page IV-36:

"The project sponsor shall schedule the development of the overall project in such a way to maximize non-renewal rather than cancellation of existing on-site Williamson Act contracts, to the extent feasible without jeopardizing project objectives."

The fingers of on-site prime farmland in phases 4 and 5 are isolated areas totaling 200 acres. Page IV-13 indicates that the overall site including Phase 1 is suitable for ranching activities, but is unsuitable for other more-intensive agricultural uses. Potential prime agricultural land in phases 4 and 5 has poor access, steep slopes, and limited size, which prevents it from functioning as prime agricultural land. Page IV-35 states that project impacts to the County's inventories of existing ranching activities/rangeland/ agricultural preserves are considered unavoidable and significant. Mitigation is suggested to help reduce this impact, although not below a level of significance.

Concerning the five suggested mitigations included in this comment:

- (1) Protecting the on-site prime farmland is not considered necessary, due to the reasons stated above; (2) the County already has several important agricultural policies generally supporting the concept of # (2) suggested mitigation; (3) the project includes extensive open space which would buffer development and which are further strengthened with mitigation recommended in the EIR. However, this EIR recommends that on-site grazing should continue and/or be reestablished in the open space area. In order to support post-development on-site grazing, the following mitigation is hereby incorporated into the EIR for the overall project as Mitigation 6 on page IV-36:

"The project shall establish buffers of at least 300 feet between development areas and open space areas. Grazing would be permitted in this buffer area..

"A 'right-to-graze' regulation shall be established for the overall site."

- (4) Due to the magnitude of the project site and the expanse of open space as buffer, off-site farming activities are not expected to interfere with the project population or land uses. Concerning # (5), the EIR

1 identifies the project as potentially having a mitigating effect on growth
2 pressures in prime farmland areas in the San Joaquin area, and
3 therefore special impact fees to offset impacts of the project to
4 farmland would not be appropriate.
5
6
7

2. Refer to response to comment 1 of this letter.

overall site. To further mitigate the loss of rangeland, it may be reasonable to continue grazing in the Conservation Areas of the site after project build-out.

Upgrading of Oak Flat Road could lead to future off-site development adjacent to the road. Growth inducement potential is considered a significant impact of the project. Development would result in a new population, and road and infrastructure improvements, which would likely induce growth.

Assuming Phase 1 is developed in the manner proposed, the overall site would be developed in an area already disturbed by Phase 1 development. However, the overall project's impact on open space would still be significant.

Mitigation Measures

Phase 1

1. Continuance of limited grazing on the site shall be considered to help offset impacts due to the termination of Oak Flat ranch facilities in Phase 1. To the satisfaction of the Planning Director, during development of Phase 1 the applicant shall develop a program for maintaining limited grazing in the overall site.
2. Off-site growth inducement along Oak Flat Road shall be mitigated by requiring scenic easements or other vehicles for the maintenance of open space/agricultural uses adjacent to the road. Careful public and County review shall be conducted for any proposed development along Oak Flat Road.
3. To mitigate open space and agricultural land use impacts, minimal housing development shall be allowed in the proposed hill Conservation Areas along cul-de-sac areas east of Oak Flat Parkway.
4. To ensure open space lands remain in open space in perpetuity, scenic or open space easements shall be established for open space areas. If easements are not possible, the lands may be conveyed to the County or a deed restriction may be implemented.
5. A geotechnical survey and records search shall be conducted to confirm the absence of hazardous wastes on the Phase 1 site prior to Final Map approval.

Significance of Land Use Impacts of Phase 1 After Mitigation

Impacts to the County's inventories of existing ranching activities/rangeland/agricultural preserves are considered unavoidable and significant. Growth-inducing impacts, particularly along Oak Flat Road at off-site locations, would be mitigable to the point of non-significance if easements are employed.

Overall Site Development

1. If the Phase 1 mitigation for installing a viable grazing program is successfully implemented, it shall be reviewed and modified as feasible to allow some continuation of viable grazing during the post-development of the overall site.
2. Off-site growth inducement along Oak Flat Road shall be mitigated by requiring the maintenance of open space/agricultural uses adjacent to the road in perpetuity. Careful public and County review shall be conducted for any proposed development along Oak Flat Road.
3. To ensure open space lands remain open space, scenic or open space easements shall be established in the manner described in Phase 1 Mitigation Measures.
4. A geotechnical survey and records search shall be conducted to confirm the absence of hazardous wastes on the Phase 1 site.

Significance of Land Use Impacts of Overall Site After Mitigation

As in Phase 1, the loss of ranching activities/rangeland/agricultural preserves would be mitigated to the lowest extent possible but not to the point of non-significance. Growth-inducing impacts would be mitigated to the point of non-significance.

Development Impacts to County Agricultural Land Resources

Impacts to Rangeland and Ranching. The Phase 1 site is 2,000 acres, of which 80 percent or 1,600 acres is cattle rangeland, representing 0.4 percent of the County's total 1990 inventory of 359,000 acres of rangeland. Development of Phase 1 would result in the unavoidable termination of all ranching activities on the Phase 1 site; the loss of this 2,000 acres would not be considered a significant adverse impact.

In addition to the Phase 1 site, the overall site contains 22,000 acres of cattle grazing land, or six percent of the County's total grazing acreage. Without mitigation, all cattle grazing on the overall site potentially could be terminated because of the loss of the Oak Flat Ranch facilities and ranching activities on the Phase 1 site. This reduction of the County's agricultural base would be considered a significant adverse impact of the project if not mitigated.

Prime Farmland Impacts. In the 1980s, growth in Stanislaus County occurred primarily in the urban-serviced incorporated areas in the San Joaquin Valley. Growth is projected to continue to occur in Stanislaus County through the 1990s. Continual urban encroachment of the San Joaquin Valley is considered to have adverse impacts on the County's inventory of prime farm land, an issue of Statewide concern.

As an alternative location for development, Phase 1 would provide an opportunity to direct future Countywide growth away from the San Joaquin Valley. If a portion of future growth that would otherwise occur on the County's prime farmland, instead would be directed to the Phase 1 site, then development of Phase 1 could be considered to have a mitigating effect on the on-going development pressure on the County's prime farm lands.

Growth Inducement Issues and Impacts

Impacts of Upgrading Oak Flat Road. Oak Flat Road and its extension to Del Puerto Canyon Road would serve as the primary access to and from the site and would be upgraded and partially realigned to a shouldered, two-lane, paved connector. The off-site land adjacent to Oak Flat Road is currently planned and used for agricultural uses, including an orchard and grazing. Upgrading Oak Flat Road would improve access to this adjacent land leading to and from the project site. Consequently, the upgraded roadway along with increased activity from development of Village 1 and the overall project may induce growth pressure, contributing to future off-site development proposals alongside Oak Flat Road.

If any such future development proposals occur, they would be subject to County and public review. They would require General Plan amendments, rezoning, and specific plans allowing the County to assess whether such