

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

DEPT: Planning and Community Development

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE March 2, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 114.8 Acre Portion of Williamson Act Contract No. 1975-1888 - Sun Dry Products (Original Contract Name: Anthony C. Ruggiero)

STAFF RECOMMENDATIONS:

1. Find that the conditions and contingencies of the Tentative Certificate of Cancellation (Attachment B) have been satisfied; and,
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by March 10, 2010.

FISCAL IMPACT:

There are no fiscal impacts associated with this item. Payment in the amount of \$149,750 to the Auditor-Controller's office was made on February 8, 2010, and will be forwarded to the State of California as required.

BOARD ACTION AS FOLLOWS:

No. 2010-101

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Authorization to Record a Certificate of Cancellation of a 114.8 Acre Portion of Williamson Act Contract No. 1975-1888 – Sun Dry Products (Original Contract Name: Anthony C. Ruggiero)
Page 2

DISCUSSION:

On April 21, 2009, your Board granted tentative approval of a petition to cancel a 114.8 acre portion of Williamson Act Contract No. 1975-1888 for property owned by Sun Dry Products. On April 29, 2009, a Certificate of Tentative Cancellation was recorded as Document Number 2009-0041538-00 Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$149,750. Said payment was made to the County Auditor on February 8, 2010.

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

POLICY ISSUES:

Government Code Section 51283.4(b) provides that the notification, execution and recordation of a Certificate of Cancellation takes place as outlined above. This authorization is consistent with the Board of Supervisors goals and priorities of efficient delivery of service.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Director. Telephone: 525-6330

ATTACHMENTS:

- A. Stanislaus County Deposit Permit
- B. Tentative Certificate of Cancellation
- C. Draft Certificate of Cancellation

STANISLAUS COUNTY DEPOSIT PERMIT



BATCH KEYED BY _____

BATCH DATE _____ BATCH NO _____

DEPOSIT NUMBER: DP - 229740

AUDITOR'S DATE: 2/8/10

DEPOSITING SECTION: Sun Dry Products

DEPOSITING SECTION NUMBER: _____

LINE	AMOUNT		FUND	ORG	ACCNT	GL PROJ	LOCATN	MISC	OTHER	DESCRIPTION
	DOLLARS	CENTS								
1	149,750	00	6200	64100	02300			WILACT		Cancellation of Williamson Act
2										Act
3										Contract # 1975-1888
4										Parcel # 016-003-009-000
5										
6										
7										
8										
9										
10										

149,750 00 TOTAL

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

REMARKS:

NO. OF BILLS	AMOUNT
@ 100	
@ 50	
@ 20	
@ 10	
@ 5	
@ 2	
@ 1	
COIN	
TOTAL CASH	
① CHECKS	149,750.00
TOTAL	

COUNTY AUDITOR-CONTROLLER

BY: NL
DEPUTY

MONIES LISTED ABOVE HAVE BEEN RECEIVED IN THE COUNTY TREASURY.

COUNTY TREASURER

BY: _____
DEPUTY

DELIVERED BY: _____

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

PERIOD OF _____ 20 _____ INCL.

BY _____
DEPARTMENT HEAD

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



BOARD OF SUPERVISORS

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

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

**CERTIFICATE OF TENTATIVE APPROVAL OF CANCELLATION
OF WILLIAMSON ACT CONTRACT NO. 75-1888**

NOTICE IS HEREBY GIVEN that on April 21, 2009, the Board of Supervisors of the County of Stanislaus, State of California granted tentative approval of a petition to cancel a portion of Williamson Act Contract No.75-1888, affecting the land and improvements located on a 114.8 acre portion of Assessor's Parcel No.016-003-009, owned by Sun Dry Products / Jim Davis. The property is more fully identified on the attached map.

NOTICE IS FURTHER GIVEN that a Certificate of Cancellation of Williamson Act Contract No. 75-1888 will be issued and recorded if the following specified conditions and contingencies are satisfied within one year of the date this notice is recorded:

1. Payment of the Cancellation fee of \$ 149,750.00
2. Unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of this certificate of tentative cancellation, such fee shall be recomputed as required by State statute.
3. Per California Government Code Section 51283.4(b), the landowner shall notify the Board of Supervisors when the conditions and contingencies enumerated in this Certificate of Tentative Cancellation have been satisfied.

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: April 21, 2009

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

BY: Elizabeth A. King
Elizabeth A. King, Assistant Clerk of the Board

*Original contract recorded on January 6, 1975, in Volume 2675, Instrument #25477. Prior Owner: Anthony C. Ruggiero-- approved by the Board of Supervisors on December 31, 1974.

RECORDING REQUESTED BY
Stanislaus County Board of Supervisors

AND WHEN RECORDED MAIL TO:

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

CERTIFICATE OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NUMBER 1975-1888

WHEREAS, Sun Dry Products, owner of the property described herein, gave written notice of the cancellation of the Williamson Act Contract No. 1975-1888 entered into between the previous owner, Anthony C. Ruggiero and the County of Stanislaus; and

WHEREAS, the amount of the cancellation fee as set forth by the Board of Supervisors has been paid in the sum of \$149,750;

NOTICE IS HEREBY GIVEN that on March 2, 2010, the Board of Supervisors of the County of Stanislaus, State of California, determines that the conditions and contingencies enumerated in the Certificate of Tentative Cancellation, recorded April 29, 2009, as Document No. 2009-0041538-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that Williamson Act Contract No. 1975-1888 originally recorded in Volume 2675 of the Official Records of Stanislaus County, on January 6, 1975, as Instrument Number 25477, affecting the land and improvements located on Assessor's Parcel Nos. 016-003-011 & 012 owned by Sun Dry Products has been cancelled. The property is more fully identified on the attached map (Attachment 1).

The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: March 2, 2010

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

By: 
Elizabeth A. King, Assistant Clerk of the Board



ATTACHMENT 1

San Joaquin County

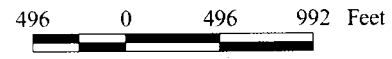
KOSTER RD

GAFFERY RD

114.8 Acres
APN's 016-003-011 & 016-003-012
Williamson Act Contract Cancellation



Williamson Act Contract 1975-1888



This map is for display purposes only.

Map printed: 2/18/2010



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

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

March 8, 2010

Bridgett Luther, Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: CERTIFICATE OF CANCELLATION OF WILLIAMSON ACT CONTRACT NO.
1975-1888 – Sun Dry Products

Dear Ms. Luther:

Enclosed is a copy of the Certificate of Cancellation of Williamson Act Contract No. 1975-1888 – Sun Dry Products (original contract name: Anthony C. Ruggiero). On March 2, 2010, the Stanislaus County Board of Supervisors found that all conditions and contingencies of the Tentative Certificate of Cancellation have been satisfied.

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

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors



CLERK OF THE BOARD OF SUPERVISORS

STANISLAUS COUNTY

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

March 8, 2010

JIM DAVIS
SUN DRY PRODUCTS
3401 GAFFERY ROAD
WESTLEY CA 95387

RE: CERTIFICATE OF CANCELLATION OF WILLIAMSON ACT CONTRACT
NO. 1975-1888 – Sun Dry Products

Dear Mr. Davis:

Please find enclosed a copy of the Certificate of Cancellation for Williamson Act Contract No. 1975-1888 approved by the Board of Supervisors on March 2, 2010. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on March 5, 2010 as Document No. 10-0021287-00.

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

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors



RECORDING REQUESTED BY
Stanislaus County Board of Supervisors

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2010-0021287-00

Friday, MAR 05, 2010 14:15:00
Ttl Pd \$0.00 Nbr-0002860772
OCE/R2/1-2

AND WHEN RECORDED MAIL TO:

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

**CERTIFICATE OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NUMBER 1975-1888**

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DATED: March 2, 2010

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

By: Elizabeth A. King
Elizabeth A. King, Assistant Clerk of the Board

BOARD OF SUPERVISORS
2010 APR 22 11:26 AM

OK

ATTACHMENT 1

San Joaquin County

KOSTER RD

GAFFERY RD

114.8 Acres
APN's 016-003-011 & 016-003-012
Williamson Act Contract Cancellation



Williamson Act Contract 1975-1888

496 0 496 992 Feet



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