

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

DEPT: Planning and Community Development AC

BOARD AGENDA # *D-2

Urgent Routine

AGENDA DATE September 18, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Record a Certificate of Cancellation of a 1.97 Acre Portion of Williamson Act Contract No. 1970-0062 - Berryhill Vineyards (Original Contract Name: Ronald and Gloria Berryhill) Located on East Taylor Road, West of Central Avenue and East of Bystrum Road, in the Ceres Area

STAFF RECOMMENDATIONS:

1. Find that the condition and contingencies of the Tentative Certificate of Cancellation Williamson Act Contract No. 1970-0062 - Berryhill Vineyards, located on East Taylor Road, west of Central Avenue and east of Bystrum Road, in the Ceres area, have been satisfied; and
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by October 5, 2012.

FISCAL IMPACT:

There are no fiscal impacts associated with this item. The County will receive a minimal amount in property tax for the 1.97 acres. Payment in the amount of \$11,250.00 to the Auditor-Controller's Office was made on August 27, 2012, and will be forwarded to the State of California as required.

BOARD ACTION AS FOLLOWS:

No. 2012-476

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

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

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.

Approval to Record a Certificate of Cancellation of a 1.97 Acre Portion of Williamson Act Contract No. 1970-0062 - Berryhill Vineyards (Original Contract Name: Ronald and Gloria Berryhill) Located on East Taylor Road, West of Central Avenue and East of Bystrum Road, in the Ceres Area

Page 2

DISCUSSION:

On August 21, 2012, the Board of Supervisors granted tentative approval of a petition to cancel a 1.97 acre portion of Williamson Act Contract No.1970-0062 for property owned by Berryhill Vineyards. On August 27, 2012, a Certificate of Tentative Cancellation was recorded as Document Number 2012-76104-00 Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$11,250.00. Said payment was made to the County Auditor-Controller on August 27, 2012.

State law requires the landowner to notify the County Board of Supervisors when they have complied with the conditions of tentative cancellation and the landowner has done so. 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's priority of a Strong Agricultural Economy/Heritage by following standard procedures for Williamson Act Contract cancellation requests.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

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

ATTACHMENTS:

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

STANISLAUS COUNTY DEPOSIT PERMIT



BATCH KEYED BY *[Signature]*

BATCH DATE 8-27-12 BATCH NO 8414

NL

DEPOSIT NUMBER: DP - 279646
 AUDITOR'S DATE: 8-27-12

DEPOSITING SECTION: BERRYHILL VINEYARDS INC DEPOSITING SECTION NUMBER: _____

LINE	AMOUNT		FUND	ORG	ACCNT	GL PROJ	LOCATN	MISC	OTHER	DESCRIPTION
	DOLLARS	CENTS								
1	11,250	00	6200	64100	02300		D79646			CANCELLATION OF WILLIAMSON ACT
2										PARCEL # 002-011-023
3										CONTRACT # 71-0062
4										
5										
6										
7										
8										
9										
10										

TOTAL 11,250.00

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

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

COUNTY AUDITOR-CONTROLLER
 BY: *[Signature]*
 DEPUTY

MONIES LISTED ABOVE HAVE BEEN RECEIVED IN THE COUNTY TREASURY.
 COUNTY TREASURER
 BY: *[Signature]*
 DEPUTY

REMARKS: *[Signature]*
5-6570
 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 - RETURN THIS RECEIPT TO THE COUNTY AUDITOR-CONTROLLER.
 CANARY COPY - TREASURER TO RETAIN THIS COPY.
 PINK COPY - DEPOSITOR WILL RECEIVE THIS COPY FROM THE TREASURER.

RECORDING REQUESTED BY
Stanislaus County Board of Supervisors

AND WHEN RECORDED MAIL TO:

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



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2012-0083870-00

Thursday, SEP 20, 2012 11:41:43
Ttl Pd \$0.00 Rcpt # 0003269987
OAA/R2/1-2

CERTIFICATE OF CANCELLATION OF
WILLIAMSON ACT CONTRACT NUMBER 1971-0062

WHEREAS, Berryhill Vineyards, owner of the property described herein, gave written notice of the cancellation of a portion of the Williamson Act Contract No. 1971-0062 entered into between the previous owner, Ronald and Gloria Berryhill 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 \$11,250.00;

NOTICE IS HEREBY GIVEN that on September 25, 2012, the Board of Supervisors of the County of Stanislaus, State of California, determines that the conditions and contingencies enumerated in the Certificate of Tentative Cancellation, recorded August 27, 2012, as Document No. 2012-76104-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that a portion of Williamson Act Contract No. 1971-0062 originally recorded in Volume 2362, Page 57 of the Official Records of Stanislaus County, on December 9, 1970, as Instrument Number 41806, affecting the land and improvements located on Assessor's Parcel No. 022-011-023, owned by Berryhill Vineyards, has been cancelled. The property is more fully identified as 1.97 acres (Parcel "2") on the attached map (Exhibit A).

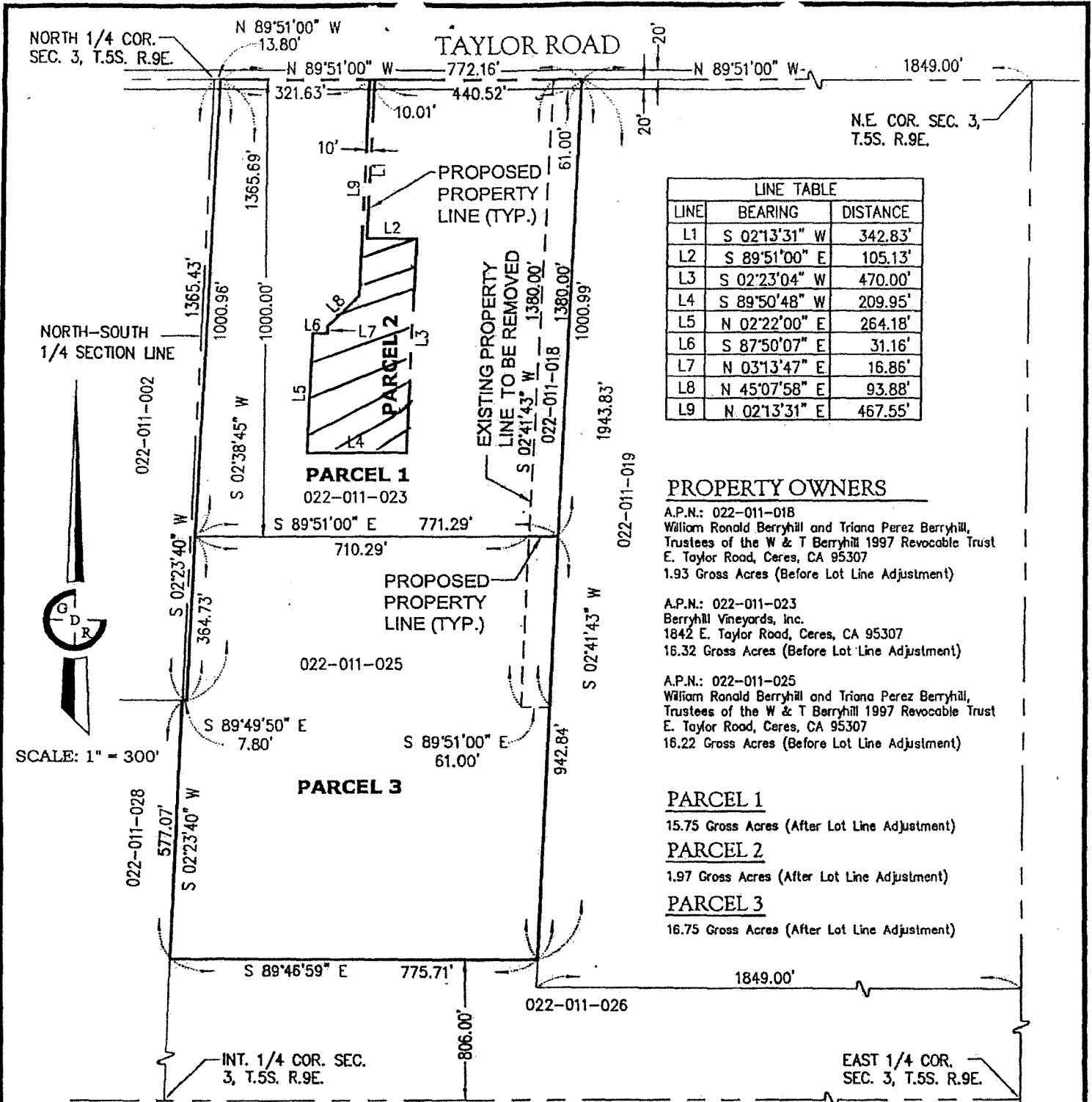
The undersigned duly authorized officer of Stanislaus County declares that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

DATED: September 18, 2012

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

EXHIBIT A



PROPERTY OWNERS

A.P.N.: 022-011-018
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 1.93 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-023
 Berryhill Vineyards, Inc.
 1842 E. Taylor Road, Ceres, CA 95307
 16.32 Gross Acres (Before Lot Line Adjustment)

A.P.N.: 022-011-025
 William Ronald Berryhill and Triana Perez Berryhill,
 Trustees of the W & T Berryhill 1997 Revocable Trust
 E. Taylor Road, Ceres, CA 95307
 16.22 Gross Acres (Before Lot Line Adjustment)

PARCEL 1

15.75 Gross Acres (After Lot Line Adjustment)

PARCEL 2

1.97 Gross Acres (After Lot Line Adjustment)

PARCEL 3

16.75 Gross Acres (After Lot Line Adjustment)



3-22-2012



GDR ENGINEERING, Inc.

ENGINEERING/SURVEYING/PLANNING
 3625 MITCHELL ROAD, SUITE G CERES, CA 95307
 TELEPHONE: (209) 638-3360 FAX: (209) 638-7370
 E-MAIL: gdr engr@gdrengr.com

LOT LINE ADJUSTMENT

A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 9 EAST, M. D. B. & M.



BOARD OF SUPERVISORS

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

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

September 21, 2012

BERRYHILL VINEYARDS
1842 E TAYLOR RD
CERES CA 95307

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 71-0062

Dear Applicant:

Please find enclosed a copy of the Certificate of Cancellation for a Portion of Williamson Act Contract No. 71-0062 approved by the Board of Supervisors on September 18, 2012. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on September 20, 2012 as Document No. 12-0083870-00.

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

cc: Sean Harp, GDR Engineering



BOARD OF SUPERVISORS

William O'Brien, 1st District
Vito Chiesa, 2nd District
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1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.4494 Fax: 209.525.4410

September 21, 2012

Mark Nechodom, Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 71-0062

Dear Mr. Nechodom:

Enclosed is a copy of the Certificate of Cancellation of a Portion of Williamson Act Contract No. 71-0062. On September 18, 2012, the Board of Supervisors found that all conditions and contingencies of the Tentative Certificate of Cancellation have been satisfied.

For further information, please call the Planning and Community Development Department at 209-525-6330 or the Board of Supervisors at 209-525-6415.

Sincerely,

Elizabeth A. King
Assistant Clerk of the
Board of Supervisors