

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

DEPT: Planning and Community Development *PF*

BOARD AGENDA # *D-1

Urgent

Routine

AGENDA DATE November 25, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Record a Certificate of Cancellation of a .06 Acre Portion of Williamson Act Contract No. 1972-668 - Hudelson Family 1998 Trust Located at 8825 E. Whitmore Avenue, Northwest Corner of E. Whitmore and Berkeley Avenues, in the Hughson Area

STAFF RECOMMENDATIONS:

1. Find that the conditions and contingencies of the Tentative Certificate of Cancellation Williamson Act Contract No. 1972-668 - Hudelson Family 1998 Trust (Original Contract Name: Wayne D. Salter) located at 8825 E. Whitmore Avenue, northwest corner of E. Whitmore and Berkeley Avenues, in the Hughson area, have been satisfied; and
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by December 3, 2014.

FISCAL IMPACT:

The County will receive a minimal amount in property tax for the .06 acres. Payment in the amount of the \$150.00 cancellation fee to the Auditor-Controller's Office was made on November 3, 2014, and will be forwarded to the State of California as required.

BOARD ACTION AS FOLLOWS:

No. 2014-583

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

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

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 .06 Acre Portion of Williamson Act Contract No. 1972-668 - Hudelson Family 1998 Trust Located at 8825 E. Whitmore Avenue, Northwest Corner of E. Whitmore and Berkeley Avenues, in the Hughson Area
Page 2

DISCUSSION:

On May 20, 2014, the Board of Supervisors granted tentative approval of a petition to cancel a .06 acre portion of Williamson Act Contract No.1972-668 for property owned by the Hudelson Family 1998 Trust. On May 27, 2014, a Certificate of Tentative Cancellation was recorded as Document Number 2014-0033780-00, Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$150.00. Said payment was made to the County Auditor-Controller on November 3, 2014, however, due to the fact that the payment came in late in the day to their office, the deposit permit was dated the next day, November 4, 2014 (see Attachment 1).

State law requires the landowner to notify the County Board of Supervisors when they have complied with the conditions of tentative cancellation; and the landowner has done so through payment of the cancellation fee. A Certificate of Cancellation is to be executed by the Board of Supervisors within 30 days of such notice and recorded with the County 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 priorities of a Strong Agricultural Economy/Heritage and Effective Delivery of Customer Service 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: (209) 525-6330

ATTACHMENTS:

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

STANISLAUS COUNTY DEPOSIT PERMIT



BATCH KEYED BY: _____

BATCH DATE: _____ BATCH #: _____

DEPOSIT NUMBER: *DP*

AUDITOR-CONTROLLER DATE: ~~11-10-14~~ *11-04-14*

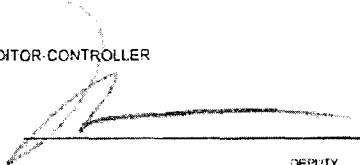
ORGANIZATION NAME: **ASPEN SURVEY CO**

LINE	AMOUNT		FUND (4 CHAR)	ORG (7 CHAR)	ACCOUNT (5 CHAR)	GL PROJ (7 CHAR)	LOCATION (6 CHAR)	MISC (6 CHAR)	OTHER (5 CHAR)	DESCRIPTION
	DOLLARS	CENTS								
1	\$150.00		6200	0064100	02300	0000000	D 20609	MISC		PAYMENT OF WILLIAMSON ACT
2										<i>CONTRACT # 72668</i>
3										<i>PARCEL #</i>
4										<i>018-010-104</i>
5										<i>018-010-005</i>
6										
7										
8										
9										
10										

\$150.00		TOTAL
# OF BILLS	AMOUNT	
@100		
@50		
@20		
@10		
@5		
@2		
@1		
COIN	\$0.00	
TOTAL CASH	\$0.00	
1 CHECKS	\$150.00	
WIRE/EFT	\$0.00	
TOTAL	\$150.00	

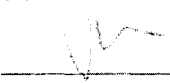
I APPROVE DEPOSIT OF THE ABOVE MONIES IN THE COUNTY TREASURY.

COUNTY AUDITOR-CONTROLLER

BY:  DEPUTY

MONIES LISTED ABOVE HAVE BEEN RECEIVED IN THE COUNTY TREASURY.

COUNTY TREASURER

BY:  DEPUTY

REMARKS:

November 13, 2014

PREPARED BY: **Marc Genest**

EMAIL: genestm@stancounty.com

PHONE#: **525-6570**

DELIVERED BY: _____

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

DATE: _____

Preparer's Signature

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.

2014 NOV -3 P 3:06
BOARD OF SUPERVISORS

ATTACHMENT 1



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2014-0079079-00

Monday, DEC 01, 2014 10:14:42
Ttl Pd \$0.00 Rcpt # 0003595404
OHK/R2/1-3

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 1972-668**

WHEREAS, Hudelson Family 1998 Trust, owner of the property described herein, gave written notice of the cancellation of a portion of the Williamson Act Contract No. 1972-668 entered into between the previous owner, Wayne D. Salter, 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 \$150.00;

NOTICE IS HEREBY GIVEN that on May 20, 2014, the Board of Supervisors of the County of Stanislaus, State of California, determines that the conditions and contingencies enumerated in the Certificate of Tentative Cancellation, recorded May 27, 2014, as Document No. 2014-0033780-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that a portion of Williamson Act Contract No. 1972-668 originally recorded in Volume 2429, Pages 614 through 622 of the Official Records of Stanislaus County, on November 3, 1971, as Instrument Number 41953, affecting the land and improvements located on Assessor's Parcel No. 018-010-004, owned by Hudelson Family 1998 Trust, has been cancelled. The parcel after cancellation is more fully identified as 17.29 acres (Parcel "2") on the attached map (Exhibit A) and legal description (Exhibit B).

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

DATED: November 25, 2014

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

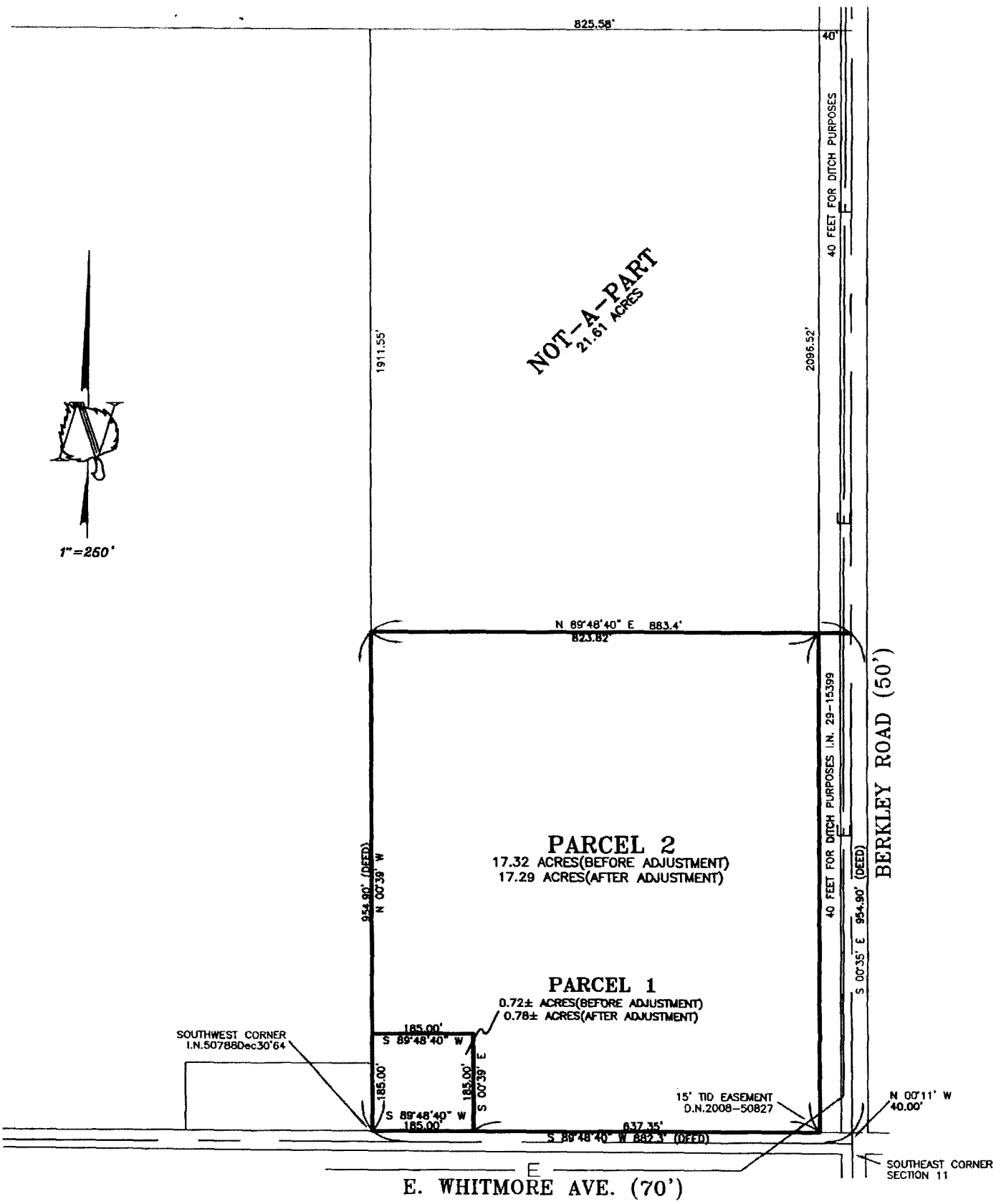


Exhibit "A"
PLN 2013-0055

BEING A PORTION OF THE S.E. 1/4 OF SECTION 11,
TOWNSHIP 4 SOUTH, RANGE 10 EAST,
MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

ASPEN SURVEY
COMPANY INC.
1121 OAKDALE RD., STE. 6 MODESTO, CA 95365
PH: (209) 526 9724 FX: (209) 526 0472

JULY, 2013

AFTER ADJUSTMENT

EXHIBIT "B"
LEGAL DESCRIPTION
HUDELSON PARCEL

All that real property situate in the County of Stanislaus, State of California, described as follows:

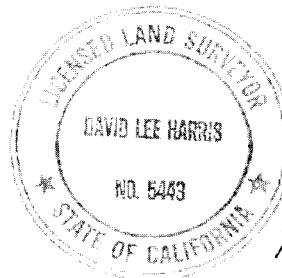
PARCEL 2

Commencing at the Southeast corner of Section 11, Township 4 South, Range 10 East, M. D. B. & M., running thence North 0° 11' West 40 feet to the point of beginning, of the the herein described parcel of land; thence along the Northern boundary of an East and West County Road, South 89° 48' 40" West 882.3 feet; thence leaving said boundary of said County Road, North 0° 39' West 954.9 feet; thence North 89° 48' 40" East 883.4 feet to a point on East boundary of said Section 11; thence along said Eastern boundary of said Section 11, South 0° 35' East 954.9 feet to the place of beginning.

EXCEPTING THEREFROM the following three parcels of land, to-wit:

1. A strip of land 20 feet in width along the entire Eastern boundary of the herein described tract of land for road purposes.
2. A strip of land 40 feet in width adjoining and parallel to the 20 foot strip named in first herein mentioned exception along the entire Western boundary of the said 20 foot strip, for ditch purposes.
3. Beginning at the Southwest corner of the land above described; running thence North 0° 39' West, a distance of 185 feet; thence North 89° 48' 40" East parallel with the North line of County Road, a distance of 185 feet; thence South 0° 39' East parallel with the West line hereof, a distance of 185 feet to the North line of County Road; thence South 89° 48' 40" West along North line of said County Road, a distance of 185 feet to the point of beginning.

APN: 018-010-004



March 17, 2014

D L H

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- 2014-0079843-00

Tuesday, DEC 02, 2014 11:15:32
Ttl Pd \$0.00 Rcpt # 0003596397
OMK/R2/1-3

CORRECTED CERTIFICATE OF CANCELLATION OF A PORTION OF
WILLIAMSON ACT CONTRACT NUMBER 1972-668

WHEREAS, Hudelson Family 1998 Trust, owner of the property described herein, gave written notice of the cancellation of a portion of the Williamson Act Contract No. 1972-668 entered into between the previous owner, Wayne D. Salter, 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 \$150.00;

WHEREAS, the Certificate of Cancellation of a Portion of Williamson Act Contract Number 1972-668 recorded on December 1, 2014 (Document No. 14-0079079-00) stated an incorrect date for Board action, and this corrected Certificate of Cancellation states the correct date of Board action;

NOTICE IS HEREBY GIVEN that on November 25, 2014, the Board of Supervisors of the County of Stanislaus, State of California, determines that the conditions and contingencies enumerated in the Certificate of Tentative Cancellation, recorded May 27, 2014, as Document No. 14-0033780-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that a portion of Williamson Act Contract No. 1972-668 originally recorded in Volume 2429, Pages 614 through 622 of the Official Records of Stanislaus County, on November 3, 1971, as Instrument Number 41953, affecting the land and improvements located on Assessor's Parcel No. 018-010-004, owned by Hudelson Family 1998 Trust, has been cancelled. The parcel after cancellation is more fully identified as 17.29 acres (Parcel "2") on the attached map (Exhibit A) and legal description (Exhibit B).

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

DATED: November 25, 2014

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

OMK

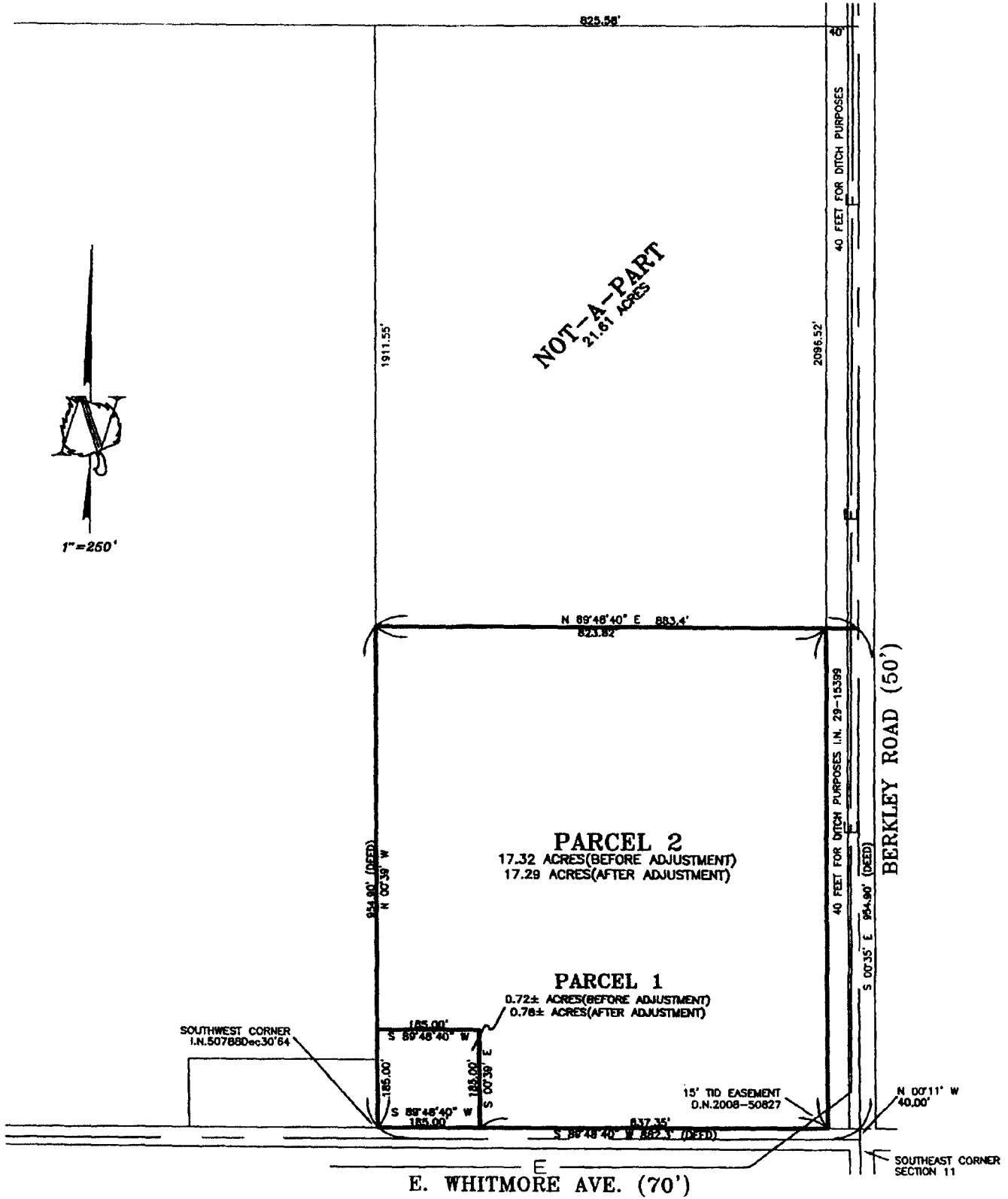


Exhibit "A"
PLN 2013-0055

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MOUNT DIABLO MERIDIAN
STANISLAUS COUNTY-CALIFORNIA

ASPEN SURVEY
COMPANY INC.
1121 OAKDALE RD., STE. 6 MODESTO, CA 95366
PH: (209) 528 8724 FX: (209) 528 0472

JULY, 2013

AFTER ADJUSTMENT

EXHIBIT "B"
LEGAL DESCRIPTION
HUDELSON PARCEL

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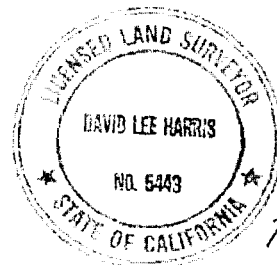
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EXCEPTING THEREFROM the following three parcels of land, to-wit:

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APN: 018-010-004



March 17, 2014

D L H



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

December 2, 2014

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. 1972-668

Dear Mr. Nechodom:

Enclosed is a copy of the Certificate of Cancellation of a Portion of Williamson Act Contract No. 1972-668. On November 25, 2014, the Board of Supervisors found that all conditions and contingencies of the Tentative Certificate of Cancellation have been satisfied. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk Recorder on December 2, 2014 as Document No. 14-0079843-00.

For further information, please call the Planning and Community Development Department at 209-525-6330 or the Board of Supervisors at 209-525-6414.

Sincerely,

Pam Villarreal
Deputy Clerk of the
Board of Supervisors



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

December 2, 2014

MITCHELL STUVE
8825 E WHITMORE AVE
HUGHSON, CA 95326

BEN HUDELSON
PO BOX 91
HUGHSON, CA 95326

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT
CONTRACT NO. 72-668

Dear Mr. Stuve and Mr. Hudelson:

Please find enclosed a copy of the Certificate of Cancellation for a Portion of Williamson Act Contract No. 72-668 approved by the Board of Supervisors on November 25, 2014. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on December 2, 2014 as Document No. 14-0079843-00.

For further information, please call the Planning and Community Development Department at 525-6330 or the Board of Supervisors at 525-641.

Sincerely,

Pam Villarreal
Deputy Clerk of the
Board of Supervisors

cc: DAVID HARRIS, ASPEN SURVEY