

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

DEPT: Planning and Community Development *df*

BOARD AGENDA # \*D-1

Urgent  Routine

AGENDA DATE April 28, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Record a Certificate of Cancellation of a .03 Acre Portion of Williamson Act Contract No. 74-1585 and a .10 Acre Portion of Williamson Act Contract No. 74-1596 - John and Mary Miller, Located at 4030 and 4306 Sperry Road, South of E. Service Road and North of Doerkson Road, in the Denair Area

STAFF RECOMMENDATIONS:

1. Find that the conditions and contingencies of the Tentative Certificate of Cancellation of a Portion of Williamson Act Contract No. 74-1585 and of a Portion of Williamson Act Contract No. 74-1596 - John and Mary Miller (Original Contract Names: Kenneth and Nina Terrill and Kenneth V, Jr. and Carolyn Fay Terrill) located at 4030 and 4306 Sperry Road, south of E. Service Road and north of Doerkson Road, in the Denair Area, have been satisfied; and
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation by May 3, 2015.

FISCAL IMPACT:

The County will receive a minimal amount in property tax for the .03 and .10 acres. Payment in the amount of a \$250.00 cancellation fee to the Auditor-Controller's Office was made on April 3, 2015, and will be forwarded to the State of California as required.

BOARD ACTION AS FOLLOWS:

No. 2015-188

On motion of Supervisor De Martini, Seconded by Supervisor Chiesa

and approved by the following vote,

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

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 .03 Acre Portion of Williamson Act Contract No. 74-1585 and a .10 Acre Portion of Williamson Act Contract No. 74-1596 – John and Mary Miller, Located at 4030 and 4306 Sperry Road, South of E. Service Road and North of Doerkson Road, in the Denair Area  
Page 2

**DISCUSSION:**

On January 13, 2015, the Board of Supervisors granted tentative approval of a petition to cancel a .03 acre portion of Williamson Act Contract No. 74-1585 and a .10 acre portion of Williamson Act Contract No. 74-1596 for property owned by John and Mary Miller. On January 16, 2015, a Certificate of Tentative Cancellation was recorded as Document Number 2015-0002984, Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$250.00. Said payment was made to the County Auditor-Controller on April 3, 2015 (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 BOARD OF SUPERVISORS

BATCH DATE 2015 APR -3 P 3:19 BATCH NO       

327972

DEPOSIT NUMBER: DP -       

AUDITOR'S DATE: 4-6-15

DEPOSITING SECTION: R.D. DE WURM

DEPOSITING SECTION NUMBER:       

LINE	AMOUNT		FUND	ORG	ACCNT	GL PROJ	LOCATN	MISC	OTHER	DESCRIPTION
	DOLLARS	CENTS								
1	250	00	6200	64100	02300		027972			CANCELLATION OF WILLIAMSIN ACT
2										CONTRACT# 1974-1596
3										1974-1585
4										
5										
6										
7										
8										
9										
10										

250 00 TOTAL

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

REMARKS: M. GENEST  
525-6200

NO. OF BILLS	AMOUNT
@ 100	
@ 50	
@ 20	
@ 10	
@ 5	
@ 2	
@ 1	
COIN	
TOTAL CASH	
1 CHECKS	250.00
TOTAL	250.00

COUNTY AUDITOR-CONTROLLER


BY:  DEPUTY

DELIVERED BY:       

MONIES LISTED ABOVE HAVE BEEN RECEIVED IN THE COUNTY TREASURY.

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

COUNTY TREASURER

BY:  DEPUTY

PERIOD OF        20        INCL.

DEPARTMENT HEAD BY       

ATTACHMENT 1

RECORDING REQUESTED BY  
Stanislaus County Board of Supervisors

AND WHEN RECORDED MAIL TO:

Stanislaus County Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

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CERTIFICATE OF CANCELLATION OF A PORTION OF  
WILLIAMSON ACT CONTRACT NUMBERS 74-1585 AND 74-1596

WHEREAS, John and Mary Miller, Trustees of the Miller Family 2006 Trust, owner of the property described herein, gave written notice of the cancellation of a portion of Williamson Act Contract No. 74-1585 and a portion of Williamson Act Contract No. 74-1596 entered into between the previous owners, Kenneth and Nina Terrill and Kenneth V, Jr. and Carolyn Fay Terrill, 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 \$250.00;

NOTICE IS HEREBY GIVEN that on January 13, 2015, 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 January 16, 2015, as Document Number 2015-0002984-00 have been satisfied.

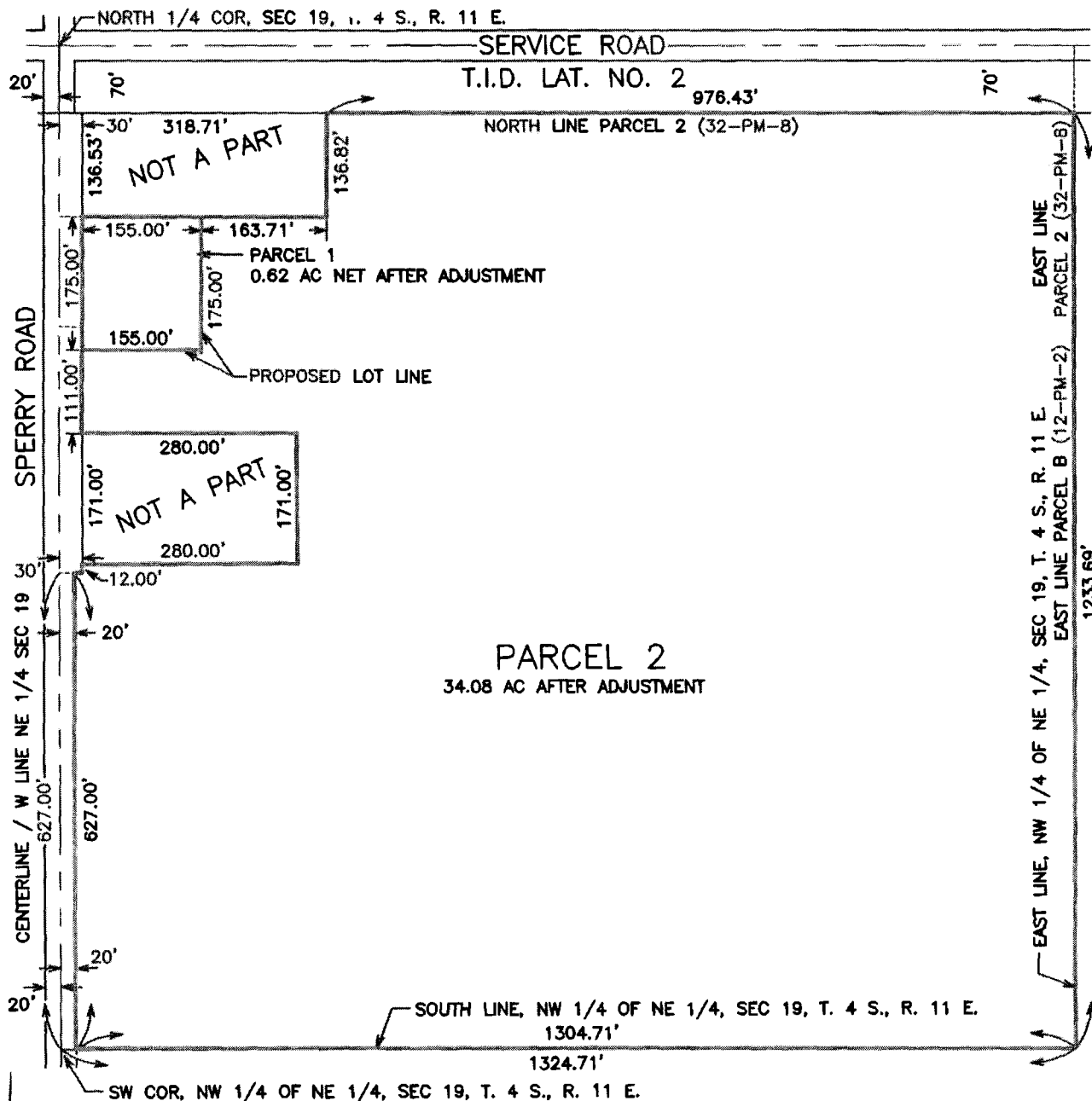
NOTICE IS HEREBY GIVEN, that a portion of Williamson Act Contract No. 74-1585 originally recorded in Book 2581, Pages 880 through 887 of the Official Records of Stanislaus County, on September 26, 1973, as Instrument Number 21609, and a portion of Williamson Act Contract No. 74-1596 originally recorded in Book 2598, Pages 650 through 657 of the Official Records of Stanislaus County, on November 1, 1973, as Instrument Number 17331, affecting the land and improvements located on Assessor's Parcel No. 019-025-032, owned by John and Mary Miller, Trustees of the Miller Family 2006 Trust, has been cancelled. The parcel after cancellation is more fully identified as 34.08 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: April 28, 2015

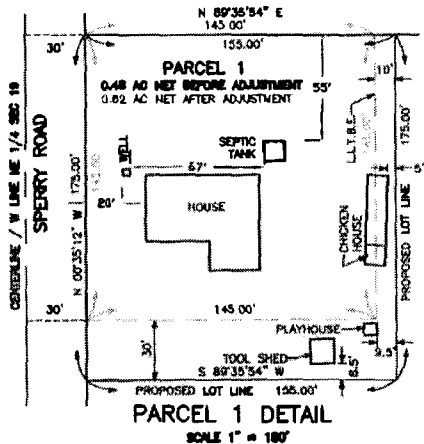
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

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



**SUPPLEMENT PLAT  
FOR LOT LINE  
ADJUSTMENT**

BEING A PORTION OF THE N.E. 1/4 OF SECTION 19,  
TOWNSHIP 4 SOUTH, RANGE 11 EAST,  
MOUNT DIABLO MERIDIAN  
STANISLAUS COUNTY-CALIFORNIA



**ASPEN SURVEY  
COMPANY INC.**  
1121 OAKDALE RD., STE. 6 MODESTO, CA 95335  
PH: (209) 526 9724 FX: (209) 526 0472

MAY, 2014

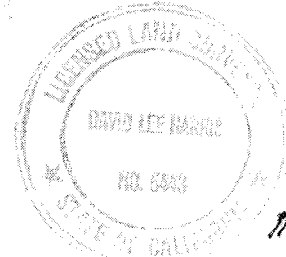
**AFTER ADJUSTMENT  
EXHIBIT A**

Exhibit B  
After Adjustment

**Parcel 2**

All that portion of the Northwest quarter of the Northeast quarter of Section 19, Township 4 South, Range 11 East, Mount Diablo Meridian, as shown on the Parcel Map filed for record in Book 12 of Parcel Maps at Page 2, on July 21, 1971, Stanislaus County Records, more particularly described as follows:

Beginning at the southwest corner of the northwest quarter of the northeast quarter; thence North 89°35'54" East, along the south line of the northwest quarter of the northeast quarter, a distance of 1324.71 feet; thence North 00°34'00" West, along the east line of the northwest quarter of the northeast quarter and east line of said Parcel B of above said Parcel Map, and the east line of said Parcel 2 as shown on that certain Parcel Map filed in Book 32, Page 8, Stanislaus County Records, 1233.69 feet to the northeast corner of said Parcel 2, thence South 89°32'48" West, along the north line of Parcel 2, a distance of 976.43 feet; thence South 00°35'12" East, a distance of 136.82 feet; thence South 89°35'54" West, along the easterly projection of the north line of Parcel 1 of said Book 32 of Parcel Maps, Page 8, a distance of 163.71 feet; thence South 00°35'12" East, along a line parallel with and 10 feet east of the east line of Parcel 1, a distance of 175.00 feet; thence South 89°35'54" West, along a line parallel with and 30 feet south of the South line of Parcel 1, a distance 155.00 feet; thence South 00°35'12" East, along a line parallel with and 30.00 feet east of the West line of the northwest quarter of the northeast quarter, a distance of 111.00 feet; thence North 89°35'54" East, a distance of 280.00 feet; thence South 00°35'12" East, a distance of 171.00 feet; thence South 89°35'54" West, a distance of 280 feet; thence South 00°35'12" East, a distance of 12.00 feet; thence South 89°35'54" West, 30.00 feet; thence South 00°35'12" East, 627.00 feet to the point of beginning.



May 13, 2016

*D. L. Harcus*



**BOARD OF SUPERVISORS**

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

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

April 29, 2015

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 NOS. 74-1585 AND 74-1596

Dear Mr. Nechodom:

Enclosed is a copy of the Certificate of Cancellation of A Portion of Williamson Act Contract Nos. 74-1585 and 74-1596. On April 28, 2015, 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 April 29, 2015 as Document No. 15-0031656-00.

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

Sincerely,

Pam Villarreal, Deputy Clerk  
Board of Supervisors



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Phone: 209.525.4494 Fax: 209.525.4410

April 29, 2015

ROBERT WURM  
4030 S. SPERRY RD.  
DENAIR, CA 95316

ASPEN SURVEY  
1121 OAKDALE RD. SUITE 6  
MODESTO, CA 95355

JOHN MILLER  
4342 S. SPERRY RD.  
DENAIR, CA 95316

RE: CERTIFICATE OF CANCELLATION OF A PORTION OF WILLIAMSON ACT  
CONTRACT NOS. 74-1585 and 74-1596 AND NOTICE OF DECISION

Dear Applicants:

Please find enclosed a copy of the Certificate of Cancellation of a portion of Williamson Act Contract Nos. 74-1585 and 74-1596 which was approved by the Board of Supervisors on April 28, 2015. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on April 29, 2015 as Document No. 15-0031656-00.

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Sincerely,

Pam Villarreal,  
Deputy Clerk of the  
Board of Supervisors





RECORDING REQUESTED BY  
Stanislaus County Board of Supervisors

Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-0031656-00**

Wednesday, APR 29, 2015 11:17:11  
Ttl Pd \$0.00 Rcpt # 0003655195  
OVP/R2/1-3

AND WHEN RECORDED MAIL TO:

Stanislaus County Board of Supervisors  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

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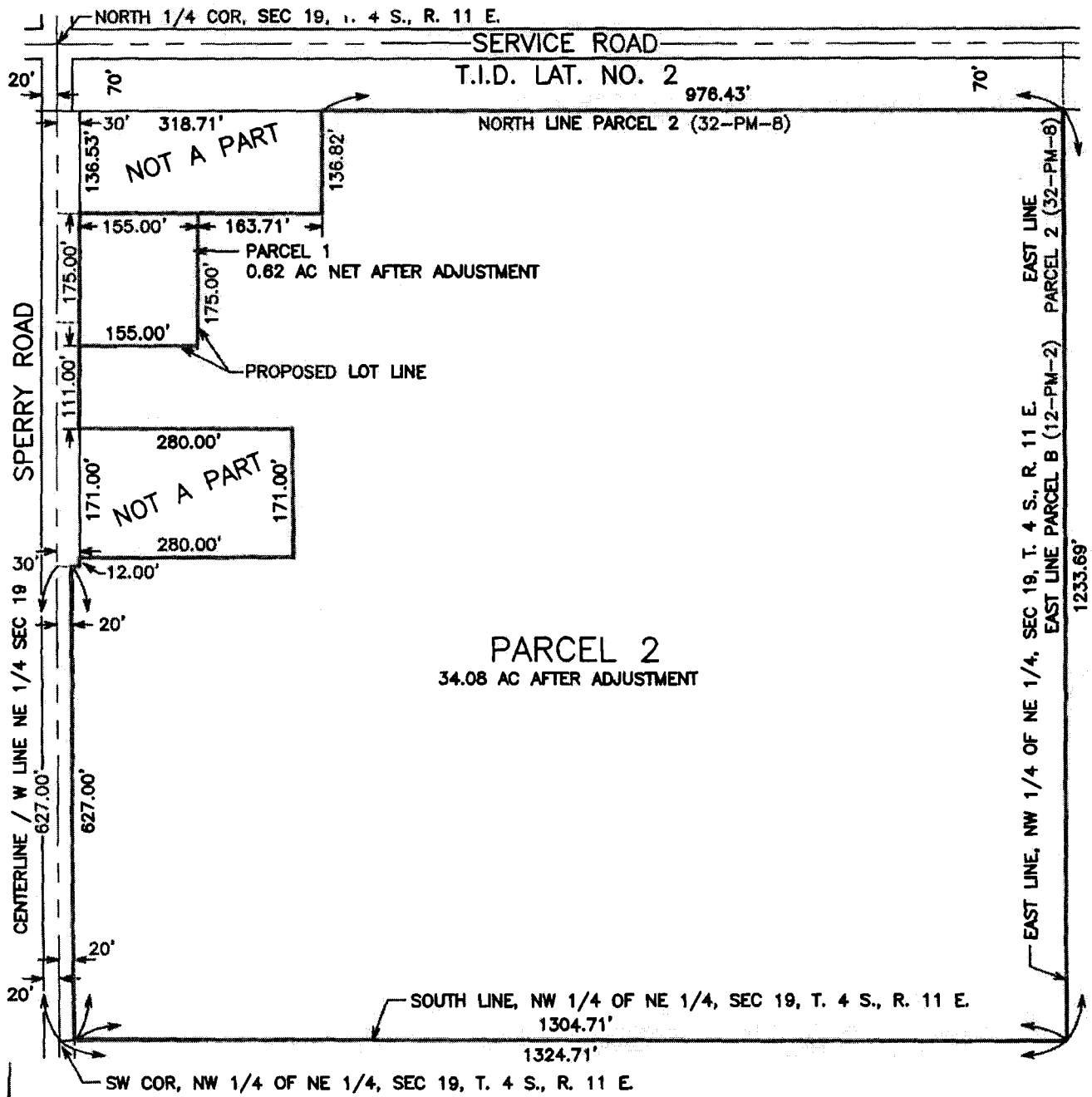
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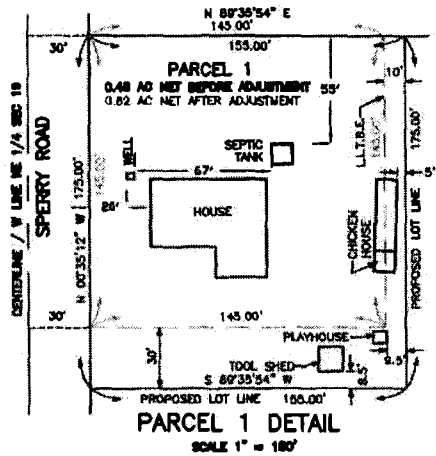
ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
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By: Pam Villarreal, Deputy Clerk



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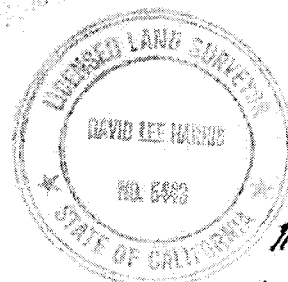
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May 13, 2016

*D. L. Harris*