

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

DEPT: Planning and Community Development

BOARD AGENDA #: 9:10 a.m.

AGENDA DATE: June 28, 2016

SUBJECT:

Public Hearing to Consider Approval of Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, a Partial Cancellation of Williamson Act Contract No. 75-1846

BOARD ACTION AS FOLLOWS:

No. 2016-349

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

Ayes: Supervisors: Chiesa, Withrow, DeMartini, and Vice-Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman Monteith

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Canceled the public hearing and took no action regarding the cancellation of the Land Conservation Contract

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development

BOARD AGENDA #: 9:10 a.m.

Urgent Routine

AF

AGENDA DATE: June 28, 2016

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Public Hearing to Consider Approval of Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, a Partial Cancellation of Williamson Act Contract No. 75-1846

STAFF RECOMMENDATIONS:

Cancel the Public Hearing and take no action regarding the cancellation of the Land Conservation Contract.

DISCUSSION:

Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, was scheduled for public hearing on June 28, 2016, to cancel a portion of Williamson Act Contract No. 75-1846 on property acquired by eminent domain as part of a Public Work's Bridge Improvement Project. Staff was initially advised by the Department of Conservation (DOC) that the Board of Supervisors were required to take action to cancel the contract. However, "When an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced, the contract shall be deemed null and void as to the land actually condemned or acquired ..." (Gov. Code, § 51295.) Thus, the subject Land Conservation Contract was automatically canceled by operation of law when the Department of Public Works acquired land for its bridge project, and it is unnecessary for the Board of Supervisors to take action to effect cancellation of the contract.

Additionally, upon further review, the DOC has concluded that the cancellation is not required; indicated that a formal letter stating that the contract is null and void will be provided to the County; and that no further action is needed.

POLICY ISSUE:

None.

FISCAL IMPACT:

None.

BOARD OF SUPERVISORS' PRIORITY:

This item furthers the Board's priority of the efficient delivery of public services.

STAFFING IMPACT:

Responsibility for preparing all reports and attending meetings associated with the proposed Williamson Act Cancellation Application will be assumed by existing Planning and Community Development staff.

CONTACT PERSON:

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