

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

DEPT: Planning and Community Development

BOARD AGENDA: 7.D.1
AGENDA DATE: January 7, 2020

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 607.31-Acre Portion of Williamson Act Contract No. 1971-0101, Located East of Sullivan Road, and Bisected by Pete Miller Road, West of Interstate 5, in the Newman Area

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2020-0011

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

Ayes: Supervisors: Chiesa, DeMartini, Withrow and Chairwoman Olsen

Noes: Supervisors: None

Excused or Absent: Supervisors: Berryhill

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: 
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:7.D.1
AGENDA DATE: January 7, 2020

CONSENT:

CEO CONCURRENCE:

4/5 Vote Required: No

SUBJECT:

Authorization to Record a Certificate of Cancellation of a 607.31-Acre Portion of Williamson Act Contract No. 1971-0101, Located East of Sullivan Road, and Bisected by Pete Miller Road, West of Interstate 5, in the Newman Area

STAFF RECOMMENDATION:

1. Find that the condition and contingencies of the Tentative Certificate of Cancellation of a 607.31-acre portion of Williamson Act Contract No. 1971-0101, (original contract name: Simon Newman Company), located east of Sullivan Road, and bisected by Pete Miller Road, west of Interstate 5, in the Newman area, have been satisfied.
2. Direct the Clerk of the Board to execute and record the Certificate of Cancellation.

DISCUSSION:

On April 16, 2019, the Board of Supervisors granted tentative approval of a petition to cancel a 607.31-acre portion of Williamson Act Contract No. 1971-0101 for property owned by the Robert Houret Construction, Co. On April 29, 2019, a Certificate of Tentative Cancellation was recorded as Document Number 2019-0025829-00, Stanislaus County records. The certificate specified that the condition and contingency to be satisfied was the payment of the cancellation fee of \$85,500. Said payment was made to Stanislaus County on November 22, 2019 (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 and recorded with the County Clerk-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 ISSUE:

Government Code Section 51283.4(b) provides that the notification, execution, and recordation of a Certificate of Cancellation takes place as outlined above. This is the final step in processing the Williamson Act cancellation tentatively approved as a part of Williamson Act Contract Cancellation and Use Permit application number PLN2015-0081 – Sullivan Road Solar approved by the Board of Supervisors on April 16, 2019.

FISCAL IMPACT:

There are no fiscal impacts associated with this item. Payment in the amount of \$85,500 was received by Stanislaus County on November 22, 2019, and will be forwarded to the State of California as required by State and local regulations.

BOARD OF SUPERVISORS' PRIORITY:

This authorization is consistent with the Board's priorities of a *Strong Agricultural Economy/Heritage and Efficient Delivery of Public Services* by following standard procedures for Williamson Act Contract cancellation requests.

STAFFING IMPACT:

Planning and Community Development Department staff is responsible for preparing all reports and attending meetings associated with the Williamson Act cancellation.

CONTACT PERSON:

Angela Freitas, Planning and Community Development Director
Telephone: (209) 525-6330

ATTACHMENT(S):

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

STANISLAUS COUNTY DEPOSIT PERMIT



BATCH KEYPED BY: _____

BATCH DATE: _____ BATCH #: _____

DEPOSIT NUMBER: **DP** 412824

AUDITOR-CONTROLLER DATE: 11-26-19

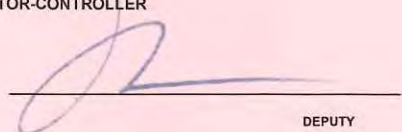
ORGANIZATION NAME: **TREASURER-TAX COLLECTOR**

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 (CIRCLE ONE BELOW)
	DOLLARS	CENTS								
1	\$85,500	00	6200	0064100	02300		D/2824	WILACT		WILLIAMSON ACT CANCELLATION FEE
2										
3										
4										CENTRAL 40, LLC
5										SULLIVAN ROAD SOLAR NO. PLN2015-0081
6										CK#20004
7										
8										
9										
10										
	85,500	00	TOTAL							

# OF BILLS	AMOUNT
@100	
@50	
@20	
@10	
@5	
@2	
@1	
COIN	
TOTAL CASH	
CHECKS	\$85,500.00
WIRE/EFT	
TOTAL	\$85,500.00


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:

PREPARED BY: **JANET - ANGIE - REBEKAH - ENEDELIA**


EMAIL: _____

PHONE#: _____

DELIVERED BY: _____

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

DATE: **November 26, 2019**

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.



Stanislaus, County Recorder
 Donna Linder Co Recorder Office
DOC- 2020-0002039-00

Tuesday, JAN 14, 2020 10:52:18
 Ttl Pd \$0.00 Rcpt # 0004376700
 CAA/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
 A PORTION OF WILLIAMSON ACT CONTRACT NUMBER 1971-0101**

WHEREAS, Robert Houret Construction, Co., owner of the property described herein, gave written notice of the cancellation of a portion of the Williamson Act Contract No. 1971-0101 entered into between the previous owner, Simon Newman Company 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 \$85,500.00;

NOTICE IS HEREBY GIVEN that on January 7, 2020, 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, 2019, as Document No. 2019-0025829-00 have been satisfied.

NOTICE IS HEREBY GIVEN, that a 607.31-acre portion of Williamson Act Contract No. 1971-0101 originally recorded in Volume 2363, Pages 418-425 of the Official Records of Stanislaus County, on December 8, 1970, affecting the land and improvements located on Assessor's Parcel Nos. 028-015-001 and 028-007-020 owned by Robert Houret Construction, Co. has been cancelled. The property is more fully identified on the attached map (Attachment 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: January 7, 2020

ATTEST: ELIZABETH A KING, Clerk
 of the Board of Supervisors
 of the County of Stanislaus,
 State of California

By: *Pamela Villareal*
 Pamela Villareal, Assistant Clerk of the Board

*Original contract recorded on December 10, 1970 as Vol. 2363, Pages 418-425. Owner: Simon Newman Company -- approved by the Board of Supervisors on December 8, 1970.

3AD

CALIFORNIA ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Stanislaus }

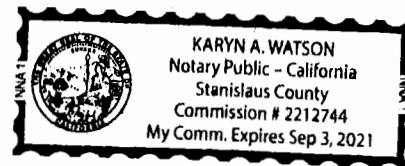
On January 10, 2020 before me, Karyn A. Watson Notary Public,
(Here insert name and title of the officer)
 personally appeared Pamela Villarreal,
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Karyn A. Watson
 Notary Public Signature

(Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
Certificate of Cancellation
(Title or description of attached document)
of Portion of Williamson Act
(Title or description of attached document continued)
 Number of Pages 2 Document Date 1/10/2020

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

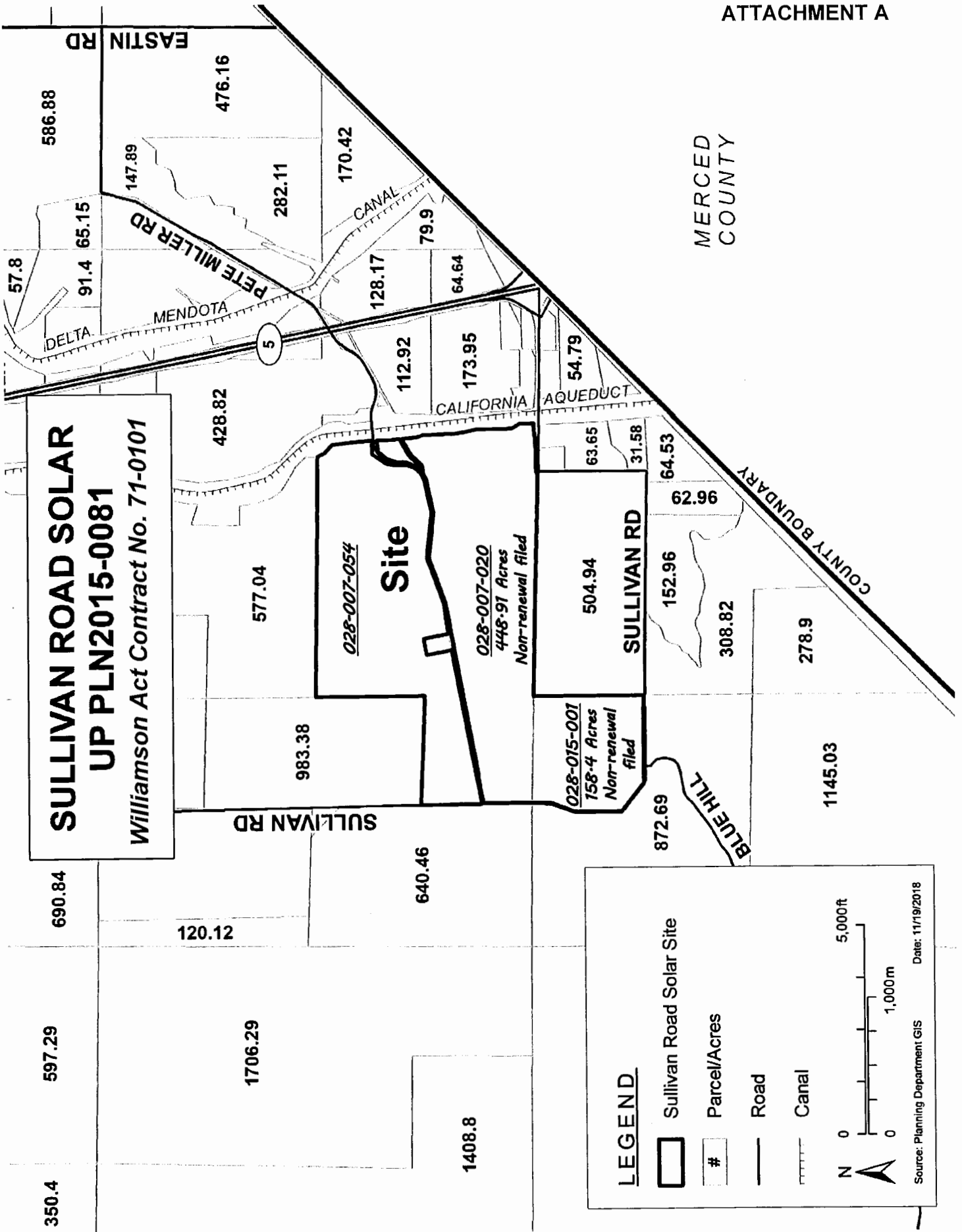
 (Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other Assistant COB

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~- is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.



MERCED COUNTY

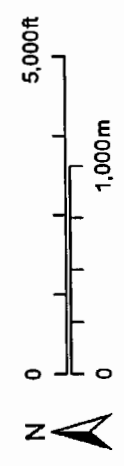
COUNTY BOUNDARY

SULLIVAN ROAD SOLAR
UP PLN2015-0081
 Williamson Act Contract No. 71-0101

Site

LEGEND

- Sullivan Road Solar Site
- Parcel/Acres
- Road
- Canal



Source: Planning Department GIS Date: 11/19/2018

REC'T # **0004376700**
January 14, 2020 ----- 10:52:18

Stanislaus, County Recorder
Donna Linder Co Recorder Office

Official # **20-0002039-00**

REQD BY
Free Issue

Total fee	\$0.00
Amount Tendered...	\$0.00

Change	\$0.00
CAA,R2/1/3	



BOARD OF SUPERVISORS

Kristin Olsen, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Tom Berryhill, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.6560 Fax: 209.525.4410

January 9, 2020

David Bunn, Director
Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

RE: CERTIFICATE OF CANCELLATION OF WILLIAMSON ACT CONTRACT NO.
1971-0101

Dear Mr. Bunn

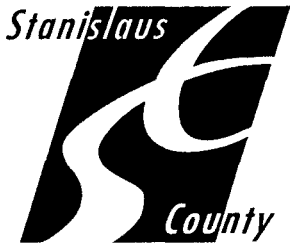
Enclosed is a copy of the Certificate of Cancellation of Williamson Act Contract No. 1971-0101. On January 7, 2020, the Board of Supervisors found that all conditions and contingencies of the Tentative Certificate of Cancellation have been satisfied.

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

Sincerely,

A handwritten signature in cursive script that reads "Pam Villarreal".

Pam Villarreal
Assistant Clerk of the
Board of Supervisors



BOARD OF SUPERVISORS

Kristin Olsen, 1st District
Vito Chiesa, 2nd District
Terry Withrow, 3rd District
Tom Berryhill, 4th District
Jim DeMartini, 5th District

1010 10th Street, Suite 6500
Modesto, CA 95354
Phone: 209.525.6560 Fax: 209.525.4410

January 14, 2020

Robert Houret Construction Co., A Cooperation
5570 Sanchez Dr. #230
San Jose, CA 95123

RE: CERTIFICATE OF CANCELLATION OF WILLIAMSON ACT CONTRACT
NO. 1971-101

Dear Mr. Houret:

Please find enclosed a copy of the Certificate of Cancellation for Williamson Act Contract No. 1971-0101 approved by the Board of Supervisors on January 7, 2020. The original Certificate of Cancellation was recorded in the office of the Stanislaus County Clerk-Recorder on 1/14/2020 as Document No. 20-0002039-00.

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

Sincerely,

A handwritten signature in cursive script that reads "Pam Villarreal".

Pam Villarreal
Assistant Clerk of the
Board of Supervisors