



**Resource Management
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHULKIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: September 26, 2017 – REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Celeste Perez PHONE: 559-624-7000				

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contract

REQUEST(S):

Request that the Board of Supervisors:

1. Authorize the filing of a Notice of Partial Non-Renewal for the following Land Conservation Contract, as provided in the Williamson Act. The request has been made by the property owner as one of the requirements of the property owner's application for cancellation of the Williamson Act Contract WAC16-005 on the property.

WAN 17-018 - Williamson Act Contract No. 8104, Ag Preserve No. 2710, is located on the west side for the Friant-Kern Canal and approximately 330 feet south of Avenue 178, northwest of Porterville (APN 243-101-006), (O'Sullivan Family Trust) (17.80 acres to be non-renewed as an initial requirement to cancellation of the subject Williamson Act contract, application No. WAC 16-005).

SUMMARY:

The O'Sullivan Family Trust, owner of the property identified as APN 243-101-006, has filed an application for cancellation of its Williamson Act contract. Staff is processing that application in accordance with the Williamson Act. One of the prerequisites for such a cancellation is that the contract must be in non-renewal status. Although labeled as a "Partial Non-Renewal," the request from the property owner would place all of the 17.80 acres of contracted land in non-renewal status and so meet that cancellation requirement. The property owner has been informed of the consequences of the non-renewal and cancellation and has elected to proceed with the applications.

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contract
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FISCAL IMPACT/FINANCING:

In 2011 approval of Senate Bill 80 (Chapter 11, Statutes of 2011) eliminated all state subvention payments to eligible counties and cities. Therefore, the current impact to the General Fund will be a decrease of \$0 in annual State subvention revenue from the removal of 17.80 acre of Williamson Act contracted lands. However, increased property taxes on contracts in Non-Renewal will increase revenue to the County.

The Non-Renewal process typically takes ten years for the Land Conservation Contract to end. Property assessments and tax revenue increase incrementally during Non-Renewal and reach full market value when the property completes Non-Renewal. The County General Fund receives only sixteen percent (16%) of total property tax revenue charged to a property.

With the passage of AB 1265 in 2011, if counties receive less than one-half of their foregone General Fund property tax revenue from the State Open Space Subvention Program, they are authorized to implement a new provision of the Williamson Act to allow contracts to be shortened from ten years to nine years. The policies of AB 1265 were implemented by the Tulare County Board of Supervisors Res. No. 2010-0926.

In addition, pursuant to Government Code Section 51244, the County will be authorized to recapture 10% of the participating landowners' property tax savings. Section 51244.5 as modified September 9, 2016: Notwithstanding the provisions of Section 51244, if the initial term of the contract is for more than 10 years, the contract may provide that on the anniversary date of the contract or such other annual date as specified by the contract beginning with the anniversary date on which the contract will have an unexpired term of nine years, a year shall be added automatically to the initial term unless notice of nonrenewal is given. The applicants pay the filing fees to process the Non-Renewal application. The WAN application has a flat filing fee of \$463 for each application submitted, which the property owner has paid.

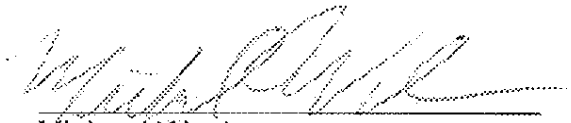
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the economic well being initiative to promote economic development opportunities and effective growth management. The approval of the partial non-renewal would allow for the reorganization and separation of home sites from agricultural portions of the identified parcels.

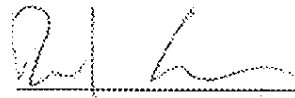
SUBJECT: Partial Non-Renewal of Agricultural Preserve Contract

DATE: September 26, 2017

ADMINISTRATIVE SIGN-OFF:



Michael Washam
Associate Director



Reed Schenke, PE
Director

cc: Auditor-Controller
County Counsel
County Administrative Office (2)

Attachment(s) Related Documents and Amended Contracts for each of the following:

1. WAN 17-018 – O'Sullivan

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF PARTIAL NON-RENEWAL OF AGRICULTURAL PRESERVE CONTRACT)
) Resolution No. _____)

UPON MOTION OF SUPERVISOR _____, SECONDED BY SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

That the Board of Supervisors:

1. Authorized the filing of a Notice of Partial Non-Renewal for the following Land Conservation Contract, as provided in the Williamson Act. The request has been made by the property owner as one of the requirements of the property owner's application for cancellation of the Williamson Act Contract WAC16-005 on the property.

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Attachment "1"

WAN 17-018 - O'Sullivan

~~PNR~~ WAN 17-018
RECORDING REQUESTED BY and
WHEN RECORDED RETURN TO:

Clerk, Board of Supervisors
2800 West Burrel Avenue
Visalia, CA 93291-4582

(No Recording Fee, Per Govt. Code Section 6103)

SPACE ABOVE FOR RECORDER'S USE ONLY

NOTICE OF PARTIAL NON-RENEWAL OF LAND CONSERVATION CONTRACT

[DIRECTIONS: Provide the information requested on Page 1, with all property owners' signatures Notarized; include the legal description of the subject contracted parcel(s) as "Exhibit A" and attach a copy of the most recent Deed for the parcel(s). Return the completed application form and deed to the Tulare County Resource Management Agency (RMA), Permit Center, 5961 S. Mooney Blvd, Visalia, CA 93277, along with the current Filing Fee.]

This is to notify the County of Tulare that a portion of the (Williamson Act Agricultural Preserve) Land Conservation Contract on the property herein described will not be renewed as of January 1, 2017/2018. The legal description of the portion for which the Land Conservation Contract will not be renewed is included as "Exhibit A" and illustrated as "Exhibit B." I/we understand that this notice of partial nonrenewal cannot become effective unless and until the Board of Supervisors authorizes its service under California Government Code Section 51245.

Assessor's Parcel No(s). 243-101-006 (Portion)

Acreage Size 17.80 if applicable: Condition of Approval of Planning Project No. _____

By execution hereof, the undersigned parties declare under penalty of perjury that he/she/they constitute and are all of the fee title owners of the property described herein, and are, or are the successors-in-interest of, the owners of such property who entered into the Land Conservation Contract.

Name, mailing address, and phone number of each current owner of subject property: (please type or print)

Thomas J O'Sullivan

Deborah L. O'Sullivan

1279 W Henderson Ave #340

Porterville, CA 93257

Signature of each current owner: (witnessed by below-named Notary Public)

Thomas J O'Sullivan

Deborah L. O'Sullivan

"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 Tulare] S.S.

On 12/9/16 before me,

Sandra R. Mendez a Notary Public

in and for said County and State, personally appeared (printed names):

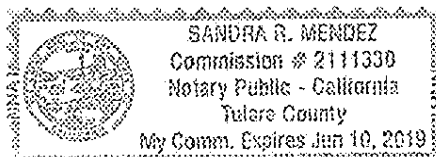
Thomas J. O'Sullivan and

Deborah L. O'Sullivan

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

Signature *Sandra R. Mendez*
Attachments: Exhibit A: Legal Description, Exhibit B: Map



NOTE to Applicants: This form can be used to Nonrenew only one Land Conservation Contract. If your application involves more than one Assessor's Parcel Number (APN) and said APNs are under different contracts (or are under different vestings/ownerships), then you must file separate Nonrenewal applications for each contract or vesting. Please contact RMA staff at 559-624-7000 for verification if more than one APN is applied for.

(Below For Official Use Only)

The County of Tulare RMA, Countywide Planning Division, has advised the Clerk of the Board of Supervisors that the foregoing Notice of Non-Renewal applies to a portion of property as described by "Exhibit A" under the following Land Conservation Contract:

Agricultural Preserve No. 2710
Land Conservation Contract No. 8104
Recorded on (Date) 29 JANUARY 1973 as Document No. 4505
Name(s) of Original/Contract Owner(s) CURTIS JERRY ROBERSON, AND
GEORGIA EVELYN ROBERSON

The Tulare County Board of Supervisors authorized and accepted service of the foregoing Notice of Partial Nonrenewal on _____ by Resolution No. _____

Dated: _____
Deputy Clerk of the Board of Supervisors of the County of Tulare

"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 TULARE)

On _____ before me, a Deputy Clerk _____ of the Board of Supervisors of the County of Tulare, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person 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 by hand and official seal.
Clerk of the Board of Supervisors
County of Tulare, pursuant to the
Authority of Civil Code
Sections 1181 and 1184.

Signature: _____
Deputy Clerk

COPIES SENT TO:
RMA, Countywide Planning Division
County Assessor - 2
State Dept. of Conservation

DATE: _____

"Exhibit A"

Legal Description of land affected by this Notice of Partial Nonrenewal of Land Conservation Contract

Parcel 1

Lot 69 and the East half of Lot 70 of Pioneer Land Company's Second Subdivision, in the County of Tulare, State of California, as per Map recorded in Book 3 Page 23 of Maps, in the Office of the County Recorder of said County.

EXCEPTING therefrom that portion of said land included within a parcel of land in the Southeast quarter of Section 9, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof, including a portion of said Lot 69, containing an area of 0.9 acres, more or less, and described as follows:

BEGINNING at a point in the Easterly boundary of said Lot 69, distant South 1 degree 14 minutes East 170.0 feet from a point in the center line of a County Road as shown on the aforesaid map of the Pioneer Land Company's Second Subdivision, distant along said centerline North 89 degrees 34 minutes West, 1288.0 feet from a point in the East boundary of said Section 9, distant therealong South 0 degrees 14 minutes West, 3942.4 feet from the Northeast corner of said Section 9; thence running along the Easterly boundary of said Lot 69, South 1 degree 50 minutes East, 1121.8 feet to a point in the South boundary of said Section 9, said point being the Southeast corner of said Lot 69, distant therealong North 89 degrees 34 minutes West 1285.3 feet from the Southeast corner of said Section 9; thence running along said South boundary and the South boundary of said Lot 69 North 89 degrees 34 minutes West 35.1 feet, thence leaving said boundary and running North 1 degree 22 minutes West 392.2 feet, thence North 89 degrees 54 minutes West 75.0 feet, thence North 19 degrees 20 minutes West, 90.2 feet, thence North 19 degrees 33 minutes East, 90.1 feet, thence South- 89 degrees 54 minutes East -75.0 feet; thence North 0 degrees 51 minutes East 558.9 feet to the point of beginning.

ALSO EXCEPTING therefrom the North 320 feet of said Lot 69.

ALSO EXCEPTING therefrom the North half of the East half of said Lot 70.

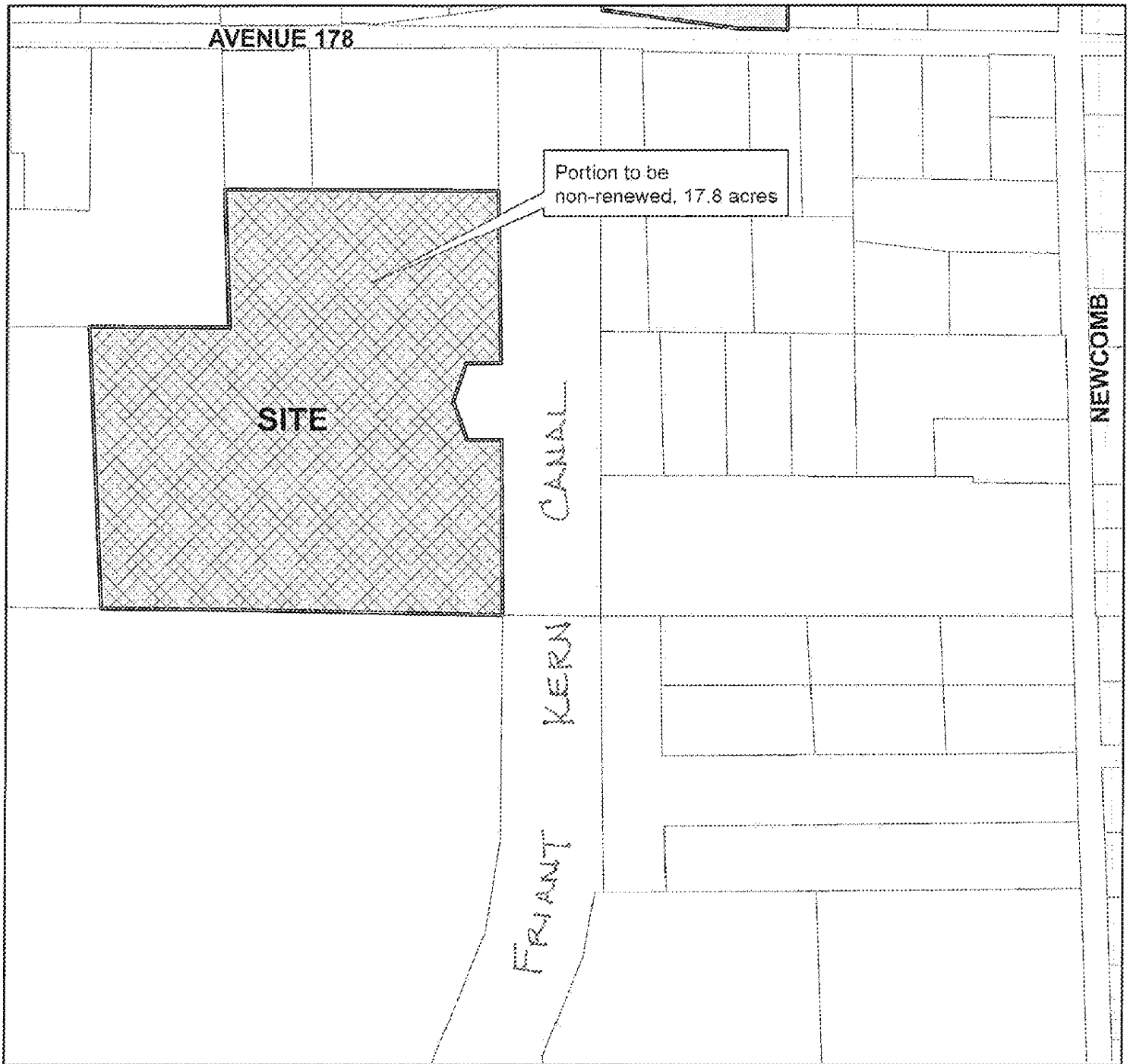
Apn: 243-101-006

Parcel 2

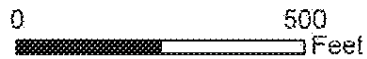
An easement for the purpose of ingress and egress over and across the East 25 feet of Parcel 3 of Parcel Map 5029 as set forth on said map recorded in Book 51 Page 35 of Parcel Maps







EXHIBIT NO. B
Ag. Preserve Map Non Renewal
For
WAN 17-018



Owner: Thomas J. and Deborah L. O'Sullivan
 Address: Henderson Avenue #340
 City, State, ZIP: Porterville, CA 93257
 Applicant: O'Sullivan Family Trust
 Agent:
 Supervisorial District: 5
 Assessor's Parcel: 243-101-006



-  Site
- Ag. Preserves**
-  Williamson Act Preserves - To be non-renewed
-  Williamson Act Preserves - Non Renewal
-  Farmland Security Zone Contracts

