

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

IN THE MATTER OF PARTIAL NON-RENEWAL OF AGRICULTURAL PRESERVE CONTRACTS AND LAND CONSERVATION CONTRACT AMENDMENTS)
) Resolution No. 2018-0678
)
)
)

UPON MOTION OF SUPERVISOR VANDER POEL, SECONDED BY SUPERVISOR ENNIS, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD AUGUST 14, 2018, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, WORTHLEY, AND ENNIS
 NOES: NONE
 ABSTAIN: NONE
 ABSENT: NONE

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



BY: Mary Rodello
 Deputy Clerk

1. Authorized the filing of three Notices of Partial Non-Renewal for the following three Land Conservation Contracts, as provided in the Williamson Act. The request fulfills conditions resulting from two lot line adjustments and one tentative parcel map:
WAN 18-002 – Williamson Act Contract No. 10776, Ag Preserve No. 3684, on the northeast corner of Road 40 and Avenue 384, southeast of Kingsburg (APN 029-120-009) (Arline M. Huckabay) (1.66 acres to be non-renewed as a condition of PLA 18-003.) (39.3 acres subject to contract amendment.)
WAN 18-005 – Williamson Act Contract No. 3878, Ag Preserve No. 0989, on the southwest corner of Avenue 304 and Road 64, south of Goshen (APNs 073-070-002 & -008) (Jim A. Bakker) (1.39 acres to be non-renewed as a condition of PLA 17-035.) (96.6 acres subject to contract amendment.)
WAN 18-007 – Williamson Act Contract No. 10641, Ag Preserve 3621, on west side of Road 140, approximately 0.25 miles north of Avenue 336, north of Visalia (APN 051-110-003) (Franz X. Waltenberger) (1.0 acres to be non-renewed as a condition of PPM 18-023) (39.0 acres subject to contract amendment.)
2. Approved the execution of amendments to the Land Conservation Contracts, as conditions of approval for the aforementioned Partial Non-Renewals.
3. Authorized the Chairman to sign the amendments to the Williamson Act Contracts.



BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

**RESOURCE
MANAGEMENT AGENCY
COUNTY OF TULARE
AGENDA ITEM**

AGENDA DATE: August 14, 2018

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"/>
County Counsel Sign-Off	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 checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contracts and Land Conservation Contract Amendments

REQUEST(S):

That the Board of Supervisors:

1. Authorize the filing of three Notices of Partial Non-Renewal for the following three Land Conservation Contracts, as provided in the Williamson Act. The requests fulfill conditions resulting from two lot line adjustments and one tentative parcel map:

WAN 18-002 – Williamson Act Contract No. 10776, Ag Preserve No. 3684, on the northeast corner of Road 40 and Avenue 384, southeast of Kingsburg (APN 029-120-009) (Arline M. Huckabay) (1.66 acres to be non-renewed as a condition of PLA 18-003.) (39.3 acres subject to contract amendment.)

WAN 18-005 – Williamson Act Contract No. 3878, Ag Preserve No. 0989, on the southwest corner of Avenue 304 and Road 64, south of Goshen (APNs 073-070-002 & -008) (Jim A. Bakker) (1.39 acres to be non-renewed as a condition of PLA 17-035.) (96.6 acres subject to contract amendment.)

WAN 18-007 – Williamson Act Contract No. 10641, Ag Preserve 3621, on west side of Road 140, approximately 0.25 miles north of Avenue 336, north of Visalia (APN 051-110-003) (Franz X. Waltenberger) (1.0 acre to be non-renewed as a condition of PPM 18-023.) (39.0 acres subject to contract amendment.)

2. Approve the execution of amendments to the Land Conservation Contracts, as

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contracts and Land Conservation Contract Amendments

DATE: August 14, 2018

conditions of approval for the aforementioned Partial Non-Renewals.

3. Authorize the Chairman to sign the amendments to the Williamson Act Contracts.

SUMMARY:

Three Notices of Partial Non-Renewal of a Williamson Act Contract have been received pursuant to Government Code Section 51245 (Williamson Act). The notices were filed to meet conditions of approval for two lot line adjustments and one tentative parcel map. The notices will affect a total of 4.05 acres. Three Land Conservation Contracts will be amended and will affect a total of 174.9 acres.

On February 10, 2009, your Board adopted policy (Resolution No. 2009-0091) applicable to actions involving Williamson Act Contracts occurring after July 22, 2008, including Partial Non-Renewals that require that, when taking the above actions, the Williamson Act contract will be amended to include language giving the Board authority to unilaterally declare the contract terminated as null and void should the State of California fail to pay subvention funds off-setting property tax loss as required by the Open Space Subvention Act and language suggested from the County of Humboldt vs. McKee case (165 Cal. App. 4th 1476 (CA 1st Dist. 2008) requiring compliance with new land use regulations and policies upon the annual renewal of existing contracts. Your Board required the new provision for termination to be implemented for alterations to Land Conservation Contracts, including Partial Non-Renewal applications, submitted after July 22, 2008.

The above-listed Partial Non-Renewals were submitted after July 22, 2008 and are subject to the requirements for amended contracts.

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 4.05 acres of Williamson Act contracted lands. However, increased property taxes on contracts in non-renewals 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

SUBJECT: Partial Non-Renewal of Agricultural Preserve Contracts and Land Conservation Contract Amendments

DATE: August 14, 2018


policies of AB 1265 were implemented by the Tulare County Board of Supervisors Res. No. 2010-0926.

In addition, the County is authorized to recapture 10% of the participating landowners' property tax savings (Government Code Section 51244). The applicant pays the filing fees to process the partial non-renewal applications. The applications for WANs 18-002 and -005 had flat filing fees of \$463 each. The filing fee increased to \$493 on July 1, 2018 and was applied to WAN 18-007. Applicants for Land Conservation Contract Amendments without Partial Non-Renewals are not currently charged a filing fee. There is currently no applicant fee for staff time involved in preparing amended Williamson Act contracts.

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-renewals would allow for the reorganization and separation of home sites from agricultural portions of the identified parcels.

ADMINISTRATIVE SIGN-OFF:



Aaron Bock
Interim Assistant Director
Economic Development & Planning



Reed Schenke, P.E.
Director

cc: County Administrative Office

Attachments: Related Documents and Amended Contracts for each of the following:

1. WAN 18-002 – (Arline M. Huckabay)
2. WAN 18-005 – (Jim A. Bakker)
3. WAN 18-007 – (Franz X. Waltenberger)

Attachments for WAN 18-002 (Huckabay) and Amended Land Conservation Contract

- Partial Non-Renewal Application
 - Exhibit "A" – Subject Parcel Legal Description
 - Exhibit "B" – Ag Preserve Map
- Amended Contract 10776:
 - Exhibit A: Contract Land Legal Description
 - Exhibit B: Map of Land in Amended Contract

WAN 18-002
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, 2019. 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). 029-120-009 (Portion)

Acreage Size 1.66 Acres if applicable: Condition of Approval of Planning Project No. PLA 18-003

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)

Arline M. Huckabay 559-972-2769

243 High Sierra Dr. Exeter, Ca.93221

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

Arline M. Huckabay

"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 April 5, 2018 before me,

Cindy Dias a Notary Public

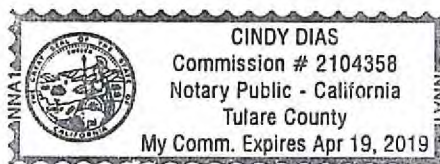
in and for said County and State, personally appeared (printed names) :

Arline M. Huckabay

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 Cindy Dias
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" and illustrated as "Exhibit B" under the following Land Conservation Contract:

Agricultural Preserve No. 3684

Land Conservation Contract No. 10776

Recorded on (Date) January 13, 1978 as Document No. 1978-2169

Name(s) of Original/Contract Owner(s) Troy G. Huckabay and Carole A. Huckabay

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: _____

WAN 18-002

"EXHIBIT A"

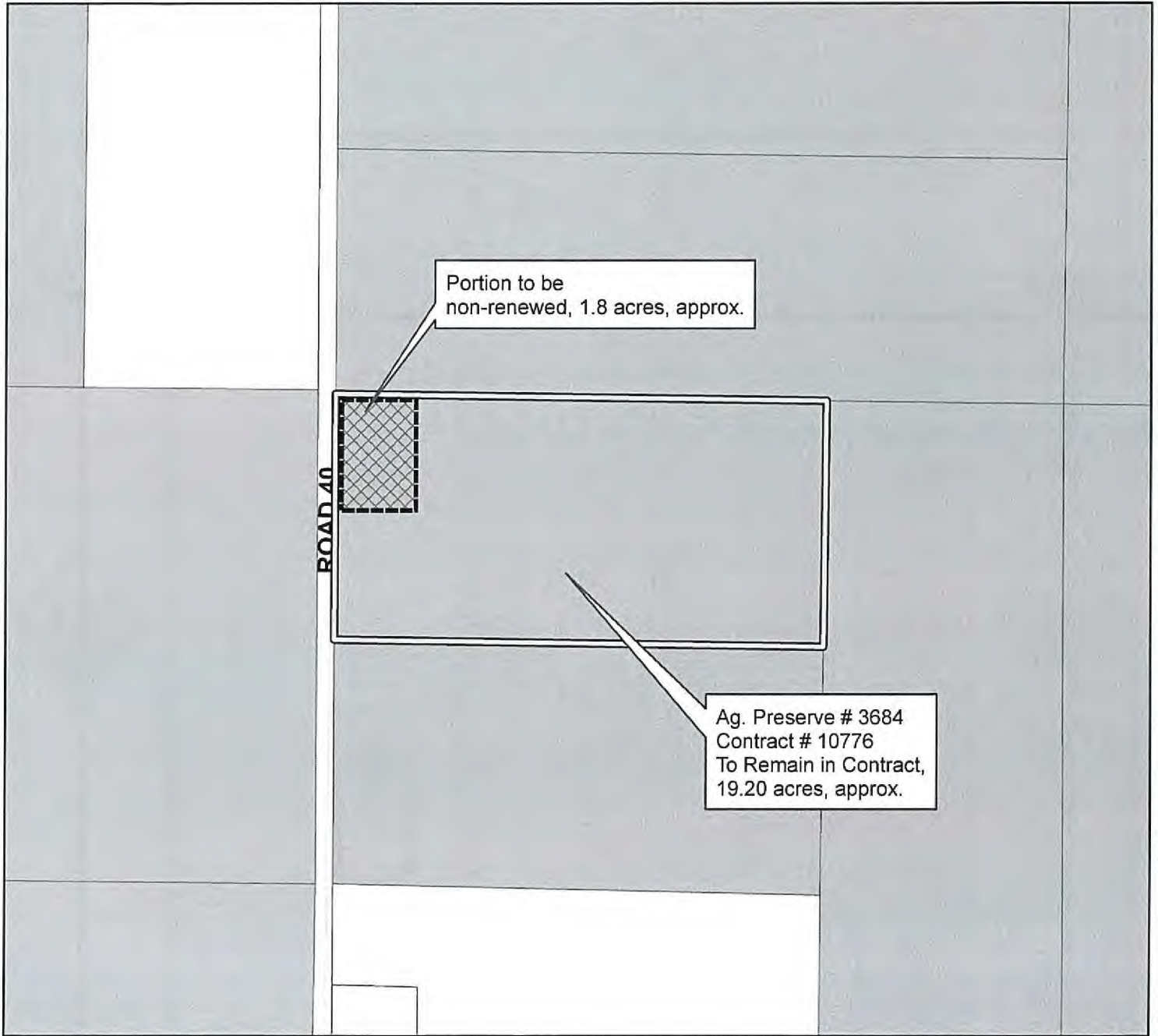
The North 339.6 feet of the West 242.39 feet of the northwest quarter of the southwest quarter of Section 33, Township 16 South, Range 23 East, Mount Diablo Meridian, County of Tulare, State of California.

Subject to an easement for ingress and egress over and across the North 20 feet of the West 242.39 feet of the northwest quarter of the southwest quarter of Section 33, Township 16 South, Range 23 East, Mount Diablo Meridian, County of Tulare, State of California.



Exhibit "B"

Ag. Preserve Map Partial Non-Renewal No. WAN 18-002



Owner: Arline M. Huckabay
 Address: 243 High Sierra Dr.
 City, State, ZIP: Exeter CA 93221
 Applicant: Arline Huckabay
 Agent: Forester, Weber & Associates
 Supervisorial District: _____
 Assessors Parcel: 029-120-009

- Site
- Parcels
- Ag. Preserves Year 2017**
- Williamson Act Preserves
- Williamson Act Preserves - Non Renewal
- Farmland Security Zone Contracts



1 RECORDING REQUESTED BY and
2 WHEN RECORDED RETURN TO:

3
4 Clerk, Board of Supervisors
5 2800 West Burrel Avenue
6 Visalia, CA 93291-4582
7 (No Recording Fee, Per Govt
8 Code Section 6103)
9

10
11 AG PRESERVE NO. 3684
12 RESOLUTION NO. 77-3285

Area for Recorder's Use Only

13
14 AMENDMENT
15 TO
16 LAND CONSERVATION CONTRACT NO. 10776
17 RECORDED ON January 13, 1978 AS DOCUMENT NO. 1978-2169
18

19
20 THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY
21 REFERRED TO AS AGREEMENT NO. 10776A, RESOLUTION
22 NO. _____, is made and entered into as a result of a Partial Non-Renewal
23 WAN 18-002 Application for APN No(s). 029-120-009, as of this _____ day of
24 _____, 20____, by and between Arline M. Huckabay,
25 surviving spouse and Troy G. Huckabay, deceased, hereinafter referred to as the
26 "Owner", and the COUNTY of TULARE, hereinafter referred to as the "County";

27 WITNESSETH
28

29 WHEREAS, the Owner owns real property in the County of Tulare, State of
30 California, under Land Conservation Contract No. 10776 hereinafter referred to as
31 "Subject Property", which is described for A.P.N. No(s). 029-120-009 with legal
32 description as described in Exhibit A and illustrated in Exhibit B.

33 WHEREAS this contract amendment applies only to the owners of the Subject
34 Property: A.P.N. No(s). 029-120-009;

1 WHEREAS, the original Land Conservation Contract was entered into pursuant
2 to the Williamson Act (Government Code, Section 51200, et seq.) and constitutes an
3 enforceable restriction under the provisions of Section 421 et seq. of the State Revenue
4 and Taxation Code;

5 WHEREAS, the Owner has applied for a Partial Non-Renewal of said Land
6 Conservation Contract Number 10776 in regards to all or a portion of the Subject
7 Property APN(s) 029-120-009 to satisfy the conditions set forth as a Condition of
8 Approval of Project Number (if applicable) PLA 18-003 owner's application for a Lot
9 Line Adjustment.

10 WHEREAS, the County, in consideration for granting the Lot Line Adjustment
11 and Partial Non-Renewal, desires to amend Land Conservation Contract Number 10776,
12 in regards to the land owned by Owner to include a provision which states that the
13 original contract and that portion subject to the project, will continue to be in full force
14 and effect, subject to the express condition that funds be annually appropriated by the
15 State of California, and that annual payments continue to be made to the County by the
16 State Controller, under the provisions of the Open Space Subvention Act (California
17 Government Code section 16140, et. seq.), and that if said funds are not appropriated or
18 dispersed the County may terminate the Contract in regards to the land owned by Owner
19 and declare it null and void.

20 WHEREAS, this amendment does not change any of the terms and conditions of
21 the original Land Conservation Contract other than those stated herein.

1 NOW, THEREFORE, IT IS AGREED as follows:

2 1. This Amendment to Land Conservation Contract Number 10776 is
3 entered into pursuant to the Williamson Act and all of the provisions of said Act,
4 including any amendments hereafter enacted, are hereby incorporated by reference and
5 made a part of this Contract as if fully set forth herein.

6 2. The Board of Supervisors of the County may from time to time during the
7 term of the Contract and any renewals thereof, by resolution or ordinance, add to the
8 permissible uses of the Subject Property listed in the Resolution establishing the
9 Preserve. However, the Board of Supervisors may not during the terms of the Contract
10 and any renewals thereof eliminate any of the permitted uses for the Subject Property, as
11 set forth in said Resolution or Ordinance, without the prior written consent of the Owner.

12 3. Nothing in this Contract shall limit or supersede the planning, zoning, and
13 other police powers of the County, and the right of the County to exercise such powers
14 with regard to the Subject Property. All uses of and actions regarding the Subject
15 Property shall comply with all applicable local ordinances, regulations, resolutions and
16 state laws, as adopted or amended from time to time.

17 4. This Land Conservation Contract is made expressly conditioned upon the
18 State's continued compliance with the provisions of the Open Space Subvention Act. If
19 in any year the State fails to make any of the subvention payments to the County required
20 under the provision of the Open Space Subvention Act, then this Contract, at the option
21 of, and in the sole and absolute discretion of the County, may be terminated by the
22 County and declared null and void. The State's failure to make such payments may be
23 due to non-appropriation of funds by the Legislature, failure to disburse appropriated

1 funds, amendment or repeal of the applicable provisions of the Open Space Subvention
2 Act, or by any other cause whatsoever. The County may exercise its option to declare the
3 Contract null and void by delivering notice to the Department of Conservation, Division
4 of Land Resource Protection, Owner or successors or assigns, and by recording such
5 notice in the Official Records of Tulare County. This Amended Land Conservation
6 Contract No. 10776A, regarding land owned by Owner, shall terminate with no
7 continuing contractual rights of any kind; provided, however, that the owner may apply
8 for a new Land Conservation Contract or Farmland Security Zone Contract as otherwise
9 may be provided by law.

10 5. Any notices required to be given to the County under this Amendment to
11 Land Conservation Contract shall be delivered to the Clerk of the Board of Supervisors of
12 the County, and any notices to be given to the Owner shall be mailed to the following
13 name(s) and address(es):

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

16
17 Arline M. Huckabay, 243 High Sierra Drive, Exeter CA 93221 (559-972-2769)
18 _____
19 _____
20 _____

21
22 * * *

23
24 **By execution hereof, the undersigned parties declare under penalty of perjury that**
25 **he/she/they constitute and are all of the fee title owners of the Subject Property**
26 **described herein, and are, or are the successors-in-interest of, the owners of such**
27 **property who entered into the Land Conservation Contract.**
28

1 IN WITNESS WHEREOF, the parties have executed this Contract (signature of
2 each current owner, witnessed by below-named Notary Public):
3

4 OWNER(S)
5
6 Arline M. Huckabay, Surviving Spouse Arline M. Huckabay
7 (Print Name) (Signature)
8
9
10
11
12
13
14

15 "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the
16 document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."
17

18 **ACKNOWLEDGMENT**

19
20 STATE OF CALIFORNIA
21 COUNTY OF Tulare } s. s.

22
23 On April 5, 2018 before me,
24 Cindy Dias a Notary Public
25 in and for said County and State, personally appeared (printed names) :
26

27 Arline M. Huckabay
28
29

30 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
31 is/are subscribed to the within instrument and acknowledged to me that he/she/they
32 executed the same in his/her/their authorized capacity(ies), and that by his/her/their
33 signature(s) on the instrument the person(s), or the entity upon behalf of which the
34 person(s) acted, executed the instrument.

35 I certify under PENALTY OF PERJURY under the laws of the State of California that the
36 foregoing paragraph is true and correct.
37

38 WITNESS my hand and official seal

39
40 Signature Cindy Dias
41



1 COUNTY OF TULARE

2
3
4 BY: _____
5 Chairman, Board of Supervisors

ATTEST: County Administrative Officer
Clerk, Board of Supervisors

6
7 BY: _____
8 Deputy Clerk
9

10
11
12
13 * AREA TO BE COMPLETED BY BOARD'S NOTARY *

14
15 "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the
16 document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

17 ACKNOWLEDGMENT

18
19 STATE OF CALIFORNIA)
20) ss.
21 COUNTY OF TULARE)
22

23 On _____ before me, _____ a
24 Notary Public, and Deputy Clerk of the Board of Supervisors of the County of Tulare,
25

26 personally appeared _____, who proved to me
27 on the basis of satisfactory evidence to be the person whose name is subscribed to the
28 within instrument and acknowledged to me that he/she executed the same in his/her
29 authorized capacity, and that by his/her signature on the instrument the person, or the
30 entity upon behalf of which the person acted, executed the instrument.

31
32 I certify under PENALTY OF PERJURY under the laws of the State of California
33 that the foregoing paragraph is true and correct.
34

35 WITNESS my hand and official seal.

36
37 _____
38 Signature of Notary Public County and State
39

40 Attachment

EXHIBIT NO. A

Huckabay-Carlson adjusted

6 Feb 2018

PARCEL 1

The North 339.6 feet of the West 242.39 feet of the northwest quarter of the southwest quarter of Section 33, Township 16 South, Range 23 East, Mount Diablo Meridian, County of Tulare, State of California.

Subject to an easement for ingress and egress over and across the North 20 feet of the West 242.39 feet of the northwest quarter of the southwest quarter of Section 33, Township 16 South, Range 23 East, Mount Diablo Meridian, County of Tulare, State of California.

PARCEL 2

The northwest quarter of the southwest quarter of Section 33, Township 16 South, Range 23 East, Mount Diablo Meridian, County of Tulare, State of California.

EXCEPTING the North 339.6 feet of the West 242.39 feet of the northwest quarter of the southwest quarter of Section 33, Township 16 South, Range 23 East, Mount Diablo Meridian, County of Tulare, State of California.

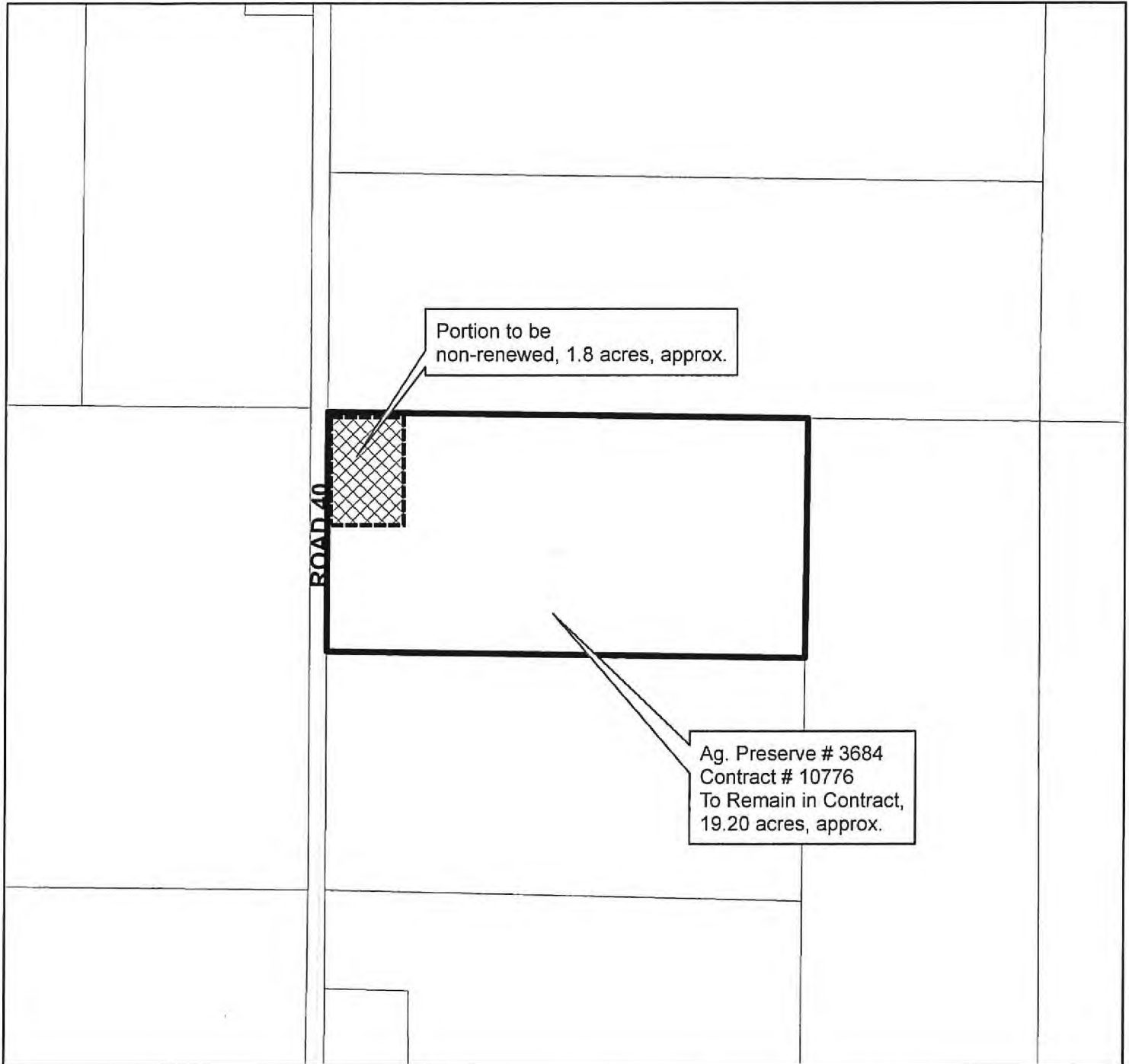
Along with an easement for ingress and egress over and across the North 20 feet of the West 242.39 feet of the northwest quarter of the southwest quarter of Section 33, Township 16 South, Range 23 East, Mount Diablo Meridian, County of Tulare, State of California.



Exhibit "B"

Land in Amended Contract # 10776

Agricultural Preserve # 3684



Owner: Arline M. Huckabay
 Address: 243 High Sierra Dr.
 City, State, ZIP: Exeter CA 93221
 Applicant: Arline Huckabay
 Agent: Forester, Weber & Associates
 Supervisorial District: _____
 Assessor's Parcel: 029-120-009



Attachments for WAN 18-005 (Bakker) and Amended Land Conservation Contract

- Partial Non-Renewal Application
 - Exhibit "A" – Subject Parcel Legal Description
 - Exhibit "B" – Ag Preserve Map
- Amended Contract 3878:
 - Exhibit A: Contract Land Legal Description
 - Exhibit B: Map of Land in Amended Contract

WAN 18-005

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, 2019. 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). 073-070-002 1-008 (Portion)

Acreage Size 1.39 if applicable: Condition of Approval of Planning Project No. PLA17-035

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)

Jim A. Bakker

P.O. Box 7676, Visalia, CA 93290

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

Jim A. Bakker

"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 29 May 2018 before me,

Amanda Keene Lang a Notary Public

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

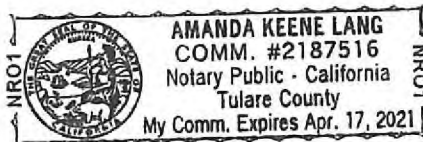
Jim A. Bakker

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 Amanda Keene Lang

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" and illustrated as "Exhibit B" under the following Land Conservation Contract:

Agricultural Preserve No. 0898

Land Conservation Contract No. 3878

Recorded on (Date) April 2, 1970 as Document No. 1970-1152

Name(s) of Original/Contract Owner(s) Manuel A. DeSantos and Bernice DeSantos

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 No. 1

That portion of Lot 10 of the Curtis Tract, in the County of Tulare, State of California, as per Map recorded in Book 9, Page 6 of Maps, in the Office of the County Recorder of said County, described as follows:

Beginning at the Southeast corner of said Lot 10, said corner being located 20.00 feet West of the centerline of the County Avenue as per said Curtis Tract;
Thence North along the East line of said Lot 10 a distance of 248.20 feet;
Thence North $89^{\circ}30'11''$ West a distance of 234.70 feet;
Thence South $40^{\circ}47'59''$ West a distance of 17.20 feet;
Thence South $1^{\circ}14'46''$ East a distance of 236.03 feet to a point on the South line of said Lot 10;
Thence West along the South line of said Lot 10 a distance of 240.80 feet to the Southeast corner of said Lot 10 and the True point of Beginning.

Together with a 10.00 foot wide easement for well and pipeline purposes over and across that portion of Lot 10 of the Curtis Tract, in the County of Tulare, State of California, as per Map recorded in Book 9, Page 6 of Maps, in the Office of the County Recorder of said County, with the Centerline described as follows:

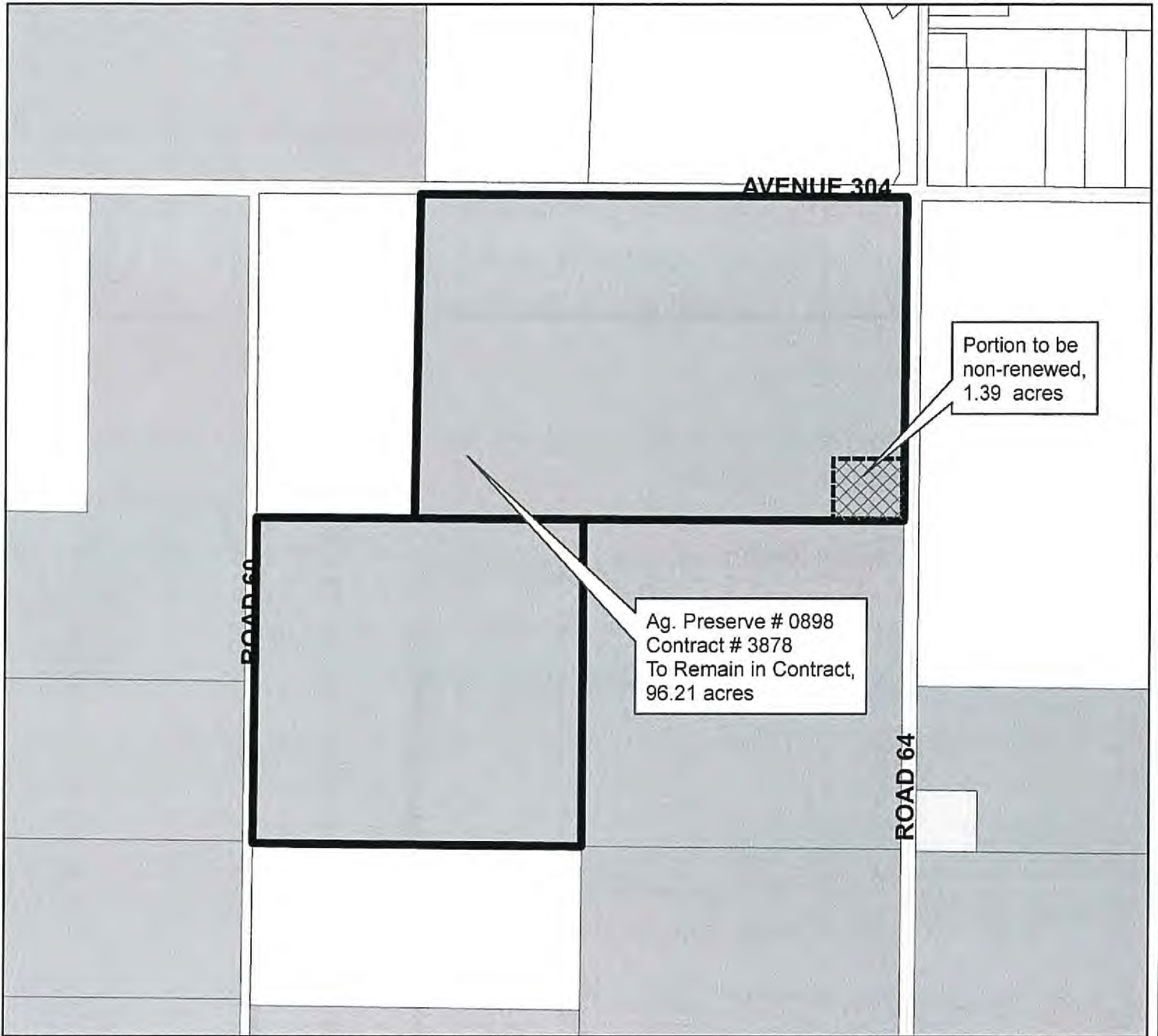
Commencing for reference at the Southeast corner of said Lot 10, said corner being located 20.00 feet West of the centerline of the County Avenue as per said Curtis Tract;
Thence North along the East line of said Lot 10 a distance of 248.20 feet;
Thence North $89^{\circ}30'11''$ West a distance of 12.00 feet to the **point of Beginning** of the centerline being described;
Thence North parallel with the East line of said Lot 10 a distance of 204.00 feet to the **terminus** of the centerline being described.



Exhibit "B"

Ag. Preserve Map Partial Non-Renewal

No. WAN 18-005



Owner: Jim A. Bakker, Trustee of the
Jim A. Bakker Survivor's Trust
of June 5, 2011

Address: P.O. Box 7676
City, State, ZIP: Visalia CA 93290

Applicant: Jason Veitia

Agent: Neil Zerlang, Land Surveyor

Supervisory District: _____

Assessors Parcel: 073-070-002 & -008

0 500
Feet

- Site
- Parcels
- Ag. Preserves Year 2017**
- Williamson Act Preserves
- Williamson Act Preserves - Non Renewal
- Farmland Security Zone Contracts



1 RECORDING REQUESTED BY and
2 WHEN RECORDED RETURN TO:

3
4 Clerk, Board of Supervisors
5 2800 West Burrel Avenue
6 Visalia, CA 93291-4582
7 (No Recording Fee, Per Govt
8 Code Section 6103)
9

10
11 AG PRESERVE NO. 0898
12 RESOLUTION NO. 1969-2879

Area for Recorder's Use Only

13
14 AMENDMENT
15 TO
16 LAND CONSERVATION CONTRACT NO. 3878
17 RECORDED ON 4/2/1970 AS DOCUMENT NO. 1970-001152
18

19
20 THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY
21 REFERRED TO AS AGREEMENT NO. 3878A, RESOLUTION NO. _____,
22 is made and entered into as a result of a Partial Non-Renewal WAN 18-005 Application
23 for a portion of APN No(s). 073-070-002, as of this _____ day of
24 _____, 20____, by and between Jim A. Bakker, Trustee of the Jim A.
25 Bakker Survivor's Trust of June 5, 2011 and Trustee of the Linda D. Bakker Bypass
26 Trust of June 5, 2011, hereinafter referred to as the "Owner", and the COUNTY of
27 TULARE, hereinafter referred to as the "County";

28
29 WITNESSETH
30

31 WHEREAS, the Owner owns real property in the County of Tulare, State of
32 California, under Land Conservation Contract No. 3878 hereinafter referred to as
33 "Subject Property", which is described for A.P.N. No(s). 073-070-002 with legal
34 description as described in Exhibit A and illustrated in Exhibit B.

1 WHEREAS this contract amendment applies only to the owners of the Subject
2 Property: A.P.N. No(s). 073-070-002;

3 WHEREAS, the original Land Conservation Contract was entered into pursuant
4 to the Williamson Act (Government Code, Section 51200, et seq.) and constitutes an
5 enforceable restriction under the provisions of Section 421 et seq. of the State Revenue
6 and Taxation Code;

7 WHEREAS, the Owner has applied for a Partial Non-Renewal of said Land
8 Conservation Contract Number 3878 in regards to all or a portion of the Subject
9 Property APN(s) 073-070-002 to satisfy the conditions set forth as a Condition of
10 Approval of Project Number (if applicable) PLA 17-035 owner's application for
11 a Lot Line Adjustment.

12 WHEREAS, the County in consideration for granting the Lot Line Adjustment,
13 desires to amend Land Conservation Contract Number 3878 in regards to the land
14 owned by Owner to include a provision which states that the original contract and that
15 portion subject to the project, will continue to be in full force and effect, subject to the
16 express condition that funds be annually appropriated by the State of California, and that
17 annual payments continue to be made to the County by the State Controller, under the
18 provisions of the Open Space Subvention Act (California Government Code section
19 16140, et. seq.), and that if said funds are not appropriated or dispersed the County may
20 terminate the Contract in regards to the land owned by Owner and declare it null and
21 void.

22 WHEREAS, this amendment does not change any of the terms and conditions of
23 the original Land Conservation Contract other than those stated herein.

1 NOW, THEREFORE, IT IS AGREED as follows:

2 1. This Amendment to Land Conservation Contract Number 3878 is
3 entered into pursuant to the Williamson Act and all of the provisions of said Act,
4 including any amendments hereafter enacted, are hereby incorporated by reference and
5 made a part of this Contract as if fully set forth herein.

6 2. The Board of Supervisors of the County may from time to time during the
7 term of the Contract and any renewals thereof, by resolution or ordinance, add to the
8 permissible uses of the Subject Property listed in the Resolution establishing the
9 Preserve. However, the Board of Supervisors may not during the terms of the Contract
10 and any renewals thereof eliminate any of the permitted uses for the Subject Property, as
11 set forth in said Resolution or Ordinance, without the prior written consent of the Owner.

12 3. Nothing in this Contract shall limit or supersede the planning, zoning, and
13 other police powers of the County, and the right of the County to exercise such powers
14 with regard to the Subject Property. All uses of and actions regarding the Subject
15 Property shall comply with all applicable local ordinances, regulations, resolutions and
16 state laws, as adopted or amended from time to time.

17 4. This Land Conservation Contract is made expressly conditioned upon the
18 State's continued compliance with the provisions of the Open Space Subvention Act. If
19 in any year the State fails to make any of the subvention payments to the County required
20 under the provision of the Open Space Subvention Act, then this Contract, at the option
21 of, and in the sole and absolute discretion of the County, may be terminated by the
22 County and declared null and void. The State's failure to make such payments may be
23 due to non-appropriation of funds by the Legislature, failure to disburse appropriated

1 funds, amendment or repeal of the applicable provisions of the Open Space Subvention
2 Act, or by any other cause whatsoever. The County may exercise its option to declare the
3 Contract null and void by delivering notice to the Department of Conservation, Division
4 of Land Resource Protection, Owner or successors or assigns, and by recording such
5 notice in the Official Records of Tulare County. This Amended Land Conservation
6 Contract No. 3878A, regarding land owned by Owner, shall terminate with no
7 continuing contractual rights of any kind; provided, however, that the owner may apply
8 for a new Land Conservation Contract or Farmland Security Zone Contract as otherwise
9 may be provided by law.

10 5. Any notices required to be given to the County under this Amendment to
11 Land Conservation Contract shall be delivered to the Clerk of the Board of Supervisors of
12 the County, and any notices to be given to the Owner shall be mailed to the following
13 name(s) and address(es):

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

16
17 Jim A. Bakker, Trustee of the Jim A. Bakker Survivor's Trust of June 5, 2011 and
18 Trustee of the Linda D. Bakker Bypass Trust of June 5, 2011, P.O. Box 7676, Visalia CA
19 93290

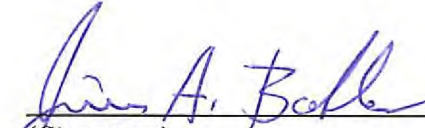
20
21 * * *
22

23 **By execution hereof, the undersigned parties declare under penalty of perjury that**
24 **he/she/they constitute and are all of the fee title owners of the Subject Property**
25 **described herein, and are, or are the successors-in-interest of, the owners of such**
26 **property who entered into the Land Conservation Contract.**
27

1 IN WITNESS WHEREOF, the parties have executed this Contract (signature of
2 each current owner, witnessed by below-named Notary Public):

3
4 OWNER(S)

5 Jim A. Bakker, Trustee of the Jim A. Bakker
6 Survivor's Trust of June 5, 2011 and Trustee
7 of the Linda D. Bakker Bypass Trust of
8 June 5, 2011, P.O. Box 7676, Visalia CA 93290


(Signature)

11
12 "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the
13 document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

14
15 **ACKNOWLEDGMENT**

16
17 STATE OF CALIFORNIA
18 COUNTY OF Tulare } s. s.

19
20 On 29 May 2018 before me,

21
22 Amanda Keene Lang a Notary Public
23 in and for said County and State, personally appeared (printed names) :

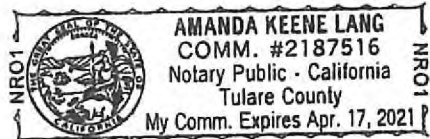
24
25 Jim A. Bakker

26
27 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
28 is/are subscribed to the within instrument and acknowledged to me that he/she/they
29 executed the same in his/her/their authorized capacity(ies), and that by his/her/their
30 signature(s) on the instrument the person(s), or the entity upon behalf of which the
31 person(s) acted, executed the instrument.

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

34
35 WITNESS my hand and official seal

36
37 Signature Amanda Keene Lang



1 **COUNTY OF TULARE**

2
3
4 **BY:** _____
5 **Chairman, Board of Supervisors**

ATTEST: County Administrative Officer
Clerk, Board of Supervisors

6
7 **BY:** _____
8 **Deputy Clerk**

9
10
11
12
13 * AREA TO BE COMPLETED BY BOARD'S NOTARY *

14
15 "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the
16 document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

17 **ACKNOWLEDGMENT**

18
19 **STATE OF CALIFORNIA)**
20 **) ss.**
21 **COUNTY OF TULARE)**
22

23 On _____ before me, _____
24 a Notary Public, and Deputy Clerk of the Board of Supervisors of the County of Tulare,
25
26 personally appeared _____, who proved to me
27 on the basis of satisfactory evidence to be the person whose name is subscribed to the
28 within instrument and acknowledged to me that he/she executed the same in his/her
29 authorized capacity, and that by his/her signature on the instrument the person, or the
30 entity upon behalf of which the person acted, executed the instrument.

31
32 **I certify under PENALTY OF PERJURY under the laws of the State of California**
33 **that the foregoing paragraph is true and correct.**
34

35 **WITNESS my hand and official seal.**

36
37 _____
38 **Signature of Notary Public County and State**
39

1
2
3
4 **EXHIBIT A**
5 **LEGAL DESCRIPTION OF SUBJECT LAND CONSERVATION CONTRACT**
6 **PROPERTY**
7

8 Land to be removed from Williamson Act

9 **Parcel No. 1**

10 That portion of Lot 10 of the Curtis Tract, in the County of Tulare, State of California, as
11 per Map recorded in Book 9, Page 6 of Maps, in the Office of the County Recorder of
12 said County, described as follows:

13 Beginning at the Southeast corner of said Lot 10, said corner being located 20.00
14 feet West of the centerline of the County Avenue as per said Curtis Tract;
15 Thence North along the East line of said Lot 10 a distance of 248.20 feet;
16 Thence North 89°30'11" West a distance of 234.70 feet;
17 Thence South 40°47'59" West a distance of 17.20 feet;
18 Thence South 1°14'46" East a distance of 236.03 feet to a point on the South line
19 of said Lot 10;
20 Thence West along the South line of said Lot 10 a distance of 240.80 feet to the
21 Southeast corner of said Lot 10 and the True point of Beginning.
22

23 **Together with** a 10.00 foot wide easement for well and pipeline purposes over and
24 across that portion of Lot 10 of the Curtis Tract, in the County of Tulare, State of
25 California, as per Map recorded in Book 9, Page 6 of Maps, in the Office of the County
26 Recorder of said County, with the Centerline described as follows:

27 Commencing for reference at the Southeast corner of said Lot 10, said corner
28 being located 20.00 feet West of the centerline of the County Avenue as per said
29 Curtis Tract;
30 Thence North along the East line of said Lot 10 a distance of 248.20 feet;
31 Thence North 89°30'11" West a distance of 12.00 feet to the **point of Beginning**
32 of the centerline being described;
33 Thence North parallel with the East line of said Lot 10 a distance of 204.00 feet to
34 the **terminus** of the centerline being described.
35

36 Land to remain in the Williamson Act

37 **Parcel No. 2**

38 Lots 16 and 21 of the Curtis Tract, in the County of Tulare, State of California, as per
39 Map recorded in Book 9, Page 6 of Maps, in the Office of the County Recorder of said
40 County.

41
42 **Excepting** an undivided one-half interest in all oil, gas, hydrocarbon substances and
43 minerals, in, on or under said land, as reserved by Aram Keklikian and Rose Keklikian,

1 husband and wife, in Deed recorded July 2, 1952, in Book 1607, Page 6 of Official
2 Records.

3
4 **Together with** Lots 3 and 10 and the East half of Lots 4 and 9 of the Curtis Tract, in the
5 County of Tulare, State of California, as per Map recorded in Book 9, Page 6 of Maps, in
6 the Office of the County Recorder of said County.

7
8 **Excepting** therefrom an undivided one-half interest in all oil, gas and other minerals
9 beneath the surface of the said land, as reserved in the Deed for the Union Central Life
10 Insurance Company, a corporation, to C.D. Hixson, single, dated March 20, 1936,
11 recorded March 28, 1936, Book 672, Page 52 of Official Records.

12
13 **Also excepting therefrom** that portion of said Lot 10 described as follows:

14 Beginning at the Southeast corner of said Lot 10, said corner being located 20.00
15 feet West of the centerline of the County Avenue as per said Curtis Tract;
16 Thence North along the East line of said Lot 10 a distance of 248.20 feet;
17 Thence North $89^{\circ}30'11''$ West a distance of 234.70 feet;
18 Thence South $40^{\circ}47'59''$ West a distance of 17.20 feet;
19 Thence South $1^{\circ}14'46''$ East a distance of 236.03 feet to a point on the South line
20 of said Lot 10;
21 Thence West along the South line of said Lot 10 a distance of 240.80 feet to the
22 Southeast corner of said Lot 10 and the True point of Beginning.

23
24 **Subject to** a 10.00 foot wide easement for well and pipeline purposes over and across
25 that portion of Lot 10 of the Curtis Tract, in the County of Tulare, State of California, as
26 per Map recorded in Book 9, Page 6 of Maps, in the Office of the County Recorder of
27 said County, with the Centerline described as follows:

28 Commencing for reference at the Southeast corner of said Lot 10, said corner
29 being located 20.00 feet West of the centerline of the County Avenue as per said
30 Curtis Tract;
31 Thence North along the East line of said Lot 10 a distance of 248.20 feet;
32 Thence North $89^{\circ}30'11''$ West a distance of 12.00 feet to the **point of Beginning**
33 of the centerline being described;
34 Thence North parallel with the East line of said Lot 10 a distance of 204.00 feet to
35 the **terminus** of the centerline being described.

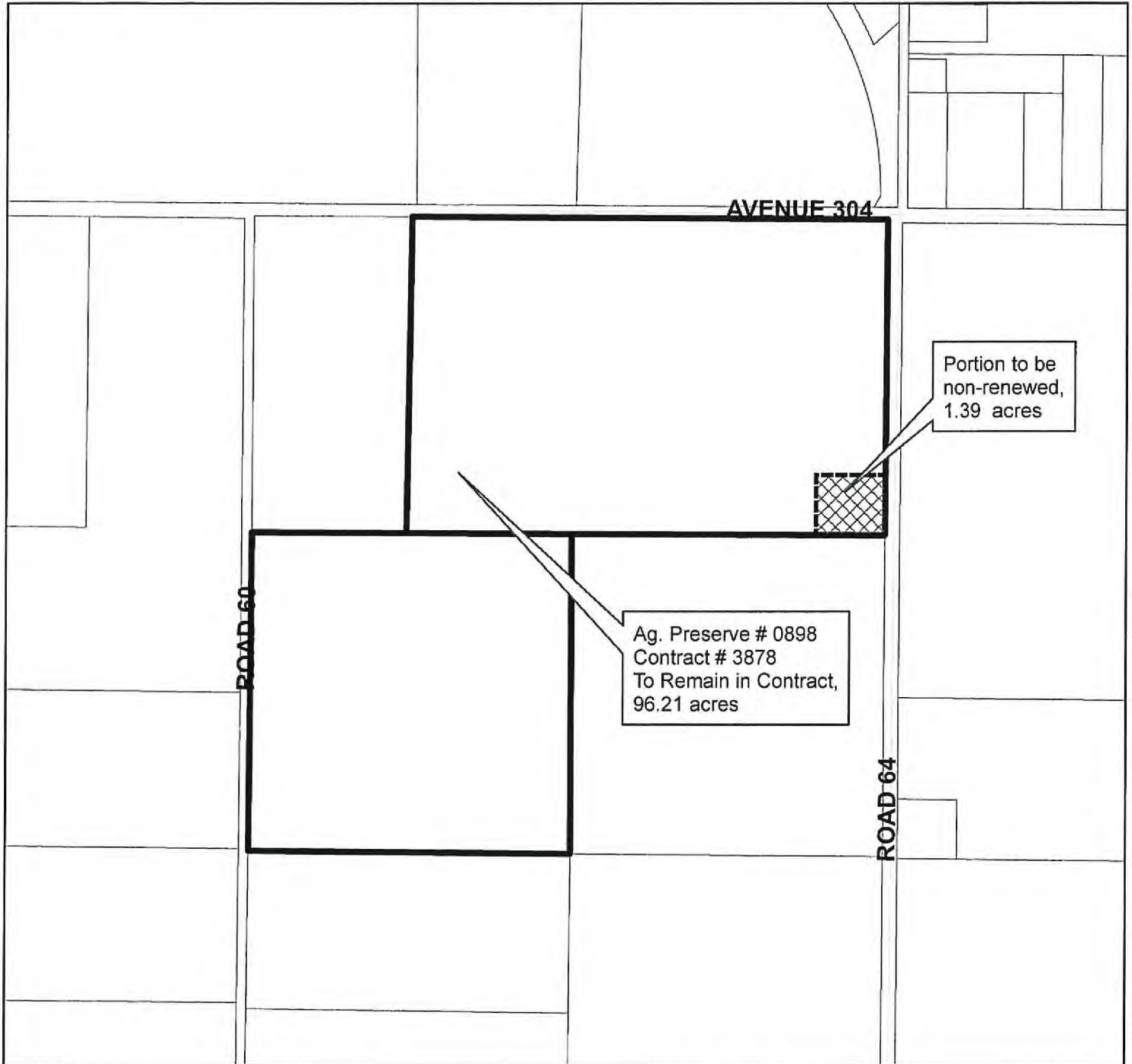
36
37



Exhibit "B"

Land in Amended Contract # 3878

Agricultural Preserve # 0898



Owner: Jim A. Bakker, Trustee of the
 Jim A. Bakker Survivor's Trust
 of June 5, 2011

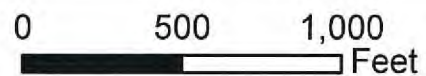
Address: P.O. Box 7676
 City, State, ZIP: Visalia CA 93290

Applicant: Jason Veitia

Agent: Neil Zerlang, Land Surveyor

Supervisory District: _____

Assessors Parcel: 073-070-002 & -008



**Attachments for WAN 18-007
(Waltenberger) and
Amended Land Conservation Contract**

- Partial Non-Renewal Application
 - Exhibit "A" – Subject Parcel Legal Description
 - Exhibit "B" – Ag Preserve Map
- Amended Contract 10641:
 - Exhibit A: Contract Land Legal Description
 - Exhibit B: Map of Land in Amended Contract

WAN 18-007
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, 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). 051-110-003 (Portion)

Acreage Size 1.00 if applicable: Condition of Approval of Planning Project No. PPM18-023

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)

FRANZ X WALTENBERGER
34001 Road 140, Unit #C, Visalia CA 93292 (559-694-6063)

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

Franz X. Waltenberger

"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 July 9, 2018 before me,

Carrie Carrillo a Notary Public

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

Franz X. Waltenberger

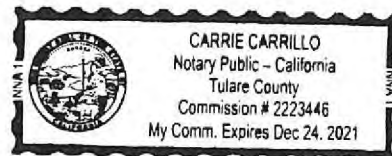
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), 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

Carrie Carrillo

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 559-624-7100 for verification if more than one APN is applied for.

(Below For Official Use Only)

The County of Tulare RMA, Economic Development and Planning Branch, 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. 3621

Land Conservation Contract No. 10641

Recorded on (Date) October 14, 1977 as Document No. 1977-0057709

Name(s) of Original/Contract Owner(s) Franz X. Waltenberger and Frances Waltenberger

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

PARCEL "A"

PARCEL No. 2 OF PARCEL MAP No. 693 IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 93 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF TULARE.

EXCEPTING THAT PORTION OF SAID PARCEL No. 2, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL No. 2; THENCE SOUTH 00°00'45" WEST ALONG THE WEST LINE OF SAID PARCEL No. 2, A DISTANCE OF 345.94 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE, AT A RIGHT ANGLE TO SAID WEST LINE, A DISTANCE OF 180.00 FEET; THENCE SOUTH 00°00'45" WEST, PARALLEL WITH SAID WEST LINE, A DISTANCE OF 242.00 FEET; THENCE NORTH 89°59'15" WEST, PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 180.00 FEET TO THE WEST LINE OF SAID PARCEL No. 2; THENCE NORTH 00°00'45" EAST, A DISTANCE OF 242.00 FEET TO THE TRUE POINT OF BEGINNING.

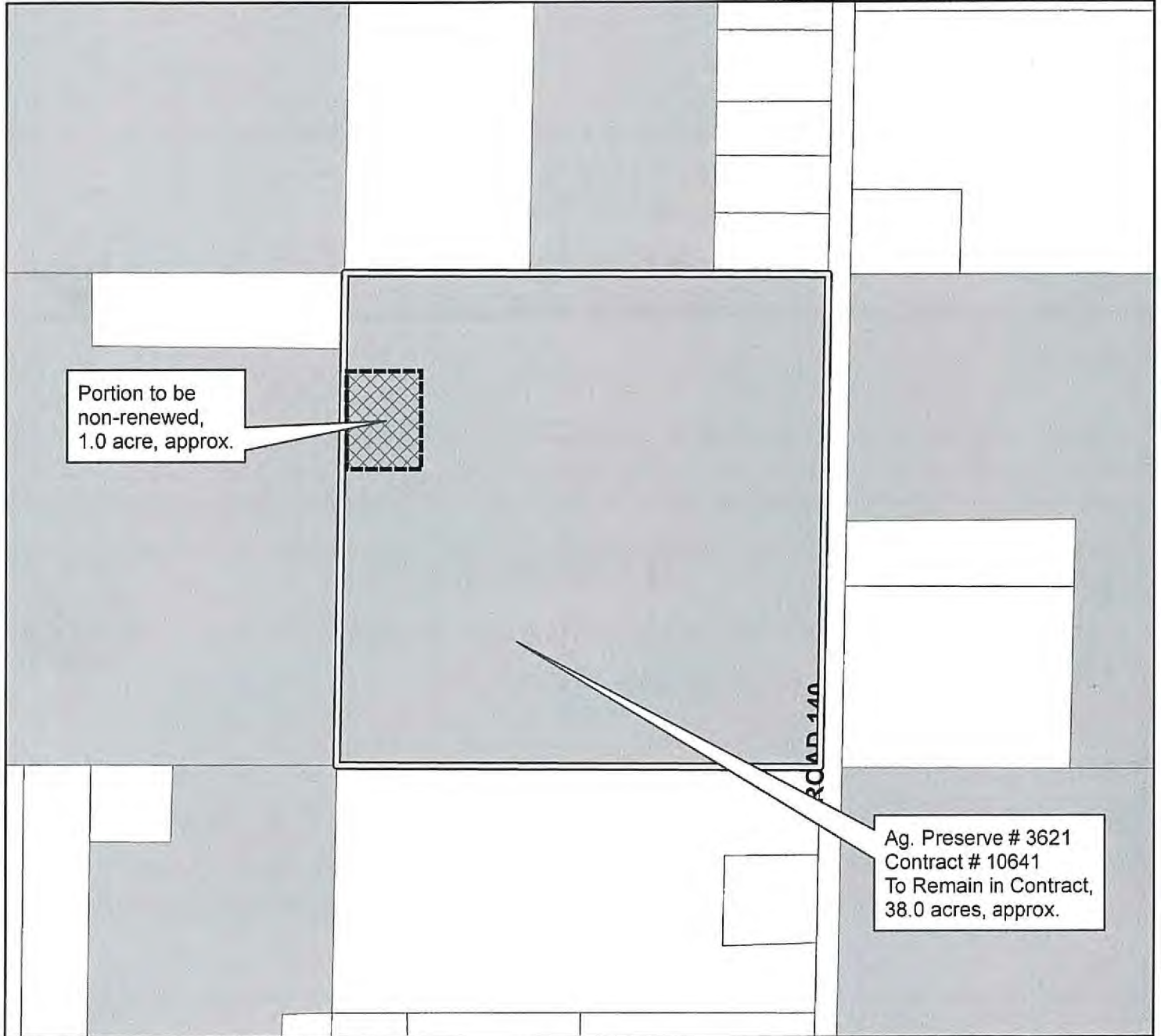


A handwritten signature in cursive script, appearing to read "M. Greenwood", written over a horizontal line.



Exhibit "B"

Ag. Preserve Map Partial Non-Renewal No. WAN 18-007



Owner: Franz X. Waltenberger
 Address: 34001 Road 140, Unit #C
 City, State, ZIP: Visalia, CA 93292
 Applicant: same
 Agent: Craig K. Larson
 Supervisorial District: 4
 Assessor's Parcel: 051-110-003

- Site
- Parcels
- Ag. Preserves Year 2017**
- Williamson Act Preserves
- Williamson Act Preserves - Non Renewal
- Farmland Security Zone Contracts



1 RECORDING REQUESTED BY and
2 WHEN RECORDED RETURN TO:

3
4 Clerk, Board of Supervisors
5 2800 West Burrel Avenue
6 Visalia, CA 93291-4582
7 (No Recording Fee, Per Government
8 Code Section 6103)
9

10
11 AG PRESERVE NO. 3621
12 RESOLUTION NO. 1977-2694

Area for Recorder's Use Only

13
14 AMENDMENT
15 TO
16 LAND CONSERVATION CONTRACT NO. 10641
17 RECORDED ON OCTOBER 14, 1977 AS DOCUMENT NO. 1977-0057709
18

19
20 THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY
21 REFERRED TO AS AGREEMENT NO. 10641A, RESOLUTION
22 NO. _____, is made and entered into as a result of a Tentative Parcel Map
23 Application No. PPM 18-023 for APN No. 051-110-003, as of this 9~~th~~ day
24 of JULY, 2018, by and between Franz X. Waltenberger, hereinafter referred to as
25 the "Owner", and the COUNTY of TULARE, hereinafter referred to as the "County";

26
27 WITNESSETH
28

29 WHEREAS, the Owner owns real property in the County of Tulare, State of
30 California, under Land Conservation Contract No. 10641 hereinafter referred to as
31 "Subject Property", which is described for A.P.N. No(s). 051-110-003 with legal
32 description as described in Exhibit A and illustrated in Exhibit B.

33 WHEREAS, this contract amendment applies only to the owners of the Subject
34 Property: A.P.N. No. 051-110-003

1 WHEREAS, the original Land Conservation Contract was entered into pursuant
2 to the Williamson Act (Government Code, Section 51200, et seq.) and constitutes an
3 enforceable restriction under the provisions of Section 421 et seq. of the State Revenue
4 and Taxation Code;

5 WHEREAS, the Owner has applied for a Partial Non-Renewal of said Land
6 Conservation Contract Number 10641 in regards to all or a portion of the Subject
7 Property APN 051-110-003 to satisfy the conditions set forth as a Condition of Approval
8 of Project Number (if applicable) PPM 18-023 owner's application for a Tentative Parcel
9 Map;

10 WHEREAS, the County in consideration for granting the Partial Non-Renewal,
11 desires to amend Land Conservation Contract Number 10641 in regards to the land
12 owned by Owner to include a provision which states that the original contract and that
13 portion subject to the project, will continue to be in full force and effect, subject to the
14 express condition that funds be annually appropriated by the State of California, and that
15 annual payments continue to be made to the County by the State Controller, under the
16 provisions of the Open Space Subvention Act (California Government Code section
17 16140, et. seq.), and that if said funds are not appropriated or dispersed the County may
18 terminate the Contract in regards to the land owned by Owner and declare it null and
19 void.

20 WHEREAS, this amendment does not change any of the terms and conditions of
21 the original Land Conservation Contract other than those stated herein.

1 NOW, THEREFORE, IT IS AGREED as follows:

2 1. This Amendment to Land Conservation Contract Number 10641A is
3 entered into pursuant to the Williamson Act and all of the provisions of said Act,
4 including any amendments hereafter enacted, are hereby incorporated by reference and
5 made a part of this Contract as if fully set forth herein.

6 2. The Board of Supervisors of the County may from time to time during the
7 term of the Contract and any renewals thereof, by resolution or ordinance, add to the
8 permissible uses of the Subject Property listed in the Resolution establishing the
9 Preserve. However, the Board of Supervisors may not during the terms of the Contract
10 and any renewals thereof eliminate any of the permitted uses for the Subject Property, as
11 set forth in said Resolution or Ordinance, without the prior written consent of the Owner.

12 3. Nothing in this Contract shall limit or supersede the planning, zoning, and
13 other police powers of the County, and the right of the County to exercise such powers
14 with regard to the Subject Property. All uses of and actions regarding the Subject
15 Property shall comply with all applicable local ordinances, regulations, resolutions and
16 state laws, as adopted or amended from time to time.

17 4. This Land Conservation Contract is made expressly conditioned upon the
18 State's continued compliance with the provisions of the Open Space Subvention Act. If
19 in any year the State fails to make any of the subvention payments to the County required
20 under the provision of the Open Space Subvention Act, then this Contract, at the option
21 of, and in the sole and absolute discretion of the County, may be terminated by the
22 County and declared null and void. The State's failure to make such payments may be
23 due to non-appropriation of funds by the Legislature, failure to disburse appropriated

1 funds, amendment or repeal of the applicable provisions of the Open Space Subvention
2 Act, or by any other cause whatsoever. The County may exercise its option to declare the
3 Contract null and void by delivering notice to the Department of Conservation, Division
4 of Land Resource Protection, Owner or successors or assigns, and by recording such
5 notice in the Official Records of Tulare County. This Amended Land Conservation
6 Contract No. 10641A, regarding land owned by Owner, shall terminate with no
7 continuing contractual rights of any kind; provided, however, that the owner may apply
8 for a new Land Conservation Contract or Farmland Security Zone Contract as otherwise
9 may be provided by law.

10 5. Any notices required to be given to the County under this Amendment to
11 Land Conservation Contract shall be delivered to the Clerk of the Board of Supervisors of
12 the County, and any notices to be given to the Owner shall be mailed to the following
13 name(s) and address (es):

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

16
17 Franz X. Waltenberger, 34001 Road 140, Unit #C, Visalia, CA 93292 (559) 694-6063

18 _____
19 _____

20
21 * * *
22

23 **By execution hereof, the undersigned parties declare under penalty of perjury that**
24 **he/she/they constitute and are all of the fee title owners of the Subject Property**
25 **described herein, and are, or are the successors-in-interest of, the owners of such**
26 **property who entered into the Land Conservation Contract.**
27

1 IN WITNESS WHEREOF, the parties have executed this Contract (signature of
2 each current owner, witnessed by below-named Notary Public):
3

4 OWNER(S)

5 Franz X. Waltenberger
6 (Print Name)

7 Franz X. Waltenberger
8 (Signature)

9
10
11
12
13
14 "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the
15 document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."
16

17 **ACKNOWLEDGMENT**

18
19 STATE OF CALIFORNIA

20 COUNTY OF Tulare } s. s.

21
22 On July 9, 2018 before me,

23 Carrie Carrillo
24 a Notary Public

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

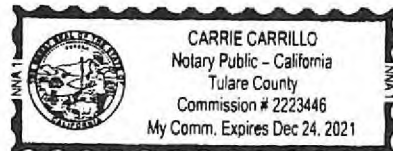
26
27 Franz X. Waltenberger
28

29 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
30 is/are subscribed to the within instrument and acknowledged to me that he/she/they
31 executed the same in his/hér/their authorized capacity (ies), and that by his/hér/their
32 signature(s) on the instrument the person(s), or the entity upon behalf of which the
33 person(s) acted, executed the instrument.

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

36
37 WITNESS my hand and official seal

38
39 Signature Carrie Carrillo
40



1 **COUNTY OF TULARE**

2
3
4 **BY:** _____
5 **Chairman, Board of Supervisors**

ATTEST: County Administrative Officer
Clerk, Board of Supervisors

6
7 **BY:** _____
8 **Deputy Clerk**

9
10
11
12
13 * AREA TO BE COMPLETED BY BOARD'S NOTARY *

14
15 "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the
16 document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

17 **ACKNOWLEDGMENT**

18
19 **STATE OF CALIFORNIA)**
20 **) ss.**
21 **COUNTY OF TULARE)**
22

23 On _____ before me, _____ a
24 Notary Public, and Deputy Clerk of the Board of Supervisors of the County of Tulare,

25
26 personally appeared _____, who proved to me
27 on the basis of satisfactory evidence to be the person whose name is subscribed to the
28 within instrument and acknowledged to me that he/she executed the same in his/her
29 authorized capacity, and that by his/her signature on the instrument the person, or the
30 entity upon behalf of which the person acted, executed the instrument.

31
32 **I certify under PENALTY OF PERJURY under the laws of the State of California**
33 **that the foregoing paragraph is true and correct.**

34
35 **WITNESS my hand and official seal.**

36
37 _____
38 **Signature of Notary Public County and State**
39

1 EXHIBIT A
2 LEGAL DESCRIPTION OF SUBJECT LAND CONSERVATION CONTRACT
3 PROPERTY
4

5 Portion to be non-renewed shown as Parcel B of PPM 18-023

6 THAT PORTION OF PARCEL NO. 2 OF PARCEL MAP NO.693 IN THE COUNTY
7 OF TULARE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7,
8 PAGE 93 OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF
9 THE COUNTY OF TULARE.

10
11 BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL NO. 2;
12 THENCE SOUTH 00°00'45" WEST ALONG THE WEST LINE OF SAID
13 PARCEL NO. 2, A DISTANCE OF 345.94 FEET TO THE TRUE POINT OF
14 BEGINNING; THENCE LEAVING SAID WEST LINE, AT A RIGHT ANGLE
15 TO SAID WEST LINE, A DISTANCE OF 180.00 FEET; THENCE SOUTH
16 00°00'45" WEST PARALLEL WITH SAID WEST LINE, A DISTANCE OF
17 242.00 FEET THENCE NORTH 89°59'15" WEST, PERPENDICULAR TO
18 SAID WEST LINE, A DISTANCE OF 180.00 FEET TO THE WEST LINE OF
19 SAID PARCEL NO. 2; THENCE NORTH 00°00'45" EAST A DISTANCE OF
20 242.00 FEET TO THE TRUE POINT OF BEGINNING.
21
22

23 Portion to remain within Land Conservation Contract subject to Amendment
24 shown as Parcel No. A of PPM 18-023

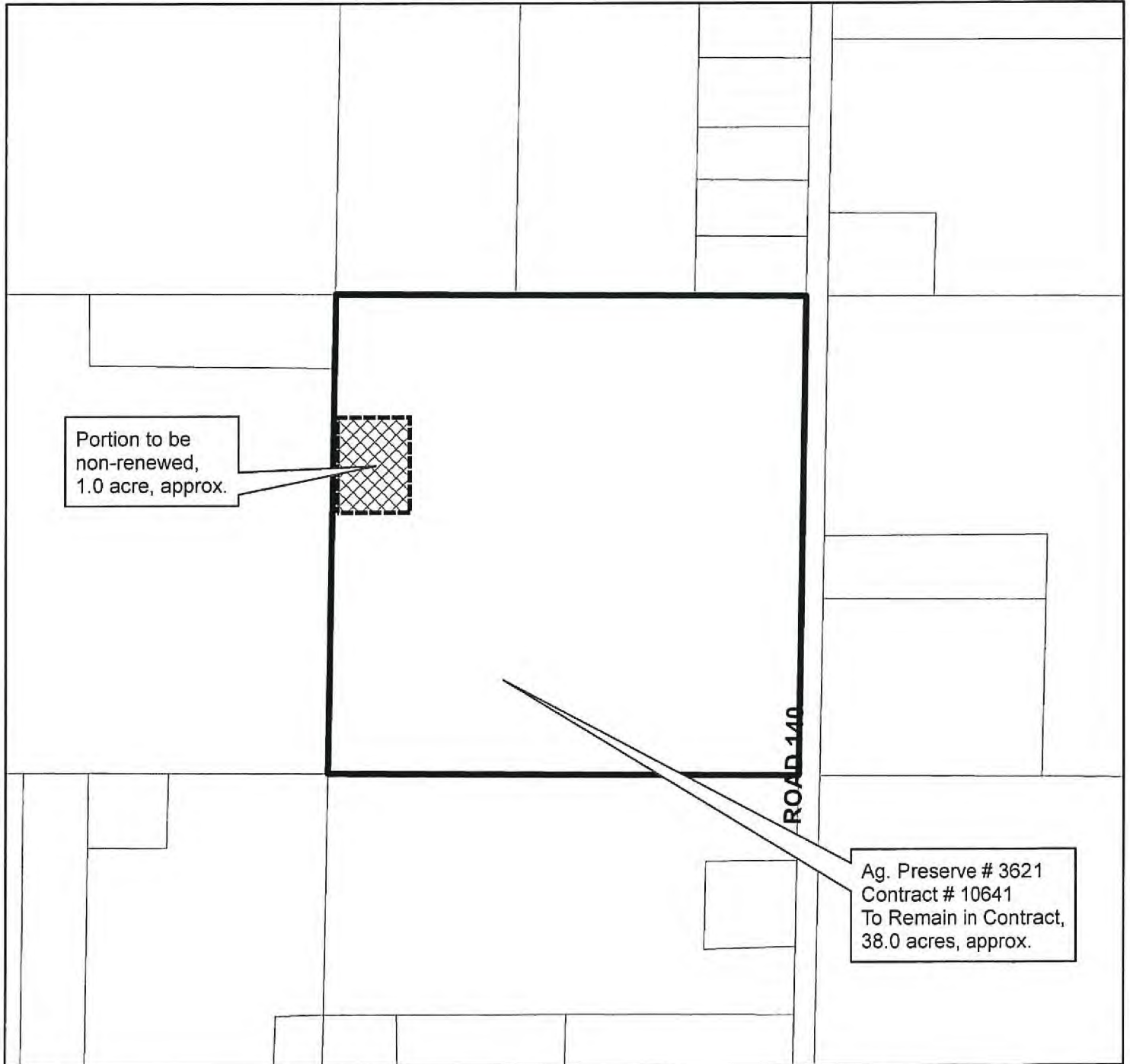
25 PARCEL NO. 2 OF PARCEL MAP NO.693 IN THE COUNTY OF TULARE, STATE
26 OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 93 OF PARCEL
27 MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF
28 TULARE.

29
30 EXCEPTING THAT PORTION OF SAID PARCEL NO. 2 BEING MORE
31 PARTICULARLY DESCRIBED AS FOLLOWS:
32

33 BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL NO. 2;
34 THENCE SOUTH 00°00'45" WEST ALONG THE WEST LINE OF SAID
35 PARCEL NO. 2, A DISTANCE OF 345.94 FEET TO THE TRUE POINT OF
36 BEGINNING; THENCE LEAVING SAID WEST LINE, AT A RIGHT ANGLE
37 TO SAID WEST LINE, A DISTANCE OF 180.00 FEET; THENCE SOUTH
38 00°00'45" WEST PARALLEL WITH SAID WEST LINE, A DISTANCE OF
39 242.00 FEET THENCE NORTH 89°59'15" WEST, PERPENDICULAR TO
40 SAID WEST LINE, A DISTANCE OF 180.00 FEET TO THE WEST LINE OF
41 SAID PARCEL NO. 2; THENCE NORTH 00°00'45" EAST A DISTANCE OF
42 242.00 FEET TO THE TRUE POINT OF BEGINNING.
43
44
45
46

Exhibit "B"

Land in Amended Contract # 10641 Agricultural Preserve # 3621



Owner: Franz X. Waltenberger
Address: 34001 Road 140, Unit #C
City, State, ZIP: Visalia, CA 93292
Applicant: same
Agent: Craig K. Larson
Supervisorial District: 4
Assessors Parcel: 051-110-003

