



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

**BOARD OF SUPERVISORS**

ALLEN ISHIDA  
District One

PETE VANDER POEL  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** July 9, 2013

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:** Authorize Partial Non-Renewal of Agricultural Preserve Contracts and Approve Land Conservation Contract Amendments

**REQUEST(S):**

Request that the Board of Supervisors:

- 1) Authorize the filing of a Notice of Partial Non-Renewal for the following Land Conservation Contracts as provided in the Williamson Act. The request fulfills conditions resulting from the creation of two parcel maps:

PNR 13-010 - Williamson Act Contract No. 13548, Ag Preserve No. 3953, located at Road 144, north of Visalia, (Gary Gerner) (1.0 acres from 18.92 acres to be non-renewed as a condition of PPM 12-028) (19.92 acres in two parcels subject to contract amendment).

PNR 13-012 - Williamson Act Contract No. 3785, Ag Preserve No. 783, located at Avenue 204 south of Tulare (Manuel Ortiz, Jr.) (2.0 acres from 40 acres non-renewed as a condition of PPM 12-025) (40 acres in two parcels subject to contract amendment).

- 2) Approve the execution of amendments to the Land Conservation Contracts as a condition of approval for the aforementioned partial non-renewals; and
- 3) Authorize the Chairman to sign the amendments to the Williamson Act Contracts.

**SUBJECT:** Authorize Partial Non-Renewal of Agricultural Preserve Contracts and  
Approve Land Conservation Contract Amendments  
**DATE:** July 9, 2013

**SUMMARY:**

The Notice of Partial Non-Renewals of the subject Williamson Act Contracts have been received pursuant to Government Code Section 51245 (Williamson Act). The notices were filed to meet conditions of approval for two parcel maps. The notices will affect a total of 3.0 acres. The amended Land Conservation Contracts will affect a total of 59.92 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. 4<sup>th</sup> 1476 (CA 1<sup>st</sup> 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 an amended contract.

**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 3.0 acres of Williamson Act contracted lands. However, increased property taxes on contracts in nonrenewal 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 nonrenewal period and reach full market value when the property completes nonrenewal. 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.

**SUBJECT:** Authorize Partial Non-Renewal of Agricultural Preserve Contracts and  
Approve Land Conservation Contract Amendments  
**DATE:** July 9, 2013

In addition the County will be authorized to recapture 10% of the participating landowners' property tax savings. This legislation is authorized from January 1, 2011 through January 1, 2016 (Government Code Section 51244). The applicant pays the filing fees to process the partial non-renewal applications. The applications for the PNRs have a flat filing fee of \$363, for a total of \$726.

**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:**

  
\_\_\_\_\_  
Michael C. Spata  
RMA Assistant Director, Planning

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

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

1. PNR 13-010 (Gerner)
2. PNR 13-012 (Ortiz)

2. Approved the execution of amendments to the Land Conservation Contracts as a condition of approval for the aforementioned partial non-renewals; and
3. Authorized the Chairman to sign the amendments to the Williamson Act Contracts.

## **Attachments for PNR 13-010 (Gerner)**

- Partial Non-Renewal Application
  - Exhibit A Subject Parcel Legal Description
  - Exhibit B Ag Preserve Map
- Amended Contract 13548A:
  - Exhibit A Contract Land Legal Description
  - Exhibit B Map of Land in Amended Contract

Case No. PNR 13-010  
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 NONRENEWAL OF LAND CONSERVATION CONTRACT**

[**DIRECTIONS:** Provide the information requested on Page 1, with all owners' signatures Notarized; include the legal description of the subject contracted parcel(s) under "Exhibit A" on Page 3; 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, 2014. The legal description of the portion for which the Land Conservation Contract will not be renewed is included as "Exhibit A".

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). 051-060-001 (Portion)  
Acreage 1.00 If applicable: Condition of Approval of Project No. PPM 12-028  
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)

<u>Gary Gerner (559) 280-2959</u>	<u>N/A</u>
<u>36702 Road 144, Visalia CA 93292</u>	<u>N/A</u>

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

<u><i>Gary Gerner</i></u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>

STATE OF CALIFORNIA  
COUNTY OF Tulare } S.S.

On 4/10/13 before me,  
Virginia Luna a Notary Public  
in and for said County and State, personally appeared (printed names):

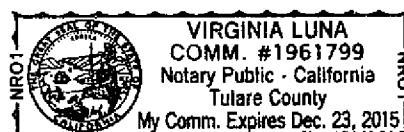
Gary Gerner

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

*Virginia Luna*



**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.

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**(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.** 3953

**Land Conservation Contract No.** 13548

Recorded on (Date) 12/7/84 as Document No. 61513

Name(s) of Original/Contract Owner(s) Johnny Gaggiano and  
Linda Gaggiano

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

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: \_\_\_\_\_

(2012)

**“Exhibit A”**

The North 210.00 feet of the South 320.00 feet of the East 208.00 feet of the North half of the Northwest quarter of the Northeast quarter of Section 15, Township 17 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof.

**Excepting and reserving unto** James I. Newberry and Ruby L. Newberry, husband and wife, as joint tenants, an undivided one-half interest in and to all oil, gas, minerals in, on or under said property together with the right to remove same.

**Subject to** an easement for agricultural irrigation system purposes and the maintenance thereof, more particularly described as follows:

Commencing for reference at the Southeast corner of the North 210.00 feet of the South 320.00 feet of the East 208.00 feet of said North half;

Thence West, parallel to and 110.00 feet North of the South line of said North half, a distance of 35.00 feet to the **True Point of Beginning**;

Thence continuing West a distance of 12.00 feet;

Thence North, parallel to and 47.00 feet West of the East line of said North half, a distance of 40.00 feet;

Thence East, parallel to and 150.00 feet North of the South line of said North half, a distance of 40.00 feet;

Thence South, parallel to and 7.00 feet West of the East line of said North half, a distance of 20.00 feet;

Thence West, parallel to and 130.00 feet North of the South line of said North half, a distance of 28.00 feet;

Thence South, parallel to and 35.00 feet West of the East line of said North half, a distance of 20.00 feet to the **True Point of Beginning**.

**Together with** an easement for ingress and egress purposes and the maintenance thereof, more particularly described as follows:

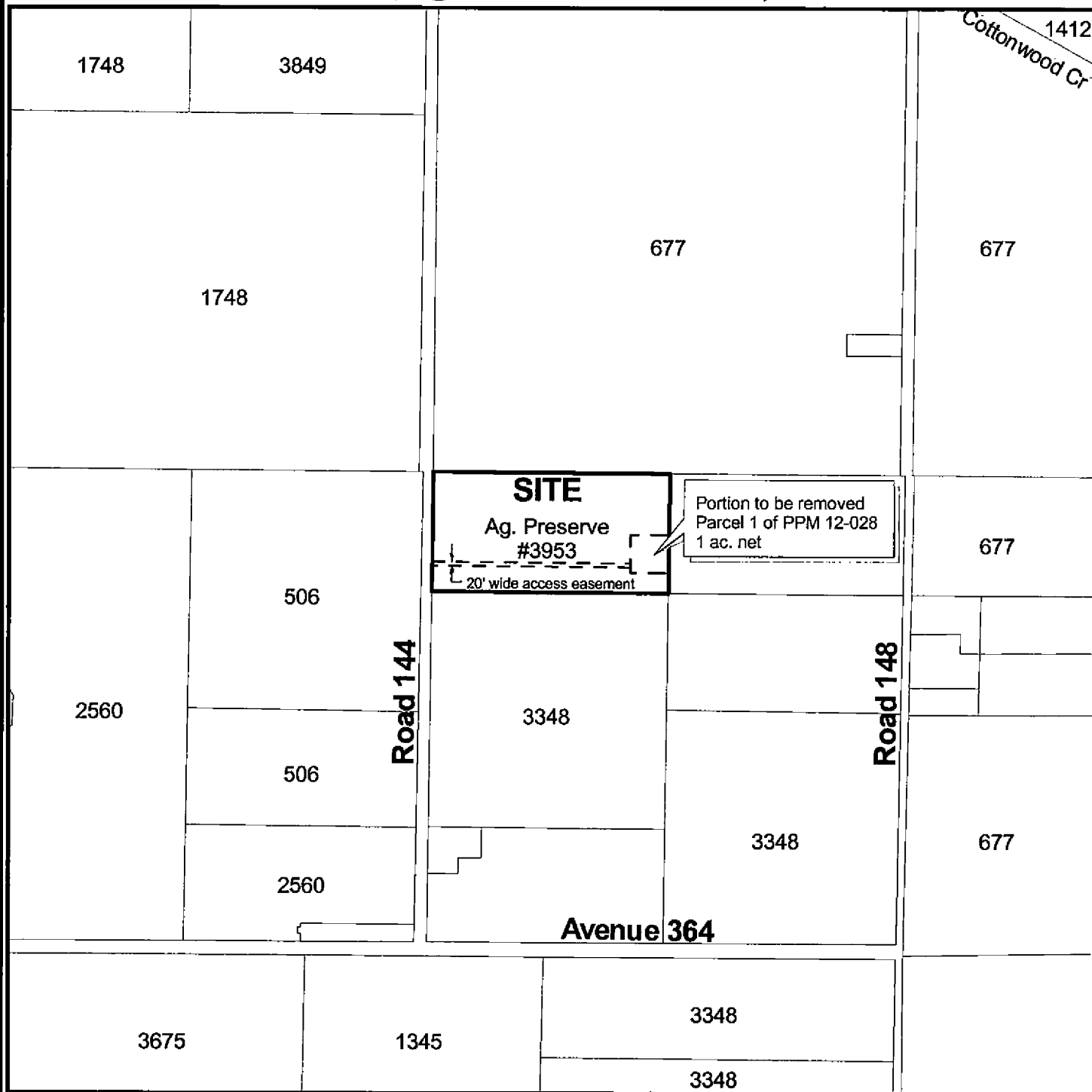
The North 20.00 feet of the South 160.00 feet of said North half.

**Excepting therefrom** the East 208.00 feet thereof.



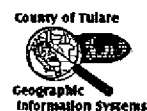


# Ag. Preserve Map for PNR 13-010 (Ag. Preserve # 3953)



**Owner:** GERNER GARY F (TR)  
**Address:** 36702 RD 144  
**City, State ZIP:** VISALIA CA 93292  
**Applicant:** Gary Gerner  
**Agent:** Neil Zerlang  
**Supervisory District #** 4  
**Assessors Parcel #** 051060001

**Ag Preserves**  
Williamson Act Preserves  
Williamson Act Preserves - Non Renewal  
Farmland Security Zones



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. 3953

12 RESOLUTION NO. \_\_\_\_\_

*Area for Recorder's Use Only*

13  
14 AMENDMENT  
15 TO  
16 LAND CONSERVATION CONTRACT NO. 13548  
17 RECORDED ON December 7, 1984 AS DOCUMENT NO. 61513  
18  
19

20 THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY

21 REFERRED TO AS AGREEMENT NO. 13548A, RESOLUTION NO. \_\_\_\_\_,

22 is made and entered into as a result of a Tentative Parcel Map No. PPM 12-028

23 Application for APN No. 051-060-001, as of this \_\_\_\_\_ day of

24 \_\_\_\_\_, 20\_\_\_\_, by and between Gary F. Gerner, Trustee of the

25 Gary F. Gerner Revocable Trust of December 5, 2006 hereinafter referred to as the

26 "Owner", and the COUNTY of TULARE, hereinafter referred to as the "County";

27  
28 WITNESSETH  
29

30 WHEREAS, the Owner owns real property in the County of Tulare, State of  
31 California, under Land Conservation Contract No. 13548 hereinafter referred to as  
32 "Subject Property", which is described for A.P.N. No(s). 051-060-001 with legal  
33 description as described in Exhibit A and illustrated in Exhibit B.

34 WHEREAS this contract amendment applies only to the owners of the Subject  
35 Property: A.P.N. No(s). 051-060-001;

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 Nonrenewal of said Land  
6 Conservation Contract Number 13548 in regards to all or a portion the Subject Property  
7 APN # 051-060-001 to satisfy the conditions set forth as a Condition of Approval of  
8 Project Number (if applicable) PPM 12-028 owner's application for a Tentative Parcel  
9 Map.

10       WHEREAS, the County in consideration for granting the Partial Nonrenewal,  
11 desires to amend Land Conservation Contract Number 13548 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.

22       NOW, THEREFORE, IT IS AGREED as follows:

1           1.       This Amendment to Land Conservation Contract Number 13548 is entered  
2 into pursuant to the Williamson Act and all of the provisions of said Act, including any  
3 amendments hereafter enacted, are hereby incorporated by reference and made a part of  
4 this Contract as if fully set forth herein.

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

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

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

1 Act, or by any other cause whatsoever. The County may exercise its option to declare the  
2 Contract null and void by delivering notice to the Department of Conservation, Division  
3 of Land Resource Protection, Owner or successors or assigns, and by recording such  
4 notice in the Official Records of Tulare County. This Amended Land Conservation  
5 Contract No. 13548A, regarding land owned by Owner, shall terminate with no  
6 continuing contractual rights of any kind; provided, however, that the owner may apply  
7 for a new Land Conservation Contract or Farmland Security Zone Contract as otherwise  
8 may be provided by law.

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

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

16 Gary F. Gerner, 36702 Road 144, Visalia, CA 93292 559-280-2959  
17  
18  
19  
20

21  
22 \* \* \*  
23  
24

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

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 Gary F. Gerner, Trustee of the Gary F. Gerner Revocable Trust of December 5, 2006

7 (Print Name)  
8

9  
10 Gary F. Gerner, Trustee  
11 (Signature)  
12  
13  
14  
15  
16

17 STATE OF CALIFORNIA

18 COUNTY OF Tulare } s. s.

19  
20 On 4/10/13 before me,

21 Virginia Luna a Notary Public

22 in and for said County and State, personally appeared (printed names) :  
23

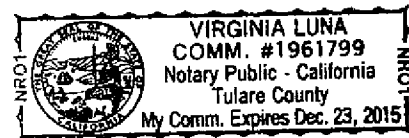
24 Gary F Gerner  
25  
26

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 Virginia Luna



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  
16 **STATE OF CALIFORNIA )**  
17 **) ss.**  
18 **COUNTY OF TULARE )**  
19

20 On \_\_\_\_\_ before me, \_\_\_\_\_ a

21 Notary Public, and Deputy Clerk of the Board of Supervisors of the County of Tulare,

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

27  
28 **I certify under PENALTY OF PERJURY under the laws of the State of California**  
29 **that the foregoing paragraph is true and correct.**  
30

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

32  
33  
34 **\_\_\_\_\_  
Signature of Notary Public County and State**  
35

36 Attachment  
37  
38  
39



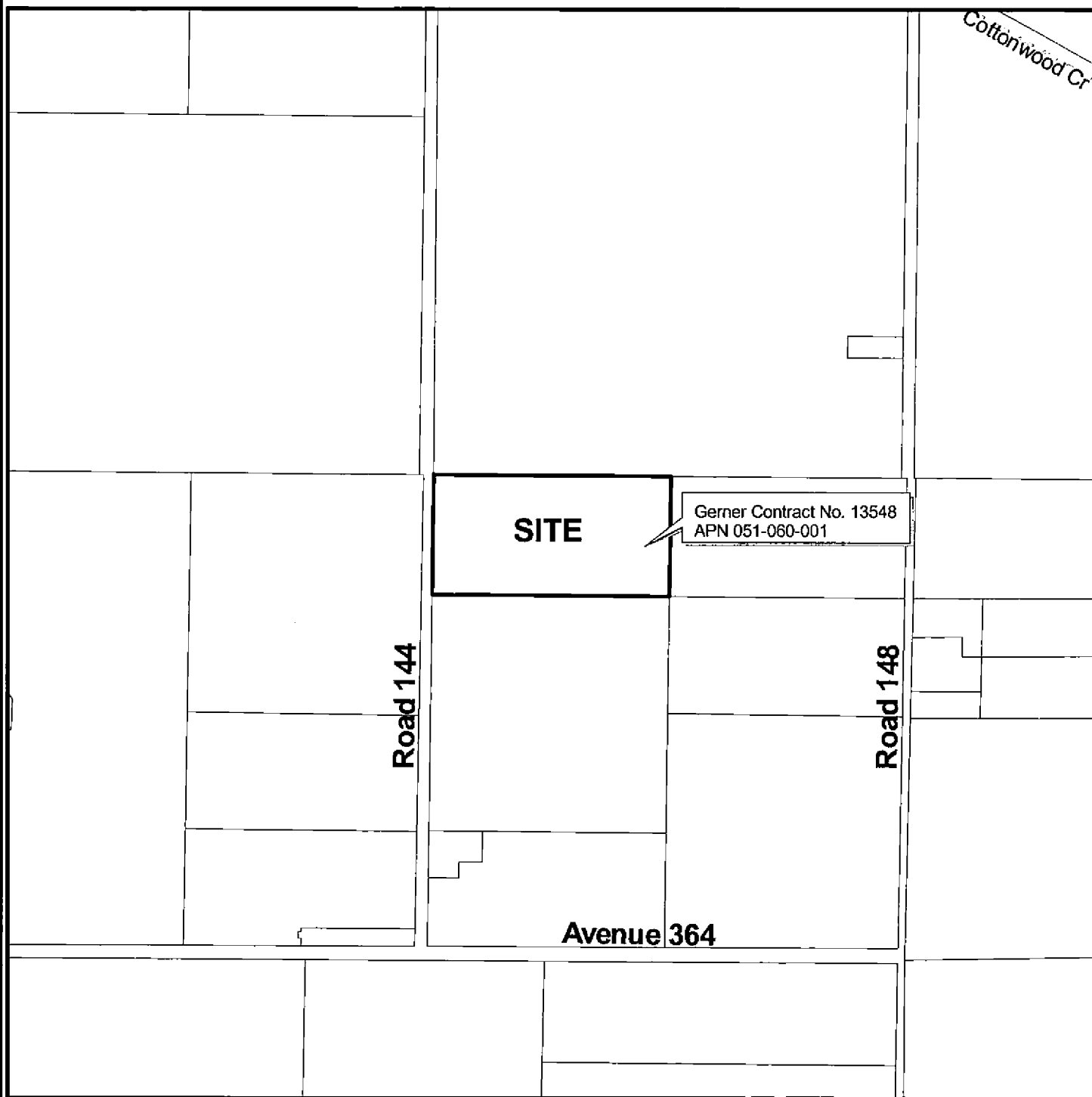




# Exhibit "B"

## Land in Amended Contract No. 13548A

### PNR 13-010



**Owner:** GERNER GARY F (TR)  
**Address:** 36702 RD 144  
**City, State ZIP:** VISALIA CA 93292  
**Applicant:** Gary Gerner  
**Agent:** Neil Zerlang  
**Supervisory District #** 4  
**Assessors Parcel #** 051060001

400 0 400 800 1200 1600 Feet



## **Attachments for PNR 13-012 (Ortiz)**

- Partial Non-Renewal Application
  - Exhibit A: Subject Parcel Legal Description
  - Exhibit B: Ag Preserve Map
- Amended Contract 3785:
  - Exhibit A: Contract Land Legal Descriptions
  - Exhibit B: Map of Land in Amended Contracts

PNR 13-012

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) under "Exhibit A" on Page 3; 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, 2014. The legal description of the portion for which the Land Conservation Contract will not be renewed is included as "Exhibit A". 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). 174-080-011 (Portion)

Acreage Size \_\_\_\_\_ if applicable: Condition of Approval of Planning Project No. PPM 12-025

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)

MANUEL ORTIZ JR., 212 E. WILSON AVE, TULARE CA 93274, 559-972-0909

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

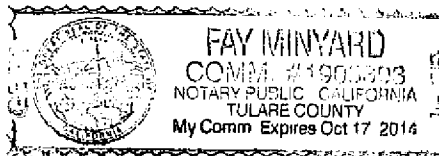
Manuel Ortiz Jr.

STATE OF CALIFORNIA, COUNTY OF Tulare } S. S.

On April 30, 2013 before me,

Fay Minyard a Notary Public  
in and for said County and State, personally appeared (printed names):

Manuel Ortiz, Jr.



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

Fay Minyard

Attachments: Exhibit A: Legal, Exhibit B: Memo

**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. 783  
Land Conservation Contract No. 3785  
Recorded on (Date) 2/17/70 as Document No. 6368  
Name(s) of Original/Contract Owner(s) Manuel B. Ortiz

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

STATE OF CALIFORNIA )  
COUNTY OF TULARE )

On \_\_\_\_\_ before me, a Deputy Clerk \_\_\_\_\_ of the Board of Supervisors of the County of Tulare, 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 2**

The South 185.00 feet of the West 470.90 feet of the Southeast quarter of the Northeast quarter of Section 27, Township 20 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

TOGETHER WITH, an easement for access purposes over and across the West 20.00 feet of said Southeast quarter.

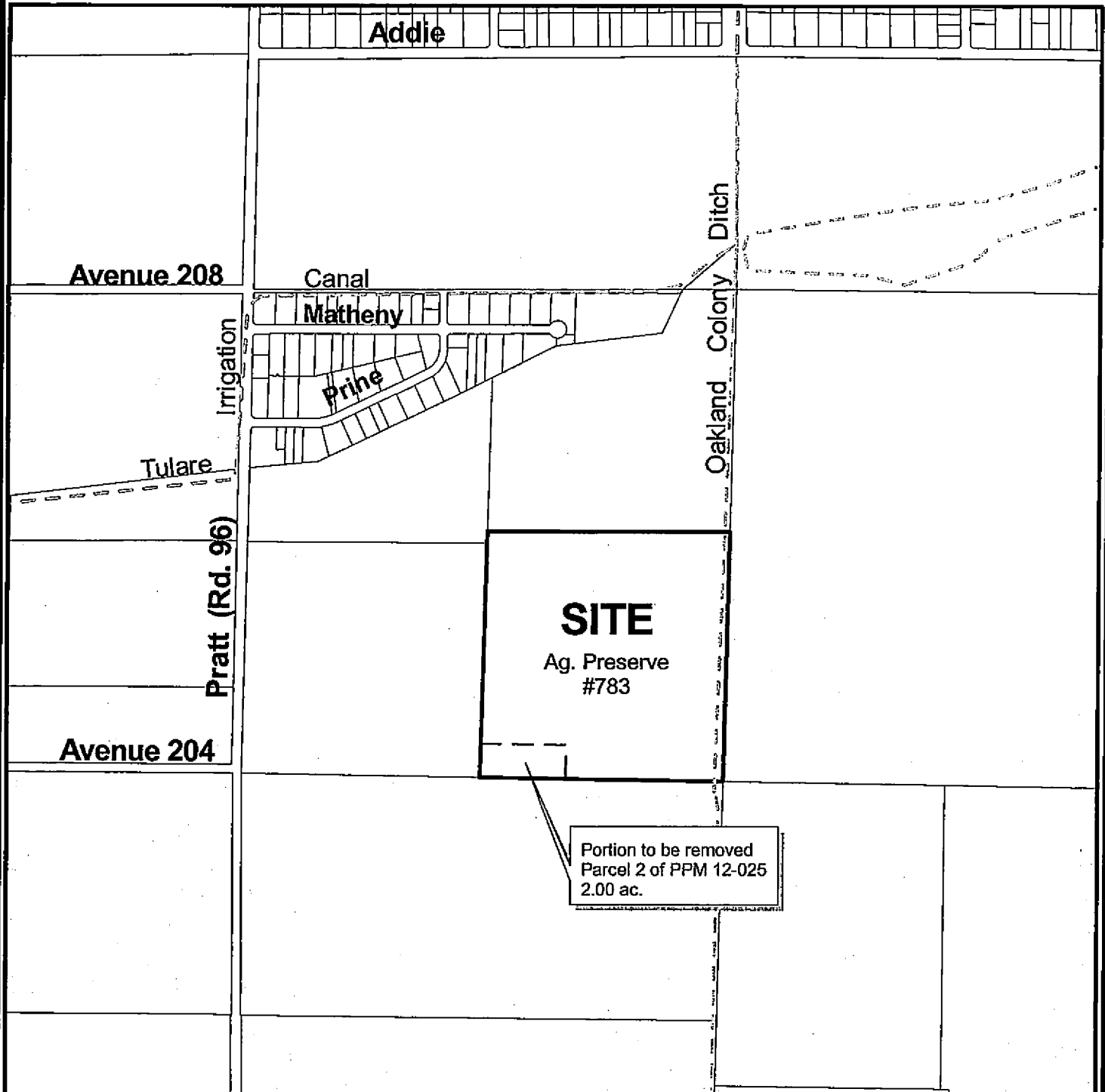
EXCEPTING THEREFROM, the South 185.00 feet thereof.

TOGETHER WITH, a 30.00 foot wide easement for ingress, egress and road purposes, as shown as Parcel No. 2 of that Affidavit of Death of Trustee recorded March 7, 2012 as Instrument No. 2012-0013938 of Tulare County Records.





# Ag. Preserve Map for PNR 13-012 (Ag. Preserve # 783)



Owner: **ORTIZ HELEN T(TR)(EST OF)**  
Address: **C/O MANUEL & MICHAEL ORTIZ(SCSR TRS)**  
City, State ZIP: **212 E WILSON AVE**  
Applicant: **Manuel Ortiz, Jr**  
Agent: **none**  
Supervisory District # **2**  
Assessors Parcel # **174080011**

400 0 400 800 1200 1600 Ft

#### Ag Preserves

-  Williamson Act Preserves
-  Williamson Act Preserves - Non Renewal
-  Farmland Security Zones



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. 783

12 RESOLUTION NO. \_\_\_\_\_

*Area for Recorder's Use Only*

13  
14 AMENDMENT  
15 TO  
16 LAND CONSERVATION CONTRACT NO. 3785  
17 RECORDED ON February 17, 1970 AS DOCUMENT NO. 1970-6368  
18  
19

20 THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY

21 REFERRED TO AS AGREEMENT NO. 3785A, RESOLUTION NO. \_\_\_\_\_,

22 is made and entered into as a result of a Tentative Parcel Map Application for APN No.

23 174-080-011, as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

24 and between Manuel Ortiz, Jr. hereinafter referred to as the "Owner", and the COUNTY  
25 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. 3785 hereinafter referred to as  
31 "Subject Property", which is described for A.P.N. No(s). 174-080-011 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). 174-080-011;

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 Tentative Parcel Map of said Land  
6 Conservation Contract Number 3785 in regards to all or a portion the Subject Property  
7 APN # 174-080-011 to satisfy the conditions set forth as a Condition of Approval of  
8 Project Number (if applicable) PPM 12-025 owner's application for a Tentative Parcel  
9 Map.

10 WHEREAS, the County in consideration for granting the Tentative Parcel Map,  
11 desires to amend Land Conservation Contract Number 3785 in regards to the land owned  
12 by Owner to include a provision which states that the original contract and that portion  
13 subject to the project, will continue to be in full force and effect, subject to the express  
14 condition that funds be annually appropriated by the State of California, and that annual  
15 payments continue to be made to the County by the State Controller, under the provisions  
16 of the Open Space Subvention Act (California Government Code section 16140, et. seq.),  
17 and that if said funds are not appropriated or dispersed the County may terminate the  
18 Contract in regards to the land owned by Owner and declare it null and void.

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

21 NOW, THEREFORE, IT IS AGREED as follows:

22 1. This Amendment to Land Conservation Contract Number 3785 is entered  
23 into pursuant to the Williamson Act and all of the provisions of said Act, including any



1 amendments hereafter enacted, are hereby incorporated by reference and made a part of  
2 this Contract as if fully set forth herein.

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

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

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

1 of Land Resource Protection, Owner or successors or assigns, and by recording such  
2 notice in the Official Records of Tulare County. This Amended Land Conservation  
3 Contract No. 3785A, regarding land owned by Owner, shall terminate with no continuing  
4 contractual rights of any kind; provided, however, that the owner may apply for a new  
5 Land Conservation Contract or Farmland Security Zone Contract as otherwise may be  
6 provided by law.

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

11 Name, mailing address, and phone number of each current owner of subject property:  
12 (please type or print)  
13

14 MANUEL ORTIZ JR., 212 E. WILSON AVE., TULARE CA, 93274 559-472-0909  
15  
16  
17  
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.

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 MANUEL ORTIZ, JR.

7 (Print Name)

8  
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(Signature)

17 STATE OF CALIFORNIA

18 COUNTY OF Tulare } s. s.

19  
20 On April 30, 2013 before me,

21  
22 Fay Minyard a Notary Public

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

24 Manuel Ortiz, Jr.  
25  
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 Fay Minyard



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  
16 **STATE OF CALIFORNIA )**  
17 **) ss.**  
18 **COUNTY OF TULARE )**  
19

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

27  
28 **I certify under PENALTY OF PERJURY under the laws of the State of California**  
29 **that the foregoing paragraph is true and correct.**

30  
31 **WITNESS my hand and official seal.**

32  
33  
34 \_\_\_\_\_  
35 **Signature of Notary Public County and State**

36 Attachment  
37  
38  
39

EXHIBIT A

Parcel 1

The Southeast quarter of the Northeast quarter of Section 27, Township 20 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

EXCEPTING THEREFROM, the South 185.00 feet of the West 470.90 feet thereof.

TOGETHER WITH, a 30.00 foot wide easement for ingress, egress and road purposes, as shown as Parcel No. 2 of that Affidavit of Death of Trustee recorded March 7, 2012 as Instrument No. 2012-0013938 of Tulare County Records.

SUBJECT TO, an easement for access purposes over and across the West 20.00 feet of said Southeast quarter.

EXCEPTING THEREFROM, the South 185.00 feet thereof.

Parcel 2

The South 185.00 feet of the West 470.90 feet of the Southeast quarter of the Northeast quarter of Section 27, Township 20 South, Range 24 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof.

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TOGETHER WITH, a 30.00 foot wide easement for ingress, egress and road purposes, as shown as Parcel No. 2 of that Affidavit of Death of Trustee recorded March 7, 2012 as Instrument No. 2012-0013938 of Tulare County Records.

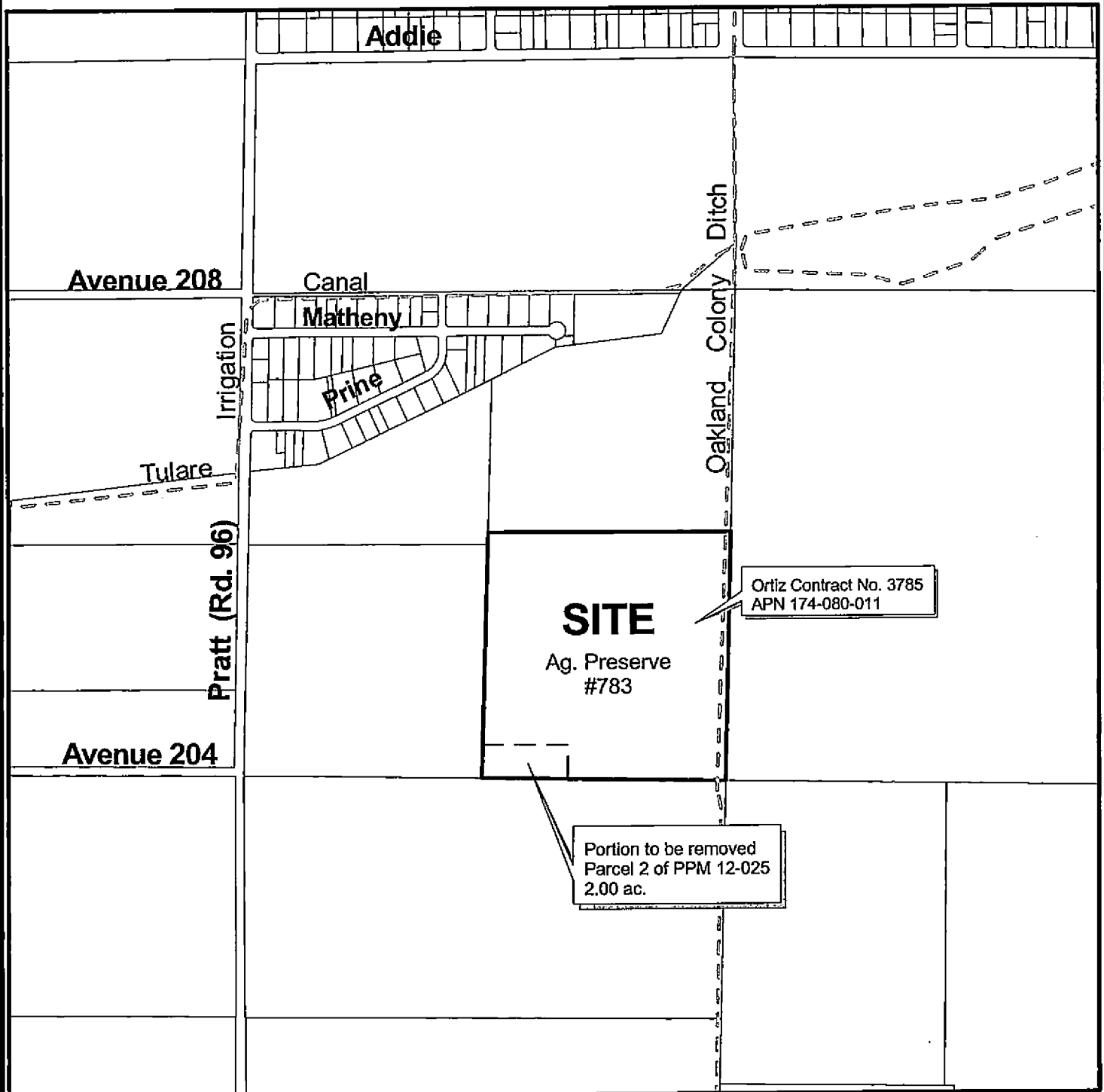




# Exhibit "B"

## Land in Amended Contract No. 3785A

### PNR 13-012



Owner: **ORTIZ HELEN T(TR)(EST OF)**  
Address: **C/O MANUEL & MICHAEL ORTIZ(SCSR TRS)**  
City, State ZIP: **212 E WILSON AVE**  
Applicant: **Manuel Ortiz, Jr**  
Agent: **none**  
Supervisory District # **2**  
Assessors Parcel # **174080011**

400 0 400 800 1200 1600 Ft

