



**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: August 12, 2014

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: 559-624-7010

SUBJECT: Authorize a Partial Non-Renewal of an Agricultural Preserve Contract and Approve a Land Conservation Contract Amendment

REQUEST(S):

Request that the Board of Supervisors:

- 1) Authorize the filing of a Notice of Partial Non-Renewal for the following one Land Conservation Contract as provided in the Williamson Act. The request fulfills a condition resulting from the approval of one tentative parcel map:

PNR 14-012 – Williamson Act Contract No. 8016, Ag Preserve No. 2678, located on the west side of Road 158 and south of the Kaweah River, approximately 2,600 feet north of Avenue 296, east of Visalia (Merrill) (1.02 acre to be non-renewed as a condition of PPM 14-014), 24.55 acres in two parcels subject to contract amendment.

- 2) Approve the execution of an amendment to the Land Conservation Contract as a condition of approval for the aforementioned partial non-renewal; and
- 3) Authorize the Chairman to sign the amendment to the Williamson Act Contract.

SUMMARY:

One Notice of Partial Non-Renewal of Williamson Act Contract has been received pursuant to Government Code Section 51245 (Williamson Act). The notice is filed to meet condition of approval for one lot line adjustment. The notice will affect 1.02

SUBJECT: Authorize Partial Nonrenewal of Agricultural Preserve Contract and Approve Land Conservation Contract Amendment

DATE: August 12, 2014

acre. The amended Land Conservation Contract will affect a total of 24.55 acres.

On February 10, 2009, your Board adopted policy (Resolution No. 2009-0091) applicable to actions involving Williamson Act Contract 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 contract. 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-referenced Notice of Partial Non-Renewal was submitted after July 22, 2008, and is 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 1.02 acres of Williamson Act contracted lands. However, increased property taxes on contracts in nonrenewals 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 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.

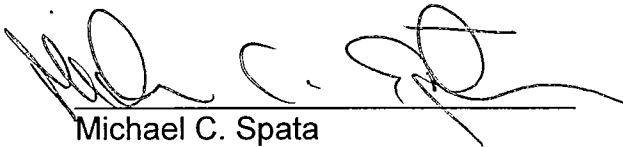
In addition the County will be authorized to recapture 10% of the participating landowners' property tax savings. This legislation is authorized from January 1, 2011 through January 1, 2016 (Government Code Section 51244). The applicant pays the filing fees to process the partial non-renewal application. The application for a Partial Non-Renewal has a flat filing fee of \$373 each, totaling \$373 for the application submitted.

SUBJECT: Authorize Partial Nonrenewal of Agricultural Preserve Contract and
Approve Land Conservation Contract Amendment
DATE: August 12, 2014

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:

A handwritten signature in black ink, appearing to read 'Michael C. Spata', is written over a horizontal line.

Michael C. Spata
Associate Director

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

Attachment(s) Related Documents and Amended Contracts for the following:
1. PNR 14-012 (Merrill)

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

IN THE MATTER OF AUTHORIZING)
PARTIAL NONRENEWAL OF AGRI-) Resolution No. _____
CULTURAL PRESERVE CONTRACT AND)
APPROVE LAND CONSERVATION)
CONTRACT AMENDMENT)

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

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

That the Board of Supervisors:

- 1) Authorized the filing of a Notice of Partial Non-Renewal for the following one Land Conservation Contract as provided in the Williamson Act. The request fulfills a condition resulting from the approval of one tentative parcel map:

PNR 14-012 – Williamson Act Contract No. 8016, Ag Preserve No. 2678, located on the west side of Road 158 and south of the Kaweah River, approximately 2,600 feet north of Avenue 296, east of Visalia (Merrill) (1.02 acre to be non-renewed as a condition of PPM 14-014), 24.55 acres in two parcels subject to contract amendment.

- 2) Approved the execution of an amendment to the Land Conservation Contract as a condition of approval for the aforementioned partial non-renewal; and
- 3) Authorized the Chairman to sign the amendment to the Williamson Act Contract.

Attachments for PNR 14-012 (Merrill)

- Partial Non-Renewal Application
 - Exhibit A Subject Parcel Legal Description
 - Ag Preserve Map
- Amended Contract 8016A:
 - Exhibit A Contract Land Legal Description
 - Exhibit B Map of Land in Amended Contract

PNR 14-012
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, 2015. 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). 103-070-014 X (Portion)
Acreage Size: 1.02 acres if applicable: Condition of Approval of Planning Project No. PPM 14-014

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)

Arthur Q. Merrill (559-625-1314)
PO Box 4543 Visalia, Ca. 93278

Susan B. Merrill (559-625-1314)
PO Box 4543 Visalia, Ca. 93278

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

Arthur Q. Merrill

Susan B. Merrill

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

On JUNE 4, 2014 before me, J. STURGEON a Notary Public in and for said County and State, personally appeared (printed names):

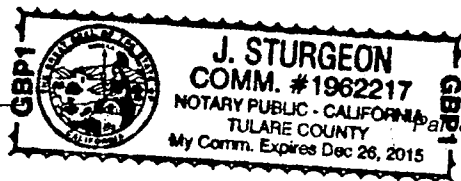
ARTHUR Q. MERRILL

SUSAN B. MERRILL

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 [Handwritten Signature]
Page 3 of 5



Partial Non-Renewal April 2013

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. 2678

Land Conservation Contract No. 8016

Recorded on (Date) JANUARY 15, 1973 as Document No. 1865

Name(s) of Original/Contract Owner(s) WILLIAM P. NASH and RUTH K. NASH

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: _____

PNR 14-012

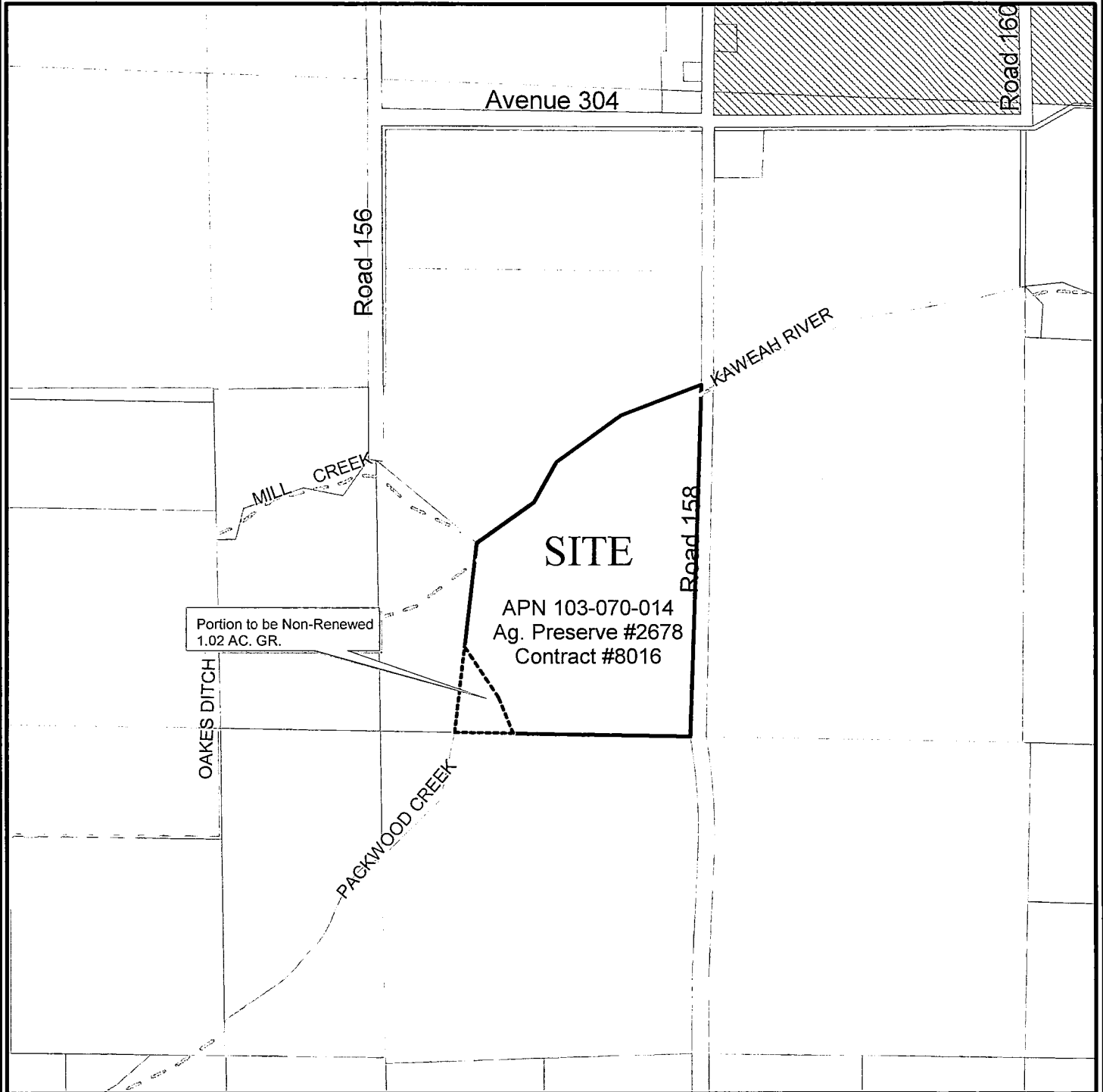
"EXHIBIT A"

That portion of Lot 22 of Mineral King Orchard Tract, in the County of Tulare, State of California, as per map recorded in Book 8, Page 63 of Maps, in the Office of the County Recorder of said County described as follows:

Beginning at the southwest corner of said Lot 22; thence North $13^{\circ}20'21''$ East along the center of Packwood Creek a distance of 354.78 feet; thence leaving said centerline South $27^{\circ}24'19''$ East a distance of 230.93 feet; thence South $19^{\circ}06'46''$ East a distance of 158.75 feet to the south line of said Lot 22; thence North $87^{\circ}39'39''$ West a distance of 240.33 feet to the Point of Beginning.



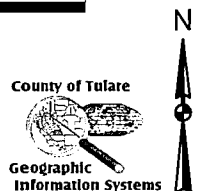
Ag. Preserve Map PNR 14-012 Ag. Preserve #2678



Owner: MERRILL ARTHUR Q & SUSAN B
Address: P O BOX 4543
City, State ZIP: VISALIA CA 93278
Applicant: Authur & Susan Merrill
Agent: Forester, Weber & Associates
Supervisory District # 1
Assessors Parcel # 103070014



- 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. 2678
12 RESOLUTION NO. 1973-66

Area for Recorder's Use Only

13
14 AMENDMENT
15 TO
16 LAND CONSERVATION CONTRACT NO. 8016
17 RECORDED ON JANUARY 15, 1973 AS DOCUMENT NO. 1865.

18
19
20 THIS AMENDMENT TO LAND CONSERVATION CONTRACT HEREBY
21 REFERRED TO AS AGREEMENT NO. 8016A, RESOLUTION NO. _____,
22 is made and entered into as a result of a Tentative Parcel Map PPM 14-014 Application
23 for APN No. 103-070-014, as of this _____ day of _____,
24 20____, by and between Arthur Q. Merrill and Susan B. Merrill hereinafter referred to
25 as 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. 8016 hereinafter referred to as
31 "Subject Property", which is described for A.P.N. No(s). 103-070-014 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). 103-070-014;

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 PPM 14-014 of
6 said Land Conservation Contract Number 8016 in regards to all or a portion the Subject
7 Property APN # 103-070-014 to satisfy the conditions set forth as a Condition of
8 Approval of Project Number (if applicable) Tentative Parcel Map PPM 14-014 owner's
9 application for a Tentative Parcel Map PPM 14-014.

10 WHEREAS, the County in consideration for granting the Tentative Parcel Map
11 PPM 14-014, desires to amend Land Conservation Contract Number 8016 in regards to
12 the land owned by Owner to include a provision which states that the original contract
13 and that portion subject to the project, will continue to be in full force and effect, subject
14 to the express condition that funds be annually appropriated by the State of California,
15 and that annual payments continue to be made to the County by the State Controller,
16 under the provisions of the Open Space Subvention Act (California Government Code
17 section 16140, et. seq.), and that if said funds are not appropriated or dispersed the
18 County may terminate the Contract in regards to the land owned by Owner and declare it
19 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.

22 NOW, THEREFORE, IT IS AGREED as follows:

1 1. This Amendment to Land Conservation Contract Number 8016 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. 8016A, regarding land owned by Owner, shall terminate with no continuing
6 contractual rights of any kind; provided, however, that the owner may apply for a new
7 Land Conservation Contract or Farmland Security Zone Contract as otherwise may be
8 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 Arthur Q. Merrill, P.O. Box 4543, Visalia, CA 93278, 559-625-1314
- 17 Susan B. Merrill, P.O. Box 4543, Visalia, CA 93278, 559-625-1314
- 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	<u>ARTHUR Q MERRILL</u>	<u><i>Arthur Q Merrill</i></u>
6	(Print Name)	(Signature)
7	<u>Susan B. Merrill</u>	<u><i>Susan B Merrill</i></u>
8		
9		
10		
11		
12		
13		
14		

15
16
17 STATE OF CALIFORNIA
18 COUNTY OF TULARE } s. s.

19
20 On JUNE 23, 2014 before me,

21
22 J. STURGEON a Notary Public
23 in and for said County and State, personally appeared (printed names) :

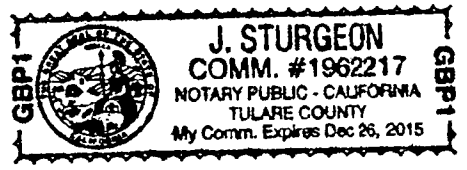
24
25 ARTHUR Q. MERRILL SUSAN B. MERRILL

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 *J. Sturgeon*



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 NO. A

Merrill

25 Mar 2014

PARCEL 1

That portion of Lot 22 of Mineral King Orchard Tract, in the County of Tulare, State of California, as per map recorded in Book 8, Page 63 of Maps, in the Office of the County Recorder of said County described as follows:

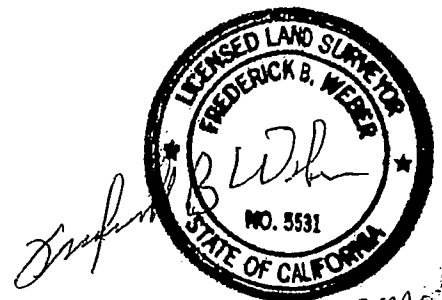
Beginning at the southwest corner of said Lot 22; thence North 13°20'21" East along the center of Packwood Creek a distance of 354.78 feet; thence leaving said centerline South 27°24'19" East a distance of 230.93 feet; thence South 19°06'46" East a distance of 158.75 feet to the south line of said Lot 22; thence North 87°39'39" West a distance of 240.33 feet to the Point of Beginning.

EXCEPTING and reserving unto Thomas O. King by deed recorded January 31, 1955 in Book 1807 at Page 149 of Official Records, Tulare County, State of California, all oil, hydrocarbon substances and mineral in or under said land, together with right for exploring, producing and removing such oil, gas, mineral and hydrocarbon substances.

Along with a 10 foot wide well and pipe line easement for an existing well and pumping plant located approximately 512.32 feet east and 738.26 feet north of the west ¼ corner of Section 25, Township 18 South, Range 25 East, M.D.M. County of Tulare, State of California, the centerline of said easement includes but is not limited to the well, pump, electrical meter, pressure tank, service pole and panel is described as follows:

Beginning at a point North 12°49'57" East a distance of 10 feet from of said well; thence South 12°49'57" West through said well and along said existing pipe line a distance of 464.59 feet to the above described Parcel 1. The sidelines are lengthened or foreshortened to meet the adjoining parcel.

Along with an easement for ingress, egress and public utilities over, under and across the South 20 feet of Lot 22 of Mineral King Orchard Tract, in the County of Tulare, State of California, as per map recorded in Book 8, Page 63 of Maps, in the Office of the County Recorder of said County.



6 May 2014

Merrill

25 Mar 2014

PARCEL 2

Lot 22 of Mineral King Orchard Tract, in the County of Tulare, State of California, as per map recorded in Book 8, Page 63 of Maps, in the Office of the County Recorder of said County.

EXCEPTING that portion of Lot 22 of Mineral King Orchard Tract, in the County of Tulare, State of California, as per map recorded in Book 8, Page 63 of Maps, in the Office of the County Recorder of said County described as follows:

Beginning at the southwest corner of said Lot 22; thence North $13^{\circ}20'21''$ East along the center of Packwood Creek a distance of 340.25 feet; thence leaving said centerline South $27^{\circ}24'19''$ East a distance of 230.93 feet; thence South $19^{\circ}06'46''$ East a distance of 158.75 feet to the south line of said Lot 22; thence North $87^{\circ}39'39''$ West a distance of 240.33 feet to the Point of Beginning.

ALSO EXCEPTING and reserving unto Thomas O. King by deed recorded January 31, 1955 in Book 1807 at Page 149 of Official Records, Tulare County, State of California, all oil, hydrocarbon substances and mineral in or under said land, together with right for exploring, producing and removing such oil, gas, mineral and hydrocarbon substances.

ALSO EXCEPTING therefrom all that portion of said Lot 22 described as follows:

A parcel of land 60 feet in width included between two parallel lines one on each side of and distant 30 feet from the centerline which said centerline is described as follows:

Beginning at a point on the south line of Lot 21 of Mineral King Orchard Tract per map recorded in Book 8 of Maps at Page 653 in the Office of the Tulare County Recorder, located South $88^{\circ}10'$ East a distance of 18.31 feet from the southwest corner of said Lot 21; thence North $06^{\circ}26'$ West a distance of 214.64 feet to the beginning of a 2300.00 foot radius curve to the right, a radial line of said curve through said beginning bears South $83^{\circ}34'$ West; thence along said curve through a central angle of $06^{\circ}25'$ a distance of 257.58 feet to a point on the centerline of that avenue designated and delineated on said map of the Mineral King Orchard Tract as private avenue, a radial line of said curve through said point bears South $89^{\circ}59'$ West; thence North $00^{\circ}01'$ West, along the centerline of said designated and delineated "Private Avenue" a distance of 994.19 feet, more or less, to the northwesterly corner of Lot 20 of said Mineral King Orchard Tract. The side lines of said parcel of land shall be extended or foreshortened to commence on the south lines of Lots 21 and 22 and end on the northerly lines of said Lots.

Subject to a 10 foot wide well and pipe line easement for an existing well and pumping plant located approximately 325.12 feet east and 738.26 feet north of the west ¼ corner of Section 25, Township 18 South, Range 25 East, M.D.M. County of Tulare, State of California, the centerline of said easement includes but is not limited to the well, pump, electrical meter, pressure tank, service pole and panel is described as follows:

Beginning at a point North 12°49'57" East a distance of 10 feet from of said well; thence South 12°49'57" West through said well and along said existing pipe line a distance of 464.59 feet to the above described Parcel 1. The sidelines are lengthened or foreshortened to meet the adjoining parcel.

Subject to an easement for ingress, egress and public utilities over, under and across the South 20 feet of Lot 22 of Mineral King Orchard Tract, in the County of Tulare, State of California, as per map recorded in Book 8, Page 63 of Maps, in the Office of the County Recorder of said Country.

Page 2 of 2

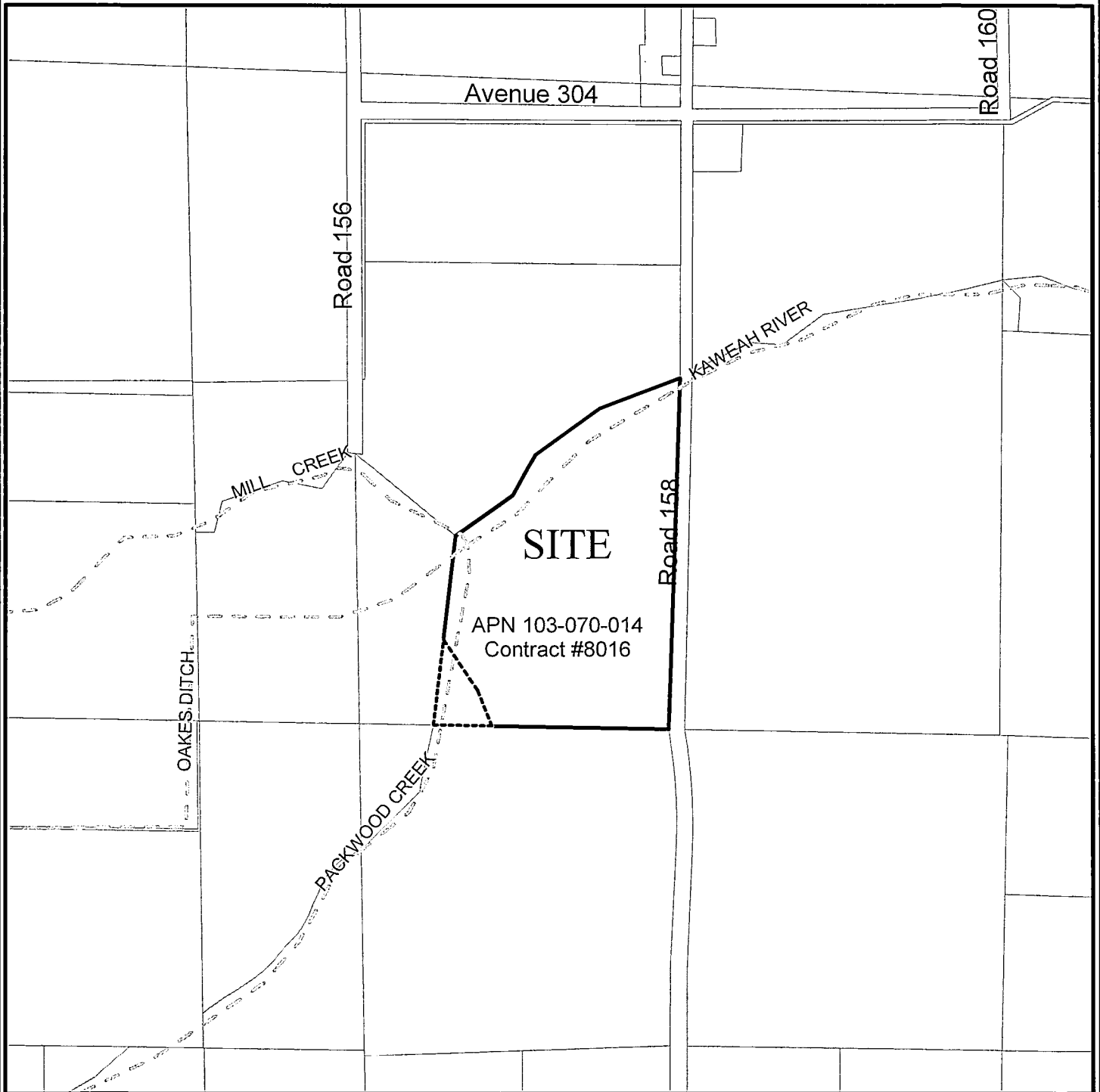




Exhibit "B"

Land in Amended Contract #8016A

PNR 14-012



Owner: MERRILL ARTHUR Q & SUSAN B
Address: P O BOX 4543
City, State ZIP: VISALIA CA 93278



Supervisory District # 1

Assessors Parcel # 103070014

