



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried by those members present, the Board of Supervisors hereby:

PLN120564 - Conduct a Public Hearing to consider County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2013

- a. Adopted Resolution 12-273 approving County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.
- b. Directed the Clerk of the Board of Supervisors to record County-initiated Notices of Non-Renewal for portions of two (2) Contracts with the County Recorder on or before November 1, 2012 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.
- a. (PLN120564 - County initiated Notices of Non-Renewal 2013 - Portions of Williamson Act Agricultural Preserve Land Conservation Contract No. 68-011, No. 69-009)

PASSED AND ADOPTED on this 16th day of October 2012, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker
NOES: None
ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on October 16, 2012

Dated: October 26, 2012
File Number: 12-954

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Henwick
Deputy

Before the Board of Supervisors in and for the County of Monterey, State of California

Resolution No. 12-273

Resolution of the Monterey County Board of Supervisors to:)
Consider County initiated Notices of Non-Renewal of Williamson)
Act Land Conservation Contracts effective January 1, 2013)
a.) Consider adoption of Resolution approving County-initiated)
Notices of Non-Renewal for portions of three (3) Williamson Act)
Agricultural Preserve Land Conservation Contracts due to not)
meeting Williamson Act Program and County Land Conservation)
Contract requirements and/or with the Property Owner's consent.)
b). Direct the Clerk of the Board of Supervisors to record County-)
initiated Notices of Non-Renewal for portions of three (3))
Contracts with the County Recorder on or before November 1,)
2012 and to provide a copy of the recorded Notices of Non-)
Renewal to the Department of Conservation, Williamson Act)
Program.)
(PLN120564 – County initiated Notices of Non-Renewal 2013 –)
Portions of Williamson Act Agricultural Preserve Land)
Conservation Contract No. 68-011, No. 69-009 and No. 69-)
017).....)

County initiated Notices of Non-Renewal of Williamson Act Land Conservation Contracts effective January 1, 2013 came on for public hearing before the Monterey County Board of Supervisors on October 16, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

RECITALS

WHEREAS, Staff has received three (3) completed Questionnaires where Property Owners have clearly stated that the subject property is not in commercial agricultural production in accordance with the Williamson Act Program and corresponding Contract requirements; and

WHEREAS, one (1) Landowner specifically requested Non-Renewal of their respective Contract; and

WHEREAS, on September 7, 2012 Staff sent each of these property owners a letter to inform them of the County's intent to initiate Notice of Non-Renewal of their respective Land Conservation Contract for the subject property and to notify the respective property owner of the October 16, 2012 Public Hearing for the Board of Supervisor's consideration of this matter, as well as their right to request reconsideration of the County's intent to initiate a Notice of Non-Renewal pursuant to Government Code Section 51245; and

WHEREAS, on September 27, 2012, the Agricultural Advisory Committee considered the proposed County Initiated Notices of Non-Renewal and unanimously supported Staff's recommendation; and

WHEREAS, the Agricultural Preserve Review Committee is recommending County Initiated Notice of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land

Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent, for the following Contracts:

- 1) CAPPURO PROPERTIES LLC (Frank C. Capurro & Son) – Land Conservation Contract No. 68-011 (Partial Non-Renewal)
- 2) FRANK L & BETTY J CAPURRO - Land Conservation Contract No. 68-011 (Partial Non-Renewal)
- 3) JAMES N & TRINA HEARNE - Land Conservation Contract No. 69-009 (Partial Non-Renewal)

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a) Approve County-initiated Notices of Non-Renewal for portions of three (3) Williamson Act Agricultural Preserve Land Conservation Contracts due to not meeting Williamson Act Program and County Land Conservation Contract requirements and/or with the Property Owner's consent.
- b) Authorize the Chair to execute three (3) Notices of Non-Renewal for the following Contracts:
 - 1) CAPPURO PROPERTIES LLC (Frank C. Capurro & Son) – Land Conservation Contract No. 68-011 (Partial Non-Renewal)
 - 2) FRANK L & BETTY J CAPURRO - Land Conservation Contract No. 68-011 (Partial Non-Renewal)
 - 3) JAMES N & TRINA HEARNE - Land Conservation Contract No. 69-009 (Partial Non-Renewal)
- c) Direct the Clerk of the Board to record three (3) County-initiated Notices of Non-Renewal with the County Recorder on or before November 1, 2012 and to provide a copy of the recorded Notices of Non-Renewal to the Department of Conservation, Williamson Act Program.

PASSED AND ADOPTED upon motion of Supervisor Calcagno, seconded by Supervisor Salinas, and carried this 16th day of October 2012, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on October 16, 2012

Dated: October 26, 2012
File Number: 12-954

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Denise Hancock*
Deputy

WHEN RECORDED MAIL TO:

Clerk to the Board Office, 1st Floor

Monterey County Government Center

Salinas, CA 93901

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
County of Monterey

CMARCELA
10/26/2012
13:09:16

DOCUMENT: **2012065714**

Titles: 1/ Pages: 4



Fees....

Taxes....

Other....

AMT PAID

NOTICE OF PARTIAL NON-RENEWAL OF LAND CONSERVATION (CONTRACT No. 69-009)

JAMES N. & TRINA HEARNE

NOTICE OF PARTIAL NON-RENEWAL OF
LAND CONSERVATION (CONTRACT NO. 69-009)

NOTICE IS HEREBY GIVEN:

WHEREAS, James N. & Trina Hearne are the owners of a portion of land described under Land Conservation (Contract No. 69-009), established pursuant to Monterey County Board of Supervisors Resolution No. 69-35-9; and

WHEREAS, the County desires a partial non-renewal of Land Conservation (Contract No. 69-009);

WHEREAS, Land Conservation Contracts must meet certain criteria in order to remain compliant; Specifically that the ongoing production of food and/or fiber be maintained.

NOW, THEREFORE, the County declares the intent not to renew a portion of Land Conservation (Contract No. 69-009) as it applies to the real property described in the Legal Description, attached hereto as Exhibit A and incorporated by this reference.

COUNTY OF MONTEREY

Dated: 10-23-12

By: Fernando Armenta
Vice Chair, Board of Supervisors
FERNANDO ARMENTA

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

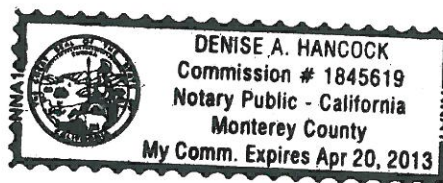
On 10-23-12, 20 , before me, Denise A Hancock, Notary Public, personally appeared FERNANDO ARMENTA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/ 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.

[SEAL]

Denise A. Hancock
Notary Public



NOTICE OF PARTIAL NON-RENEWAL OF
LAND CONSERVATION (CONTRACT NO. 69-009)

(Signature continuation page)

Notice received:

By Denise Hancock, Deputy Date: October 28, 2012
CLERK OF THE BOARD OF SUPERVISORS

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On October 28, 2012, before me, Denise Hancock, Deputy, Clerk of the Board of Supervisors, personally appeared Fernando Armenta, 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 same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/~~ 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.

[SEAL]

CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF MONTEREY

Denise Hancock
BY: DEPUTY CLERK

***Note to Clerk of the Board:** This document must be recorded, with the Monterey County Recorder's Office, within 20 days of receipt. A copy of the recorded document must be forwarded to the *Department of Conservation, Division of Land Resource Protection, Williamson Act Program, Attention: Program Manager, 801 K Street, Sacramento, California 95814*. Also, please copy the Monterey County Agricultural Preserve Committee (RMA Planning - Mike Novo, Ag Commissioner's Office - Robert A. Roach, Assessor-Recorder's Office - Greg MacFarlane, Office of the County Counsel - Mary Grace Perry).

EXHIBIT "A"

NOTICE OF PARTIAL NON-RENEWAL OF

LAND CONSERVATION (CONTRACT NO. 69-009)

LEGAL DESCRIPTION

E1/2 OF SE1/4 SEC 3 DESC IN DOC# 2004097953 80.18 AC
APN 421-111-068-000

WHEN RECORDED MAIL TO:

Clerk to the Board Office, 1st Floor

Monterey County Government Center

Salinas, CA 93901

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
County of Monterey

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10/26/2012
13:09:16

DOCUMENT: **2012065713**

Titles: 1/ Pages: 4



Fees....
Taxes...
Other...
AMT PAID

NOTICE OF PARTIAL NON-RENEWAL OF LAND CONSERVATION (CONTRACT No. 68-011)

FRANK L. & BETTY J. CAPURRO

NOTICE OF PARTIAL NON-RENEWAL OF

LAND CONSERVATION (CONTRACT NO. 68-011)

NOTICE IS HEREBY GIVEN:

WHEREAS, Frank L & Betty J Capurro are the owners of a portion of land described under Land Conservation (Contract No. 68-011), established pursuant to Monterey County Board of Supervisors Resolution No. 68-56-11; and

WHEREAS, the County desires a partial non-renewal of Land Conservation (Contract No. 68-011);

WHEREAS, Land Conservation Contracts must meet certain criteria in order to remain compliant; Specifically that the ongoing production of food and/or fiber be maintained.

NOW, THEREFORE, the County declares the intent not to renew a portion of Land Conservation (Contract No. 68-011) as it applies to the real property described in the Legal Description, attached hereto as Exhibit A and incorporated by this reference.

COUNTY OF MONTEREY

Dated: 10-23-12

By: Fernando Armenta
Vice Chair, Board of Supervisors
FERNANDO ARMENTA

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

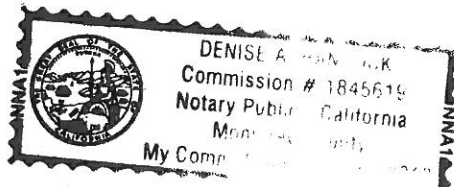
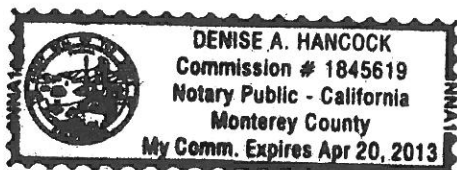
On October 23, 2012, before me, Denise A Hancock, Notary Public, personally appeared FERNANDO ARMENTA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/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.

[SEAL]

Denise A. Hancock
Notary Public



NOTICE OF PARTIAL NON-RENEWAL OF
LAND CONSERVATION (CONTRACT NO. 68-011)

(Signature continuation page)

Notice received:

By Denise Hancock, Deputy Date: October 26, 2012
CLERK OF THE BOARD OF SUPERVISORS

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On October 26, 2012, before me, Denise Hancock Deputy, Clerk of the Board of Supervisors, personally appeared FERNANDO ARMENTA, 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 same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/~~ 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.

[SEAL]

CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF MONTEREY

Denise Hancock
BY: DEPUTY CLERK

***Note to Clerk of the Board:** This document must be recorded, with the Monterey County Recorder's Office, within 20 days of receipt. A copy of the recorded document must be forwarded to the *Department of Conservation, Division of Land Resource Protection, Williamson Act Program, Attention: Program Manager, 801 K Street, Sacramento, California 95814*. Also, please copy the Monterey County Agricultural Preserve Committee (RMA Planning - Mike Novo, Ag Commissioner's Office - Robert A. Roach, Assessor-Recorder's Office - Greg MacFarlane, Office of the County Counsel - Mary Grace Perry).

EXHIBIT "A"

NOTICE OF PARTIAL NON-RENEWAL OF

LAND CONSERVATION (CONTRACT NO. 68-011)

LEGAL DESCRIPTION

SUB A OF L 2 & 3 SEC7 T13 R2 2.33 AC
APN 413-011-013-000

WHEN RECORDED MAIL TO:

Clerk to the Board Office, 1st Floor

Monterey County Government Center

Salinas, CA 93901

Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
County of Monterey

CMARCELA
10/26/2012
13:09:16

DOCUMENT: **2012065715**

Titles: 1/ Pages: 4



Fees.....
Taxes....
Other....
AMT PAID _____

NOTICE OF PARTIAL NON-RENEWAL OF LAND CONSERVATION (CONTRACT No. 69-009)

CAPPURO PROPERTIES, LLC

NOTICE OF PARTIAL NON-RENEWAL OF
LAND CONSERVATION (CONTRACT NO. 68-011)

NOTICE IS HEREBY GIVEN:

WHEREAS, Capurro Properties LLC is the owner of a portion of land described under Land Conservation (Contract No. 68-011), established pursuant to Monterey County Board of Supervisors Resolution No. 68-56-11; and

WHEREAS, the County desires a partial non-renewal of Land Conservation (Contract No. 68-011);

WHEREAS, Land Conservation Contracts must meet certain criteria in order to remain compliant; Specifically that the ongoing production of food and/or fiber be maintained.

NOW, THEREFORE, the County declares the intent not to renew a portion of Land Conservation (Contract No. 68-011) as it applies to the real property described in the Legal Description, attached hereto as Exhibit A and incorporated by this reference.

COUNTY OF MONTEREY

Dated: 10-23-12

By: Fernando Armenta
Vice - Chair, Board of Supervisors
Fernando Armenta

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

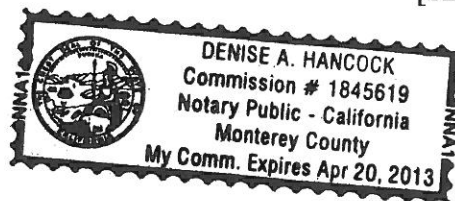
On October 23, 2012 before me, Denise A. Hancock, Notary Public, personally appeared FERNANDO ARMENTA, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/~~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.

[SEAL]

Denise A. Hancock
Notary Public



NOTICE OF PARTIAL NON-RENEWAL OF
LAND CONSERVATION (CONTRACT NO. 68-011)

(Signature continuation page)

Notice received:

By Denise Hancock, Deputy Date: 10-26-12
CLERK OF THE BOARD OF SUPERVISORS

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)

On October 26, 2012 before me, Denise Hancock, Deputy, Clerk of the Board of Supervisors, personally appeared Fernando Cumentia, 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 same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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[SEAL]

CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF MONTEREY

Denise Hancock
BY: DEPUTY CLERK

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EXHIBIT "A"

NOTICE OF PARTIAL NON-RENEWAL OF

LAND CONSERVATION (CONTRACT NO. 68-011)

LEGAL DESCRIPTION

LOT 4 SEC7 & SUB A OF LOT 7 SEC6 T13 R2 19 AC APRX
APN 413-011-010-000