

EL DORADO COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL
Meeting of October 30, 2007

AGENDA TITLE: Resolution for Non-renewal of Williamson Act Contract - Mirande		
DEPARTMENT: Board of Supervisors	DATE: 10/19/07	CAO USE ONLY
CONTACT: Supervisor Jack Sweeney <i>JSS/px</i>	PHONE: 621-5652	
DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: Supervisor Sweeney requests the Board adopt Resolution for Non-renewal of Williamson Act Contract for the Mirande property. Under Government Code Section 51245 a party to a Williamson Act Contract may request non-renewal in ten years. The property has not been used for agricultural pursuits and has not been assessed for taxes based on Williamson Act provisions for the past ten years.		
CAO RECOMMENDATION:		
Financial impact? () Yes () No		Funding Source: () Gen Fund () Other
BUDGET SUMMARY: Total Est. Cost \$ _____ Funding Budgeted \$ _____ New Funding \$ _____ Savings* \$ _____ Other \$ _____ Total Funding Available \$ _____ Change in Net County Cost \$ _____ * Explain		CAO Office Use Only: 4/5's Vote Req'd. () Yes () No Change in Policy () Yes () No New Personnel () Yes () No CONCURRENCES: Risk Management County Counsel Other
<u>BOARD ACTIONS:</u>		
Vote: Unanimous _____ Or Ayes: Noes: Abstentions: Absent: Rev. 7/96 j:\agendalwin96	I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors. Date: Attest: CINDY KECK, Board of Supervisors Clerk By:	

EL DORADO

TIM HOLCOMB
ASSESSOR

COUNTY



MAIN OFFICE
360 FAIR LANE PLACERVILLE, CA 95667
TELEPHONE
PLACERVILLE (530) 621-5719 - S. LAKE TAHOE (530) 573-3422
FAX (530) 642-8148

October 1, 2007

James R (Jack) Sweeney, District III
El Dorado County Board of Supervisors

REF: Portion of APN 043-020-04-100, Agricultural Preserve No. 224,
subsequently APN 043-020-07-100, 043-020-12-100, and 043-020-19-100

This is to confirm a notation showing in our records for the 2001 assessment roll which reads "Not valued as preserve Inflation Factor". This indicates that at least, for the 2001/2002 Assessment Roll and forward, the Assessor's Parcel Number (s) indicated above, were not assessed under the Williamson Act (California Land Conservation Act) methodology. They were assessed in accordance with California Constitution Article XIII A (Proposition 13).

Tim Holcomb, Assessor

A handwritten signature in cursive script that reads "Tim Holcomb".

2007 OCT -2 PM 4: 37

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY

Cc: Paula Franz, Deputy County Counsel

BASIS OF BEARINGS
THE MERIDIAN OF THIS SURVEY IS IDENTICAL TO THAT OF RM 37-114 AND WAS DETERMINED FROM ROUND MONUMENTS:

(1) (S. 20.00' P. 2)

(2) (S. 20.00' P. 2)

(3) (S. 20.00' P. 2)

(4) (S. 20.00' P. 2)

(5) (S. 20.00' P. 2)

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(9) (S. 20.00' P. 2)

REFERENCE

- (4) P.S. 27-48
- (8) R.M. 23-83
- (9) R.M. 27-129
- (10) R.M. 37-114
- (5) D.M. 02-104804

SEE DETAIL 'C'

SEE DETAIL 'C'

SEE DETAIL 'C'

SEE DETAIL 'C'

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SEE DETAIL 'C'

EXISTING ASSESSOR'S PARCEL NO.: 43-020-19

SCALE



RECORD OF SURVEY

A PORTION OF THE NW 1/4 OF SECTION 7,
T10N, R12E, MDB&M,
COUNTY OF EL DORADO
STATE OF CALIFORNIA
FEBRUARY 2003

NOTE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE BOUNDARIES OF THE TRACT SHOWN HEREON.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYORS ACT AT THE REQUEST OF _____ IN ORDER TO MONUMENT THE BOUNDARIES OF THE TRACT SHOWN HEREON.



Robert E. Nelson
REGISTERED PROFESSIONAL SURVEYOR
LICENSE EXPIRATION DATE 3-28-05

COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8765 OF THE LAND SURVEYORS ACT THIS DATE _____, 2004.



Daniel E. Russell
REGISTERED PROFESSIONAL SURVEYOR
LICENSE EXPIRATION DATE 12-31-05

RECORDER'S STATEMENT

FILED THIS 14 DAY OF FEBRUARY 2004 AT THE COUNTY CLERK'S OFFICE OF EL DORADO COUNTY, CALIFORNIA.

William E. Schulte
COUNTY RECORDER, CLERK
COUNTY OF EL DORADO
BY: _____ DEPUTY

TRACT 1
5.7M BIGELOW
02-104804
3.618 ACRES

DETAIL 'A'

SEE DETAIL 'A'

THE MAP WITHIN STAMPED "NOT RECORDED" HERE DURING MY INITIAL SURVEY, WAS SUBSEQUENTLY DESTROYED DURING CALIFORNIA RECENT FIRE AND RECENT FIRE DAMAGE.

DETAIL 'B'



LEGEND

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RECORDED *IV B.*
FEB 13 1992
CLERK DEPT.

PLN/ljb
cam-frut.rez
2-5-92

ORDINANCE No. 4191

Corrected

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO
DOES ORDAIN AS FOLLOWS:**

**RELATED TO REZONING IN THE CAMINO/FRUITRIDGE
AREA PLAN PETITIONED BY JOHN H. MIRANDE**

Section 1. The Official Zoning Map for the Camino/Fruitridge Area Plan is hereby amended to rezone the following described lands from Exclusive Agricultural (AE) to Commercial (C) zone:

Camino/Fruitridge Area

A portion of Assessor's Parcel No. 43-020-04, being described as Sections 6 and 7, Township 10 North, Range 12 East, M.D.M., consisting of approximately 2.0 acres. See attached Exhibit "A".

Section 2. This ordinance shall take effect and shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 19th day of November, 1991, by the following vote of said Board:

Ayes: *Supervisors Robert E. Harty, Thomas F. Birner, James R. Sweeney, William H. Carter, John E. Upton*

ATTEST

DIXIE L. FOOTE
Clerk of the Board of Supervisors

By *Margaret E. Nicely*
Deputy Clerk

Noes: *None*
Absent: *None*
James R. Sweeney
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THE OFFICE

DATE _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.



**RESOLUTION NO.
OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF EL DORADO**

NOTICE OF NONRENEWAL OF WILLIAMSON ACT CONTRACT

WHEREAS, on November 19, 1991, upon request of the owner, John Mirande, and upon recommendation of the Agricultural Commission, the Board of Supervisors adopted Ordinance 4191, rezoning the subject parcel from AE to Commercial; and

WHEREAS, at the same hearing the Board authorized staff to process the owner's request for immediate cancellation; and

WHEREAS, the Applicant never submitted the fees for immediate cancellation of a portion of the Williamson Act Preserve No. 224 and never filed a request for non-renewal; and

WHEREAS, the Government Code Section 51245 provides that either party to a Williamson Act Contract can request a non-renewal which shall become effective after ten years; and

WHEREAS, the property is not currently used for any agricultural pursuits, but rather is used for commercial purposes in accordance with its general plan designation and zoning; and

WHEREAS, since 2001, the property has not been assessed for taxes based on participation in the Williamson Act program and has paid taxes as a commercial parcel; and

WHEREAS, the owner's request for rezoning and cancellation and Board's action on November 19, 1991, and the County's subsequent actions demonstrate both parties' desire to terminate the Williamson Act Contract for the subject parcel; and

WHEREAS, the ten year non-renewal period in Government Code Section 51245 has lapsed;

NOW THEREFORE BE IT RESOLVED, that the El Dorado County Board of Supervisors gives notice that the approximately 3.6 acre parcel identified as Tract 1 of that certain Record of Survey filed in Book 26 of Records of Surveys at Page 147 in the Office of the Recorder of the County of El Dorado, State of California and further identified as APN 043-020-19-100 in the County Assessor's records (See Exhibit A) is no longer a part of Williamson Act Contract Agricultural Preserve Number 224 and Tract One (APN 43-02-19-147) is no longer bound by any use restrictions contained in that contract.

Passed and adopted by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 30th day of October, 2007, by the following vote of said Board:

Attest:

Cindy Keck
Clerk of the Board of Supervisors
by _____

Ayes:
Noes:
Absent:

Deputy Clerk

Helen K. Baumann, Chairman of the Board
Board of Supervisors

I certify that the foregoing instrument is a correct copy of the original on file in this office.

Date: _____

Attest: Cindy Keck, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By _____
Deputy Clerk

EXHIBIT A

All that certain real property situated in the County of El Dorado, State of California described as follows;

All those portions of Section 6 and 7 Township 10 North, Range 12 East M.D.M. more particularly described as follows;

PARCEL NO. 1

Commencing at corner No. 1 a point in the centerline of the Lake Tahoe State Highway, whence the North quarter Section corner of Section 7 Township 10 North, Range 12 East, M.D.M. bears North 62 33' East 1167.3 feet distant and a yellow pine 2 feet in diameter blazed and scribed No. 1 BT bears North 72 13' East 96.45 feet; a yellow pine 2 feet in diameter blazed and scribed No. 1 BT bears South 41 26' West 82.6 feet; thence North 23 03' West 266.3 feet to a stake, North 0 14' East 108.6 feet to corner No. 3 a yellow pine 1 foot in diameter blazed and scribed cor. No. 3 (corner on East side thereof); South 76 55' East 253.4 feet crossing El Dorado canal to North bank thereof, and to a point in the centerline of a private road 16 feet in width; thence following the centerline of said road, North 27 40' East 63.7 feet; North 23 07' West 205.8 feet; North 10 36' West 142.0 feet; North 17 12' West 238.1 feet; North 35 34' West 182.1 feet to corner No. 5 a stake in the centerline of said private road; thence leaving said road, South 58 37' West 214.9 feet to cor No. 6 a cedar fence post at the North end of fence coming Northerly from said canal, scribed No. 6; North 37 57' West 502.2 feet to cor No. 7 a cedar stake in mound of earth on the bank of the OLD IOWA DITCH, scribed No. 7; whence a black oak 18 inches in diameter blazed and scribed No. 7 BT bears North 2 39' East 3.35 feet distant; thence South 79 45' West 1067.1 feet more or less to a point on the West boundary of Section 6 of said Township and Range; thence along said boundary of said Section South 579.6 feet to the Southwest corner of said Section 6; thence on South boundary of said Section 6, South 89 18' East 1402.4 feet to the Northwest corner of the Northeast quarter of the Northwest quarter of Section 7 of said Township and Range; thence South 0 14' West 404.7 feet to the intersection of the West boundary of said Northeast quarter of the Northwest quarter with the East boundary of the lands heretofore Deeded by George H. D. Meyers to Blairs School District as of record in Book 62 of Deeds, Page 262 in the office of the Recorder of El Dorado County; thence following the fence forming the Easterly boundary of said School District land; South 23 03' East 266.3 feet to the centerline of said Lake Tahoe State Highway; thence along said centerline, North 57 12' East 176.2 feet to the point of beginning.

(continued next page)

PARCEL NO. 2

Commencing at corner No. 1, a point in the centerline of the Lake Tahoe State Highway; whence the North quarter Section corner of Section 7, Township 10 North, Range 12 East, M.D.M., bears North 62 33' East 1167.3 feet; and a yellow pine 2 feet in diameter blazed and scribed No. 1 BT bears North 72 13' East 96.45 feet; a yellow pine 2 feet in diameter blazed and scribed No.1 BT bears South 41 26' West 82.6 feet; thence North 57 12' East along the State highway 50.0 feet; thence North 23 03' West 354 feet, more or less, to a point on the bank of the irrigation ditch 12.0 feet from corner No. 3 of parcel No.1 thence North 75 55' West 12.0 feet to corner No. 3; thence South 0 14' West 108.6 feet; thence South 23 03' East 266.3 feet to the point of beginning.

PARCEL NO. 3:

COMMENCING at the Northwest corner of the tract herein described, a point in fence line from which point the Northwest corner of Section 7, Township 10 North, Range 12 East, M.D.M., bears North 89 20' West 701.85 feet; thence from the place of commencement South 89 20' East 699.68 feet to the Northeast corner thereof; thence South 0 14' West 404.70 feet to the Southeast corner thereof; thence North 23 01' 30" West 153.43 feet; South 67 40' 30" West 251.56 feet and South 51 33' West 175.71 feet to the Southwest corner thereof; thence North 44 00' West 296.59 feet to a pine tree located on the North side of a waterway and in a fence line; thence along fence line North 12 14' West 66.78 feet and North 13 38' West 203.67 feet to the place of commencement; comprising a portion of Section 7, Township 10 North, Range 12 East M.D.M.

ALSO EXCEPTING from parcels 1 and 3 as described above all that real property described as follows;

All that portion lying Northerly of the Southerly line of the property granted to the County of El Dorado described in that Deed recorded in Book 2883 at Page 502 Official Records of the County of El Dorado.

EXCEPTING FROM PARCELS ONE AND TWO ABOVE all that real property more particularly described in the deed to the State of California, by Deed dated June 26, 1951, recorded July 30, 1951 in Book 297 of Official Records of El Dorado County, at Page 491, executed by Kenneth A. Dodds and Verna Dodds, husband and wife.

ALSO EXCEPTING THEREFROM all that real property more particularly described in that certain Final Order in Condemnation, dated June 18, 1958, recorded June 19, 1958 in Book 435 Page 315 of Official Records of El Dorado County.

End of description