

RECORDING REQUESTED BY:

Board of Supervisors

WHEN RECORDED MAIL TO:

**Board of Supervisors
330 Fair Lane
Placerville, CA 95667**

10/04/2011, 20110046139

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SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

TITLE (S)

**NOTICE OF NON-RENEWAL OF WILLIAMSON ACT CONTRACT NO. 47
ASSESSOR PARCEL NO. 100-050-03
BROOKE WHITE, TRUSTEE
WHITE FAMILY TRUST**



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645
www.edcgov.us/bos/

Master Report

File Number: 11-1038

*File ID: 11-1038	Agenda Type: Agenda Item	Status: Approved
Version: 1	Reference:	Gov Body: Board of Supervisors
Department: Development Services - Planning		Created: 08/31/2011
Agenda Title: DS 09-27-11 Notice of Non-Renewal - Agricultural Preserve No. 47/White		Final Action: 09/27/2011

Title: Development Services Department, Planning Services Division, recommending the Board record a Notice of Non-Renewal for Agricultural Preserve No. 47/Brooke White, identified as APN 100-050-03, consisting of 0.87 acre, as it is not consistent with the 20 acre minimum parcel size requirement pursuant to County Resolution No. 188-2002. (Supervisory District 3)

Notes:

Indexes:	Agenda Date: 09/27/2011
Sponsors:	Agenda Number:
Attachments: A - Agricultural Commission Memo 02-16-11.pdf, B - Assessor's Memo 11-18-10.pdf, C - Assessor's Map.pdf	Enactment Date:
Same:	Time Required:
Contact: Roger Trout (5369)/Pierre Rivas (5841)	Hearing Date: 09/27/2011
	Next Meeting Date:

Approval History

Version	Date	Approver	Action
1	09/01/2011	Roger Trout	Approved

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Board of Supervisors	09/27/2011	Approved				Pass
	Action Text: This matter was Approved on the consent calendar.						

10-4-11

 Kathryn Tyler
 Deputy Clerk
 El Dorado County
 Board of Supervisors

ACKNOWLEDGMENT

State of California
County of El Dorado

On Oct 4, 2011 before me, Loretta Featherston, Notary Public

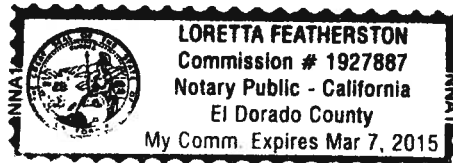
Personally appeared Kathryn Tyler
who proved to me on the basis of satisfactory evidence to be the
person(s) whose names(s) ~~is/are~~ subscribed to the within instrument and
acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~
authorized capacity(ies), and that by ~~his/her/their~~ 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 Loretta Featherston

Notice of Non-Renewal
Williamson Act Contract
Agricultural Preserve 47



(Seal)

Text of Legislative File 11-1038

Development Services Department, Planning Services Division, recommending the Board record a Notice of Non-Renewal for Agricultural Preserve No. 47/Brooke White, identified as APN 100-050-03, consisting of 0.87 acre, as it is not consistent with the 20 acre minimum parcel size requirement pursuant to County Resolution No. 188-2002. (Supervisorial District 3)

Background: On December 8, 2010, the Agricultural Commission determined that the parcel (Assessor's Parcel Number 100-050-03, consisting of 0.87 acre) did not meet the criteria for an agricultural preserve. Pursuant to County Resolution No. 188-2002, the property shall contain a minimum of 20 acres. The parcel at 0.87 acre does not meet the minimum acreage and does not contain an agricultural operation. The parcel was historically a railroad corridor associated with a 71,000 acre Agricultural Preserve under the ownership of the Michigan California Lumber Company. All the other parcels under Agricultural Preserve No. 47 have rolled out. This parcel was inadvertently left off of the previous non-renewal requests. The parcel is accessed from Cable Road, located in the Camino area. (Supervisorial District 3)

Pursuant to Section 51245 of the Government Code, a landowner or county may non-renew a contract provided written notice is served by the other party in advance of the renewal date. A County initiated non-renewal notice requires at least 60 days prior to the renewal date. When the County files a notice of non-renewal, the landowner, upon receipt of the notice, may file a written protest of the notice of non-renewal. The County may withdraw the notice prior to the renewal date. The annual renewal date for all contracts is January 1 of each year. The roll-out from the preserve would begin January 1, 2012, therefore, the properties would no longer be subject to the Williamson Act Contract on January 1, 2022.

ATTACHMENTS

Exhibit A: Agricultural Commission Memo; February 16, 2011

Exhibit B: Assessors Memo; November 18, 2010

Exhibit D: Grant Deed

Contact: Roger Trout (5369)/Pierre Rivas (5841)

Follow-up for COB: Clerk to record Notice of Non-Renewal and send copy of recorded document and letter to Dept.

AGRICULTURAL COMMISSION



311 Fair Lane
Placerville, CA 95667
(530) 621-5520
(530) 626-4756 FAX
eldcag@edcgov.us

Greg Boeger, Chair - Agricultural Processing Industry
Lloyd Walker, Vice-chair - Other Agricultural Interests
Chuck Bacchi - Livestock Industry
Bill Draper, Forestry /Related Industries
Ron Mansfield - Fruit and Nut Farming Industry
John Smith - Fruit and Nut Farming Industry
Tim Neilsen - Livestock Industry

MEMORANDUM

DATE: February 16, 2011
TO: Pierre Rivas, Development Services/Planning
FROM: Greg Boeger, Chair GB
SUBJECT: Williamson Act Contract Initiation of Non-Renewal - Brooke White
APN 100-050-03

RECEIVED
FEB 17 AM 11:53
PLANNING DEPARTMENT

During the Agricultural Commission's regularly scheduled meeting held on December 8, 2010, the following discussion and motion occurred regarding Williamson Act Contract Initiation of Non-Renewal APN 100-050-03:

- El Dorado County would like to initiate a non-renewal of APN 100-050-03. The parcel is a 0.87 acre left-over from Ag Preserve number 47, which originally consisted of over 71,000 acres under the ownership of Michigan-California Lumber Company. All of the other parcels, under WAC 47 have rolled-out. The parcel has Exclusive Agricultural zoning, a Natural Resource General Plan Land Use Designation and is not located within an Agricultural District. The parcel does not meet the minimum criteria required for a Williamson Act contract in El Dorado County. (District 3)

Chris Flores explained that this property is off of Cable Road, it is not in an Ag District, and has a Natural Resource Land Use Designation. It is a 0.87 acre parcel which was overlooked when the property was rolled-out of the original Williamson Act Contract. The owner of the property, who is now living out-of-state, was contacted but did not know why this parcel was omitted from the roll-out.

Pierre Rivas concurred with Chris Flores and said that the property was inadvertently left off of any non-renewals and until there was official action to rezone the parcel it remained AE and remained under contract.

It was moved by Mr. Bacchi and seconded by Mr. Smith to recommend APPROVAL of the non-renewal of APN 100-050-03, Ag Preserve # 47, as the 0.87 acre parcel does not meet El Dorado County's Williamson Act Contract criteria.

Motion passed

AYES: Bacchi, Draper, Mansfield, Smith, Walker, Neilsen, Boeger
NOES: None

Pierre Rivas
Meeting Date: December 8, 2010
RE: White, Brooke
Page 2

If you have any questions regarding the Agricultural Commission's actions, please contact the Agriculture Department at (530) 621-5520.

GB:na

cc: Brooke White

EXHIBIT B

TIM HOLCOMB
EL DORADO COUNTY ASSESSOR

EL DORADO COUNTY
AGRICULTURE
WEIGHTS & MEASURES

MEMORANDUM

2010 NOV 19 A 10:56

RECEIVED

November 18, 2010

TO: Roger Trout, Director of Development Services
Juli D. Jensen, Agricultural Commissioner/Sealer of Weights and Measures
Paula Frantz, Deputy County Counsel

FROM: Tim Holcomb, Assessor 
Karl Weiland, Assistant Assessor

SUBJECT: APN: 100-050-03 formerly 008-760-03

The Assessor's Parcel Number captioned above consists of .87ths acre assessed under the CLCA (Williamson Act) and was created by deed, Book 61/358, 5/14/1904 according to our title search in a transfer to ELDORADO LUMBER COMPANY. Each subsequent transfer of the larger 20.73 acre parcel, APN 100-050-06, consistently excluded this 50'+/- x 720'+/- strip of land which bisects it diagonally. See R.S. 6/50. I telephoned the current owner Brooke White on 10-19-2010 at 212-838-5491 in New York City, N.Y.. When questioned, he did not know why this parcel is under CLCA, only that it formerly had Michigan Cal Lumber Company railroad tracks across it and Michigan Cal possessed a right of way and as far as he knows. Mich Cal appears to have the right of way. The parcel sold for \$700 in 11/75 and was enrolled at its factored base year value per Prop. 13 at \$728 for 1978/79 FY. This assessment continued to be factored annually until the 84/85 roll when one of our appraisers valued it under the CLCA restricted value approach at \$31 for 84/85, \$41 for 86/87, \$54 for 87/88 and \$45 for 89/90 on the basis that it is zoned AE although on a Timber Preserve record. It continues to be assessed under the CLCA method.

This parcel was part of Ag Preserve 47, 01-26-1971, which originally consisted of some 71,000 acres under the ownership of Michigan-California Lumber Company. The Williamson Act Contract recorded in Book 1030/360 1/28/1971 lists this parcel along with others consisting of 71,627.83 acres on page 367, and is shown in the map on page 435 of Book 1030.

Pursuant to the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, Government Code Section 51110, (d), Assessor John Thorne submitted a list of all parcels which were assessed for growing and harvesting timber as of the lien date in 1976 to the EDC Board of Supervisors known as Timber Preserve Zone List "A" on 10/12/1976. This list included Ag Preserve 47 belonging to Mich-Calif Lumber Co, but the 251 parcels listed there did not include the subject, 100-050-03 formerly 008-760-03. It appears that it should have. If it were, it would have been valued under TPZ site class methodology, however, notes in the record indicate there is no timber on the parcel. So perhaps it was intentionally excluded, and remained under CLCA. But the parcel does not appear to meet CLCA criteria either, so then the appropriate valuation assessment method would be Proposition 13 factored base year value, and a notice of non-renewal would have been in order.

We would concur that a notice of non-renewal be filed on this parcel.

See attached computer screen print for reference.

11-1038.B.1

CURRENT DATA

APN 100-050-03-100 STATUS 00 TYPE 0 ROLL TRA 055-027 USE CD 25 SUPP Y
OWNER NAME % OWN TYPE MAIL ADDRESS TYPE-%

WHITE S BROOKE TR 0.000 430 E 63RD ST
WHITE FAM TR 10/28/09 100.000 TR NEW YORK NY
ZIP 10065 M-ADD-CHG 03/18/2010
SITUS ADDRESS,CHG DATE
0

TYPE, O.R. REC.DATE EFF.DATE APP (%) PAR/LOT BLK SUB.NO
R 0059968 11/25/09 11/25/09*1 N 0.00 SEC 28 11 12
R 1361546 11/19/75 11/19/75*1 REC.MAP AC .870 D-AB
1911 UNT CREAT 11/29/1979

PARCEL BACKGROUND FROM: 00876003100
TO:

LAND STRUCT-MOBILE FIXED-EQ PER-PROP TOT-EXEMPT NET-ROLL CAAP
133 0 0 0 0 133
STATUTORY PROP 8 APP DATE,CD., ID PAR-COMP EXEMPT-CD VAL-CHG-R/P,P/P
12/31/08 P RMD 06/10/09 06/11/90

NEXT: UTM010 <ENTER>=PAGE 3 F3=QUIT F4=MENU F5/6=HIST(BACK/FWD)
F7/8=NAMES(BACK/FWD) F9/F10=PAR BKGD(BACK/FWD) UTM020A

Exhibit D

RECORDING REQUESTED BY

Ms. Anna Marie Barlow White

AND WHEN RECORDED MAIL DOCUMENT AND TAX STATEMENTS TO:

Name Ms. Anna Marie Barlow White
Street 430 E. 63rd Street
City & State New York, NY 10065



El Dorado, County Recorder
William Schultz Co Recorder Office
DOC- 2009-0059968-00

Acct 4-INTER COUNTY TITLE CO
Wednesday, NOV 25, 2009 14:41:25
Ttl Pd \$15.00 Nbr-0001222349
JDK/C1/1-3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

A.P.N. 100-050-03, 100-050-07, 100-050-06, 100-030-44

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ -0- #11930

(X) computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale.

FILED
PCOS

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

S. Brooke White and Anna-Marie Barlow White, husband and wife, as joint tenants

hereby GRANT(S) to

S. Brooke White, Trustee of The White Family Trust dated October 28, 2009

the following described real property situated in the unincorporated area of the County of El Dorado, State of California:

For legal description see attached Exhibit A

Dated: 11/17/2009

S. Brooke White

S. Brooke White

Anna Marie Barlow White

Anna Marie Barlow White

by S. Brooke White as her attorney in fact

STATE OF CALIFORNIA }
COUNTY OF New York } ss.

On November 23rd, 2009 before me,

Yevgeniya Gorodnitskaya, a Notary Public, personally appeared S. Brooke White

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 of Notary Public

YEVGENIYA GORODNITSKAYA
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01G08180408
QUALIFIED IN KINGS COUNTY
COMMISSION EXPIRES JAN 14, 2012

059968

EXHIBIT A

All that certain real property as described in the deed to Michagan-California Lumber Company recorded November 25, 1927 in Book 107 of Deeds at page 388 Records of El Dorado County, and which said real property is more particularly described as follows:

A strip or tract of land 50 feet in width lying equally on each side of and parallel with and extending the entire length of the center line of the railroad survey established by the party of the second part on, over and across the North half of the Southwest quarter of the Southeast quarter of Section 28, Township 11 North, Range 12 East, M.D.B.&M., and beginning at a point three hundred and seventy feet East of the Northwest corner of the said North half of the Southwest quarter of the Southeast quarter of said Section 28 and extending about seven hundred and fifty six feet Southeasterly to a point 610 feet East of the Southwest corner of said North half of the Southwest quarter of the Southeast quarter of said Section 28.

APN 100-050-03

Mineral rights on East one-half of Southeast quarter of Southeast quarter of Section 7 Township 10 North, Range 12 East, M.D.B.&M.

Mineral rights on Southwest quarter of Southeast quarter of Section 8 Township 10 North, Range 12 East, M.D.B.&M.

West one-half of West one-half of Northeast quarter of Southeast quarter, East one-half of East one-half of Northwest quarter of Southeast quarter, North one-half of Southwest quarter of Southeast quarter, less .87 acre surface only to M. C. L. Co. (39.12 acres), Section 28 Township 11 North, Range 12 East, M.D.B.&M.

Southwest quarter of Northeast quarter, Northwest quarter of Southeast quarter of Section 29 Township 11 North, Range 12 East, M.D.B.&M. (80.00 acres)

Ditch and water rights from Iowa Canyon, Section 28 Township 11 North, Range 12 East, M.D.B.&M.

APN 100-050-07

All that portion of the North half of the Southwest quarter of the Southeast Quarter of Section 28, Township 11 North, Range 12 East, M.D.B.&M., as described in Deed to El Dorado Lumber Company, recorded May 4, 1904 in Book 61 of Deeds, at Page 358, Records of El Dorado County as follows:

A strip or tract of land twenty-five feet in width lying equally on each side of, parallel with and extending the entire length of the located center line of the present railroad of said property of the second part as the same is now located and constructed on, over and across said land.

APN 100-050-06

059968

The Southwest quarter of the Northwest quarter of Section 29, Township 11 North, Range 12 East, M.D.B.&M.

TOGETHER WITH a non-exclusive easement for road and public utilities over a strip of land 20 feet in width lying parallel with, adjacent to and Easterly of that portion of the West line of the Southwest quarter of the Northeast quarter of said Section 29 lying between Cable Road and the North line of the Northwest quarter of the Southeast quarter of said Section 29, as an appurtenance to the above described parcel and any division thereof.

ALSO TOGETHER WITH a non-exclusive easement for road and public utilities over a strip of land 20 feet in width, the east line of which is that portion of the Northeast quarter of the Southeast quarter of the Northwest quarter of Section 29, Township 11 North, Range 12 East, M.D.B.&M., lying between Cable Road and the south line of the Northeast quarter of the Southeast quarter of the Northwest quarter of said Section 29, as an appurtenance to the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of said Section 29.

APN 100-030-44

11/25/2009, 20090059968