

Recording Requested by Fresno County Board of Supervisors

When recorded return to
Fresno County
Department of Public Works and Planning
Development Services and Capital Projects Division
Stop # 214
Attention Policy Planning Unit, **ALCC No. 8324**
Derek Chambers
No Recording Fee Pursuant to Government Code Section 27383

This Area for Recorder's Use Only

RESCISSION AND SIMULTANEOUS ENTRY INTO NEW LAND CONSERVATION CONTRACT

Incorporating Board of Supervisors Resolution by reference

THIS LAND CONSERVATION CONTRACT IS MADE AND EXECUTED THIS 12th day of February, 2019 by and between Donald Devine, Trustee of The Donald Devine Separate Property Trust, hereinafter referred to as "Owner" and the COUNTY OF FRESNO, a political subdivision of the State of California, hereinafter referred to as "County".

WITNESSETH:

WHEREAS, Owner possesses certain real property located in the County of Fresno, State of California, hereinafter referred to as "the Subject Property," and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the Subject Property is now devoted to commercial agricultural use; and

WHEREAS, the Board of Supervisors by resolution has agreed to the rescission and simultaneous entry, pursuant to Government Code Section 51254 to allow this contract to be entered **replacing and superceding as to the Subject Property ALCC No. 1161** recorded February 18, 1970 as Instrument Number 11503, Book 5760, Pages 540 through 546 and **ALCC No. 2970** recorded February 17, 1971 as Instrument Number 11871, Book 5863, Pages 193 through 195 of the Official Records of Fresno County, California; and

WHEREAS; the Subject Property is located in an agricultural preserve heretofore established by the County, and designated as the **Westside No. 103**.

NOW, THEREFORE, both Owner and County, in consideration of the mutual promises, covenants and conditions to which reference is made herein and the substantial public benefits to be derived therefrom, do **hereby rescind the above referenced contracts as to the Subject Property** referenced above and further agree as follows:

FIRST: This is a new contract between the Property Owner and the County of Fresno. The Subject Property shall be subject to all restrictions and conditions of the Interim Guideline adopted by Resolution by the Board of Supervisors of Fresno County, California on May 25, 2004, as well as the Williamson Act Permitted Uses, Compatible Uses, and Conditioned Compatible Uses adopted by Resolution by the Board of Supervisors of Fresno County, California on March 13, 2012, and IT IS MUTUALLY AGREED THAT the conditions and restrictions set forth in said resolutions are adopted and incorporated herein and made a part hereof as fully as though set forth herein at length and that Owner will observe and perform said provisions. This contract will be subject to all ordinances adopted by the Board of Supervisors when the contract is automatically renewed on January first of each year.

SECOND: The minimum acreage for new parcels described in Paragraph Seven of the Board of Supervisors' Resolution shall be **20 acres**.

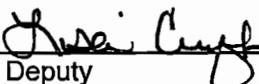
THIRD: This Contract shall be effective as of the date of execution by the Chairman and considered for property tax purposes as of the first day of January, **2020**.

IN WITNESS WHEREOF, the Owner and County have executed this Contract the day and year first above written.

COUNTY OF FRESNO

ATTEST:
Bernice E. Seidel, Clerk
Board of Supervisors

By: 
Nathan Magsig, Chairman
Board of Supervisors

By 
Deputy

The Donald Devine Separate Property Trust

By: 
Donald Devine, Trustee

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno)

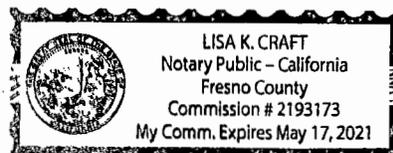
On February 12, 2019 before me, Lisa K Craft, Notary Public
(insert name and title of the officer)

personally appeared Nathan Maggio
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 Lisa K. Craft (Seal)



ACKNOWLEDGMENT

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State of California
County of Fresno)

On 12/14/2018 before me, Bridgette Garcia
(insert name and title of the officer)

personally appeared Donald Devine,
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.

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WITNESS my hand and official seal.

Signature  (Seal)



EXHIBIT "A"

PROPERTY DESCRIPTION

The Southeast Quarter of Section 8, Township 21 South, Range 16 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, lying in the County of Fresno, State of California.

Said Parcel Contains 159.75 Acres, more or less.



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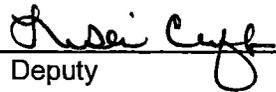
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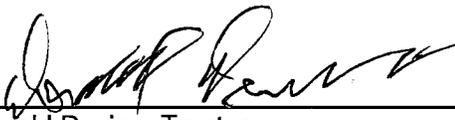
COUNTY OF FRESNO

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Board of Supervisors

By: 
Nathan Magsig, Chairman
Board of Supervisors

By 
Deputy

The Donald Devine Separate Property Trust

By: 
Donald Devine, Trustee

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State of California

County of Fresno)

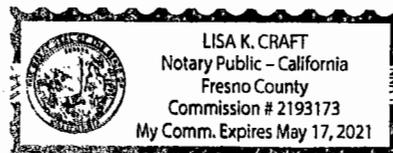
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(insert name and title of the officer)

personally appeared Nathan Maggio
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