



## LAND CONSERVATION ACT (WILLIAMSON ACT) CONTRACT CANCELLATION GENERAL INFORMATION AND APPLICATION

Mariposa County Planning Department

5100 Bullion Street, P.O. Box 2039

Mariposa, CA 95338

Telephone (209) 966-5151

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### General Information

Requests for immediate **Cancellation** of a **Williamson Act Contract** must be approved by Mariposa County and the State Department of Conservation. The Mariposa County Planning Department will prepare a Staff Report covering the request and schedule public hearings for the proposal with the Mariposa County Planning Commission and the Mariposa County Board of Supervisors. The Mariposa County Agricultural Advisory Committee will also review the request.

The Staff Report and public hearings will help the Board of Supervisors determine whether or not the immediate **Cancellation** is consistent with the purposes of the **Williamson Act**. California Government Code Section 51282 (a) states that cancellation may be granted only if the review agency (the Mariposa County Board of Supervisors) makes one of the following findings: (1) That the cancellation is consistent with the purposes of the Williamson Act, or (2) That the cancellation is in the public interest. If the Board cannot make one of these findings, the immediate cancellation must be denied (a property owner of Williamson Act contracted land always has the option of filing a Notice of Non-Renewal, which will be processed).

Section 51282 (b) (1), (2), (3), (4), (5) and Section 51282 (c) (1) and (2) detail all of the sub-findings that must be substantiated by the Board of Supervisors before the Request for Immediate **Cancellation** of a **Williamson Act Contract** can be tentatively approved. It is recommended that an application for immediate cancellation address Section 51282 (a), (b), and (c) on page 4 of the **Cancellation Application**. A copy of Government Code Section 51282 is attached for reference.

### Costs

Application fees must be paid before the request for cancellation application will be accepted for processing. See the fee schedule within this application for fee costs.

There are also financial penalties associated with the cancellation process, should it be successful. When land is immediately released from a Land Conservation Act Contract, the land is reassessed at fair market value. The property owner will then be required to remit a penalty payment of 25% of the fair market value to Mariposa County (1/2 of which goes to the State of California).

Any recording fees are the responsibility of the applicant.



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CANCELLATION APPLICATION**

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FOR OFFICE USE ONLY	
Date Submitted _____	Received By _____
Fees Paid \$ _____	Receipt No. _____
Application No. _____	Application Complete _____
Final Action _____	Date _____

**Applicant:**

**Agent: (if applicable)**

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Daytime Telephone (\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_

**Contract Information:**

Existing Williamson Act Contract No. \_\_\_\_\_ Acreage Under Contract \_\_\_\_\_

List Assessors Parcel # of each parcel included in the above contract(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List Assessors Parcel # of each parcel in the above contract(s) that are requesting cancellation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person(s) who signed existing Williamson Act Contract \_\_\_\_\_

Person(s) signing Cancellation of Williamson Act Contract \_\_\_\_\_

**Justification for Cancellation** (Please see refer to Williamson Act Contract Cancellation Information Sheet and to Government Code Section 51282 (a), (b) and (c). Use additional sheets if necessary):



**REQUIRED SIGNATURE(S)**

**Affidavit**

I/we, the undersigned (Property Owner and Applicant), agree to defend, indemnify, and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against the County arising from the Property Owner and Applicant project.

I/we declare under the penalty of perjury that the statements and information submitted in this application are in all respects true and correct to the best of my/our knowledge.

I/we acknowledge that I/we have read and understand the information contained in the application package relating to the submittal and processing of this application.

I/we understand that the processing of the application will be delayed if any required information is incorrect, omitted, or illegible.

I/we declare that if an entity listed below is a Partnership, Limited Liability Corporation, Corporation or Trust the signer(s) below certifies that he/she is authorized by that entity to apply and sign the application attached herewithin.

<b><u>Property Owner (printed name):</u></b>	<b><u>2<sup>nd</sup> Property Owner (printed name):</u></b>	<b><u>Applicant (printed name):</u></b>
<b><u>Property Owner (signature):</u></b>	<b><u>2<sup>nd</sup> Property Owner (signature):</u></b>	<b><u>Applicant (signature):</u></b>
Date:	Date:	Date:

If there are more than two property owners, additional copies of this page shall be provided.

**IMPORTANT: This page must be signed by all property owners and any authorized applicant.**

**IMPORTANT: Please note that if the property owner/s is/are authorizing someone other than themselves to act as the applicant or agent, the next page must also be signed.**

**IMPORTANT: Failure to have all necessary signatures will DELAY the commencement of processing the application. The application will be returned to the applicant to provide all necessary signatures.**

This page to be signed **IF** the property owner(s) is (are) authorizing someone to act as an agent or applicant for this application.

### Affidavit

**Applicant/Agent Authorization:**

I/we, \_\_\_\_\_, Property Owner(s) hereby authorize \_\_\_\_\_ to act as a representative/Applicant and/or \_\_\_\_\_ to act as a representative/Agent in all matters pertaining to the processing and approval of this application, including modifying the project, and agree to be bound by all representations and agreements made by the designated Applicant and/or Agent.

I/we declare that if the Property Owner and/or Applicant is a Partnership, Limited Liability Corporation, Corporation or Trust, the individual(s) listed below certifies that he/she/they is/are authorized by that entity to execute the application form attached herewithin.

<b><u>Property Owner (printed name):</u></b>	<b><u>Applicant (printed name):</u></b>	<b><u>Agent (printed name):</u></b>
<b><u>Property Owner (signature):</u></b>	<b><u>Applicant (signature):</u></b>	<b><u>Agent (capacity/title):</u></b>
<b><u>Property Owner (capacity/title):</u></b>	<b><u>Applicant (capacity/title):</u></b>	
Date:	Date:	
<b><u>2<sup>nd</sup> Property Owner (printed name):</u></b>	<b><u>Co-Applicant (printed name):</u></b>	
<b><u>2<sup>nd</sup> Property Owner (signature):</u></b>	<b><u>Co-Applicant (signature):</u></b>	
Date:	Date:	

**REQUIRED MATERIALS AND ITEMS FOR A  
COMPLETE LAND CONSERVATION ACT (WILLIAMSON ACT) CONTRACT CANCELLATION  
APPLICATION**

1.  The attached application form filled out completely and signed by the applicant. If the applicant is not the property owner, the applicant must provide a letter of authorization or other document that authorizes the applicant to submit an application on the owner's behalf. If there is more than one property owner, the applicant shall list the names and addresses of all other individuals who have an interest in the property.
2.  The most recent Grant Deed showing all property owners or a preliminary title report or a lot book guarantee less than 30 days old. The grant deed, preliminary title report, or lot book guarantee must cover all of the property for which the Cancellation is being filed.
3.  Three (3) copies of Assessor's Plat Map indicating the location and boundaries of the property for which the Cancellation is being filed. The boundaries of the property must be outlined in red.
4.  Payment of application fees as determined by Mariposa Planning. Deposit fees are for applications that are to be charged time and materials and are estimated using the assigned lower staff hour charge of \$58 per hour. Should the Director or Deputy Director work on the project, the time charge will be rated at \$114 per hour. All additional staff time and expenses needed to complete the application processing that exceed the deposit amount will be charged at the disclosed rate at the time that services are rendered. On average, invoices will be calculated on a quarterly basis and forwarded to the applicant for payment. If the deposit falls below a balance of 20% of the initial deposit, the applicant will be asked to make a subsequent deposit in an amount estimated to be necessary to complete the processing. Applicants will be expected to pay the subsequent deposit within 30 days of the invoice date or prior to the public hearing, whichever comes first. In the event that the billing is not paid timely, processing will be suspended until payment is made. Any remaining balance will be used to reconcile the final bill. If there is a balance remaining after reconciling the final bill, a refund check will be mailed to the applicant. If the application requires a public hearing, the public hearing will not be scheduled until payment in full is received. It should be noted that the fees do not include consultants fee, specialized studies, CEQA charges, publication fees and any additional fees that maybe charged by other agencies or county offices.

Land Conservation Act (Williamson Act) Contract Cancellation Deposit Fee.....	870.00
Environmental Review Notice Filing Fee.....	230.00
Document Conversion.....	15.00
Planning Commission Hearing.....	200.00
Board of Supervisors Hearing.....	240.00
Public Noticing Fee (____ names at .50 per name + \$5.00 x 2 hearings).....	_____
Vehicle Mileage Fee (_____ miles at \$0.575 per mile, round trip).....	_____
<b>TOTAL (Deposit).....</b>	<b>_____</b>