

SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:
August 18, 2022

- | | | |
|-------------------------------------|------------------------|-----------------|
| <input checked="" type="checkbox"/> | Consent Agenda Item | |
| <input type="checkbox"/> | Continued Hearing Item | |
| <input type="checkbox"/> | Public Hearing Item | Nos. <u>F-4</u> |
| <input type="checkbox"/> | Department Report | |
| <input type="checkbox"/> | Old Business | |

Project Title: **Hunter Ranch LLC Zone Reclassification, Agricultural Preserve and Williamson Act Contract**

Record Number: PLN-2022-17674

Assessor Parcel Numbers: 315-194-001 et al. (including 315-205-001)

Location: Korbels area

Attached for the Planning Commission's record and review is the following supplementary information:

1. A letter from an adjacent property owner objecting to the inclusion of a portion of APN 315-205-001 in the agricultural preserve and land conservation contract, along with a court judgement quieting title and a copy of a grant deed. The judgement grants a permanent exclusive easement to a portion of APN 315-205-001 to the adjacent property owner. This portion is shown in the attached map in red, towards the center of the map of the proposed Hunter Ranch. A review of the Title Report for the proposed Hunter Ranch indicates that this portion is not vested solely in Hunter Ranch LLC and is also zoned Timber Production Zone, which will be excluded from the Land Conservation Contract and so no changes to the recommended action are necessary.

August 15, 2022

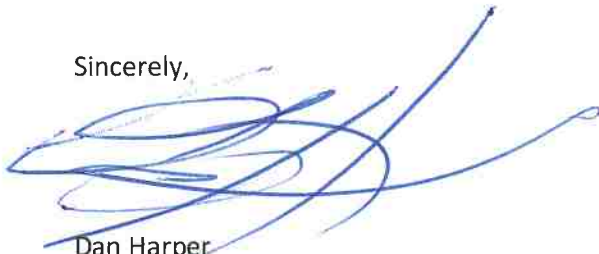
Planning Department
County of Humboldt

RE: Hunter Ranch LLC Williamson Act Preserve Contract. Public hearing date: Thursday, August 18, 2022

My wife and I own property adjacent to the Hunter Ranch. Our Grant Deed includes easement rights on parcel number AP 315-205-001. We are the owners of a dominant tenement on both the "Agricultural Preserve" and the "Improvement Area" as per the attached Notice of Entry of Judgment case number 80196. Also attached is the Grant Deed for Dan and Beverly Harper.

I want this to serve as a notice to the County of Humboldt Planning Department that we do not want our rights spelled out in the above document to be included in the Hunter Ranch LLC Williamson Act Preserve Contract for 160 acre minimum parcels and we do not want the Judgment altered in any way. In other words, we do not want to be part of a 160 acre minimum.


Sincerely,

A handwritten signature in blue ink, appearing to read 'Dan Harper', with several loops and a long trailing line extending to the right.

Dan Harper
1491 Walker Point Road
Bayside, Ca 95524

1 Thomas Becker (State Bar No. 079589)
2 Christopher M. Neumeyer (State Bar No. 151994)
3 Harland & Gromala
4 622 "H" Street
5 Eureka, California 95501
6 Telephone: (707) 444-9281

7 Attorneys for Plaintiffs
8 JOHN ZABEL and MABEL ZABEL

LINDSEY McWILLIAMS
Humboldt County Clerk
SEP 27 1993
By 
DEPUTY

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF HUMBOLDT

11 JOHN ZABEL and
12 MABEL ZABEL,

Case No. 80196

Plaintiffs,

vs.

NOTICE OF ENTRY
OF JUDGMENT
[C.C.P. §664.5(a)]

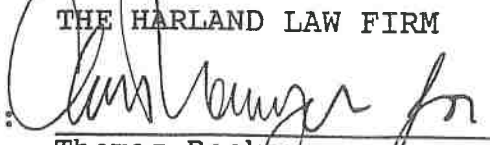
13 SIMPSON TIMBER COMPANY,
14 a Corporation, SIMPSON
15 REDWOOD COMPANY, a Washington
16 Corporation, and all persons
17 claiming by, through or under
18 said corporations and all
19 persons unknown and claiming any
20 legal or equitable right, title,
21 estate, lien or interest in the
22 property described in the
23 Complaint adverse to the
24 Plaintiffs' title, or any cloud
25 upon the Plaintiffs' title
26 thereto, named as DOES 1 through
27 10, inclusive,

Defendants.

28 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on August 10, 1993, judgment
was entered in the above-entitled action.

DATED: September 24, 1993

THE HARLAND LAW FIRM
By: 
Thomas Becker
Attorney for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am a citizen of the United States, employed in the County of Humboldt, over the age of 18 years, and not a party to the above-entitled action. My business address is 622 "H" Street, Eureka, California 95501.

On this date, I served a copy of the following on the interested parties listed below:

NOTICE OF ENTRY OF JUDGMENT


 X By placing at my place of business a true copy thereof in a sealed envelope with first-class postage, for collection and mailing with the U.S. Postal Service where it would be deposited with the U.S. Postal Service that same day in the ordinary course of business, addressed as set forth below.

 By personally delivering a true copy thereof to the party(ies) and at the address(es) set forth below.

 By faxing a true copy thereof to the party(ies) at the facsimile numbers set forth below.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATED: September 27, 1993


Tammy L. Osborne

William H. Carson, Jr.
HUBER & GOODWIN
550 "I" Street
Eureka, CA 95501

1 Thomas Becker (State Bar No. 079589)
2 Christopher M. Neumeyer (State Bar No. 151994)
3 Harland & Gromala
4 622 "H" Street
5 Eureka, California 95501
6 Telephone: (707) 444-9281

7 Attorneys for Plaintiffs
8 JOHN ZABEL and MABEL ZABEL

LINDSE McWILLIAMS
Humboldt County Clerk
AUG 30 1993
By *Lindse McWilliams*
DEPUTY

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF HUMBOLDT

11 JOHN ZABEL and
12 MABEL ZABEL,

Case No. 80196

13 Plaintiffs,

JUDGMENT QUIETING TITLE;
DECLARATORY RELIEF

14 vs.

15 SIMPSON TIMBER COMPANY,
16 a Corporation, SIMPSON
17 REDWOOD COMPANY, a Washington
18 Corporation, and all persons
19 claiming by, through or under
20 said corporations and all
21 persons unknown and claiming any
22 legal or equitable right, title,
23 estate, lien or interest in the
24 property described in the
25 Complaint adverse to the
26 Plaintiffs' title, or any cloud
27 upon the Plaintiffs' title
28 thereto, named as DOES 1 through
10, inclusive,

Defendants.

RECEIVED
93 AUG 30 AM 10:37
COUNTY CLERK
CLERK OF SUPERIOR COURT

23 This cause came on regularly for trial on October 7, 1991,
24 in Department One, the Honorable Conrad L. Cox, assigned,
25 presiding, sitting without a jury. Plaintiffs John Zabel and
26 Mabel Zabel appeared personally and through counsel Thomas
27 Becker, and the Defendants Simpson Timber Company, a corporation
28 and Simpson Redwood Company, a Washington Corporation, appeared

1 through its representative, Michael Moore and through counsel
2 William H. Carson, Jr. Oral and documentary evidence was
3 presented by all parties. The cause was argued and submitted
4 for decision. The court entered a Minute Order dated
5 December 26, 1991. After requests for statement of decision, a
6 Statement of Decision was signed by the court on November 25,
7 1992, and filed in the court records on December 28, 1992.

8 NOW THEREFORE, it is adjudged, ordered and decreed that:

9 1. As of October 7, 1991, plaintiffs John Zabel and Mabel
10 Zabel are the owners of a dominant tenement more particularly
11 described on Exhibit A attached hereto and made part hereof
12 (hereinafter referred to as "Agricultural Preserve"). The
13 Agricultural Preserve is a non-exclusive prescriptive easement
14 which includes those rights and is subject to those burdens as
15 hereinafter described.

16 2. As of October 7, 1991, the plaintiffs John Zabel and
17 Mabel Zabel are the owners of a dominant tenement more
18 particularly described on Exhibit B attached hereto and made a
19 part hereof (hereinafter referred to as "Improvement Area").
20 The Improvement Area is an exclusive prescriptive easement which
21 includes those rights and is subject to those burdens as
22 hereinafter described. A map called "Record of Survey"
23 depicting both the Agricultural Preserve and the Improvement
24 Area are attached hereto as Exhibit C.

25 3. Defendants Simpson Timber Company and Simpson Redwood
26 Company are the owners of the servient tenements encumbered by
27 the Agricultural Preserve dominant tenement and the Improvement
28 Area dominant tenement. The rights of said servient tenement

1 owners are residual to the above adjudicated prescriptive
2 easements.

3 4. The Agricultural Preserve dominant tenement and
4 servient tenement include and are subject to the following
5 rights and burdens:

6 (A) The easement is a perpetual easement.

7 (B) The plaintiffs may continue to use the
8 Agricultural Preserve in the same manner as they have in the
9 past.

10 (C) The plaintiffs may use the Agricultural Preserve
11 for hiking, picnicking and other recreational pursuits.

12 (D) The defendants retain all subsurface mineral and
13 hydrocarbon rights.

14 (E) The defendants retain surface, mineral and
15 hydrocarbon rights so long as the use of those rights does not
16 interfere with the plaintiffs rights under this easement.

17 (F) The easement is appurtenant to the Improvement
18 Area described in Exhibit B.

19 (G) The defendants shall have access to the
20 Agricultural Preserve provided that such access does not
21 interfere with the quiet enjoyment by the plaintiffs or their
22 successors and requires prior notice by the defendants or their
23 successors before access is attempted.

24 (H) The defendants shall not hunt on this easement
25 area.

26 (I) The defendants shall not harvest timber on this
27 easement area.

28 . . .

1 5. The Improvement Area dominant tenement and servient
2 tenement include and are subject to the following rights and
3 burdens:

4 (A) The easement is a perpetual easement.

5 (B) The plaintiffs may live on the Improvement Area
6 and make reasonable improvements to the structures on that area,
7 add structures on that area, maintain and improve fences, post
8 signs, restrict trespassers and generally use that area in the
9 same manner that a homeowner/occupant would expect to use the
10 property as a matter of right.

11 (C) The defendants retain all subsurface mineral and
12 hydrocarbon rights.

13 (D) The easement is in gross and is assignable by
14 plaintiffs.

15 (E) The defendants shall have no access to the
16 Improvement Area.

17 (F) The defendants may use and maintain Maple Creek
18 Road for construction, repair and maintenance of a bridge at Dry
19 Creek so long as that construction, repair and maintenance shall
20 be accomplished in conformity with all federal, state and local
21 regulations which may now or hereafter be applicable. This
22 right of the defendants to use and maintain Maple Creek Road
23 shall not be construed to limit any rights of the plaintiffs,
24 their successors or the public to use or maintain Maple Creek
25 Road or any bridge thereon because such rights of the
26 plaintiffs, their successors or the public, if any, are not
27 adjudicated by this judgment.

28 . . .

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(G) The defendants shall not hunt on this easement area.

(H) The defendants shall not harvest timber on this easement area.

6. Each party shall bear his own costs of suit.

DATED: August 10, 1993 Conrad L. Cox
JUDGE OF THE SUPERIOR COURT

Approved as to form:

William H. Carson, Jr.
William H. Carson, Jr.
Attorney for Defendant
SIMPSON REDWOOD COMPANY dba
SIMPSON TIMBER COMPANY

"EXHIBIT A"

"AGRICULTURE PRESERVE" DESCRIPTION

That real property situated in the County of Humboldt, State of California, located in Sections 8 and 9 of Township 3 North Range 4 East, Humboldt Meridian more particularly described as follows.

COMMENCING at a found 5/8" rebar with plastic cap stamped "LS3150" set for the East 1/4 Corner of Section 8 as shown in Book 51 of Surveys, Page 138, Humboldt County Records.

Thence North 86°38'50" East 36.37 feet along the south line of the Northwest 1/4 of Section 9.

Thence North 00°03'25" East 241.09 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence North 47°20'25" W 48.91 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 07°04'00" W 68.77 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 31°06'27" E 66.45 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 20°22'12" E 29.54 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 00°03'25" E 108.60 feet to an old barbwire fence line running northwesterly and southeasterly.

Thence along said fence the following courses N 74°58'43" W 40.31 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 81°34'46" W 121.44 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 88°58'14" W 135.52 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 73°12'43" W 97.90 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 80°31'09" W 69.16 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 85°07'44" W 100.39 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 85°39'58" W 131.50 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945" and the POINT OF BEGINNING.

Thence N 63°16'18" W 53.68 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 77°44'34" W 79.06 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 82°23'19" W 75.56 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 67°13'05" W 108.88 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 84°02'27" W 43.42 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 67°14'24" W 77.29 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945" in an old barbwire fence along the north side of the county road, from which a 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945" marking the Center 1/4 Corner of Section 8 as established in Book 7 of Surveys Page 55 bears N 00°47'44" W 16.31 feet.

Thence leaving said fence S 01°58'41" E 42.50 feet across Maple Creek Road to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945" in an old barbwire fence along the south side of the county road.

Thence along said fence the following courses S 67°40'05" W 36.74 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 47°42'43" W 56.77 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 31°00'55" W 143.41 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 10°56'40" W 97.24 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 33°59'25" W 67.75 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 33°59'25" W 0.69 feet to the south line of the North 1/2 of Section 8.

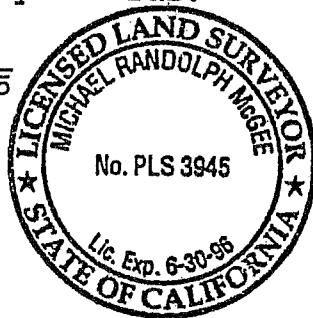
Thence leaving said fence line S 80°33'54" E along said south line of the North 1/2 of Section 8, a distance of 626.18 feet to a point that bears S 00°15'41" W from a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945", located N 50°E 2 feet from an old steel "No Trespassing" sign.

Thence N 00°15'41" E 227.73 feet to said 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 00°15'41" E 290.33 feet to the POINT OF BEGINNING.

SURVEYORS STATEMENT: This description was prepared by me on July 7, 1993 and is based on a field survey recorded in Humboldt County Records.

Michael R. McGee
Michael R. McGee, PLS 3945



"EXHIBIT B"

"IMPROVEMENT AREA" DESCRIPTION

That real property situated in the County of Humboldt, State of California, located in Sections 8 and 9 of Township 3 North Range 4 East, Humboldt Meridian more particularly described as follows.

BEGINNING at a found 5/8" rebar with plastic cap stamped "LS3150" set for the East 1/4 Corner of Section 8 as shown in Book 51 of Surveys, Page 138, Humboldt County Records.

Thence North 86°38'50" East 36.37 feet along the south line of the Northwest 1/4 of Section 9.

Thence North 00°03'25" East 241.09 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence North 47°20'25" W 48.91 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 07°04'00" W 68.77 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 31°06'27" E 66.45 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 20°22'12" E 29.54 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 00°03'25" E 108.60 feet to an old barbwire fence line running northwesterly and southeasterly.

Thence along said fence the following courses N 74°58'43" W 40.31 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 81°34'46" W 121.44 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 88°58'14" W 135.52 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 73°12'43" W 97.90 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 80°31'09" W 69.16 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 85°07'44" W 100.39 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence N 85°39'58" W 131.50 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945".

Thence S 00°15'41" W 290.33 feet to a set 5/8" rebar with aluminum cap stamped "MCGEE SURVEYING LS3945" located N 50°E 2 feet from an old steel "No Trespassing" sign.

Thence S 00°15'41" W 227.73 feet to the south line of the North 1/2 of Section 8.

Thence S 80°33'54" E along said south line of the North 1/2 of Section 8, a distance of 662.14 feet to the POINT OF BEGINNING.

SURVEYORS STATEMENT: This description was prepared by me on July 7, 1993 and is based on a field survey recorded in Humboldt County Records.


Michael R. McGee, PLS 3945



RECORDING REQUESTED BY:
Fidelity National Title Company of California
Escrow No.: 04-226867ZZ-AJ
Locate No.: CAFNT0912-0912-0001-000226867Z
Title No.: 04-226867ZZ

**When Recorded Mail Document
and Tax Statement To:**

Mr. and Mrs. Harvey Danney Harper
2515 S. [redacted] Lane
Eureka, CA 95508

2004-33078-3
Recorded — Official Records
Humboldt County, California
Carolyn Crnich, Recorder
Recorded by Fidelity National
Rec Fee 13.00
Doc Trf Tax 308.00
Survey Mon 10.00
Clerk: MM Total: 331.00
Oct 1, 2004 at 10:00

APN: 315-205-002, 315-205-003, 317-012-005
317-013-006 AND 317-012-004

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

**The undersigned grantor(s) declare(s)
Documentary transfer tax is \$308.00**

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area City of

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, John I. Zabel and Mabel I. Zabel, husband and wife

hereby GRANT(S) to Harvey Danney Harper and Beverly Helen Harper, husband and wife, as community property with right of survivorship

the following described real property in the County of Humboldt, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: September 27, 2004

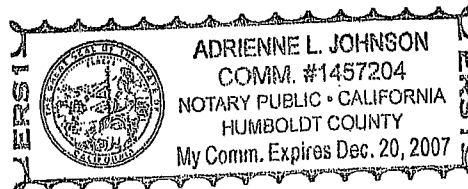
STATE OF CALIFORNIA
COUNTY OF Humboldt
ON September 28, 2004 before me,
the undersigned personally appeared
JOHN I. ZABEL AND MABEL I. ZABEL

John I. Zabel

JOHN I. ZABEL
Mabel I. Zabel

Mabel I. Zabel

personally known to me (or 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.



Witness my hand and official seal.

Signature *Adrienne L. Johnson*

MAIL TAX STATEMENTS AS DIRECTED ABOVE

10

GRANTEES HEREBY EXPRESSLY DECLARE AND ACCEPT THE TRANSFER OF THE HEREIN DESCRIBED PROPERTY AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP."

Grantee: [Signature]
Harvey Danney Harper

Date: 9/30/04

[Signature]
Beverly Helen Harper

Date: 9/30/04

STATE OF CALIFORNIA
COUNTY OF Humboldt

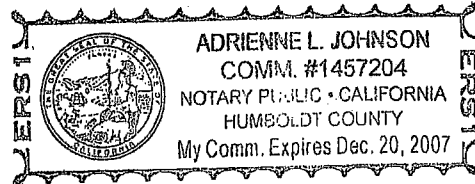
On September 29, 2004 before me, the undersigned
(here insert name and title of the officer),

personally appeared Harvey Danney Harper and Beverly Helen Harper

personally known to me (or 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.

WITNESS my hand and official seal.

Signature: [Signature]



STATE OF CALIFORNIA
COUNTY OF _____

On _____ before me, _____
(here insert name and title of the officer),

personally appeared _____

personally known to me (or 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.

WITNESS my hand and official seal.

Signature: _____

2

Escrow No.: 04-226867ZZ-AJ
Locate No.: CAFNT0912-0912-0001-000226867Z
Title No.: 04-226867ZZ

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE

The Northwest Quarter of the Southeast Quarter of Section 8, and the East Half of the Southeast Quarter of Section 8;
The South Half of the Southwest Quarter of Section 9;
The East Half of the Northeast Quarter of Section 17;
All in Township 3 North, Range 4 East, Humboldt Meridian.

PARCEL TWO

All those certain easement rights as set forth in that certain Judgment Quieting Title; declaring relief dated August 10, 1993 as Instrument No. 1993-26639-11, Humboldt County Records.

Initials:

Agricultural and Improvement areas

Judgment Quieting Title

Case number 80196

