SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of: <u>August 18, 2022</u>

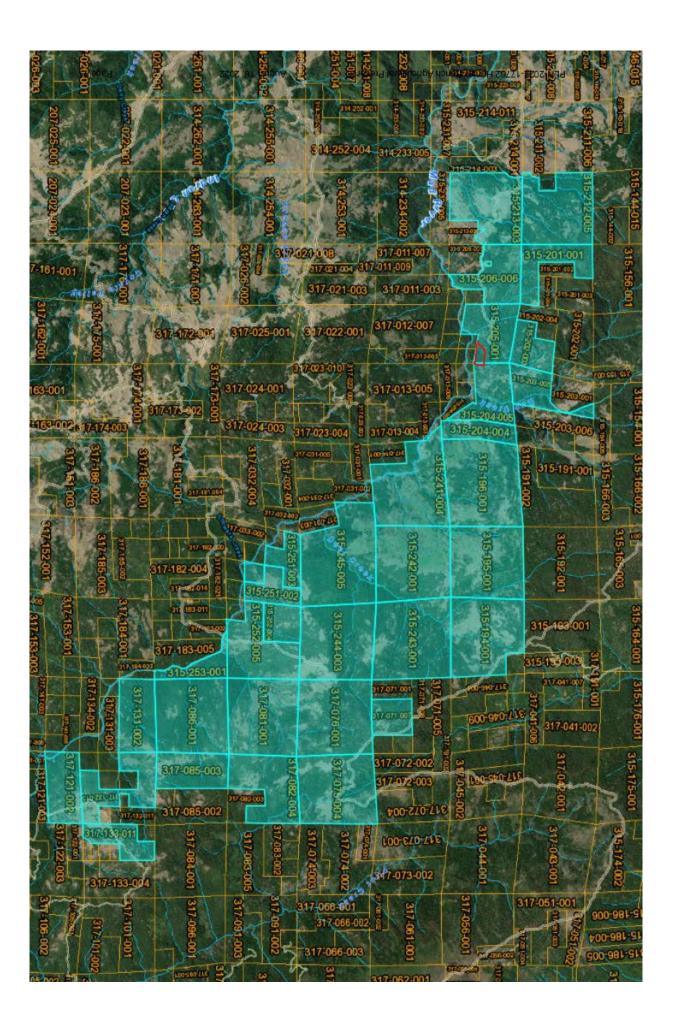
[X] [] [] []	Consent Agenda Item Continued Hearing Item Public Hearing Item Department Report Old Business	Nos. <u>F-4</u>
[]	Old Business	

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: Korbel 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,

Dan Harper 1491 Walker Point Road Bayside, Ca 95524

	(de la companya	
1	Thomas Becker (State Bar Christopher M. Neumeyer (No. 079589) State Bar No. 151994)	
2	Harland & Gromala 622 "H" Street	Jude Dal No. 131994)	
3	Eureka, California 95501 Telephone: (707) 444-92		
4	Attorneys for Plaintiffs	I County Clerk	
5	JOHN ZABEL and MABEL ZABE	L SEP 27 1993 L	
6 7		ByBepurv	
8	TN THE SUPERIOR C		
ہ 9		OURT OF THE STATE OF CALIFORNIA	
10	JOHN ZABEL and	THE COUNTY OF HUMBOLDT	
10	MABEL ZABEL,	Case No. 80196	
12	Plaintiffs		
13	vs.	NOTICE OF ENTRY	
14	SIMPSON TIMBER COMPANY,	OF JUDGMENT [C.C.P. §664.5(a)]	
14	a Corporation, SIMPSON REDWOOD COMPANY, a Washing	fton	
	Corporation, and all perso claiming by, through or un	nder	
16	said corporations and all persons unknown and claiming any		
17	legal or equitable right, title, estate, lien or interest in the		
18	property described in the Complaint adverse to the Plaintiffs' title, or any cloud upon the Plaintiffs' title		
19			
20	thereto, named as DOES 1 t 10, inclusive,	hrough	
21	Defendants.		
22		/	
23	TO: ALL PARTIES AND THEIR		
24		N that on August 10, 1993, judgment	
25	was entered in the above-e	ntitled action.	
26	DATED: September 24, 1993	THE HARLAND LAW FIRM	
27		By MM Augh	
28		Thomas Becker Attorney for Plaintiffs	
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	(^{max}
1	PROOF OF SERVICE
2 3 4	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.
5	On this date, I served a copy of the following on the interested parties listed below:
6	NOTICE OF ENTRY OF JUDGMENT
7 8	X By placing at my place of business a true copy thereof
9	in a sealed envelope with first-class postage, for collection and mailing with the U.S. Postal Service
10	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.
11 12	By personally delivering a true copy thereof to the party(ies) and at the address(es) set forth below.
13	By faxing a true copy thereof to the party(ies) at the facsimile numbers set forth below.
14 15	I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
16	DATED: September 27, 1993 Janny Cabon
17 18	Tammy L. Osborne
19	William H. Carson, Jr. HUBER & GOODWIN
20	550 "I" Street Eureka, CA 95501
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	Telephone: (707) 444-9281 Attorneys for Plaintiffs JOHN ZABEL and MABEL ZABEL	E By Williams By W	
8	IN THE SUPERIOR COURT OF	THE STATE OF CALIFORNIA	
9	IN AND FOR THE COU	JNTY OF HUMBOLDT	
10	MABEL ZABEL,	Case No. 80196	
12	Plaintiffs,	JUDGMENT QUIETING TITLE;	
13	vs.	DECLARATORY RELIEF	
14 15 16 17 18 19 20 21	REDWOOD COMPANY, a Washington Corporation, and all persons claiming by, through or under	RECEIVED 93 AUG 30 AN 10: 37 county clerk	
~ 22	Defendants.	/ · · · · · · · · · · · · · · · · · · ·	
23	· ·	This cause came on regularly for trial on October 7, 1991,	
24		in Department One, the Honorable Conrad L. Cox, assigned,	
25 26	presiding, sitting without a jury.		
20	Mabel Zabel appeared personally ar Becker, and the Defendants Simpson		
28	Becker, and the Defendants Simpson Timber Company, a corporation and Simpson Redwood Company, a Washington Corporation, appeared		
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through its representative, Michael Moore and through counsel William H. Carson, Jr. Oral and documentary evidence was presented by all parties. The cause was argued and submitted for decision. The court entered a Minute Order dated December 26, 1991. After requests for statement of decision, a Statement of Decision was signed by the court on November 25, 1992, and filed in the court records on December 28, 1992.

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

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9 1. As of October 7, 1991, plaintiffs John Zabel and Mabel 10 Zabel are the owners of a dominant tenement more particularly described on Exhibit A attached hereto and made part hereof 11 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 Mabel Zabel are the owners of a dominant tenement more 17 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 hereinafter described. A map called "Record of Survey" 22 depicting both the Agricultural Preserve and the Improvement 23 24 Area are attached hereto as Exhibit C.

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

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

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(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 and12 hydrocarbon rights.

13 (D) The easement is in gross and is assignable by14 plaintiffs.

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

17 The defendants may use and maintain Maple Creek (F) 18 Road for construction, repair and maintenance of a bridge at Dry Creek so long as that construction, repair and maintenance shall 19 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 Road or any bridge thereon because such rights of the 25 plaintiffs, their successors or the public, if any, are not 26 27 adjudicated by this judgment.

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The defendants shall not hunt on this easement (G) area. The defendants shall not harvest timber on this (H) easement area. б. Each party shall bear his own costs of suit. DATED: <u>August 10, 1993</u> JUDGE OF THE SUPERIOR COURT Approved as to form: 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".

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EXHIBIT ____

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.

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EXHIBIT _

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.

AND A Mich Michael R. McGee, PLS 3945 No. PLS 3945



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EXHIBIT

"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.

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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".

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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.

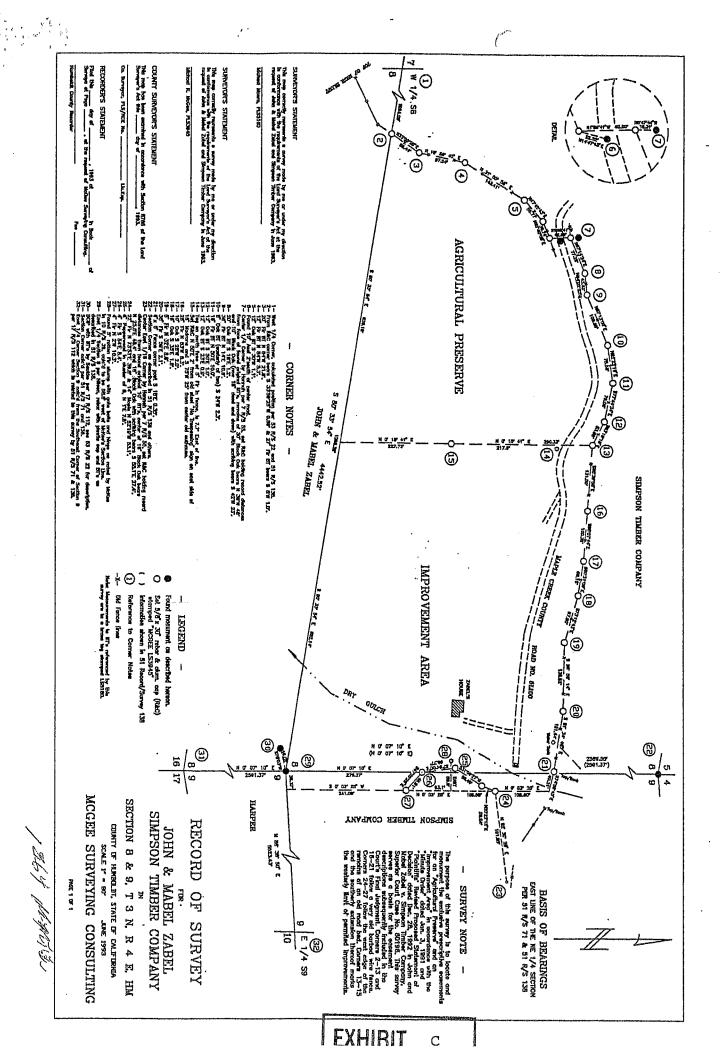
Thence S 80°33'54" E along said south line of the North 1/2 of Section 8, a distance of 662.14 feet to the POINT OF BEGINNING.

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 No. PLS 3945

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EXHIBIT



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

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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

Recorded — Official Records

Humboldt County, California

Carolyn Crnich, Recorder

Total:

Oct 1, 2004 at 10:00

13.00

10.00

308.00

331.00

Recorded by Fidelity National *

Rec Fee

Doc Trf Tax

Survey Mon

Clerk: MM

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,
- X] 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 ON コロロリ before me, personally appeared 40 under Mabel I. Sia nea JÓHN I. ZABEL AND MABEL I. ZABE

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 COMM. #1457204 NOTARY PUBLIC • CALIFORNIA HUMBOLDT COUNTY My Comm. Expires Dec. 20, 2007

MAIL TAX STATEMENTS AS DIRECTED ABOVE

GRANT DEED

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

Grantee:	
	28'
Harvey Danney Harper	<u> </u>

Harper

Date: Date:

STATE OF CALIFORNIA COUNTY OF Humbold F On <u>September 29, 2004</u> before me, <u>the under signed</u> (here insert name and title of the officer), personally appeared <u>Harvey Danney Harper and Beverly</u> <u>Helen Harper</u> 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. ADRIENNE L. JOHNSON ñ COMM. #1457204 Johnson Signature: (HUMBOLDT COUNTY My Comm. Expires Dec. 20, 2007 🖌 STATE OF CALIFORNIA COUNTY OF ______before me, ______(here insert name and title of the officer), ______ before me, ______ On ____ 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:

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

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EXHIBIT "A"

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

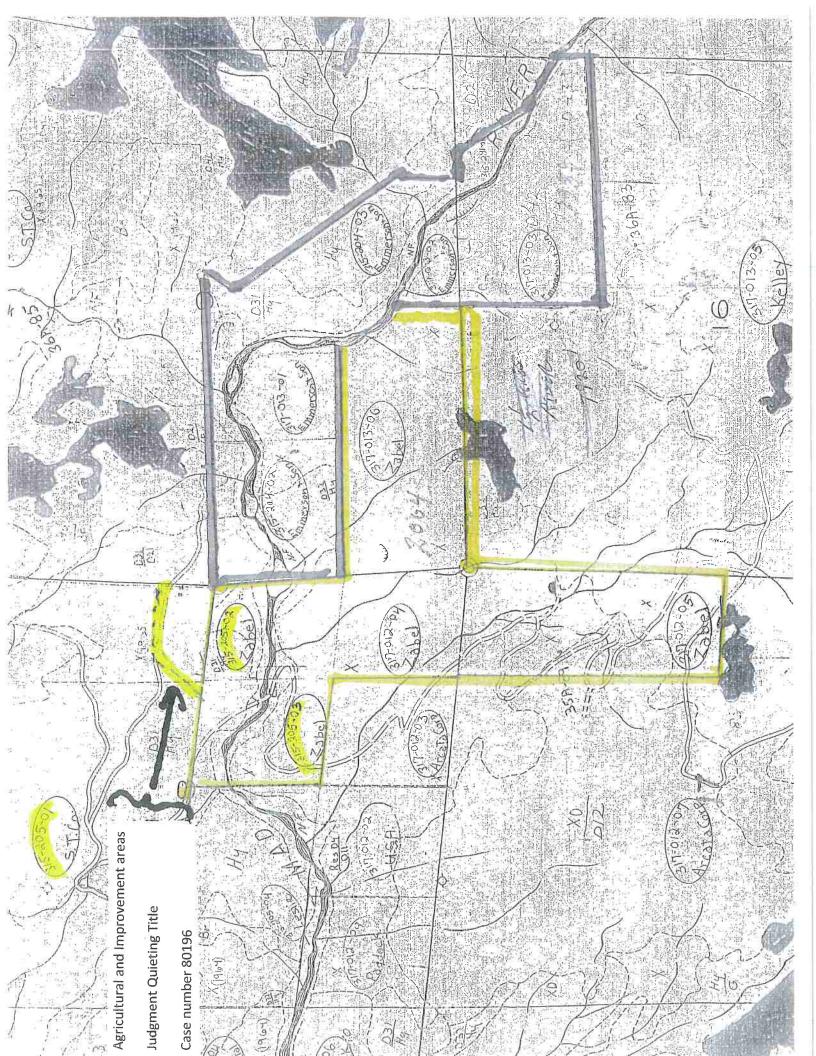
PARCEL ONE

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:



312-521-005 61-519 100-102-915 8 500 200-210 011-063 900-9 200 102 018 316-201-001 N 505 001

75E No. 80196 PARCEL No. 315-205-001 Judgment Quetting