

PETITION FOR CANCELLATION
OF A LAND USE CONTRACT
OR LAND USE AGREEMENT

CALIFORNIA LAND CONSERVATION ACT

Date: _____

I, _____, owner of the property described below, petition the Kern County Board of Supervisors for cancellation of all or a portion of an Agricultural Preserve Land Use Contract or Land Use Agreement, pursuant to Chapter 7, Article 5, Sections 51280 through 51286 of the Government Code, State of California, and pursuant to Kern County Board of Supervisors Resolution No. 72-69, dated January 25, 1972.

Signature (please have notarized)

Mailing Address

Name of Previous Property Owner (if known)

DESCRIPTION OF PROPERTY INCLUDED IN THE CANCELLATION REQUEST:

Assessor's Parcel Number(s):

LEGAL DESCRIPTION (include plot plan or map of the area):

REASONS FOR WHICH THE CANCELLATION IS REQUESTED (refer to Section 51282, Government Code, State of California, as set forth on Page 2):

INDEMNIFICATION AGREEMENT:

In consideration by the County of Kern of a permit for a land use approval project located at

_____,
(address or general location)

I/We (identified below) agree to indemnify, defend, and hold harmless the County of Kern and its officers, agents, employees, departments, commissioners and boards ("County" herein) against any and all liability, claims, actions, causes of action or demands whatsoever against them, or any of them, before administrative or judicial tribunals of any kind whatsoever, in any way arising from, the Applicant's representations contained within this application, including without limitation any CEQA determination or any related development approvals or conditions, whether imposed by County or not, except for County's sole active negligence or willful misconduct.

This indemnification agreement does not prevent the Applicant or property owner from challenging any decision by County related to this project and the obligations of this condition apply regardless of whether any other permits or entitlements are issued.

County will promptly notify Applicant and property owner (if different than Applicant) of any such claim, action, or proceeding, falling under this condition within thirty days of actually receiving such claim. County, in its sole discretion, shall be allowed to choose the attorney or outside law firm to defend County at the sole cost and expense of the Applicant and/or property owner, jointly and severally, and County is not obligated to use any law firm or attorney chosen by another entity or party.

Applicant/Contact:

Print Name

Signature

Date

(If the applicant is not an individual, the corporation name goes under "Print Name", authorized signature below it, and complete below.)

By: _____

Print Name

Title: _____

IMPORTANT NOTE:

Original signatures of the applicant are required on this form for this application to be considered complete for processing.

NOTE: Current fees are available on the Kern County Planning and Natural Resources Department website. <https://kernplanning.com/planning-fees/>

Return this Petition and filing fee (which is nonrefundable) to:

KERN COUNTY PLANNING AND NATURAL RESOURCES DEPARTMENT
2700 "M" STREET, SUITE 100
BAKERSFIELD, CA 93301

***** FOR OFFICE USE ONLY *****

Name _____

APN _____

Map # _____

S.D. # _____

Last

First

Middle

Contract Executed by _____

Recordation Date _____ Book _____ Pages _____

Fee _____ Receipt # _____ Date _____ Rec'd by _____

Section 51282, Government Code, State of California

Petition for Cancellation of Contract; Grounds

- (a) The landowner may petition the Board of Supervisors for cancellation of any Contract as to all or any part of the subject land. The Board may grant tentative approval for cancellation of a Contract only if it makes one of the following findings:
 - (1) That the cancellation is consistent with the purposes of Chapter 7; or
 - (2) That cancellation is in the public interest.
- (b) For the purposes of paragraph (1) of subdivision (a), cancellation of a Contract shall be consistent with the purposes of Chapter 7 only if the Board makes all of the following findings:
 - (1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245.
 - (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
 - (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
 - (4) That cancellation will not result in discontinuous patterns of urban development.
 - (5) That there is no proximate non-Contracted land which is both available and suitable for the use to which it is proposed the Contracted land be put, or, that development of the Contracted land would provide more contiguous patterns of urban development than development of proximate non Contracted land.
- (c) For purposes of paragraph (2) of subdivision (a), cancellation of a Contract shall be in the public interest only if the Board makes the following findings:
 - (1) That other public concerns substantially outweigh the objectives of Chapter 7; and
 - (2) That there is no proximate non-Contracted land which is both available and suitable for the use to which it is proposed the Contracted land be put, or, that development of the Contracted land would provide more contiguous patterns of urban development than development of proximate non-Contracted land.
- (d) For purposes of subdivision (a), the uneconomic character of the existing agricultural use shall not by itself be sufficient reason for cancellation of the Contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.
- (e) The landowner's petition shall be accompanied by a proposal for a specified alternative use of the land. The proposal for the alternative use shall list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use, and the provisions and requirements of Section 51283.4 shall be fully applicable thereto. The level of specificity required in a proposal for a specified alternative use shall be determined by the Board as that necessary to permit them to make the findings required.
- (f) In approving a cancellation pursuant to this section, the Board shall not be required to make any findings other than or in addition to those expressly set forth in this section and, where applicable, in Section 21081 of the Public Resources Code.

PROVIDE A STATEMENT INDICATING WHY THE PROPOSED CANCELLATION COMPLIES WITH THE ABOVE SECTION OF THE GOVERNMENT CODE:

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.

[illegible]

On this _____ day of _____, 20____, before me, _____,
Notary Public, personally appeared _____, 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