

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *Mal*

BOARD AGENDA # * C-2

Urgent Routine

AGENDA DATE November 4, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of Montpelier Road Located Southeast of Sixth Street (Montpelier)

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes 8331, 8334 and 8335:

1. Find based on the reasons stated in this report, that the portion of Montpelier Road located southeast of Sixth Street is not required for street and highway purposes.
2. Find the in-place public utility facilities will be protected by an easement retained for their benefits.
3. Adopt the attached resolution vacating a portion of Montpelier Road located southeast of Sixth Street.

FISCAL IMPACT:

There is no fiscal impact associated with this item. The fees for processing the abandonment have been paid by the applicant.

BOARD ACTION AS FOLLOWS:

No. 2008-760

On motion of Supervisor Grover, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST: *Christine Ferraro*
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Summarily Vacate a Portion of Montpelier Road Located Southeast of Sixth Street (Montpelier)

DISCUSSION:

The requested item is the abandonment of a portion of Montpelier Road bordered by the southwest right-of-way and property owned by Caloy Company. This abandonment is being pursued to allow for the use of the entire property for site improvements necessary for the operation of the business and to comply with the rezone and use permit applications. The summary abandonment will provide for these necessary site improvements.

The utility company, AT&T, has facilities within the abandonment area, therefore easements will be retained at the existing location to protect their interests. Utility companies, Pacific Gas and Electric and Turlock Irrigation District, do not have facilities that would be affected within the abandonment area.

POLICY ISSUES:

The Board of Supervisors should consider if the recommended action is consistent with its priority of a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

LF:jg
G:\JWarr\2008 Board Items\Montpelier Board Item

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: November 4, 2008

No. 2008-760

On motion of Supervisor Grover Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Mayfield

Abstaining: Supervisor: None

Item # *C-2

THE FOLLOWING RESOLUTION WAS ADOPTED:

**APPROVAL TO SUMMARILY VACATE A PORTION OF MONTPELIER ROAD LOCATED SOUTHEAST
OF SIXTH STREET (MONTPELIER).**

BE IT RESOLVED that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

1. The vacation of the excess street right-of-way described herein below in made under Chapter 4, of Part 3, of Division 9 of the California Streets and Highways Code. (Sections 8331, 8334 and 8335).
2. The excess street right-of-way to be vacated is a portion of Montpelier Road bordered by the southwest right-of-way and property owned by Caloy Company, and more particularly described in Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B".
3. The excess street right-of-way hereby is not required for highway purposes. Furthermore the area requested would provide for site improvements necessary for the operation of the business and to comply with the rezone and use permit applications. The existing in-place utilities will be protected by an easement for their benefit.
4. That from and after the date this resolution is recorded by the County, the vacated excess street right-of-way herein described no longer constitutes a street, or highway.

Also in accordance with Section 8336(a) of the Street and Highway Code:

The Stanislaus County Clerk of the Board shall cause a certified copy of this resolution of vacation, attested by the Clerk under seal, to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the Office of the Recorded of this County, in which the property is located. No fee shall be charged for recordation.

ATTEST: **CHRISTINE FERRARO TALLMAN, Clerk**
Stanislaus County Board of Supervisors,
State of California

Christine Ferraro

EXHIBIT "A"

Legal Description of Properties Road Easement Abandonment Lands of Caloy Company, LLC A.P.N. 019-041-027

Being a portion of Parcel 1 as shown on Parcel Map recorded in Book 34 of Parcel Maps, at Page 7, Stanislaus County Records, Lying in the Southeast Quarter of Section 36, Township 4 South, Range 11 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the Northeast Corner of said Parcel 1, running thence along the easterly line of said Parcel 1 and the westerly right-of-way line of Montpelier Road (80 feet width), South 37°43'15" East 665.00 feet to the Southeast Corner of said Parcel 1;

Thence, along the southerly line of said Parcel 1, South 52°16'45" West 59.78 feet to a point;

Thence, through a non-tangent curve concave to the west, whose radius bears South 59°59'03" West, having a Radius of 4,960.00 feet, a Delta Angle of 7°42'18", and an Arc Length of 667.01 feet to a point on the northerly line of said Parcel 1;

Thence, along the northerly line of said Parcel 1, North 52°16'45" East 15.00 feet to the **Point of Beginning.**

Containing 19,883 square feet of land, more or less.

End Description



William D. Morris

PLS No.: 7795

Exp.: 12-31-09

7/28/08

Date

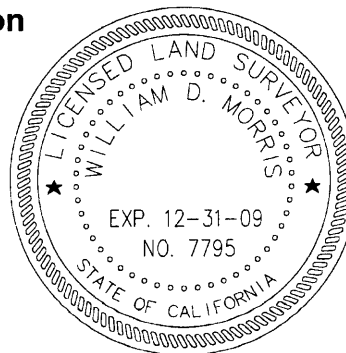
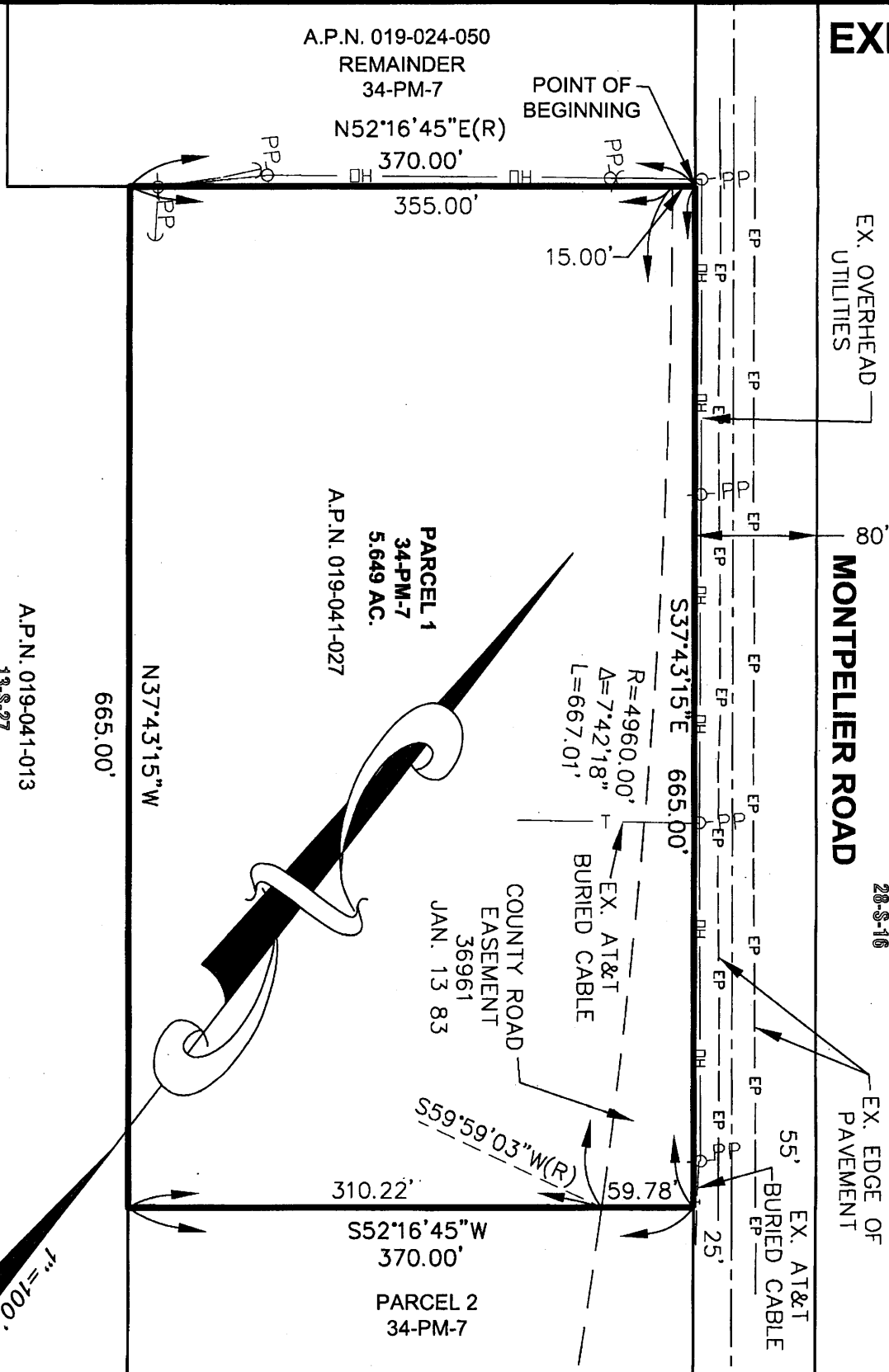


EXHIBIT B



MORRIS
ENGINEERING & SURVEYING, INC.

460 N. YOSEMITE AVENUE, SUITE 10
OAKDALE, CA 95361
(209) 845-9175 ☎ (209) 845-9177 (FAX)

SCALE:	1"=100'
DRAWN:	PLM
CHECKED:	WDM
JOB NO.:	08-110
SHEET:	1 OF 1

CALOY COMPANY
5425 MONTPELIER RD
MONTPELIER, CA