

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

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE March 3, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Accept the Offer of Dedication for a Public Utility Easement as Delineated on the Palmbrook Colony Map Located West of Turlock

STAFF RECOMMENDATIONS:

1. Accept the offer of dedication of Road "C" (Harding Road) through Lots 33-37, as offered on the Palmbrook Colony Map located west of Turlock.
2. Authorize the Director of Public Works to record a Certificate of Acceptance with the Stanislaus County Recorder's Office for the Public Utility Easement (PUE).

FISCAL IMPACT:

There is no fiscal impact associated with the item. Acceptance of the Public Utility Easement will make possible the construction by the City of Turlock of infrastructure to carry tertiary treated wastewater to the San Joaquin River. Per the existing Maintenance Agreement, the City of Turlock will be responsible for all costs associated with the installation, maintenance, repair, replacement and use of the encroachment as permitted by the County. Maintenance of the Public Utility Easement, outside of the conditions set in the Maintenance Agreement, will be the responsibility of the Department of Public Works through its Road Operations budget.

BOARD ACTION AS FOLLOWS:

No. 2009-138

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Accept the Offer of Dedication for a Public Utility Easement as Delineated on the Palmbrook Colony Map Located West of Turlock

DISCUSSION:

Stanislaus County is working in conjunction with the City of Turlock (City) on improving their infrastructure. The City is planning the construction of a 30,000 foot, long 36-inch diameter pipeline to carry tertiary treated wastewater to the San Joaquin River. The goal is to remove this discharge from the Harding Drain as one step towards the long-term goal of removing discharge from the surface water of the State. This is primarily due to the anticipation of more stringent water quality requirements in the future.

The proposed route for this pipeline will be along the Harding Road right-of-way located west of Turlock. A portion of this road was dedicated on the Palmbrook Colony Subdivision Map, recorded in Book 5 of Maps, Page 7, Stanislaus County Records. (Exhibits 1&2). However the dedication at the time of recording was not accepted by Stanislaus County. The County is now exercising its' right as granted to them by the State Government Code known as Subdivision Map Act, Section 66477.2(b) to accept the right-of-way as a Public Utility Easement to facilitate the construction of this pipeline.

This facility will be a benefit to Stanislaus County because the communities of Keyes and Denair are part of the wastewater system the City of Turlock is improving. The City and County have completed a Maintenance Agreement in anticipation of the construction of this pipeline. The landowners that are affected by this easement have been contacted by mail notifying them of the County's intention to record the Certificate of Acceptance.

The County will file with the County's Recorder Office, a Certificate of Acceptance for the Public Utility Easement (Exhibit 3) as offered on the Palmbrook Colony Map approved by the County's Road Commissioner.

POLICY ISSUES:

The Board should consider if the recommended actions are consistent with the Board's priorities of providing a safe community, a healthy community, and a well-planned infrastructure system.

PALMBROOK COLONY

COMPRISING

Parts of Sections 20, 29, 30, 31, 32 T.55. R.9. E.
and the E. 1/2 of the S. E. 1/4 of Section 25, T.55. R.9. E.
M. D. B. M.

This is to certify, that the undersigned A.G. Chatham and the Palmbrook Land Company, a corporation are the owners of the real property delineated and set forth on this map and are the only persons whose consent is necessary to the making of this map, and the dedication to public use of the highways shown thereon; and that the undersigned do hereby consent to the making of said map, and do hereby dedicate to public use the roads and highways delineated thereon.

A.G. Chatham
Palmbrook Land Company
by *A.G. Chatham*
President
by *J. T. Lyster*
Secretary

State of California } s.s.
County of San Mateo }

On this 11th day of April, 1910
before me - L. P. Babcock, a Notary Public in and for
said county and state, residing therein, duly commissioned
and sworn, personally appeared J. L. Ross, and
Edw. F. Fitzpatrick, known to me to be the President and
Secretary respectively of the Palmbrook Land
Company, the corporation in and that executed the within
and annexed instrument and acknowledged to me that
such corporation executed the same.

In Witness Whereof, I have hereunto set my
hand and affixed my seal of office the day and year first
above written.

L. P. Babcock
Notary Public in and for the
County of San Mateo,
State of California

State of California } s.s.
County of Stanislaus }

On this 11th day of April, 1910
before me W. H. Cross, a Notary Public in and for
said county and state, residing therein, duly commissioned and sworn, personally
appeared A. G. Chatham known to me to be the persons described in and who executed
the within and annexed instrument, and acknowledged to me that he executed the same.
In Witness Whereof, I have hereunto set my hand and affixed my seal the day
and year first above written.

W. H. Cross
Notary Public in and for the
County of Stanislaus
State of California

This is to certify that this major plot of the Palmbrook Colony
in Sections 20, 29, 30, 31, 32, T.55. R.9. E. and the E. 1/2 of the S. E. 1/4 Sec 25 T.55. R.9. E.
M. D. B. M. duly acknowledged and certified as required by law, having been presented to
the Board of Supervisors of the County of Stanislaus, State of California which body is the
governing body having control of the Streets, Roads and Highways in the territory shown
in said map or plot, and it is hereby ordered that all Streets, Roads and Avenue be
rejected except those heretofore declared to be public highways.

W. H. Cross
Chairman Board of Supervisors
Stanislaus Co. California

State of California } s.s.
County of Stanislaus }

I, W. H. Cross, County Auditor of the County of Stanislaus
State of California do hereby certify that there are no liens for unpaid State or
County Taxes except those not yet payable against said tract of land designated as the
Palmbrook Colony in Sections 20, 29, 30, 31, 32, T.55. R.9. E. and the E. 1/2 of
the S. E. 1/4 of Section 25 T.55. R.9. E. M. D. B. M.

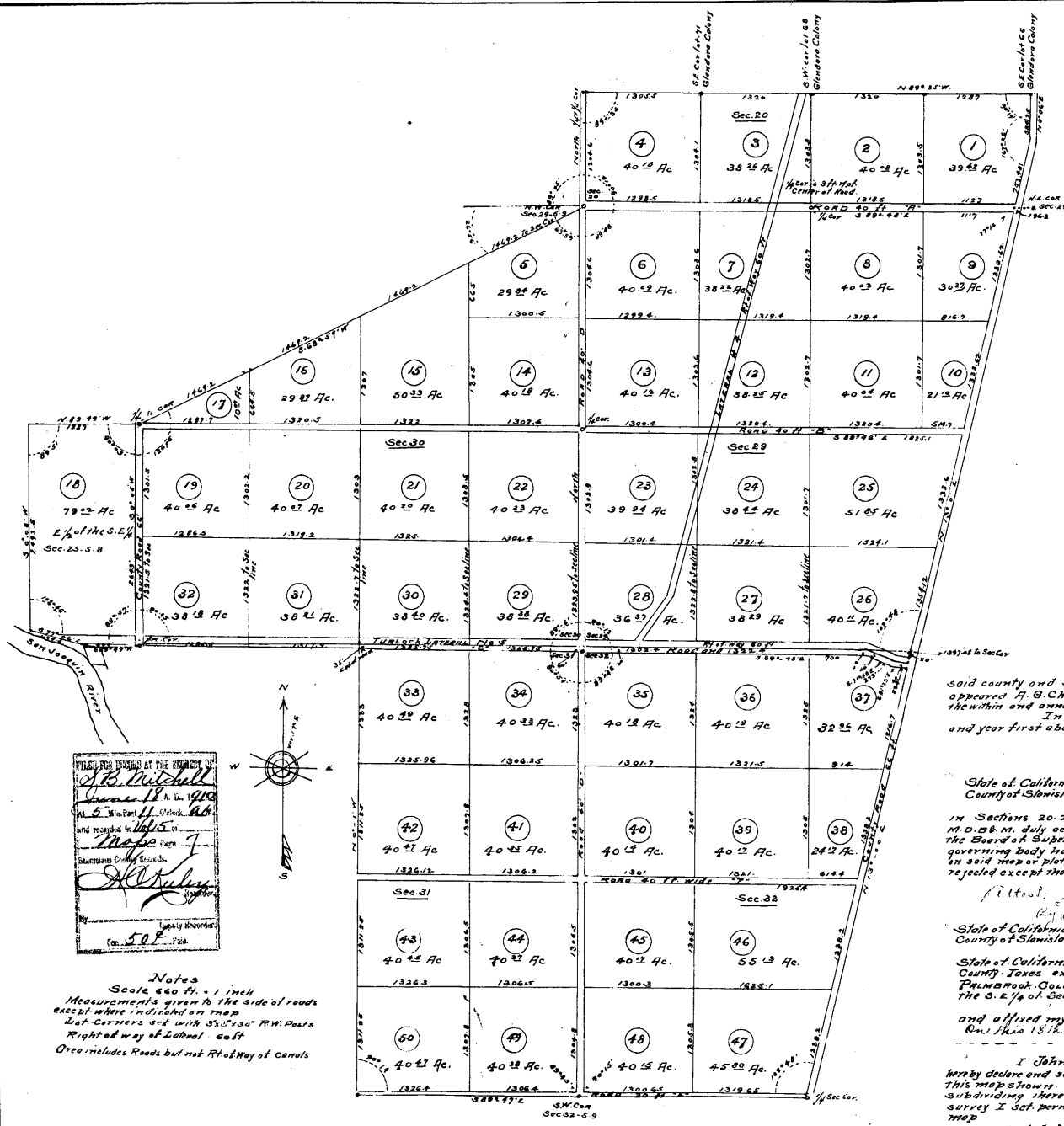
In Witness Whereof, I have hereunto set my hand
and affixed my seal of office in the County of Stanislaus, State of California
on this 11th day of April, 1910.

W. H. Cross
Deputy Auditor

I, John T. Lyster a duly licensed land surveyor of the State of California do
hereby declare and say that I made, in March 1909 the survey of the subdivisions upon
this map shown, that said map is correct, that the survey of said lands and the
subdividing thereof was made of the time above mentioned that in making said
survey I set permanent and reliable monuments at the several places shown on the
map.

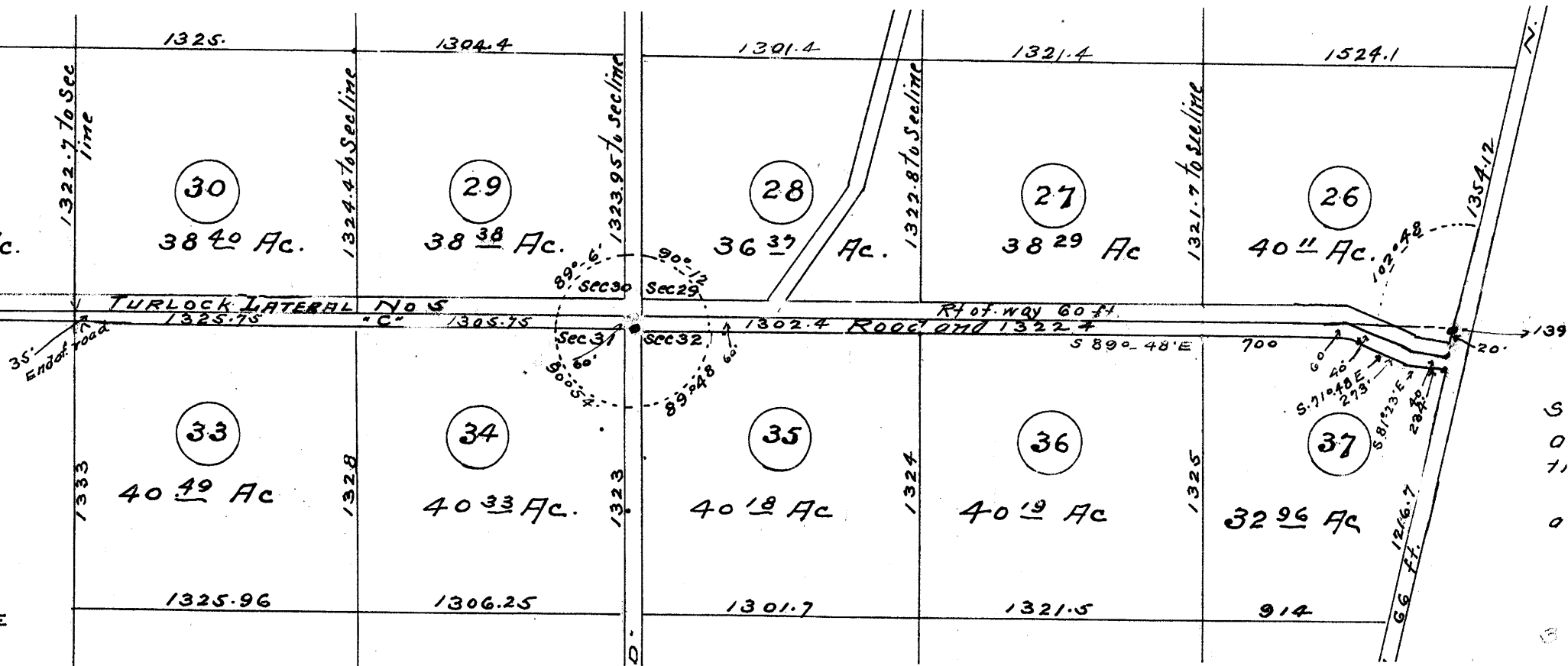
Dated March 28th 1910

John T. Lyster
Licensed Surveyor



PLAT FOR ISSUED AT THE REQUEST OF
A. B. Mitchell
June 17 A. M. 1910
1/2 Mile Part of Block 66
and recorded in Vol. 5 of
Maps Page 7
Stanislaus County Records
A. B. Mitchell
County Recorder
Vol. 508 - 718

Notes
Scale 640 ft. = 1 inch
Measurements given to the side of roads
except where indicated on map
Lot Corners set with 3/8" x 1/2" R.W. Posts
Right of Way of Lot and
Orce includes Roads but not Right of Way of canals



Recording Requested By:
PUBLIC WORKS DEPARTMENT
When Recorded Mail To:
Public Works Department
1010 10th Street, Suite 3500
Modesto, Ca. 95354



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2009-0022566-00
Tuesday, MAR 10, 2009 15:55:11
Ttl Pd \$0.00 Nbr-0002687599
OMC/R2/1-4

Attn: Larry Fontana

For recorders use only



CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION




(Below for deeds or instruments conveying title)

MAIL TAX STATEMENTS TO PARTY SHOWN: _____

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property as offered by A. G. Chatom and the Palmbrook Land Company, (Exhibit "B") a Corporation, on the Palmbrook Colony Map as recorded in Book 5 of Maps, Page 7 dated June, 18th 1910 to the County of Stanislaus a political corporation and/or governmental agency, hereby accepts Road "C" known as Harding Road lying along the north line of Lots 33-37 of said Map as designated on Exhibit "A", as a Public Utility Easement by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on May 12, 1998 in accordance with the provisions of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

Matt Machado, Road Commissioner
of Stanislaus County, State of California

By: 

Dated: 3-10-09

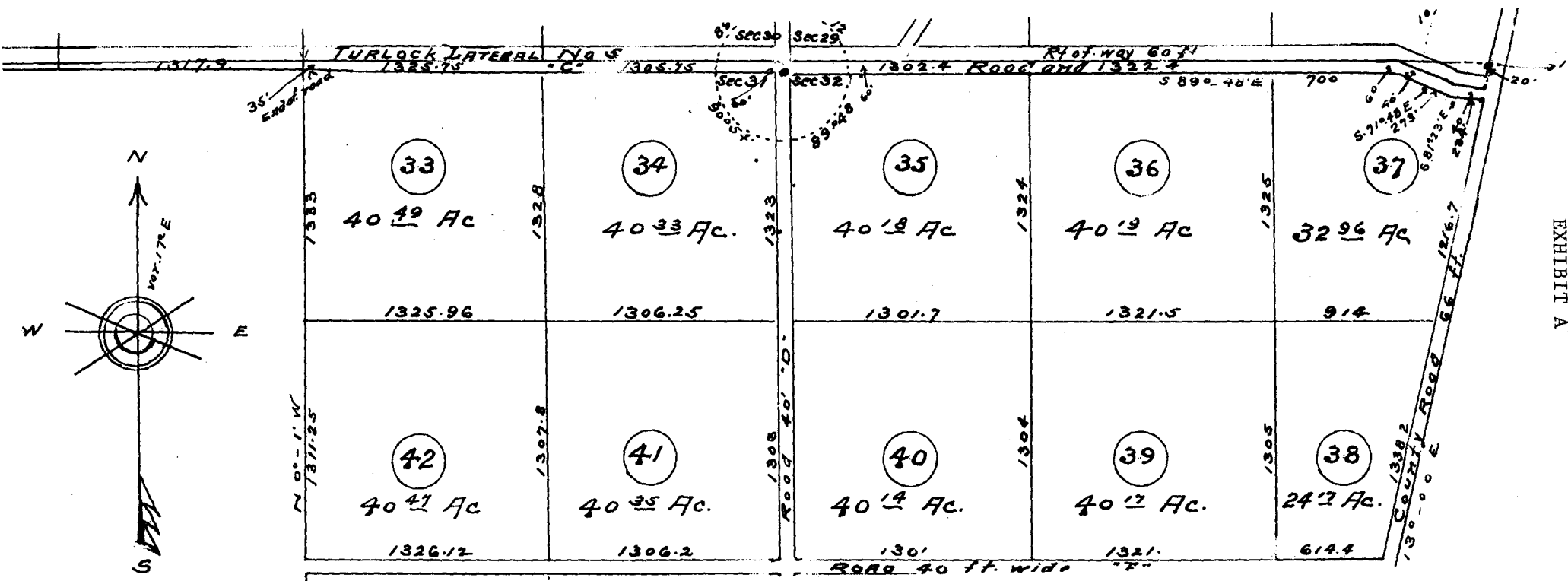


EXHIBIT A

LOTS 33-37 OF 5-m-7

PALMBROOK COLONY

COMPRISING

Parts of Sections 20, 29, 30, 31, 32 T. 5 S. R. 9. E
and the E 1/2 of the S.E. 1/4 of Section 25. T. 5 S. R. 8. E
M. D. B & M

This is to certify - that the undersigned A.G. Chatom and the Palmbrook Land Company, a corporation are the owners of the real property delineated and set forth on this map and are the only persons whose consent is necessary to the making of this map, and the dedication to public use of the highways shown thereon; and that the undersigned do hereby consent to the making of said map, and do hereby dedicate to public use the roads and highways delineated thereon.

A.G. Chatom
Palmbrook Land Company
by *J. Ross* President
by *Edw. F. Fitzpatrick* Secretary

State of California } s.s.
County of San Mateo }

On this 12th day of April, 1910
before me - L.P. Robinson a Notary Public in and for
said county and state, residing therein, duly commissioned
and sworn, personally appeared J.W. Ross, and
Edw. F. Fitzpatrick, known to me to be the president and
Secretary respectively of the of the Palmbrook Land
Company, the corporation in and that executed the within
and annexed instrument, and acknowledged to me that
such corporation executed the same

In Witness Whereof, I have hereunto set my
hand and affixed my seal of office the day and year first
above written

L.P. Robinson
Notary Public in and for the
County of San Mateo,
State of California

State of California } s.s.
County of Stanislaus }

On this 15th day of April, 1910
before me W.H. Crane a Notary Public in and for
said county and state, residing therein, duly commissioned and sworn, personally
appeared A.G. Chatom known to me to be the persons described in and who executed
the within and annexed instrument, and acknowledged to me that he executed the same.

In Witness Whereof I have hereunto set my hand and affixed my seal the day
and year first above written

A.G. Chatom
Notary Public in and for the
County of Stanislaus

