

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

DEPT: Public Works *Handwritten signature*

BOARD AGENDA # \*C-1

Urgent  Routine

AGENDA DATE March 31, 2009

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Summarily Vacate the Portion of an 18-Foot Alley Located Adjacent to Lots 12-16 of Block 5 South of Modesto Irrigation District High Line Lateral and North of 2<sup>nd</sup> Street in the Community of Empire in Stanislaus County

STAFF RECOMMENDATIONS:

Pursuant to the Street and Highway Code 8333, 8335, and 8336:

1. Find, based on the reasons stated in this report, that the southern portion of the 18' alley located adjacent to Lots 12-16 of Block 5 south of Modesto Irrigation District High Line Lateral and north of 2<sup>nd</sup> Street in the community of Empire is not required for street or highway purposes.
2. Find there are no in-place public utility facilities in the abandonment area that will be affected by the abandonment.
3. Adopt the attached Resolution vacating the southerly section of Block 5 Alley.

FISCAL IMPACT:

There is no fiscal impact associated with this item. The fees for processing this abandonment, estimated at \$1,110.00, have been paid for by the applicant.

BOARD ACTION AS FOLLOWS:

No. 2009-195

On motion of Supervisor Monteith, 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 Summarily Vacate the Portion of an 18-Foot Alley Located Adjacent to Lots 12-16 of Block 5 South of Modesto Irrigation District High Line Lateral and North of 2<sup>nd</sup> Street in the Community of Empire in Stanislaus County

**DISCUSSION:**

This item is regarding the portion of 18' alley of Block 5 located south of Modesto Irrigation District High Line Lateral and north of 2<sup>nd</sup> Street in the community of Empire. Stanislaus County has not improved or maintained this section of road and has no need for this easement. The utility companies, AT&T, Pacific Gas & Electric, City of Modesto (Water) and Modesto Irrigation District have no facilities now or in the foreseeable future within the abandonment area and have no objections to the abandonment. The area is not being used for public use or access. Pursuant to Street and Highway Code 8333(c), which states that the legislative body may summarily vacate if the easement has been determined to be excess, and there are no other public facilities located within the easement. This summary abandonment will allow improvements to be completed by the adjacent landowner, Ms. Carolyn Morgan who requested this abandonment.

Department staff attended the March 9, 2009 meeting of the Empire Municipal Advisory Council (MAC) to discuss the recommended abandonment. Neither the Empire MAC nor the residents in attendance expressed concerns with staff's recommendation.

**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.

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

Date: March 31, 2009

No. 2009-195

On motion of Supervisor Monteith 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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*C-1

**Approval to Summarily Vacate the Portion of an 18-Foot Alley Located Adjacent to Lots 12-16 of Block 5 South of Modesto Irrigation District High Line Lateral and North of 2nd Street in the Community of Empire in Stanislaus County**

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 acknowledgment, certificate of acknowledgment, or further proof in the Office of the Recorder of this County, in which the property is located. No fee shall be charged for recordation.

THEREFORE, BE IT RESOLVED that pursuant to the above Section 8333, the portion of Block 5 Alley described in Exhibit "A" is hereby summarily vacated.

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

  
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## EXHIBIT "A"

Being a portion of the Southeast Quarter of Section 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian as recorded on the subdivision map "Town of Empire" in Volume 4 of Maps, Page 30 on July 13, 1909, Stanislaus County Records more particularly described as follows:

All that portion of the southerly section of Block 5 Alley of said map, as dedicated for road purposes, bounded by the following described lines:

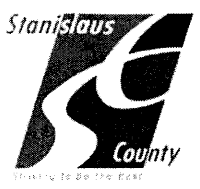
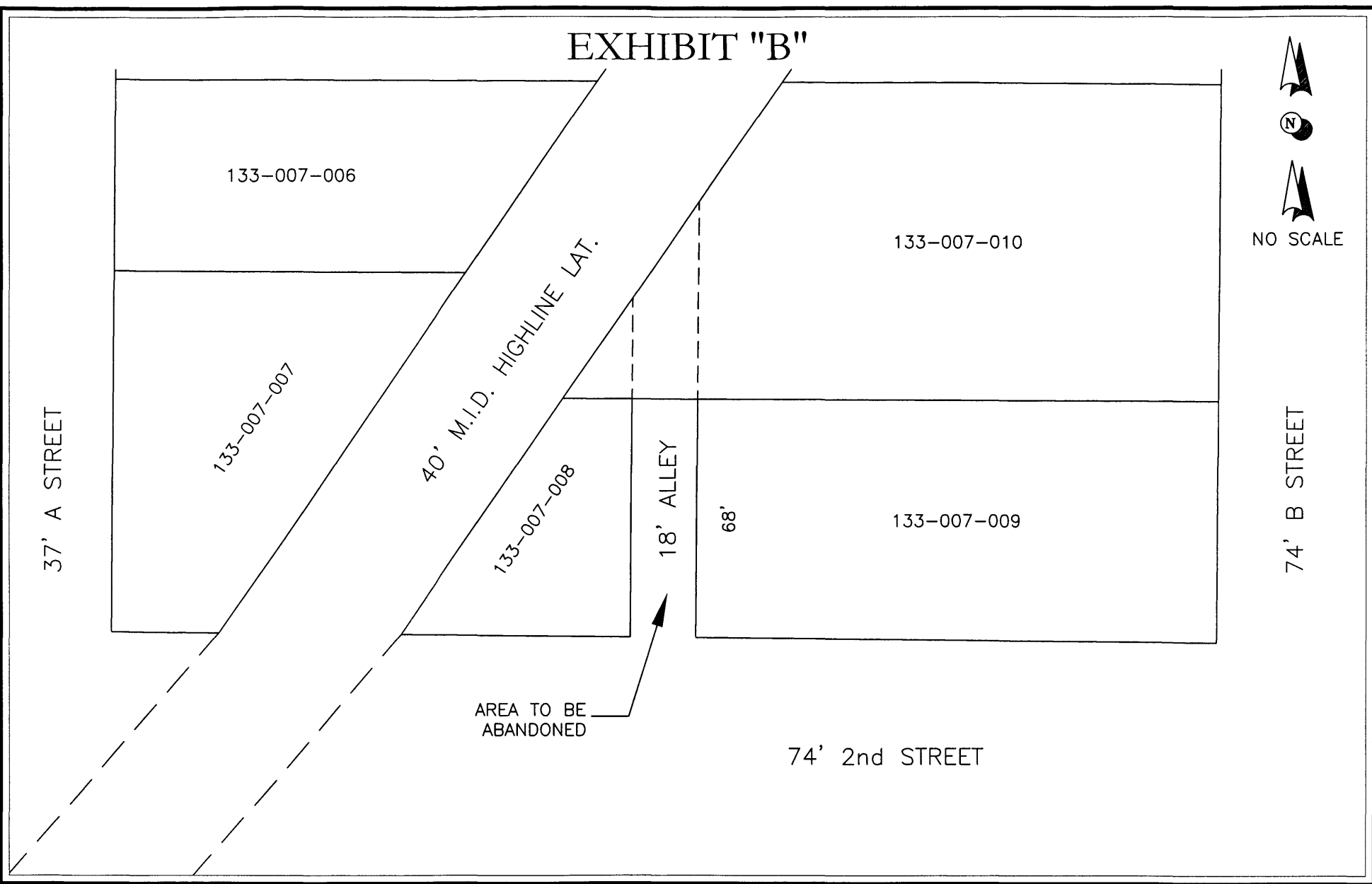
The westerly line of Lots 12, 13, 14, 15, & 16 of said Block 5.

The southerly line of the High Line Ditch of the Modesto Irrigation District of said Block 5, shown on Survey 8-S-16, Stanislaus County Records.

The easterly line of Lots 17, 18, 19, & 20 of said Block 5.

The northerly right-of-way 74' 2<sup>nd</sup> Street of said map.

# EXHIBIT "B"



## PROPOSED ABANDONMENT

SE ¼ SECTION 30 T.3 S. R.10 E.  
TOWN OF EMPIRE - BLK 5

