

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

DEPT: Public Works *D. Haugh*

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE April 21, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate the Western Portion of the 20' Alley Located Adjacent to Lots 9-12 of Block 4903 East of Carpenter Road in Stanislaus County

STAFF RECOMMENDATIONS:

Pursuant to the Street and Highway Code 8334:

1. Find based on the reasons stated in this report, that the western portion of the 20' alley located adjacent to Lots 9-12 of Block 4903 east of Carpenter Road in Stanislaus County is not required for street or highway purposes.
2. Reserving there from, for the benefit of existing utilities, a Public Utility Easement and any easement and right to maintain, operate, replace, remove, or renew the public utility facilities, including any necessary rights of access over and across the above description.

Continued on Page 2

FISCAL IMPACT:

There is no fiscal impact associated with this item. The fees for processing this abandonment, estimated at \$1,110 have been paid for by the applicant.

BOARD ACTION AS FOLLOWS:

No. 2009-246

On motion of Supervisor DeMartini, 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 Western Portion of the 20' Alley Located Adjacent to Lots 9-12 of Block 4903 East of Carpenter Road in Stanislaus County

3. Adopt the attached Resolution vacating the western section of the alley located adjacent to Block 4903 running in an east-west direction.

DISCUSSION:

The requested item is the abandonment of the westerly 110 feet of the 20' alley of Block 4903 located south of Paradise Road between Carpenter Road and Manor Drive in Stanislaus County. Stanislaus County has not improved or maintained this section of road and has no need for this easement. The area is not being used for public use or access.

The utility company AT&T has no facilities now or in the foreseeable future within the abandonment area and has no objections to the abandonment. The utility companies Pacific Gas & Electric, City of Modesto (Water) and Modesto Irrigation District have facilities within the abandoned area and request an easement be established to protect in-place facilities.

This summary abandonment will allow landscape improvements to be completed to the parcels on both sides of the alley by the landowner, Mr. Dennis Lewis, who requested this abandonment.

POLICY ISSUES:

Street and Highway Code 8334(a) states that the legislative body may summarily vacate if the easement has been determined to be excess, and not required for street and highway purposes. 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.

RB:jg
G:\Survey\Abandonment\Lewis\Board Items

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

Date: April 21, 2009

No. 2009-246

On motion of Supervisor DeMartini 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 Western Portion of the 20' Alley located adjacent to Lots 9-12 of Block 4903 east of Carpenter Road 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 8336, the portion of Block 4903 Alley described in Exhibit "A" is hereby summarily vacated.

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

Christine Ferraro

EXHIBIT "A"

Being a portion of the Southwest Quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian as recorded on the subdivision map "Wilson Manor" in Volume 16 of Maps, Page 40 on April 24, 1947, Stanislaus County Records more particularly described as follows:

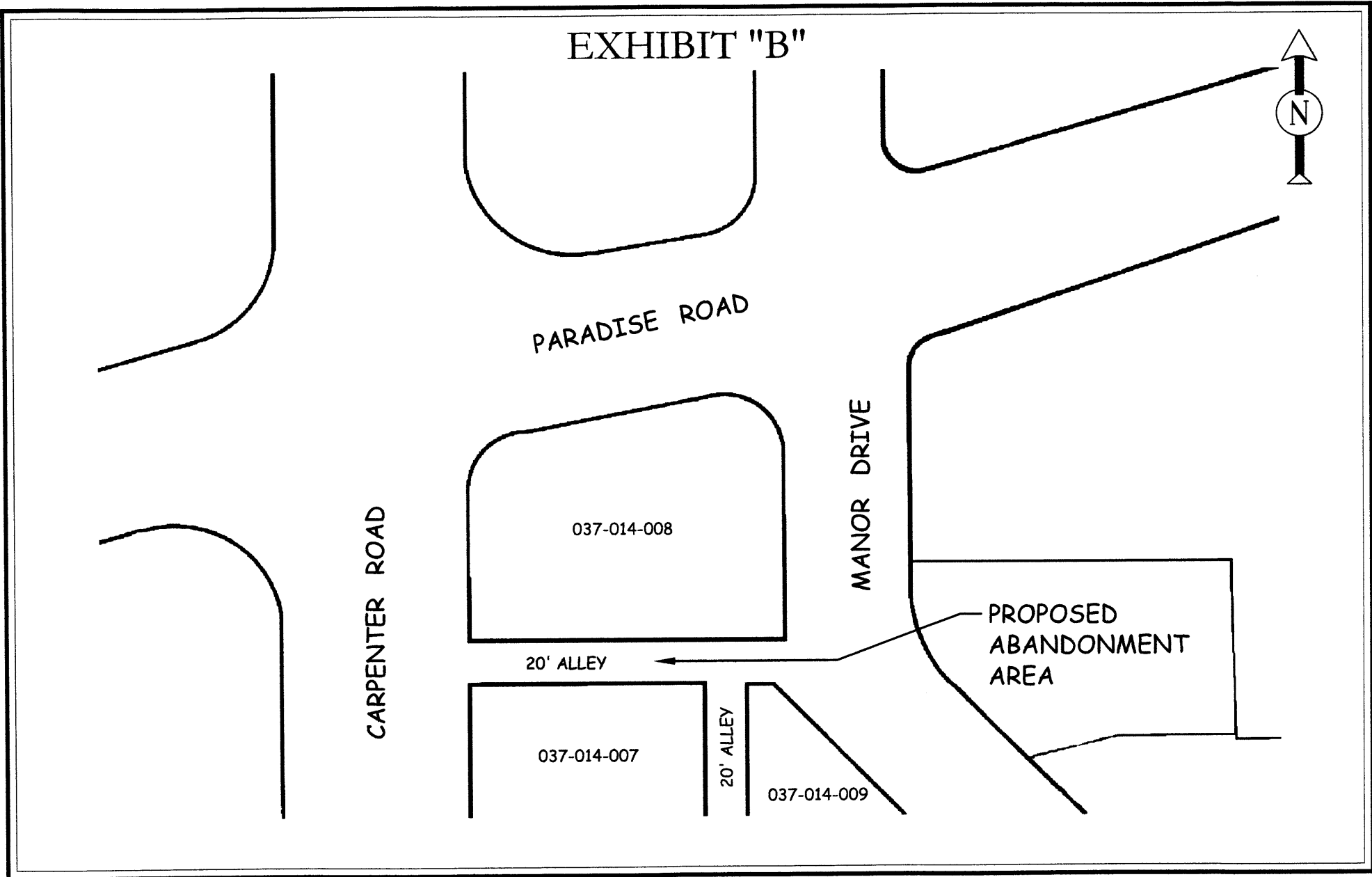
The westerly 110 foot portion of the northerly 20-foot alley of Block 4903 of said map, as dedicated for road purposes, bounded by the following described lines:

The northerly line of Lot 7 of said Block 4903.

The easterly right-of-way of 90' Carpenter Road.

The southerly line of Lots 10 & 11 and a portion of Lot 12

The westerly line of the northerly 20 feet of Block 4903 alley running in a north-south direction.



PROPOSED ABANDONMENT
 SW ¼ SECTION 6 T.4 S. R.9 E.
 PARADISE ROAD & CARPENTER ROAD

