

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

DEPT: Public Works *adm*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE May 19, 2009

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of Jessup Road Located East of Keyes Road and West of California State Highway 99

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Code 8335(c):

1. Find based on the reasons stated in this report, that the portion of Jessup Road located east of Keyes Road is not required for street and highway purposes.
2. Find that an easement of ingress/egress has been retained for emergency services as approved by the Office of the Fire Warden of Stanislaus County Office of Emergency Services.

(Continued on Page 2)

FISCAL IMPACT:

There is no fiscal impact associated with this item. The fees for processing the abandonment and the cost of improvements will be paid by the applicant.

BOARD ACTION AS FOLLOWS:

No. 2009-342

On motion of Supervisor Grover, Seconded by Supervisor Monteith

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 a Portion of Jessup Road Located East of Keyes Road and West of California State Highway 99

3. Find that A. L. Gilbert shall dedicate the right-of-way for the new cul-de-sac per the plans submitted by R. B. Welty and Associates and accepted by Stanislaus County's Department of Public Works. The easement dedication will be accepted upon completion of the cul-de-sac construction.
4. The Construction of the cul-de-sac shall be the responsibility of the Applicant and shall be completed as approved before the Vacation document is recorded.
5. Reserving an easement for the benefit of existing in-place utilities, a Public Utilities Easement and any easement and right necessary to maintain, operate, replace, remove or renew the public utility facilities.
6. Adopt the attached resolution vacating a portion of Jessup Road located east of Keyes Road.

DISCUSSION:

This item is regarding the abandonment of a portion of Jessup Road. This portion of road is bordered on the north and south sides by property owned by A. L. Gilbert Company and the north by property owner Mr. Randall Steele, who has indicated his support. This abandonment is being pursued to increase both physical security and bio-security at the A. L. Gilbert Company facilities. This summary abandonment will provide for these necessary site improvements.

The utility companies, AT&T, PG&E and Turlock Irrigation District, have facilities within the abandonment area. Easements will be retained at their existing locations to protect their interests. An easement of ingress and egress will also be retained for emergency services. Additionally, a road dedication will provide for a paved cul-de-sac on Jessup Road.

POLICY ISSUES:

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

STAFFING IMPACT:

There is no staffing impact associated with this item.

LF:lc

G:\Survey\Abandonment\Jessup Road\Jessup Road Abandonment BOS Item 5-09

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

Date: May 19, 2009

No. 2009-342

On motion of Supervisor Grover Seconded by Supervisor Monteith
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-2


APPROVAL TO SUMMARILY VACATE A PORTION OF JESSUP ROAD LOCATED EAST
OF KEYES AND FAITH HOME ROADS AND WEST OF CALIFORNIA STATE HIGHWAY 99.

BE IT RESOLVED by the California Streets and Highways Code, Section 8335 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. (Section 8333 (c))
2. The excess street right-of-way to be vacated is a portion of Jessup Road bordered on the north and south sides by property owned by A. L. Gilbert Company and on the north by property owned by Mr. Randall Steele, 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 increased physical security and bio-security at the facilities located there. Adjacent property owner Mr. Randall Steele has indicated his support for the abandonment.
4. The county would retain an easement at Foote Road of ingress and egress for emergency services. The existing in-place utilities, maintained by Turlock Irrigation District, AT&T and PG&E, will be protected by an easement for their benefit. A proposed road dedication would provide for a paved cul-de-sac endpoint for the revised Jessup Road as constructed by the applicant A. L. Gilbert per the approved Improvement Planned as submitted and accepted to Stanislaus County's Department of Public Works.
5. That from and after the date this resolution and summary Vacation is recorded at the County's Recorder's Office, 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

EXHIBIT "A"

**A. L. Gilbert Co.
Berry Seed & Feed Co.**

Jessup Road Abandonment

All that portion of Jessup Road lying east of the east line of the following described parcel:

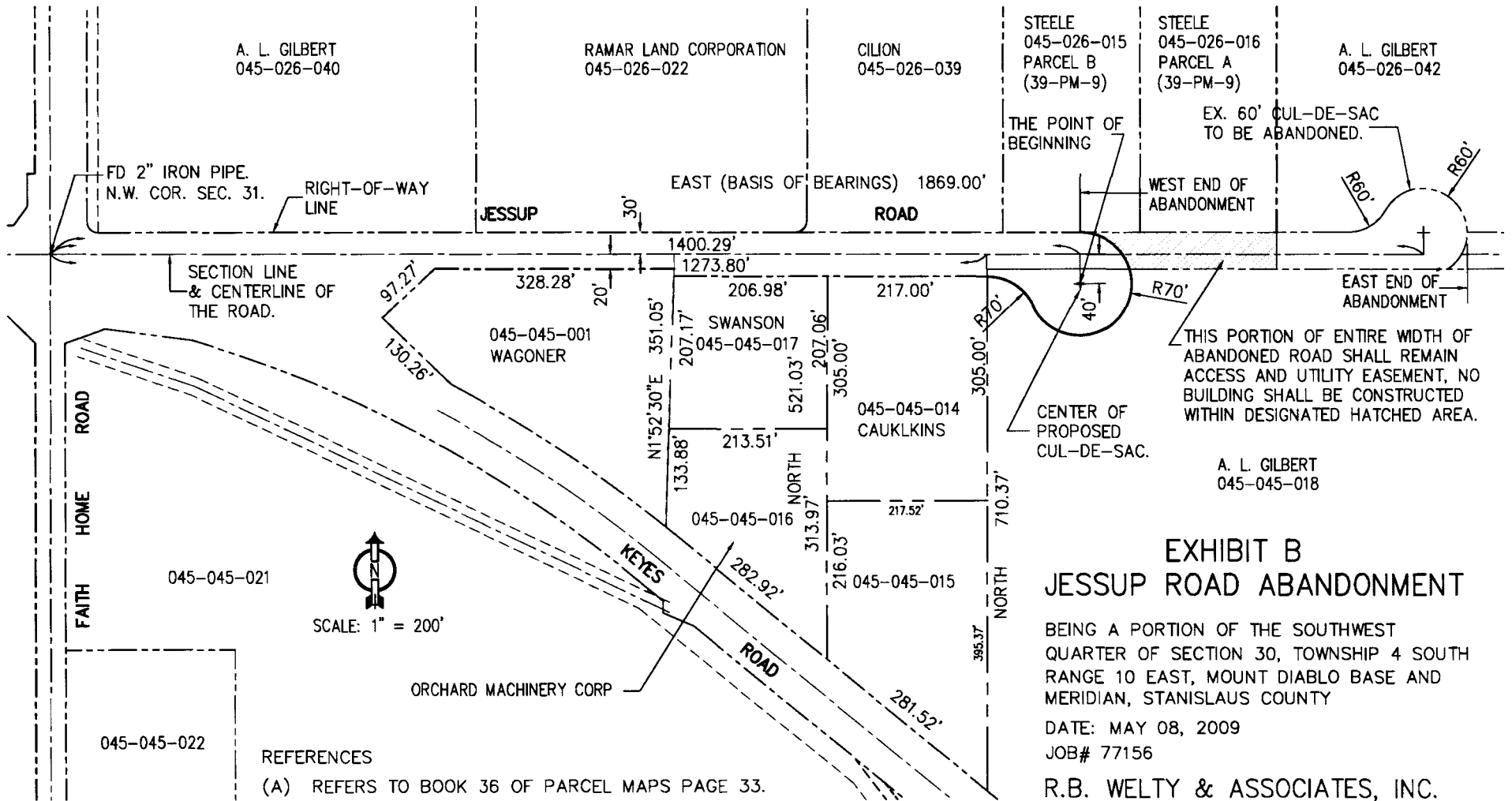
A parcel of land situated in the west half of Section 30 and 31 of Township 4 South, Range 10 East, Mount Diablo base and meridian, more particularly described as follows:

COMMENCING at the Section corner common to Section 30 and 31 of said Township and Range; thence East along the common line between said Sections 30 and 31, also being the centerline of a County road known as Jessup Road, a distance of 1400.29 feet; thence South a distance of 40.00 feet to **THE POINT OF BEGINNING** and a point being the center of a cul-de-sac with a 70.00 foot radius circle. The cul-de-sac includes all lands within the described cul-de-sac circle except the existing County right of way lands of Jessup Road currently owned by Stanislaus County.

RESERVING therefrom, for the benefit of existing utilities, a Public Utility Easement and any easement and right necessary to maintain, operate, replace, remove, or renew the public utility facilities, including any necessary right of access over and across the above described vacation. In addition, Pacific Gas and Electric has added that no buildings or other structures be built within the PUE nor would there be any change in the existing ground level grade above the existing gas facilities.

ALSO RESERVING therefrom an Ingress and Egress Easement over and across the above described vacation, for the benefit of Parcel A as shown on Book 39 of Parcel Maps, at Page 9, Stanislaus County Records.

Felix J. Reichmuth
RCE 20208
Expires 9/30/2009



THIS PORTION OF ENTIRE WIDTH OF ABANDONED ROAD SHALL REMAIN ACCESS AND UTILITY EASEMENT, NO BUILDING SHALL BE CONSTRUCTED WITHIN DESIGNATED HATCHED AREA.

A. L. GILBERT
045-045-018

EXHIBIT B JESSUP ROAD ABANDONMENT

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN, STANISLAUS COUNTY

DATE: MAY 08, 2009
JOB# 77156

R.B. WELTY & ASSOCIATES, INC.
521 13TH STREET / P.O. BOX 1724
MODESTO, CALIFORNIA 95354
(209) 526-1515 FAX 523-3383

- REFERENCES
- (A) REFERS TO BOOK 36 OF PARCEL MAPS PAGE 33.
 - (B) REFERS TO INST.#2003-0093014.

EXHIBIT "A"

**A. L. Gilbert Co.
Berry Seed & Feed Co.**

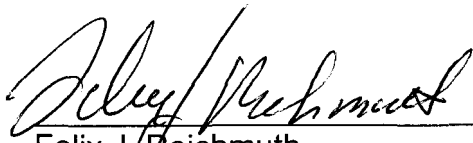
Jessup Road Dedication

A parcel of land situated in the west half of Section 30 and 31 of Township 4 South, Range 10 East, Mount Diablo base and meridian, more particularly described as follows:

COMMENCING at the Section corner common to Section 30 and 31 of said Township and Range; thence East along the common line between said Sections 30 and 31, also being the centerline of a County road known as Jessup Road, a distance of 1273.80 feet; thence South a distance of 30.00 feet to **THE POINT OF BEGINNING** of the new Jessup Road cul-de-sac right of way lines and being the northeast corner of Parcel 2 as shown in Book 36 of Parcel Maps, at Page 33, Stanislaus County Records; thence along a curve concave to the southwest tangent to said south right of way of Jessup Road radius of 70.00 feet through a central angle of 64°37'23" an arc distance of 78.95 feet to a point of reverse curve concave to the northwest having a radius of 70.00 feet; thence northwesterly along said curve through a central angle of 115°27'37" an arc distance of 298.86 feet to a tangent point on the north right of way line of said Jessup Road being 30.00 feet at right angles from said center line of Jessup Road and **THE POINT OF TERMINUS** of said cul-de-sac.

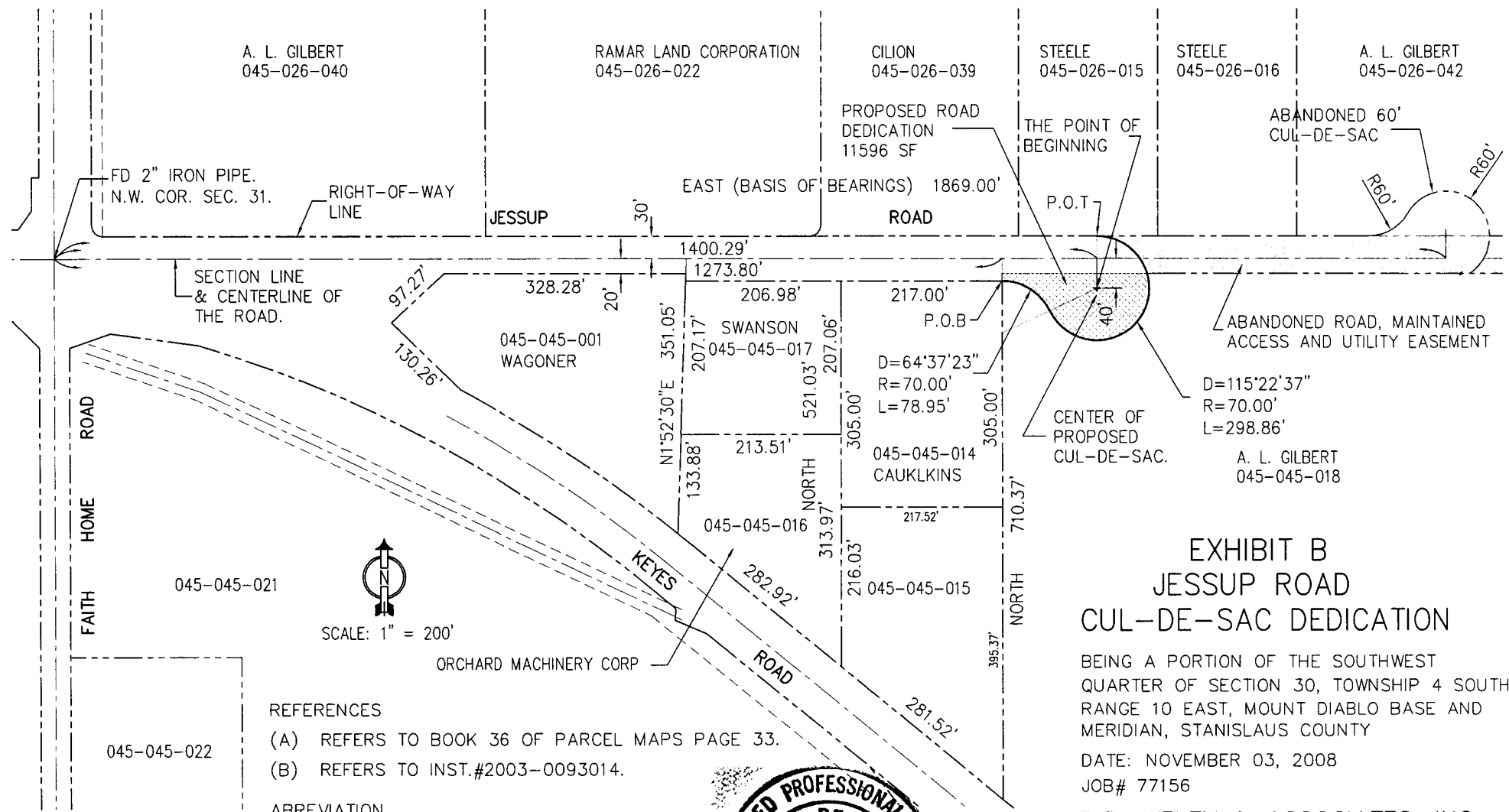
The cul-de-sac includes all lands within the described cul-de-sac curves except the existing County right of way lands of Jessup Road currently owned by Stanislaus County.

Containing an area of 11,596 square feet, more or less.



Felix J. Reichmuth
RCE 20208
Expires 9/30/2009





SCALE: 1" = 200'

REFERENCES
 (A) REFERS TO BOOK 36 OF PARCEL MAPS PAGE 33.
 (B) REFERS TO INST.#2003-0093014.

ABBREVIATION
 P.O.B POINT OF BEGINNING
 P.O.T POINT OF TERMINUS

EXHIBIT B JESSUP ROAD CUL-DE-SAC DEDICATION

BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 SOUTH RANGE 10 EAST, MOUNT DIABLO BASE AND MERIDIAN, STANISLAUS COUNTY

DATE: NOVEMBER 03, 2008
 JOB# 77156

R.B. WELTY & ASSOCIATES, INC.
 521 13TH STREET / P.O. BOX 1724
 MODESTO, CALIFORNIA 95354
 (209) 526-1515 FAX 523-3383



Felix J. Reichmuth
 5-7-9