

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

DEPT: Public Works *alld*

BOARD AGENDA # *C-4

Urgent Routine

AGENDA DATE January 26, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of Undeveloped D Street Located North of Yosemite Boulevard at C Street in the Town of Empire

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes 8331 and 8335:

1. Find based on the reasons stated in this report, that the portion of D Street located north of Yosemite Boulevard at C Street is not required for public street proposes.
2. Find there are no in-place public utility facilities within the easement area to be abandoned.
3. Adopt the attached Resolution vacating a portion of D Street located north of Yosemite Boulevard in the Town of Empire.

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2010-051

On motion of Supervisor O'Brien, Seconded by Supervisor DeMartini
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) 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 Undeveloped D Street Located North of Yosemite Boulevard at C Street in the Town of Empire

DISCUSSION:

The City of Modesto (Applicant) has requested the abandonment of a portion of undeveloped D Street in the community of Empire to aid in the rehabilitation of their existing water well.

The present location of D Street was originally deeded to Stanislaus County (County) as an easement in 1935 to facilitate the development of the Modesto & Empire Traction Company railroad tracks as a connection of their main rail to the Atchison, Topeka and Santa Fe Railway. Since that time, the County has not developed or used, nor does it have any plans to develop, this road.

The area to be abandoned will be the northerly half of the road lying adjacent to the City of Modesto's well site. The southerly half of the road will be retained by Stanislaus County as an access to the City's well site and the Modesto & Empire Traction Company's rails.

The Utility Companies, AT&T, Pacific Gas and Electric and Modesto Irrigation District do not have facilities within the abandonment area. However, the southerly half of the road that is to be retained by the County will be available for any future development or easements needed by the Utility Companies.

The City of Modesto has reported at past Empire Municipal Advisory Council (MAC) regular meetings, their intent to rehabilitate their existing water well on D Street. Neither the Empire MAC nor the community has had concerns regarding this project since it is expected to improve the provision of water service to the community.

POLICY ISSUES:

The Board of Supervisors should consider if the recommended action is consistent with its priority of striving for 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:

No.

THE FOLLOWING RESOLUTION WAS ADOPTED:

**APPROVAL TO SUMMARILY VACATE A PORTION OF D STREET
LOCATED IN THE TOWN OF EMPIRE**

BE IT RESOLVED that the Board of Supervisors, 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 is made under Chapter 4, of Part 3, of Division 9 of the California Streets and Highways Code. Sections 8330 through 8336.
2. The excess street right-of-way to be vacated is a portion of D Street in the Town of Empire 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. Being a portion of an un-developed road, the County has not improved this portion of road and has no plans to do so. There are no in-place public utilities that will require easements.
4. That from and after the date of this Resolution is recorded by the County of Stanislaus, the vacated excess street right-of-way herein described no longer constitutes a street or highway.

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

EXHIBIT "A"

ALL that certain piece or parcel of land situate within the County of Stanislaus, State of California and lying within a portion of Section 30, Township 3 South, Range 10 East, Mount Diablo Base and Meridian and being more particularly described as follows:

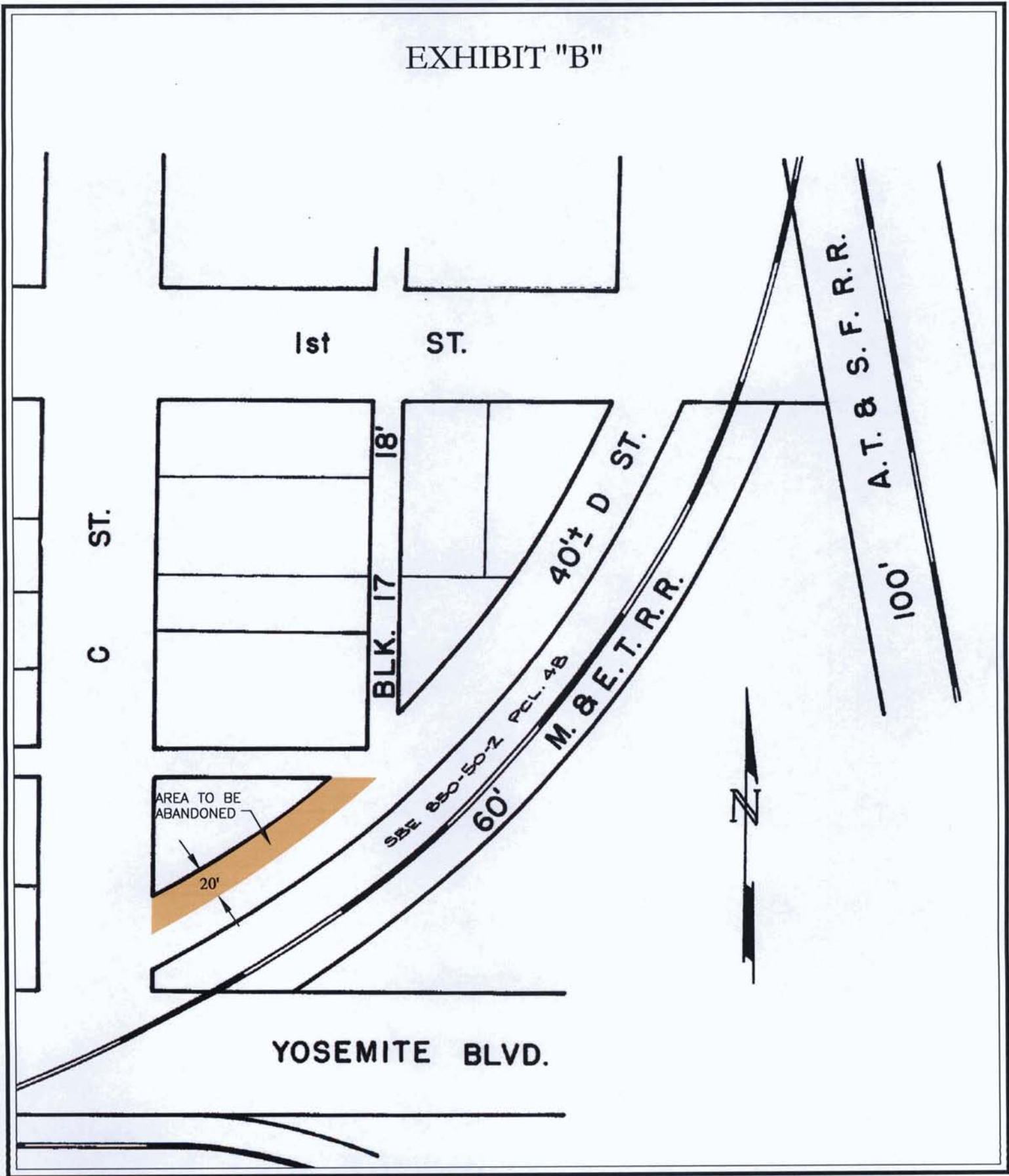
Being the northerly 20.00 feet of D Street as dedicated to Stanislaus County lying within Lots 16, 17, 18, 19, 20 and 21 of Block 17 of the Map of the Town of Empire recorded in Volume 4 of Maps, Page 30 on July 13th, 05, 1909, Stanislaus County Records. Bounded on the West by the east line of C Street of said map, and on the North by the north line of said Lots 16 and 17.

The centerline of said D Street being 50.00 feet northwesterly of and concentric with the centerline of Modesto and Empire Traction tracks as they now appear on the ground in said Lots 16 through 21 of Block 17.

Subject to all easements and right-of-ways of record.



EXHIBIT "B"



PROPOSED ABANDONMENT OF
PORTION NORTHWEST 20' D STREET
TOWN OF EMPIRE

SECTION 30 T.3 S. R.10 E.





C ST

City of Modesto
Well site

D ST

YOSEMITE BLV



Portion of D Street

Abandonment



Map printed: 1/5/2010

This map is for display purposes only.

