

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

DEPT: Public Works *DM*

BOARD AGENDA # \*C-1

Urgent  Routine

AGENDA DATE February 1, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Summarily Vacate a Road Reservation East of Church Street and South of Garst Road, Located North of the Town of Empire

STAFF RECOMMENDATIONS:

Pursuant to the Street and Highway Code 8334(a):

1. Find, in 1972 a road reservation was required to facilitate a Parcel Map. The road reservation has not been developed. It is not a part of any future circulation element requirements.
2. Adopt the attached resolution vacating the road reservation located east of Church Street and south of Garst Road north of the Town of Empire described herein as Exhibits "A" and "B".

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2011-082

On motion of Supervisor O'Brien, Seconded by Supervisor Withrow  
 and approved by the following vote,  
 Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith  
 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 Road Reservation East of Church Street and South of Garst Road, Located North of the Town of Empire

**DISCUSSION:**

Alexander Phanouvang, the landowner has requested the abandonment of the road reservation. The original 50 foot road reservation was a condition for a Parcel Map recorded in June of 1972. The road reservation is a 600 foot long strip that begins at Church Street, runs east from that intersection to a dead end. This is approximately 725 feet south of the intersection of Church Street and Garst Road. The area of the road reservation currently is a part of an agriculture plot in an area zoned General Agriculture (A-2-40) and is considered excess right-of-way. This summary abandonment will return the property use to the landowner. The local utility companies contacted during this process do not occupy the road reservation and agree to this summary abandonment. The retention of a Public Utility Easement for future development was not requested.

**POLICY ISSUES:**

This action is consistent with the Board's priority of Striving for a Well Planned Infrastructure System. Street and Highways Code 8334(a) states that the legislative body of a local agency may summarily vacate excess right-of-way of a street or highway not required for street or highway purposes.

**STAFFING IMPACT:**

There is no staffing impact associated with this item.

**CONTACT PERSON:**

Matt Machado, Public Works Director. Telephone: 209-525-4130.

LF:lc  
G:\Survey\Abandonment\Church Easement\Church St Reservation BOS 2-1-11

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

Date: February 1, 2011

No. 2011-082

On motion of Supervisor O'Brien Seconded by Supervisor Withrow

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*C-1

APPROVAL TO SUMMARILY VACATE A ROAD RESERVATION  
EAST OF CHURCH STREET AND SOUTH OF GARST ROAD,  
LOCATED NORTH OF THE TOWN OF EMPIRE

BE IT RESOLVED, that the Board of Supervisors, of the County of Stanislaus, State of California, hereby finds and determines as follows:

1. The vacation of the road reservation described herein below is made under Chapter 4, part 3, of Division 9 of the California Street and Highway Code (Section 8334 (a)).
2. The road reservation to be vacated is adjacent to Church Street and south of Garst Road, north of the Town of Empire as shown on Volume 14 of Parcel Maps, Page 76 Stanislaus County Records, described herein, is excess right-of-way and is not required for street or highway purposes, and is more particularly described in Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B".
3. The road reservation to be vacated hereby is excess right-of-way and is not required for street or highway purposes.
4. The road reservation to be vacated is not required as a Public Utility Easement.
5. That from and after the date this resolution is recorded by the County, the vacated portion of "I" Street herein described no longer constitutes part of 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 and being a portion of Lots 40 and 41 of the Root Colony lying in Section 29, Township 3 South, Range 10 East, Mount Meridian, being more particularly described as follows:

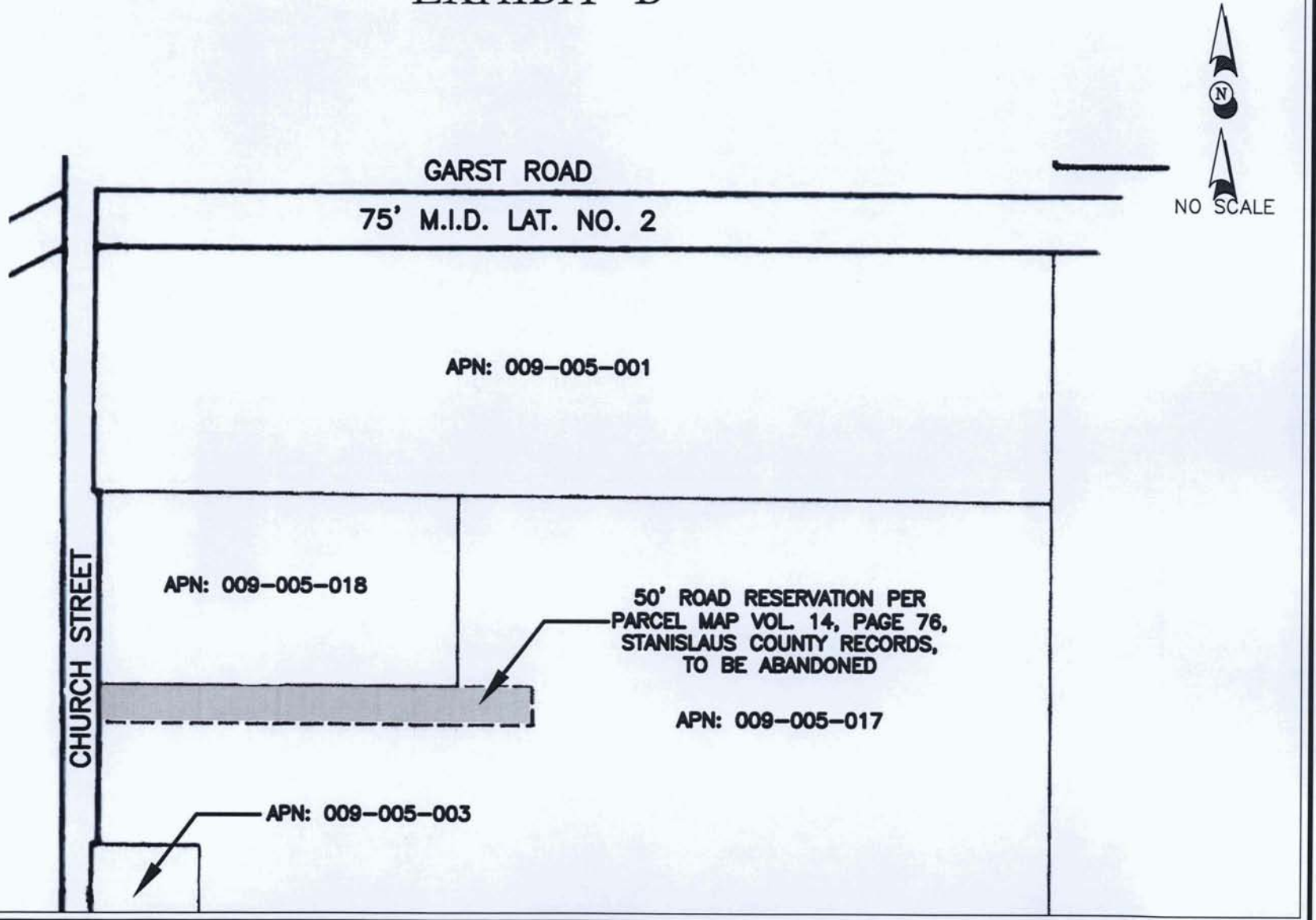
A Reservation 50.00 feet in width, for road purposes only, the center line of which is more particularly described as follows:

Commencing at the Northwest corner of Section 29, Township 3 South, Range 10 East, Mount Diablo Meridian; thence South along the Westerly line of said Section 29, a distance of 380.70 feet; thence South  $89^{\circ} 32' 15''$  East, a distance of 20.00 feet to the east line of a road known as Church Street; thence South along said east line a distance of 291.00 feet to the TRUE POINT OF BEGINNING of this centerline description; thence South  $89^{\circ} 32' 15''$  East, a distance of 600.00 feet to the end of this centerline description.

Excepting therefrom, the West 10.00 feet for road purposes as dedicated on that certain Deed recorded as Instrument Number 1519, on July 13 1972.

Also subject to all other easements and right-of-ways of records.

# EXHIBIT "B"



**PROPOSED ABANDONMENT**  
NW ¼ SECTION 29 T.3 S. R.10 E.  
TOWN OF EMPIRE

