

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

DEPT: Public Works *mlm*

BOARD AGENDA # \*C-1

Urgent  Routine

AGENDA DATE July 19, 2011

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Summarily Vacate the Well Easement on Jessup Avenue Located West of the Town of Keyes

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Code 8335(a):

1. Find that the Well Easement depicted on the map around a well parcel, as part of the Conditions of Approval of the Parcel Map recorded in Book 42 of Parcel Maps at Page 86, is no longer needed.
2. Find that the recording of the Grant Deed recorded as Doc. # 94-0067670-00, in which the Keyes Community Services District relinquishes Parcel 1 as shown on said Parcel Map, has eliminated the need for the Well Easement.
3. Adopt the attached resolution vacating the Well Easement located on Jessup Avenue west of the town of Keyes and 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. 2011-439

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 the Well Easement on Jessup Avenue Located West of the Town of Keyes

### **DISCUSSION:**

The original 200 foot square Well Easement was a condition of approval for the Parcel Map with the intent that the Keyes Community Services District was to use Parcel 1 of the Parcel Map as a well site. In July of 1990, A & L Pirrone Vineyards, Inc. granted Parcel 1 to the Keyes Community Services District and the offer was accepted by resolution. The well was never built. In June of 1994, Keyes Community Services District granted Parcel 1 back to A & L Pirrone Vineyards, Inc. Therefore, the need to provide an easement around the well site no longer exists. This abandonment will eliminate the encumbrance of the easement upon the existing Parcel 1 and Remainder.

### **POLICY ISSUES:**

The recommended action is consistent with the Board's priority of A Well Planned Infrastructure System by removing an easement that is no longer needed.

Section 8335(a) of the Street and Highway Code states that the legislative body may vacate a street, highway, or public service easement pursuant to the authority provided in this chapter by adopting a resolution of vacation.

### **STAFFING IMPACT:**

There is no staffing impact associated with this item.

### **CONTACT PERSON:**

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

CJ:lc

G:\Survey\Abandonment\A L Gilbert\_Well Easement\Recommendation\_BOS 7.12.11

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

Date: July 19, 2011

No. 2011-439

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

**SUMMARILY VACATE THE 200 FOOT WELL EASEMENT  
ON JESSUP AVENUE LOCATED WEST OF THE TOWN OF KEYES**

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

1. At the request of A. L. Gilbert Company, per Street and Highways Code Section 8333(a), Stanislaus County is being requested to summarily vacate the 200 foot Well Easement across Parcel 1 and the Remainder as shown on that certain Parcel Map filed for record February 26, 1990, Book 42 of Parcel Maps, Page 86, Stanislaus County Records, also see Exhibits A and B attached.
2. In accordance with Section 8335(a) of the Street and Highway Code, the legislative body may vacate a street, highway, or public service easement pursuant to the authority provided in this chapter by adopting a resolution of vacation.
3. Keyes Community Services District has relinquished by Grant Deed that area originally intended for use as a well site and no well was ever built. Keyes Community Services District has no equipment located within the easement and has no objections to the abandonment.
4. Stanislaus County has no need for the easement at this location.
5. There are no existing public utility facilities in place that are affected by this vacation.

THEREFORE, BE IT RESOLVED that pursuant to the above Section 8335(a), the 200 foot Well Easement across Parcel 1 and the Remainder as shown on that certain Parcel Map filed for record February 26, 1990, Book 42 of Parcel Maps, Page 86, Stanislaus County Records, is hereby summarily vacated.

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



File No.

File No.

**EXHIBIT "A"**  
**A.L. GILBERT COMPANY**  
**200' WELL EASEMENT ABANDONMENT**

A 200 foot Well Easement as shown on the Parcel Map filed in Book 42 of Parcel maps, page 86, Stanislaus County Records, situate in the east half of Section 30, Township 4 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, State of California, more particularly described as follows:

BEGINNING at the southeast corner of Parcel 1 as shown on said Parcel Map also being a point on the north right-of-way line of 30 foot half-width Jessup Road; thence WEST 200.00 feet along the north line of said Jessup Road; thence, leaving said north line, NORTH 200.00 feet; thence EAST 200.00 feet to the east line of the Remainder as shown on said Parcel Map; thence SOUTH 200.00 feet along the east line of said Remainder and the east line of said Parcel 1 to the southeast corner of said Parcel 1 and the point of beginning.

Area = 0.918± acres



SCALE: 1" = 240'

REFERENCES  
(A) BOOK 42 OF PARCEL MAPS PAGE 86.



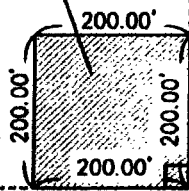
*Kaiser Isaac Shamba*  
6/08/2011

REMAINDER PARCEL  
(42-PM-86)  
045-026-040

FAITH HOME ROAD

1675.05'

PROPOSED  
EASEMENT  
ABANDONMENT  
0.918 ACRE



SECTION LINE  
& CENTERLINE OF  
THE ROAD.

RAMAR LAND  
CORPORATION  
045-026-022

PARCEL 1  
30'x30'  
(42-PM-86)

CILION  
045-026-039

177.77'

STEELE  
045-026-015

STEELE  
045-026-016

EXISTING 20'  
ACCESS  
EASEMENT

EXISTING 50'  
UTILITY  
EASEMENT AND  
PRIVATE ROAD

S.W. COR.  
SEC. 30.

KEYES  
ROAD

WAGONER  
045-045-001

SWANSON  
045-045-017

CAUKLKINS  
045-045-014

**EXHIBIT B**

**200' WELL EASEMENT ABANDONMENT**

R.B. WELTY & ASSOCIATES, INC.  
521 13TH STREET / P.O. BOX 1724  
MODESTO, CALIFORNIA 95354  
(209) 526-1515 FAX 523-3383  
DATE: JUNE 8, 2011  
JOB# 76386

BEING A PORTION OF THE REMAINDER PARCEL, AND  
PARCEL 1 PER BOOK 42 OF PARCEL MAPS, PAGE 86  
IN SECTION 30, T. 4 S., R. 10 E., M. D. B. & M.  
STANISLAUS COUNTY, STATE OF CALIFORNIA.