

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

DEPT: Public Works *JFB*

BOARD AGENDA # *C-3

Urgent Routine

AGENDA DATE September 11, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of Undeveloped Sherry Lane Located North of Stewart Road and West of McHenry Avenue

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Code 8334(a & b):

1. Find based on the reasons stated in this report, that the portion of Sherry Lane located North of Stewart Road and West of McHenry Avenue is not required for street and highway purposes.
2. Find the in-place public utility facilities will be protected by an easement retained for their benefit.
3. Adopt the attached Resolution vacating a portion of Sherry Lane located North of Stewart Road and West of McHenry Avenue.

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2012-462

On motion of Supervisor Withrow, Seconded by Supervisor Monteith
and approved by the following vote,

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

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 Sherry Lane Located North of Stewart Road and West of McHenry Avenue

DISCUSSION:

This item is regarding the abandonment of a portion of unimproved Sherry Lane in the unincorporated neighborhood of Del Rio. This portion of road is bordered on the north and west sides by property owned by the applicant, Ms. Leta S. Love. Sherry Lane intersects Stewart Road between McHenry Avenue and St John Road. This portion of road has not been developed or maintained for road purposes by the County. Public Works has an easement for road way purposes, but has determined that this portion of Sherry Lane is excess right-of-way and is not needed for future road purposes. This abandonment is being pursued because the owner wants to improve the roadside by having curb and gutter installed that would be consistent with the adjacent property to the east. This summary abandonment will allow Ms. Love the ability to complete the site improvements.

The utility companies, AT&T, PG&E, and Modesto Irrigation District have facilities within the abandonment area. A Public Utility Easement will be retained at the existing location to protect their interests.

POLICY ISSUES:

The recommended actions support the Board's priorities of A Safe Community and A Well Planned Infrastructure System by removing any excess right-of-way that is not needed for road way purposes, therefore removing any liability. 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 INFORMATION

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

RB:lc
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THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: September 11, 2012

2012-462

On motion of Supervisor Withrow Seconded by Supervisor Monteith
and approved by the following vote,
Ayes: Supervisors: Chiesa, Withrow, Monteith, DeMartini, and Chairman O'Brien
Noes: Supervisors: None
Excused or Absent: Supervisors: None
Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-3

**TO SUMMARILY VACATE A PORTION OF UNDEVELOPED SHERRY LANE LOCATED NORTH
OF STEWART ROAD AND WEST OF MCHENRY AVENUE**

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 a portion of undeveloped Sherry Road described herein below is made under Chapter 4, Part 3, of Division 9 of the California Street and Highway Code (Section 8334 (a & b)).
2. The undeveloped portion of Sherry Lane to be vacated 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 portion of Sherry Lane to be vacated hereby is not required for street or highway purposes.
4. The road reservation to be vacated is to be maintained as a Public Utility Easement. Pursuant to the provisions of Section 8340 Street and Highway Code.
5. That from and after the date this resolution is recorded by Stanislaus County, the vacated portion of Sherry Lane herein described no longer constitutes part of a street or highway.
6. A certified copy of this Resolution shall be provided to the Department of Public Works for recordation.

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

Christine Ferraro

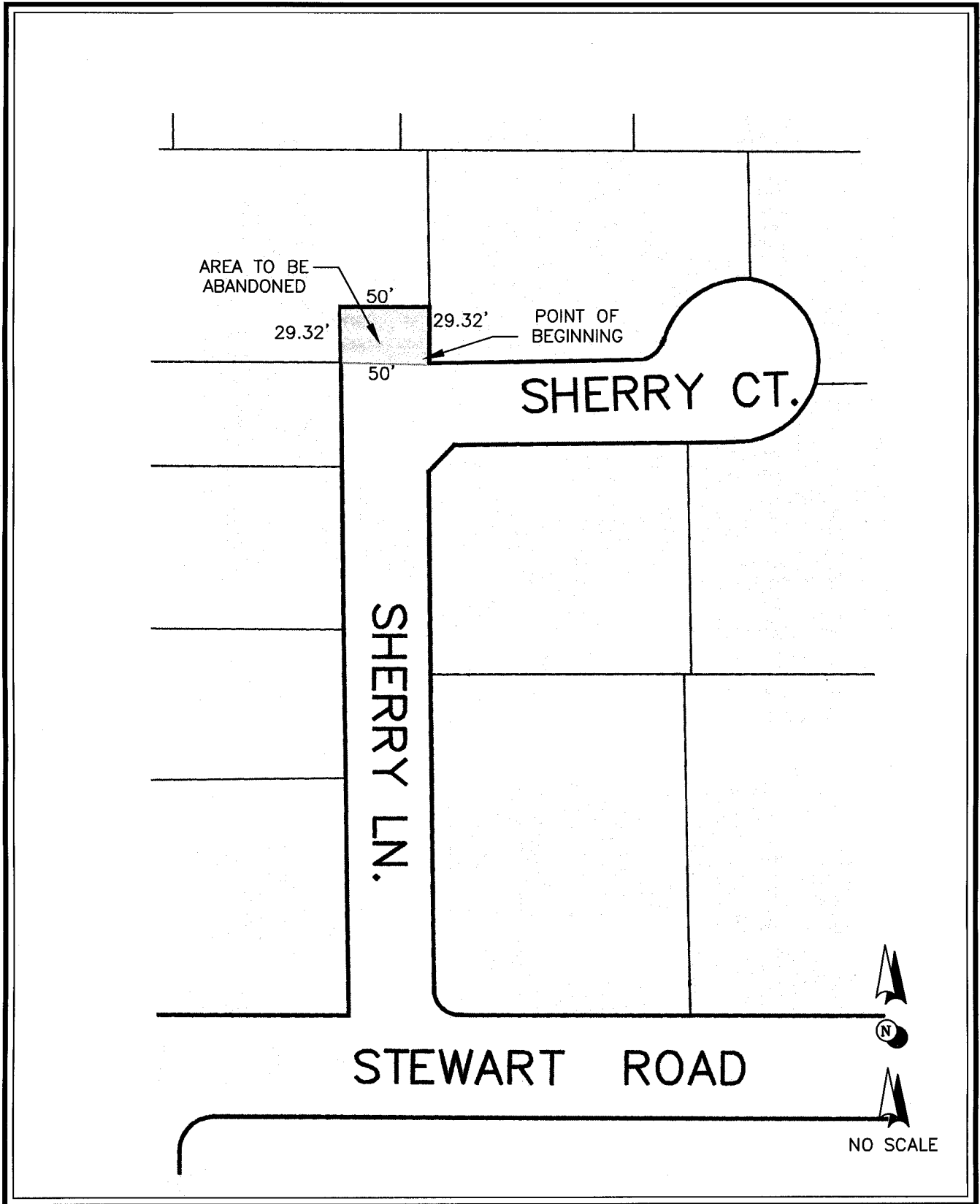
File No.

EXHIBIT "A"

All that portion of Section 20, Township 2 South, Range 9 East, Mount Diablo Meridian, described as follows:

Commencing at the Northeast corner of the Southwest quarter of the Southeast quarter of said Section 20; thence South $00^{\circ} 32'$ West along the quarter quarter section line 411.85 feet to a point on the North line of a 60 foot County Road known as Stewart Road, thence North $88^{\circ} 13'$ West 535.91 feet, thence North $01^{\circ} 39'$ East 385.88 feet to the true point of beginning of the herein described parcel of land; thence continuing North $01^{\circ} 39'$ East 29.32 feet to a point 1.33 feet North of the South quarter quarter section line of said Section 20; thence North $88^{\circ} 13'$ West 50.00 feet; thence South $01^{\circ} 39'$ West 29.32 feet; thence South $88^{\circ} 13'$ East 50.00 feet to the point of beginning.

EXHIBIT "B"



PROPOSED ABANDONMENT
SHERRY LANE
E 1/2 SECTION 20
T.2 S. R.9 E.

