

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

DEPT: Public Works *mlm* BOARD AGENDA # \*C-2  
Urgent  Routine  AGENDA DATE October 16, 2012  
CEO Concurs with Recommendation YES  NO  4/5 Vote Required YES  NO   
(Information Attached)

SUBJECT:

Approval to Summarily Vacate a Portion of Undeveloped Marquette Lane, Located East of the City of Riverbank

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes 8334(a), 8335, and 8340:

1. Find based on the reasons stated in this report, that the portion of Marquette Lane lying west of Gold Run Drive, described herein, is not required for street and highway purposes.
2. Find there are no in-place public utility facilities in this portion of undeveloped Marquette Lane.
3. Release the current adjacent property owners from the Street Improvement Agreements dated December 29, 1993.

(Continued on Page 2)

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2012-524

On motion of Supervisor Monteith, Seconded by Supervisor Withrow  
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 Marquette Lane, Located East of the City of Riverbank

**STAFF RECOMMENDATIONS (Continued):**

4. Retain a 30 foot emergency access easement for the benefit of the Stanislaus Consolidated Fire Protection District (SCFPD) centered on the existing centerline of Marquette Lane as shown in Exhibit "C".
5. Retain the easterly 15 feet as a Public Utility and Drainage easement for the benefit of Stanislaus County.
6. Adopt the attached resolution vacating that portion of Marquette Lane lying on the west side of Gold Run Drive as described in the attached Exhibit "A" and "B".
7. The Clerk of the Board shall record a certified copy of the resolution in accordance with Street and Highway code section 8336.

**DISCUSSION:**

The adjacent homeowners, Tim and Dorothy McKinsey and Gary and Susan Hunter, have requested the abandonment. This portion of Marquette Lane is located at the intersection of Gold Run Drive, lying south of Highway 108 and east of the City of Riverbank. The lane was originally offered for dedication as part of a Parcel Map application in 1991 and recorded in Volume 46 of Parcel Maps on December 29, 1993. Since that time the lane has not been improved or used for road purposes. Public Works has determined that this portion of Marquette Lane is excess right-of-way and is not needed for future road purposes. The abandoned area will revert back to the adjacent land owners who currently own the underlying fee title of this property.

Local utility companies have been notified. They do not have facilities within the abandonment area and do not require easements. An Emergency Vehicle Access Easement will be retained for the benefit of the Stanislaus Consolidated Fire Protection District and a Drainage and Public Utility Easement will be retained for Stanislaus County, as described in Exhibits "A", "B", and "C".

**POLICY ISSUES:**

The recommended actions are consistent with the Board's priority of 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.

Approval to Summarily Vacate a Portion of Undeveloped Marquette Lane, Located East of the City of Riverbank

**CONTACT PERSON:**

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

LF:lc

G:\Survey\Abandonment\Marquette\Marquette Drive \_BOS 10.16.12

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

Date: October 16, 2012

No. 2012-524

On motion of Supervisor Monteith Seconded by Supervisor Withrow  
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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*C-2

**TO SUMMARILY VACATE A PORTION OF UNDEVELOPED MARQUETTE LANE LOCATED  
SOUTH OF HIGHWAY 108 AND EAST OF THE CITY OF RIVERBANK**

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 Marquette Lane described herein below is made under Chapter 4, Part 3, of Division 9 of the California Street and Highway Code (Section 8334 (a) and 8335).
2. The undeveloped portion of Marquette 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 Marquette Lane to be vacated hereby is not required for street or highway purposes.
4. A portion of the road reservation to be vacated is to be maintained as an Emergency Vehicle Easement as shown on Exhibit "C". 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 Marquette Lane herein described no longer constitutes part of a street or highway.
6. The Clerk of the Board shall cause a certified copy of the resolution in accordance with Street and Highway Code Section 8336.

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



File No.

## **EXHIBIT "A"**

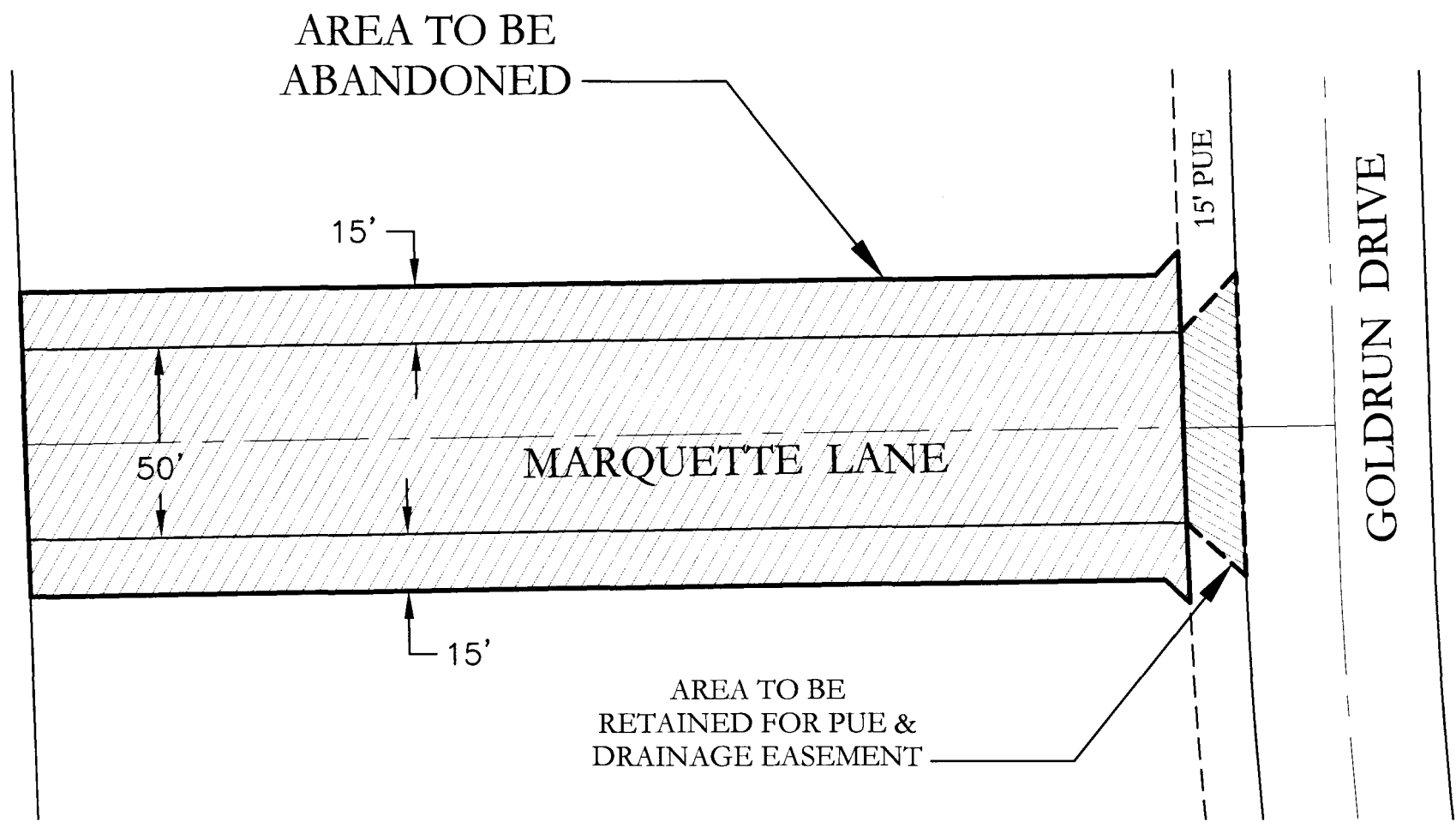
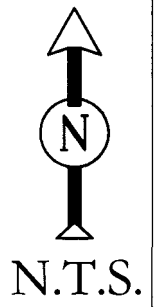
A portion of Marquette Lane as shown in Volume 46 of Parcel Maps, Page 38 filed on December 29, 1993, Stanislaus County Records, situate in the Southwest quarter of Section 20, Township 2 South, Range 10 East, Mount Diablo Meridian, Stanislaus County, State of California, more particularly described as follows:

All that portion of 50.00 foot wide Marquette Lane lying 40.00 west of the centerline of Gold Run Drive together with the adjacent 15.00 foot wide Public Utility Easement and Storm Drain Easement lying on the north and south lines of said road, the west terminus of said road and easements being the west lines of Parcels 1 and 3 of Volume 46 of Parcel Maps, Page 38.

Reserving therefrom a 30.00 foot Emergency Vehicle Access Easement for the benefit of Stanislaus County Consolidated Fire District, the centerline of said easement is described as follows:

Commencing at the centerline of Gold Run Drive and Marquette Lane, thence South  $89^{\circ} 10' 56''$  West, 25.00 feet to the west line of Gold Run Drive and being the Point of Beginning of this description; thence continuing South  $89^{\circ} 10' 56''$  West, 315.05 feet to the southwest corner of said Parcel 1, also being the northwest corner of said Parcel 3, and the terminus of this line description.

# EXHIBIT "B"

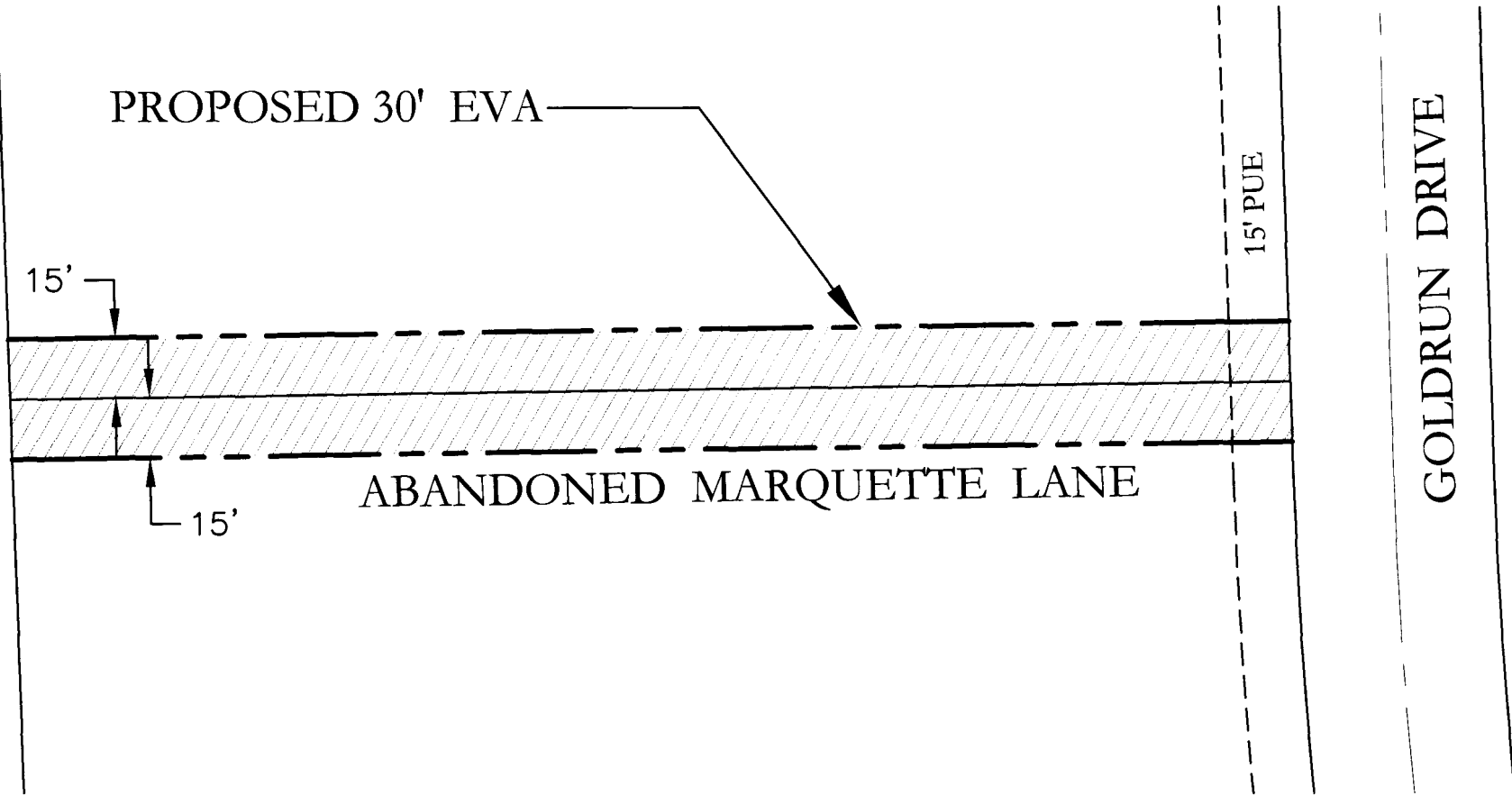
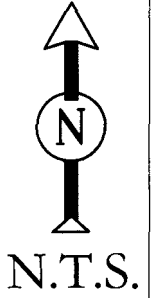


## PROPOSED RIGHT-OF-WAY- PUBLIC UTILITY EASEMENT ABANDONMENT

SE ¼ SECTION 31 T.3 S. R.9 E.  
BRICHMAN'S ADDITION POR. LOT 26



# EXHIBIT "C"



## PROPOSED EMERGENCY VEHICLE ACCESS

SE ¼ SECTION 31 T.3 S. R.9 E.  
BRICHMAN'S ADDITION POR. LOT 26



**RECORDED AT REQUEST OF:**  
Stanislaus County Board of Supervisors  
**NO FEE**



Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2012-0093798-00**

Friday, OCT 19, 2012 16:00:30  
Ttl Pd \$0.00 Rcpt # 0003283717  
OAA/R2/1-5

**WHEN RECORDED MAIL TO:**  
Stanislaus County Board of Supervisors  
Elizabeth A. King, Assistant Clerk  
1010 10<sup>th</sup> Street, Suite 6700  
Modesto, CA 95354

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RESOLUTION SUMMARILY VACATING A PORTION OF MARQUETTE LANE, LOCATED  
SOUTH OF HIGHWAY 108 AND EAST OF THE CITY OF RIVERBANK

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*SKA*



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

Date: October 16, 2012

No. 2012-524

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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

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

I hereby certify that the foregoing is a full,  
true and correct copy of the Original entered  
in the Minutes of the Board of Supervisors.

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



OCT 17 2012

Christine Ferraro By Elizabeth King

File No.

## **EXHIBIT "A"**

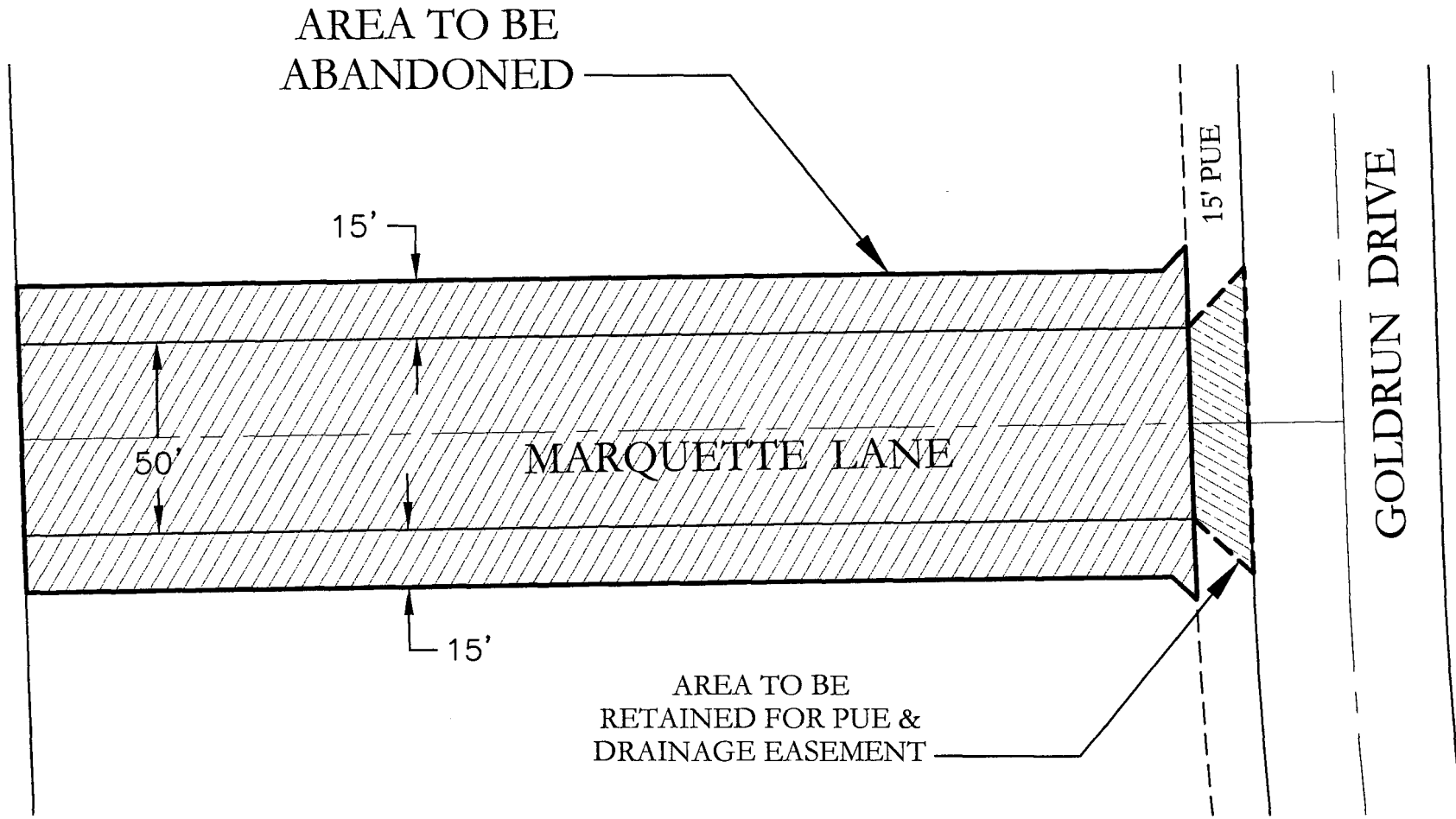
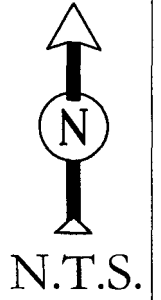
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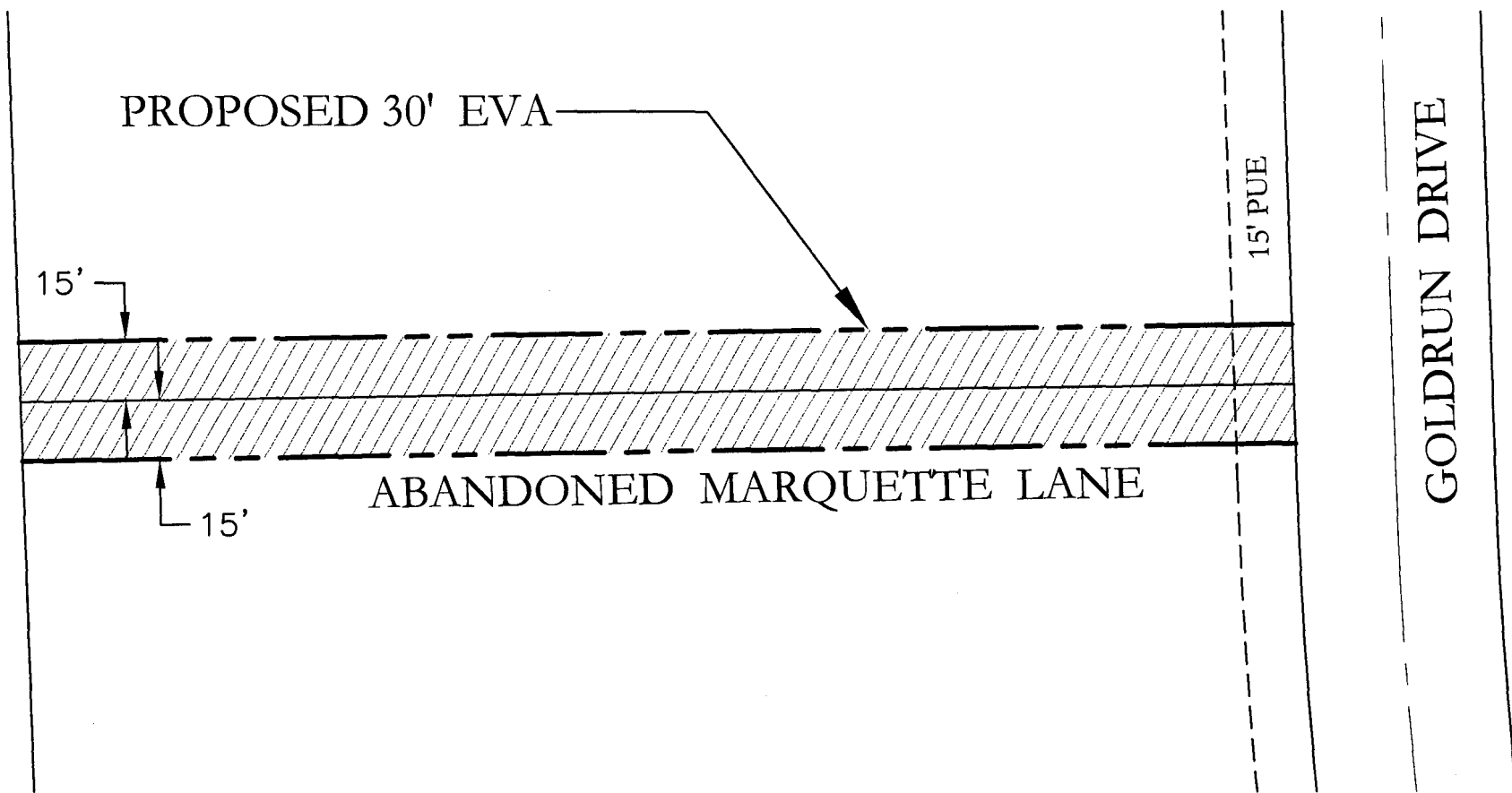
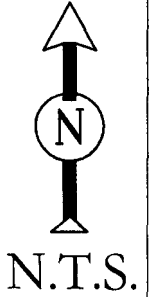


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