

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

DEPT: Public Works *ml*

BOARD AGENDA # *C-1

Urgent Routine

AGENDA DATE January 29, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of Undeveloped Oakdale-Waterford Highway Located Northwest of the City of Waterford

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 the Oakdale-Waterford Highway, described herein, is not required for street and highway purposes.
2. Find a public utility easement will be retained for the benefit of the Modesto Irrigation District for their in-place public utility facilities.
3. Adopt the attached resolution vacating that portion of the Oakdale-Waterford highway lying at the northwest corner with the intersection of Claribel Road as described in the attached Exhibit A and B.

FISCAL IMPACT:

There is no fiscal impact associated with this item. The property was an exchange for additional right-of-way for the benefit of Stanislaus County.

BOARD ACTION AS FOLLOWS:

No. 2013-45

On motion of Supervisor Withrow, Seconded by Supervisor Monteith

and approved by the following vote,

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

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
CHRISTINE FERRARO TALLMAN, Clerk

ATTEST:

File No.

Approval to Summarily Vacate a Portion of Undeveloped Oakdale-Waterford Highway Located Northwest of the City of Waterford

DISCUSSION:

This portion of the Oakdale-Waterford Highway is located approximately 3.5 miles southeasterly from the City of Oakdale and six miles northwesterly from the City of Waterford at the intersection with Claribel Road.

The right-of-way exchange was originally started in 1984 (Exhibit C) between the County and Wallace Sward. The County obtained additional right-of-way along the north side of Claribel Road from Mr. Sward in October 1984 with the anticipation of the exchange for this portion of the Oakdale-Waterford Highway that was no longer needed because of the realignment of that road. Unfortunately, the transfer of this section of property was never finalized. This is a clean-up measure to complete the property exchange as originally intended.

This portion of road has not been improved or used for road purposes since 1985. Public Works has determined that this portion of Oakdale-Waterford Highway is excess right-of-way because of the realignment. The abandoned area will revert back to the adjacent land owner who currently owns the underlying fee title of this property.

Local utility companies have been notified. An easement will be provided for Modesto Irrigation District's existing power pole line.

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.

CONTACT PERSON:

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

LF:lc

G:\Survey\Abandonment\CLARIBEL-OAKDALE-WATERFORD HWY\Claribel-Oakdale-Waterford_BOS 1/29/13

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

Date: January 29, 2013

No. 2013-45

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *C-1

THE FOLLOWING RESOLUTION WAS ADOPTED:

**TO SUMMARILY VACATE A PORTION OF SUPERSEDED OAKDALE-WATERFORD HIGHWAY
LOCATED SOUTHEAST OF THE CITY OF OAKDALE AND NORTHWEST OF THE CITY OF
WATERFORD**

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 the Oakdale-Waterford Highway described herein below is made under Chapter 4, Part 3, of Division 9 of the California Street and Highway Code (Section 8334(a), 8335, and 8340).
2. The undeveloped portion of the Oakdale-Waterford Highway 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 the Oakdale-Waterford Highway to be vacated hereby is not required for street or highway purposes. Easement will be retained for in place utilities.
4. That from and after the date this resolution is recorded by Stanislaus County, the vacated portion of the Oakdale-Waterford Highway herein described no longer constitutes part of a street or highway.
5. 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

Oakdale-Waterford Highway

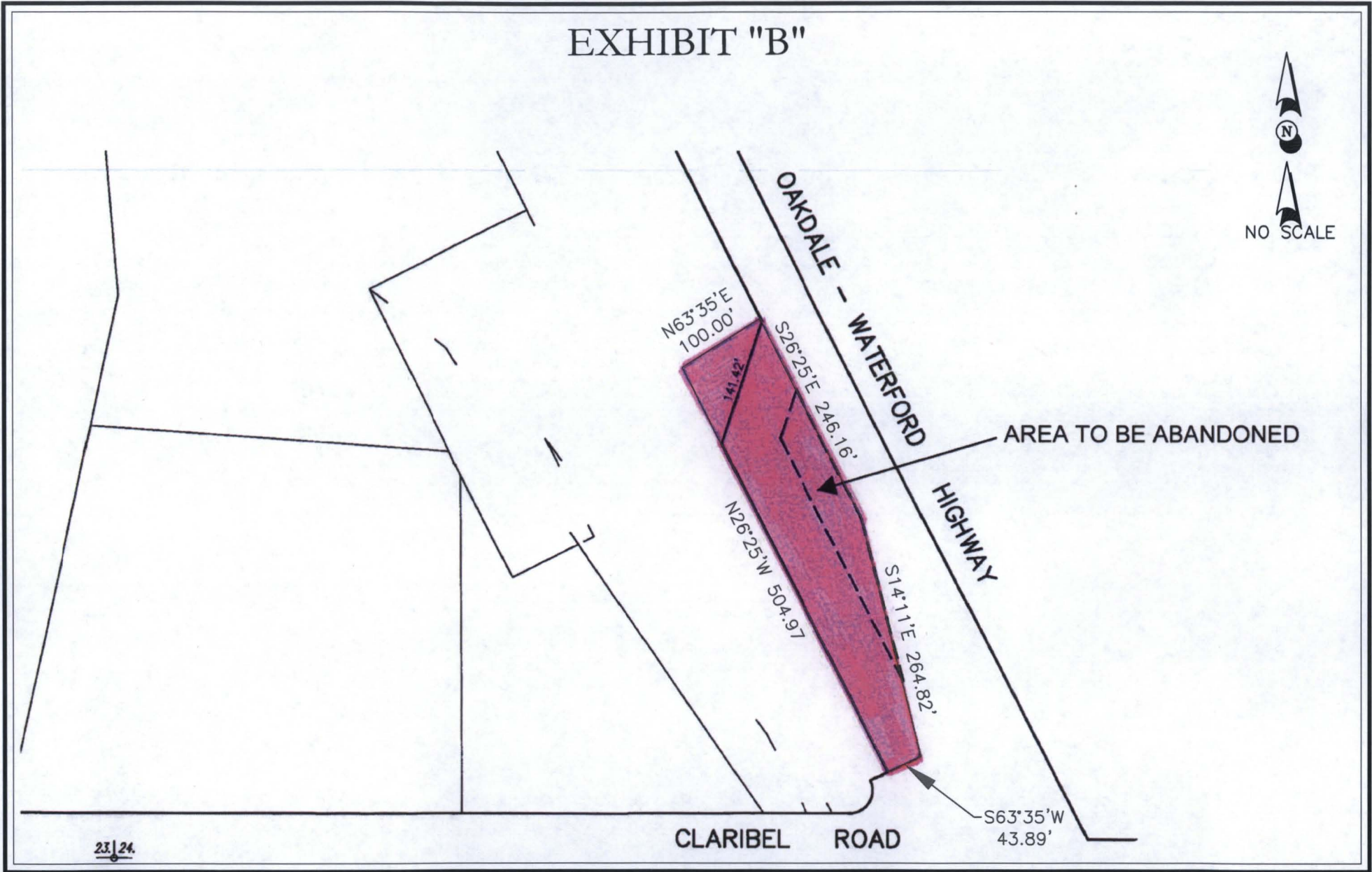
All that portion of Lot 24 of the CLARIBEL TRACT as shown on the map filed in the Volume 29 of Surveys, Page 61, Stanislaus County Records, lying in the southwest one-quarter of Section 36, Township 2 South, Range 10 East, Mount Diablo Meridian, described as follows:

Commencing at the intersection of the centerline of the main line of the Southern Pacific Railroad Company (now abandoned), and the south line of said Section 36; thence North $26^{\circ} 25'$ West along the centerline of the said railway line, 22.41 feet, to the North right-of-way line of Claribel Road; thence South $89^{\circ} 43'$ East, along the said right-of-way line, 55.97 feet to the north-easterly line of the aforementioned railway company's right-of-way; thence North $26^{\circ} 25'$ West along said right-of-way, 84.19 feet to the POINT OF BEGINNING.

Thence North $26^{\circ} 25'$ West, along said right-of-way, 504.97 feet; thence North $63^{\circ} 35'$ East, 100.00 feet, to the north-westerly right-of-way of the Oakdale-Waterford Highway, thence South $26^{\circ} 25'$ East, 246.16 feet along said right-of-way; thence South $14^{\circ} 11'$ East, 264.82 feet along said right-of-way; thence South $63^{\circ} 35'$ West, 43.89 feet to the point of beginning.
Containing 0.99 acres.

Reserving therefrom for the benefit of Modesto Irrigation District a 30.00 foot wide easement centered on the existing poles along the westerly right-of-way of the Oakdale –Waterford Highway, together with the rights necessary to maintain, operate, replace, remove, or renew the public utility facilities located within the above described property.

EXHIBIT "B"



PROPOSED ABANDONMENT SW ¼ SECTION 36, T.2 S., R.10 E.



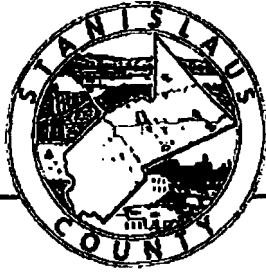


EXHIBIT C
Stanislaus County
Department of Public Works

1100 H STREET
MODESTO, CALIFORNIA 95354

ADMINISTRATIVE DIVISION 571-6550
ENGINEERING DIVISION 571-6552
ROAD DIVISION 571-6267
EQUIPMENT DIVISION 571-6561
SANITARY LANDFILL 522-6691

January 31, 1985

Wallace V. Sward, Jr.
5225 Oakdale-Waterford Highway
Oakdale, California 95361

Dear Mr. Sward:

SUBJECT: Right-of-way Exchange -- Claribel and Oakdale-Waterford Highway

I apologize for taking so long to respond on the right-of-way exchange we discussed. We have prepared the necessary documents and I have enclosed copies for your review. You can see by the map that we propose to abandon 0.74 acres of land in exchange for 0.34 acres.

If you feel it is necessary for us to flag the new line before we execute the documents, please give me a call. If you are satisfied with the proposal, we will have you sign the dedication deed and then we will go to the Board of Supervisors for the abandonment. Both documents would be recorded at the same time.

Please give me a call at 571-6552.

Very truly yours,

H. R. CALLAHAN, Director

By

Jerry Irons
Jerry Irons
Associate Civil Engineer

Jl:da
Enclosure

SUMMARY -- ABANDONMENT
Oakdale-Waterford Highway

All that portion of the Oakdale-Waterford Highway and Lot 24 of the CLARIBEL TRACT as shown on the map filed in Volume 8 of Maps, Page 21, Stanislaus County Records, lying in the southwest one-quarter of Section 36, Township 2 South, Range 10 East, Mount Diablo Meridian, described as follows:

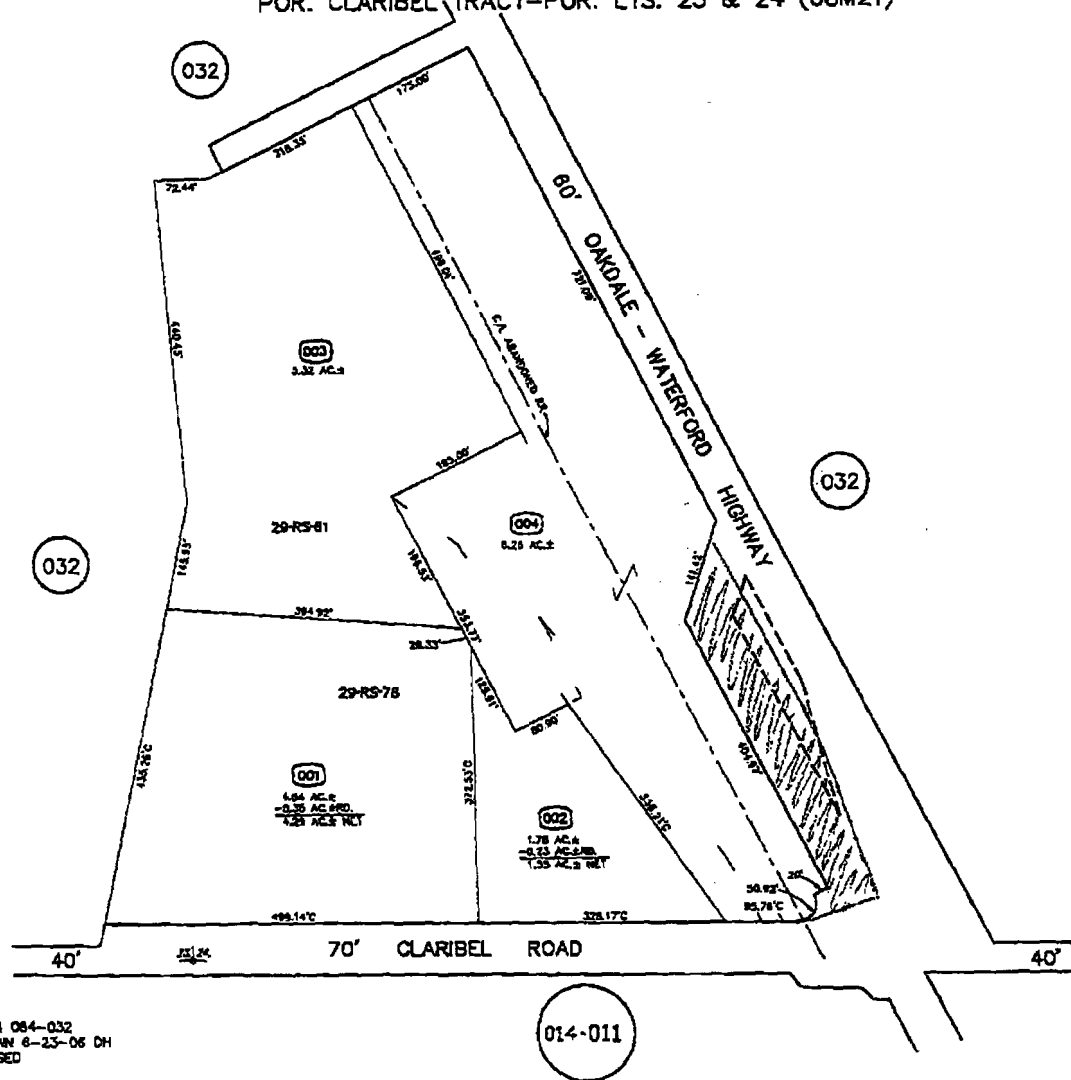
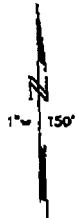
Commencing at the intersection of the centerline of the main line of the Southern Pacific Railroad Company (now abandoned) and the south line of said Section 36; thence North 89° 43' West along the south line of Section 36, a distance of 56.05 feet to the southwesterly line of said Southern Pacific Railroad Company's right-of-way; thence North 26° 25' West on said southwesterly line 55.98 feet; thence South 89° 43' East 50.00 feet north of and parallel with the south line of Section 36 a distance of 49.03 feet to the POINT OF BEGINNING of this description and the beginning of a curve concave to the north-west, having a radius of 25.00 feet, and a central angle of 116° 42' 00"; thence Northerly on the arc of said curve 50.92 feet; thence on the northeasterly extension of the radial line of said curve, North 63° 35' East 20.00 feet to the northeasterly line of the aforementioned railroad company's right-of-way; thence North 26° 25' West on said right-of-way, also being the southwesterly line of the aforementioned Oakdale-Waterford Highway as shown on said CLARIBEL TRACT, 402.79 feet; thence North 18° 35' 02" East 113.14 feet to a point 50.00 feet at right angles from the centerline of the Oakdale-Waterford Highway as shown on County Survey No. 1249 for the realignment of said road; thence South 26° 25' East 50.00 feet southwesterly of and parallel with said centerline 145.89 feet to the beginning of a curve concave to the west having a radius of 1150.00 feet and a central angle of 12° 14' 00"; thence Southerly on the arc of said curve 245.54 feet; thence South 14° 11' East 125.46 feet; thence leaving said parallel line, South 38° 03' West 39.51 feet; thence North 89° 43' West 50.00 feet north of and parallel with the south line of Section 36 a distance of 53.60 feet to the point of beginning.
Containing 0.74 acres.

Reserving therefrom any easements and rights necessary to maintain, operate, replace, remove, or renew the public utility facilities located within the above described property, if there are any in-place utility facilities.

POR. SW 1/4 SEC. 36 T.2S. R.10E. M.D.B.& M.
POR. CLARIBEL TRACT-POR. LTS. 23 & 24 (08M21)

084 010 064 - 077

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM 084-032
DRAWN 6-23-06 DH
REVISED

014-011



064 - 077