

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

DEPT: Public Works *OK*

BOARD AGENDA #\*C-1

Urgent  Routine

AGENDA DATE May 14, 2013

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Summarily Vacate a Portion of an Undeveloped Alley Located East of South 9<sup>th</sup> Street and South of Hosmer Road, Lying Northwest of the City of Ceres

STAFF RECOMMENDATIONS:

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

1. Find based on the reasons stated in this report, this portion of alley described herein, is not required for street and highway purposes.
2. Find a public utility easement will not be retained; there are no in-place utilities.
3. Adopt the attached resolution vacating that portion of the alley lying in Block 3525 of the Hosmer Tract as described in Exhibits "A" and "B".

FISCAL IMPACT:

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

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BOARD ACTION AS FOLLOWS:

No. 2013-241

**THIS ITEM WAS REMOVED FROM THE AGENDA.**  
**NO ACTION WAS TAKEN.**

Approval to Summarily Vacate a Portion of an Undeveloped Alley Located East of South 9<sup>th</sup> Street and South of Hosmer Road, Lying Northwest of the City of Ceres

**DISCUSSION:**

The abandonment application was filed by NorthStar Engineering on behalf of the adjacent landowners. The property on the north side of the alley is in the process of being re-developed, at this time the property is vacant and the owners want to maximize its potential.

The subject portion of the alley is located approximately 1.5 miles southeasterly from the City of Modesto and three miles northwesterly from the City of Ceres, south of the intersection of South 9<sup>th</sup> Street and Hosmer Road.

The alley was originally a part of the J. E. Hosmer Tract Subdivision recorded in February 1929. The adjoining alley was abandoned by the County in 1966. This portion of the alley was thought to be a part of that abandonment. The adjoining property owners have utilized the alley area under the impression it had been a part of the 1966 abandonment.

The Department of Public Works has determined that this portion of the alley is excess right-of-way. The alley has not been developed or utilized as an alley for public use. The Department of Public Works has contacted the necessary utility companies. AT&T has in-place utilities. An easement to maintain, operate, replace, remove or renew the public facilities will be retained on their behalf. The abandoned area will revert back to the adjacent land owners who currently own the underlying fee title of this property.

**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.

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

Date:

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**TO SUMMARILY VACATE A PORTION OF ALLEY LOCATED SOUTHEAST OF THE CITY OF  
MODESTO AND NORTHWEST OF THE CITY OF CERES**

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 alley 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 alley 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 alley to be vacated hereby is not required for street or highway purposes, an easement for in-place public utilities will retained.
4. That from and after the date this resolution is recorded by Stanislaus County, the vacated portion of the alley 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.

## Exhibit "A"

### RIGHT OF WAY ABANDONMENT

#### LEGAL DESCRIPTION

Being a portion of the 20-foot wide alley situate in Block 3525 of the J.E. Hosmer Tract as shown on map filed in Volume 11 of Maps at Page 10, Stanislaus County Records, also being a portion of the northwest quarter of Section 4, Township 4 South, Range 9 East, Mount Diablo Meridian, Stanislaus County, California, and more particularly described as follows:

That portion of said 20-foot wide alley that is:

south of Lots 5, 6, 7, and 8 in said Block 3525,

west of the 15-foot wide alley in said Block 3525 as shown on said map and as abandoned by document recorded in Volume 642 of Official Records at Page 84, Stanislaus County Records,

north of Lots 24, 25, 26 and 27 in said Block 3525 and

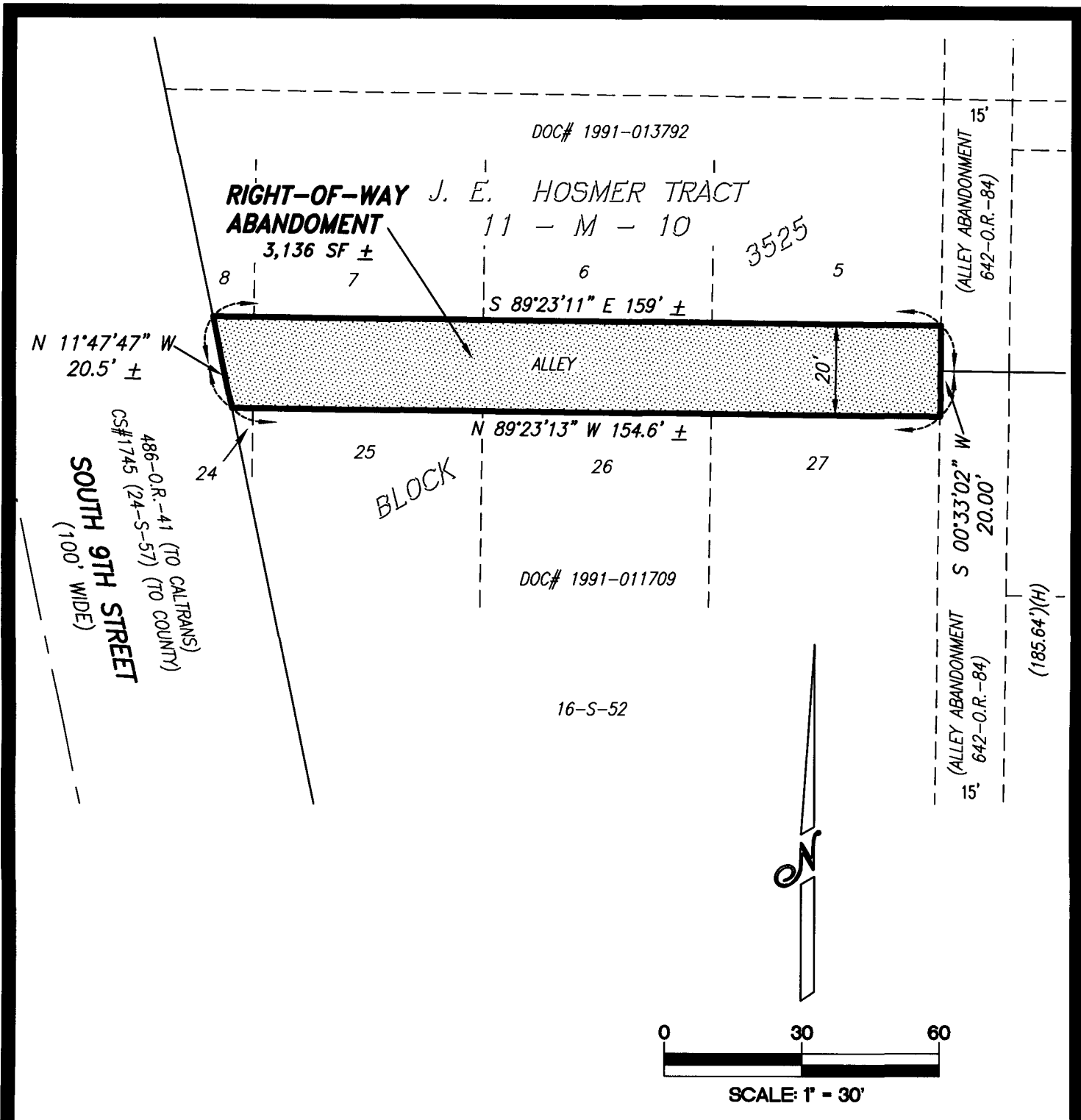
east of the northeasterly right-of-way line of South 9<sup>th</sup> Street as described in the deed to the State of California recorded in Volume 486 of Official Records at Page 41, Stanislaus County Records.

Containing 3,136 square feet, more or less



  
Keith W. Spencer, L.S.6406

March 18, 2013



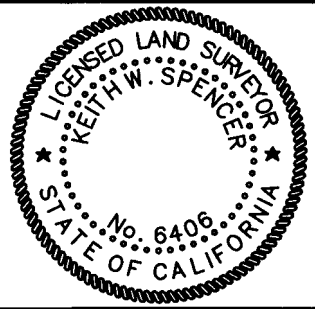
**EXHIBIT "B"**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**

**North Star**  
**Engineering Group, Inc.**

• CIVIL ENGINEERING • SURVEYING • PLANNING •

909 14th Street Modesto, CA 95354  
 (209) 524-3525 Phone (209) 524-3526 Fax

JOB NO: 12-1168  
 SCALE: 1" = 30'  
 DR BY: NM  
 CK BY: KWS  
 FILE: Abandonment  
 DATE: March 18, 2013



SIGNATURE:   
 Keith W. Spencer, L.S. 6406