

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

DEPT: Public Works *Handwritten signature*

BOARD AGENDA # \*C-2

Urgent  Routine

AGENDA DATE May 21, 2013

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Summarily Vacate Undeveloped Access, Fire Access and Public Utility Easement Located Adjacent to Mariposa Road, North of Finch Road and South of Yosemite Boulevard

STAFF RECOMMENDATIONS:

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

1. Find based on the reasons stated in this report, the undeveloped access, fire access and public utility easements located adjacent to Mariposa Road, north of Finch Road and south of Yosemite Boulevard are not required for street and highway purposes.
2. Find the undeveloped access, fire access and public utility easements have not been utilized; and that there are no requests to retain the easements by the utility companies or the local fire district.

(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 applicant, Cranbrook Realty Investment Fund, L.P. a California Limited Partnership.

BOARD ACTION AS FOLLOWS:

No. 2013-256

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: De Martini

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

ATTEST:

*Elizabeth A. King*  
ELIZABETH A. KING, Assistant Clerk

File No.

Approval to Summarily Vacate Undeveloped Access, Fire Access and Public Utility Easement Located Adjacent to Mariposa Road, North of Finch Road and South of Yosemite Boulevard

**STAFF RECOMMENDATIONS (Continued):**

3. Adopt the attached Resolution vacating the access and public utility easements located adjacent to Mariposa Road as shown on Volume 53, of Parcel Maps, at Page 36, Stanislaus County records.

**DISCUSSION:**

This item is regarding the abandonment of the undeveloped access, fire access and public utility easement located adjacent to Mariposa Road, north of Finch Road and south of Yosemite Boulevard, in a portion of the unincorporated Beard Land Improvement Company industrial subdivision. The easements are shown on Parcel Map, Volume 53, Page 36, Stanislaus County Records. The easements are located on the parcel owned by the applicant, Cranbrook Realty Investment Fund, L.P. a California Limited Partnership. The adjacent property owners, Modesto & Empire Traction Company, have provided notice supporting the abandonment. The easements are precisely shown on Exhibits "A" and "B". The easements are not utilized because the adjacent parcels have not been developed. This abandonment is being pursued because the owner wants to improve the property and the easements are no longer a necessity. This summary abandonment will facilitate Cranbrook Realty's future site improvements.

The utility companies, AT&T, PG&E, and Modesto Irrigation District were contacted and confirmed that they do not have facilities within the proposed abandonment area. The City of Modesto was contacted and confirmed that they do not have any sewer or water improvements within the easements and Stanislaus Consolidated Fire Protection District has approved the summary abandonment.

**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 PERSON:**

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

LF: lc

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

Date: May 21, 2013

No. 2013-256

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # \*C-2

**TO SUMMARILY VACATE UNDEVELOPED ACCESS, FIRE ACCESS AND PUBLIC UTILITY  
EASEMENTS LOCATED ADJACENT TO MARIPOSA ROAD, NORTH OF FINCH ROAD AND  
SOUTH OF YOSEMITE BOULEVARD**

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 undeveloped access (access), fire access and public utility easements 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 access, fire access and public utility easements to be vacated are not required for street or highway purposes, and are more particularly described in Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B".
3. The access, fire access and public utility easements to be vacated hereby are not required for street or highway purposes.
4. That from and after the date this resolution is recorded by Stanislaus County, the vacated access, fire access and public utility easements 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: **ELIZABETH A. KING, Assistant Clerk**  
**Stanislaus County Board of Supervisors,**  
**State of California**



File No.

**EXHIBIT A  
LEGAL DESCRIPTION**

**EASEMENT ABANDONMENT  
53-PM-36, S.C.R.**

Parcel 1: P.U.E. and Access Easement:


**BEING** a portion of the Remainder Parcel as shown in Book 53 of Parcel Maps, at Page 36, and lying in a portion of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, Stanislaus County Records, more particularly described as follows:

**BEGINNING** at the Northwest Corner of above said Remainder Parcel, said point lying on the easterly line of Mariposa Road; thence along the north line of said Remainder Parcel North 89°21'04" East, a distance of 1,238.96 feet to the Northeast Corner of said Remainder Parcel; thence along the east line of said Remainder Parcel South 00°56'14" East, a distance of 70.00 feet; thence leaving said east line and parallel with last said north line South 89°21'04" West, a distance of 845.64 feet; thence southwesterly a distance of 25.17 feet to a point that is 87.80 feet distant and perpendicular to last said north line; thence South 89°21'04" West and parallel with last said north line, a distance of 375.49 feet to a point on the west line of above said Remainder Parcel, said point also lying on the easterly right-of-way of Mariposa Road; thence along said west line North 00°54'20" West, a distance of 87.80 feet to the **POINT OF BEGINNING**.

**EXCEPTING THEREFROM** the west 10 feet of the above described portion.

Parcel 2: Fire Access Easement:

**BEING** the east 20.00 feet of the north 85.00 feet of the "Remainder" Parcel and the east 20.00 feet of the south 15.00 feet of Parcel "C", all as shown in Book 53 of Parcel Maps, at Page 36, and lying in a portion of Section 36, Township 3 South, Range 9 East, Mount Diablo Meridian, Stanislaus County Records.

  
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Kevin Genasci, PLS 8860

April 19, 2013



M&ET SBE 850-50-25 A.P.N. 036-015-059

100'X20' ACCESS  
EASEMENT FOR FIRE PER  
53-PM-36 TO BE ABANDONED

70.00' ACCESS  
AND P.U.E. PER  
53-PM-36 TO  
BE ABANDONED

1"=250'

PARCEL "C"  
53-PM-36  
A.P.N.  
036-015-064

REMAINDER  
53-PM-36  
A.P.N.  
036-015-065

30.00' EMERGENCY  
VEHICLE ACCESS  
EASEMENT

PARCEL "B"  
53-PM-36  
A.P.N.  
036-015-063

87.80' ACCESS  
AND P.U.E. PER  
53-PM-36 TO  
BE ABANDONED

PARCEL "A"  
53-PM-36  
A.P.N.  
036-015-062



4.19.13

MARIPOSA AVENUE

EXHIBIT 'B'



HAWKINS & ASSOCIATES  
ENGINEERING, INC.  
436 MITCHELL ROAD  
MODESTO, CA. 95354  
PH: (209) 575 - 4295  
FX: (209) 578 - 4295

FIRE ACCESS EASEMENT  
ABANDONMENT, PARCEL "C"  
53-PM-36, A.P.N. 036-015-065  
STANISLAUS COUNTY, CALIFORNIA

BY: RCS  
CHK: KJG  
DATE: 4/2013  
SCALE: 1"=250'  
JOB #: 2964A  
FILE: SUR/LEGL

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OF  
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