

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

DEPT: Public Works

BOARD AGENDA # *C-1

Urgent

Routine

AGENDA DATE February 25, 2014

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Summarily Vacate All of the Alley in Block 4 of the Map of Del Este Subdivision, Filed in Book 8 of Maps, at Page 12, Located Between Mono Drive and Hyde Street and Santa Rosa Avenue and Santa Rita Avenue, South of the City of Modesto

STAFF RECOMMENDATIONS:

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

1. Find based on the reasons stated in this report, the portion of alley described herein, is not required for street and highway purposes.
2. Find based on the reasons stated in this report, the portion of alley described herein, lies within property under one ownership and does not continue through such ownership or end touching property of another.

(CONTINUED ON PAGE 2)

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2014-78

On motion of Supervisor Withrow, Seconded by Supervisor O'Brien and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Summarily Vacate All of the Alley in Block 4 of the Map of Del Este Subdivision, Filed in Book 8 of Maps, at Page 12, Located Between Mono Drive and Hyde Street and Santa Rosa Avenue and Santa Rita Avenue, South of the City of Modesto

STAFF RECOMMENDATIONS (Continued):

3. Find all public utility easements will be retained for the benefit of in-place public utility facilities.
4. Adopt the attached resolution vacating that portion of the alley lying in Block 4 of the Del Este Subdivision as described in Exhibits "A" and "B".

DISCUSSION:

An abandonment application was filed by Stantec Consulting, Inc. on behalf of E & J Gallo Winery, the landowners. The property is in the process of being rezoned from R-1, R-2, & R-3 (All Residential) to zone M (Industrial). This is being done in preparation for the owner to maximize the potential of this area by creating a parking area for the adjacent plant. The abandonment area is a portion of the rezone, with the remainder of the rezoned area to be abandoned at a later date.

The Department of Public Works has determined that all property within the abandonment area is owned by E & J Gallo Winery and is no longer needed for public right-of-way. The abandonment area was originally a part of the Del Este Subdivision recorded in February 1914. The project 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 Santa Rita Avenue and Yosemite Boulevard.

Street and Highways Code 8334(a & b) states that the legislative body of a local agency may summarily vacate if a portion of a street or highway is no longer required for street and highway purposes, or that lies within property under one ownership and does not continue through such ownership or end touching property of another.

The utility easements within the project boundaries are to remain. The owner, E & J Gallo Winery, will be working with all utility companies on the removal of existing facilities and easements.

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 roadway purposes, therefore removing any liability.

Approval to Summarily Vacate All of the Alley in Block 4 of the Map of Del Este Subdivision, Filed in Book 8 of Maps, at Page 12, Located Between Mono Drive and Hyde Street and Santa Rosa Avenue and Santa Rita Avenue, South of the City of Modesto

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

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

RB:sn
G:\Survey\Abandonment\Gallo\Gallo Block 4 Alley\2-25-14 BOS Item_Vacate Block 4-Gallo_for RBrown

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

Date: February 25, 2014

2014-78

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

Item # *C-1

THE FOLLOWING RESOLUTION WAS ADOPTED:

**APPROVAL TO SUMMARILY VACATE ALL OF THE ALLEY IN BLOCK 4 OF THE
MAP OF DEL ESTE SUBDIVISION, FILED IN BOOK 8 OF MAPS, AT PAGE 12,
LOCATED BETWEEN MONO DRIVE AND HYDE STREET AND SANTA ROSA
AVENUE AND SANTA RITA, SOUTH OF THE CITY OF MODESTO**

BE IT RESOLVED, that the Board of Supervisors of the County of Stanislaus, State of California hereby finds and determines as follows:

FINDS, based on the reasons stated in this report, the portion of alley described herein, is not required for street and highway purposes; and

FINDS, based on the reasons stated in this report, the portion of alley described herein, lies within property under one ownership and that does not continue through such ownership or end touching property of another; and

FINDS, all public utility easements will be retained for the benefit of in-place public utility facilities;

NOW, THEREFORE, BE IT RESOLVED that from and after the date this resolution is recorded by Stanislaus County, the vacated alley lying in Block 4 of the Del Este Subdivision as described in Exhibits "A" and "B", no longer constitutes part of a street or highway.

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

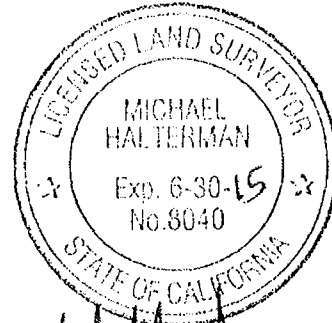


EXHIBIT A

**LEGAL DESCRIPTION
FOR RIGHT-OF-WAY VACATION**

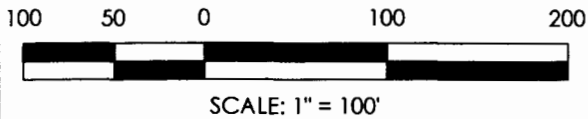
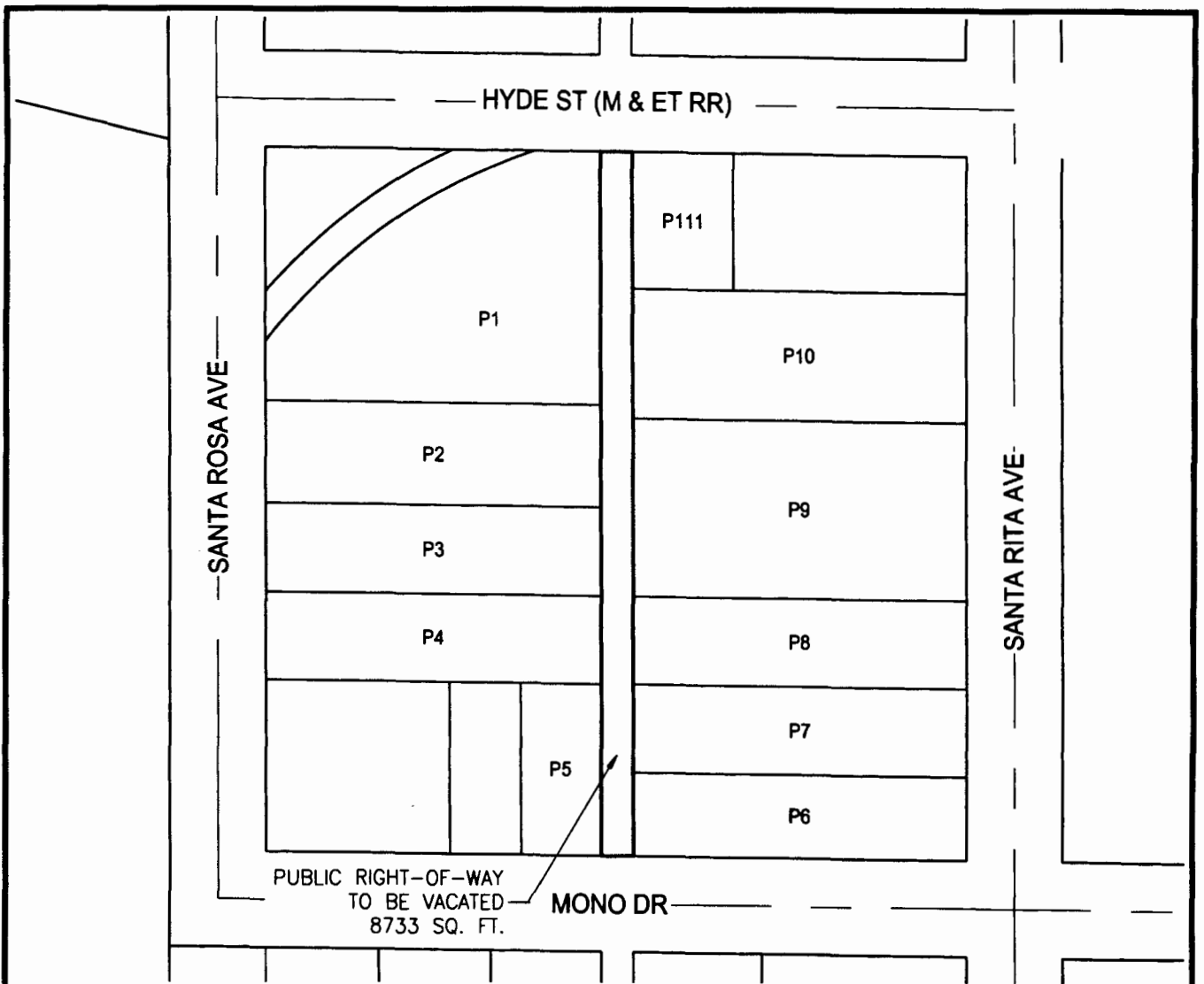
All of that certain 20-foot wide alley lying in Block 4 of the Map of Del Este Subdivision, filed in Book 8 of Maps, at Page 12, Stanislaus County Records and dedicated to the public thereon.

Containing 8733 square feet, more or less.



[Handwritten signature]

16JAN14



PROPERTY LIST:

ALL PROPERTIES OWNED BY E. & J. GALLO WINERY,
A CALIFORNIA CORPORATION

- P1 APN 035-004-01
- P2 APN 035-004-02
- P3 APN 035-004-03
- P4 APN 035-004-04
- P5 APN 035-004-07
- P6 APN 035-004-17
- P7 APN 035-004-18
- P8 APN 035-004-19
- P9 APN 035-004-20
- P10 APN 035-004-21
- P11 APN 035-004-22



Stantec Consulting Services Inc.
1016 12th Street
Modesto, CA U.S.A.
95354
Tel. 209.521.8886
Fax. 209.521.9045
www.stantec.com

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SYD

DEC 2013

RIGHT-OF-WAY (ALLEY) VACATION

PUBLIC
RIGHT-OF-WAY (ALLEY)
EXHIBIT

EXHIBIT

B

STANISLAUS COUNTY, CALIFORNIA