

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

DEPT. Public Works

BOARD AGENDA # \*C-1

Urgent  Routine

AGENDA DATE October 20, 2015

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Summarily Vacate a Public Utility Easement Located at the Northeast Corner of Crows Landing and Service Roads, South of the City of Modesto and West of the City of Ceres

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes 8333(c), 8335, and 8340:

1. Find based on the information stated in this report, the Public Utility Easement (PUE) described herein, located at the northeast corner of Crows Landing and Service Roads, as shown on Parcel Map Volume 45, Page 36, south of the City of Modesto and west of the City of Ceres is no longer required for utility purposes.
2. Adopt the attached resolution vacating the PUE, as described in Exhibit "A" legal description of area to be abandoned and Exhibit "B", plat of area to be abandoned.

FISCAL IMPACT:

There is no fiscal impact associated with this item. The abandonment is part of the pre-construction phase for the County's Re-Entry and Enhanced Alternatives to Custody Training (REACT) Center Project.

BOARD ACTION AS FOLLOWS:

No. 2015-474

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

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

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:

ATTEST:

Christine Ferraro  
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Summarily Vacate a Public Utility Easement Located at the Northeast Corner of Crows Landing and Service Roads, South of the City of Modesto and West of the City of Ceres

**DISCUSSION:**

Stanislaus County is partnering with the State of California to fund the construction of the REACT Center Project at the Public Safety Center, 200 East Hackett Road, Ceres, CA 95307. The Project will contain 288 jail beds in adult detention transitional housing units with all associated support and program space, a security administration (control) center and circulation, and common space. In addition, the REACT Center will provide services to the offender population under the Sheriff's jurisdiction, including post-release and out-of-custody/monitored release programs. The REACT Center will also include public lobby/reception areas, administration space, classrooms, counseling rooms, and a multipurpose room.

This abandonment procedure is a clean-up measure to help clear any obstacles during the construction phase of the REACT Center project. The PUE was originally created as part of Parcel Map Volume 45, Page 36 (Exhibit C), for the benefit of Stanislaus County on September 25, 1992. The easement was perpetuated on Parcel Map Volume 47, Page 24, also recorded for Stanislaus County on June 1, 1995. In 2012, Stanislaus County filed a merger document to combine the Parcels from both maps into one large parcel to help facilitate the expansion of the jail facilities. However, none of these later maps or documents abandoned the unused PUE.

The City of Ceres annexed the area in question in March 2012 with the approval of the Stanislaus Local Agency Formation Commission. The City of Ceres has been contacted regarding this abandonment process, and has agreed to and approved the abandonment being processed by Stanislaus County.

Public utility companies AT&T, PG&E, and T.I.D. have been informed of the County's proposed abandonment of this Public Utility Easement. There have not been any requests to retain the easement on their behalf.

**POLICY ISSUES:**

The recommended actions are consistent with the Board's priority of A Well Planned Infrastructure System by removing any excess Public Utility Easement to aid in the infrastructure improvements of the County's REACT project. This action also supports the Board of Supervisors' priority of A Safe Community.

**STAFFING IMPACT:**

There is no staffing impact associated with this item.

**CONTACT PERSON:**

Patricia Hill Thomas, Chief Operations Officer Telephone: (209) 525-6333  
Matt Machado, Public Works Director Telephone: (209) 525-4153

Approval to Summarily Vacate a Public Utility Easement Located at the Northeast Corner of Crows Landing and Service Roads, South of the City of Modesto and West of the City of Ceres

**ATTACHMENTS:**

1. Exhibit 1 - Parcel Map, Volume 45 of Maps, Page 36.
2. Resolution
3. Exhibit A - Legal Description of Public Utility Easement Abandonment
4. Exhibit B - Plat of Public Utility Easement Abandonment

LF: djd

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STATE OF CALIFORNIA }  
COUNTY OF STANISLAUS } 5



**LEW-GARCIA-DAVIS**  
**ENGINEERS**  
**SURVEYORS**

ON THIS 21<sup>st</sup> DAY OF May 1992  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND  
FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

Christina Ferraro AND  
AND PROVED TO ME ON THE BASIS OF SATISFACTORY  
EVIDENCE TO BE THE Christina Ferraro AND

THE \_\_\_\_\_ RESPECTIVELY OF THE  
CORPORATION DESCRIBED ABOVE, AND THAT THEY  
EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE  
CORPORATION THEREIN NAMED, AND THEY ACKNOWLEDGED  
TO ME THAT SAID CORPORATION EXECUTED THE SAME

Christina Ferraro (NAME) (PRINT)  
PRINCIPAL PLACE OF BUSINESS State Street Bank

COMMISSION EXPIRES May 21, 1992

TRUSTEE State Street Bank and Trust Company of California, a

Trustee

AS TO IRRIGATION TAXES  
DATED THIS 21 DAY OF May 1992

Brent Harrison  
TAX COLLECTOR, IRRIGATION DISTRICT  
Brent Harrison

CERTIFICATE OF ACCEPTANCE  
THIS IS TO CERTIFY THAT THE INTERESTS IN REAL PROPERTY  
ENVELOPED BY THIS MAP TO THE TURLOCK IRRIGATION DISTRICT,  
A GOVERNMENTAL AGENCY, AND TO THE NAMED IMPROVEMENT  
DISTRICTS OF THE DISTRICT (IF ANY) ARE HEREBY ACCEPTED  
BY THE JURISDICTION OFFICER ON BEHALF OF THE BOARD OF  
DIRECTORS OF THE TURLOCK IRRIGATION DISTRICT PURSUANT TO  
AUTHORITY CONFERRED BY BOARD OF DIRECTORS RESOLUTION  
NO 90-01 ADOPTED ON JANUARY 2, 1990, AND THE DISTRICT  
CONSENTS TO RECORDATION THEREOF BY ITS DULY AUTHORIZED  
OFFICER

DATED THIS 21<sup>st</sup> DAY OF May 1992

BY Brent Harrison (NAME) (PRINT) CE Dept. Agr  
Brent Harrison

PURSUANT TO SECTION 66436 OF THE SUBDIVISION MAP ACT  
THE SIGNATURES OF THE FOLLOWING EASEMENT HOLDERS  
HAVE BEEN OBTAINED:

GRANTED TO: FEDEWATER SOUTHERN RAILWAY COMPANY  
A CALIFORNIA CORPORATION  
FOR: RAILROAD PURPOSES  
RECORDED: FEBRUARY 23, 1977  
INSTRUMENT NO: 6499, IN VOLUME 2379 OF OFFICIAL  
RECORDS, AT PAGE 165  
AFFECTS: THE EASTERLY 35 FEET OF PARCE 2

GRANTED TO: HUGH J. PATTON  
FOR: 10% OF ALL OIL, GAS, AND MINERAL RIGHTS  
RECORDED: SEPTEMBER 8, 1976 IN BOOK 2829 OF  
OFFICIAL RECORDS AT PAGE 586

**OWNER'S STATEMENT**

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE  
OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST  
IN RECORD IN THE LAND SHOWN ON THIS MAP AND WE  
CONSENT TO THE MAKING AND FILING OF THIS MAP IN  
THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS  
COUNTY, CALIFORNIA. WE ALSO OFFER FOR DEDICATION  
A PORTION OF HACKETT ROAD, A PORTION OF SERVICE  
ROAD AND THE PUBLIC UTILITY EASEMENTS TO THE  
PUBLIC FOR PUBLIC USE, THE 30 FEET BY 140 FEET  
PACIFIC BELL EASEMENT TO PACIFIC BELL, AND THE  
IRRIGATION EASEMENTS TO THE TURLOCK IRRIGATION  
DISTRICT AS SHOWN WITHIN THE EXTERIOR BOUNDARY  
OF THE LAND BEING SUBDIVIDED AND THE 30 WIDE ROAD  
TO BE A ACCESS EASEMENT IN FAVOR OF PARCELS

OWNER: THE COUNTY OF STANISLAUS, A POLITICAL  
SUBDIVISION OF THE STATE OF CALIFORNIA  
Pat Paul

OWNER: THE STANISLAUS COUNTY CAPITAL IMPROVEMENT  
FINANCIAL AUTHORITY  
Pat Paul

STATE OF CALIFORNIA }  
COUNTY OF STANISLAUS } 5

ON THIS 2<sup>nd</sup> DAY OF June 1992  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND  
FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

Pat Paul AND  
AND PROVED TO ME ON THE BASIS OF SATISFACTORY  
EVIDENCE TO BE THE Chau AND

THE \_\_\_\_\_ RESPECTIVELY OF THE  
CAPITAL IMPROVEMENT FINANCIAL AUTHORITY DESCRIBED ABOVE,  
AND THAT THEY EXECUTED THE WITHIN INSTRUMENT ON BEHALF  
OF THE CAPITAL IMPROVEMENT FINANCIAL AUTHORITY  
THEREIN NAMED, AND THEY ACKNOWLEDGED TO ME  
THAT SAID CAPITAL IMPROVEMENT FINANCIAL  
AUTHORITY EXECUTED THE SAME

Patricia A. Minton (NAME) (PRINT)  
PRINCIPAL PLACE OF BUSINESS 1100 H Street, Modesto

COMMISSION EXPIRES June 23, 1992

STATE OF CALIFORNIA }  
COUNTY OF STANISLAUS } 5

ON THIS 2<sup>nd</sup> DAY OF June 1992  
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND  
FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

Pat Paul AND  
AND PROVED TO ME ON THE BASIS OF SATISFACTORY  
EVIDENCE TO BE THE Chau AND

THE \_\_\_\_\_ RESPECTIVELY OF THE  
POLITICAL SUBDIVISION DESCRIBED ABOVE, AND THAT THEY  
EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF THE  
POLITICAL SUBDIVISION THEREIN NAMED, AND THEY ACKNOWLEDGED  
TO ME THAT SAID POLITICAL SUBDIVISION EXECUTED THE SAME

Patricia A. Minton (NAME) (PRINT)  
PRINCIPAL PLACE OF BUSINESS 1100 H Street, Modesto

COMMISSION EXPIRES June 23, 1992

**CLERK OF THE BOARD OF SUPERVISORS'S CERTIFICATE**

THIS IS TO CERTIFY THAT THE OWNERS OF THE  
PROPERTY SHOWN ON THE ACCOMPANYING MAP HAVE  
FILED WITH THE BOARD OF SUPERVISORS

CHIEF CLERK:  
A. A HOND OR DEPOSIT APPROVED BY SAID  
BOARD TO SECURE THE PAYMENT OF TAXES  
AND SPECIAL ASSESSMENTS COLLECTED AS  
TAXES, WHICH ARE AT THE TIME OF FILING  
OF THIS MAP, A LIEN AGAINST SAID PROPERTY  
OR ANY PART THEREOF  
NA  
B. RECEIVED TAX BILL OR BILLS OR SUCH  
OTHER EVIDENCE AS MAY BE REQUIRED BY  
SAID BOARD SHOWING FULL PAYMENT OF ALL  
APPLICABLE TAXES  
NA

DATED THIS 2<sup>nd</sup> DAY OF June 1992

Christina Ferraro MANAGER/CLERK  
BOARD OF SUPERVISORS STANISLAUS COUNTY, CALIFORNIA

BY Patricia A. Minton  
DEPUTY  
Patricia A. Minton

**COUNTY SURVEYOR'S STATEMENT**

THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE  
SUBDIVISION MAP ACT AND LOCAL ORDINANCE

DATED THIS 24<sup>th</sup> DAY OF Sept 1992

H. H. CALAHAN (NAME) (PRINT) J. Ray Edwards  
COUNTY SURVEYOR DEPUTY



**ACCEPTANCE OF DEDICATION CERTIFICATE**

THIS IS TO CERTIFY THAT THE 30 FEET WIDE PORTION OF  
HACKETT ROAD, THE 30 FEET WIDE PORTION OF SERVICE ROAD  
AND THE PUBLIC UTILITY EASEMENTS OFFERED FOR DEDICATION  
TO PUBLIC USE AS SHOWN ON THIS MAP, IS HEREBY ACCEPTED  
BY THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY ON  
BEHALF OF THE PUBLIC FOR PUBLIC USE

DATED THIS 2<sup>nd</sup> DAY OF June 1992

Christina Ferraro MANAGER/CLERK  
BOARD OF SUPERVISORS STANISLAUS COUNTY, CALIFORNIA

BY Patricia A. Minton (NAME) (PRINT) Patricia Minton  
DEPUTY

**PARCEL MAP**  
**BEING A PORTION OF PARCEL**  
**"B" AS SHOWN IN BOOK 9 OF**  
**PARCEL MAPS AT PAGE 74,**  
**STANISLAUS COUNTY RECORDS**  
**AND A PORTION OF THE WEST**  
**HALF OF SECTION 16, TOWNSHIP**  
**4 SOUTH, RANGE 9 EAST,**  
**M.D.B. & M.**

STANISLAUS COUNTY  
JOB NO 89135  
CALIFORNIA  
NOVEMBER, 1991  
SHEET 1 OF 2

**COUNTY RECORDER'S STATEMENT**

FILED THIS 25<sup>th</sup> DAY OF Sept 1992

AT 11:05 O'CLOCK A.M. IN BOOK 45 OF PARCEL MAPS  
AT PAGE 36 STANISLAUS COUNTY RECORDS,  
AT THE REQUEST OF STANISLAUS COUNTY

INSTRUMENT NO 91783 FEE \$ 8 PAID

KAREN MATHEWS (NAME) (PRINT) Pat Sudel  
COUNTY RECORDER DEPUTY, Asst. Recorder



**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION  
AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE  
WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND  
LOCAL ORDINANCE AT THE REQUEST OF STANISLAUS COUNTY  
ON June 1992. I HEREBY STATE THAT THIS PARCEL  
MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR THE  
CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

DATED THIS 21<sup>st</sup> DAY OF MAY 1992

Max M. Garcia  
MAX M. GARCIA (NAME) (PRINT) Max M. Garcia  
LICENSE EXPIRES JUNE 30, 1992



**LEW-GARCIA-DAVIS**  
**ENGINEERS**  
**SURVEYORS**  
**PLANNERS**  
 1147 E. ... 209-558-2360

CURVE	ANGLE	LENGTH	TANGENT	CHORD	DELTA
C1	25.00	48.27	12.85	10.17	207.00
C2	25.00	48.27	12.85	10.17	207.00

COUNTY RECORDER'S STATEMENT

FILED THIS 25 DAY OF Sept 1992  
 AT 11:05 O'CLOCK A.M. IN BOOK 45 OF PARCEL MAPS  
 AT PAGE 36 STANISLAUS COUNTY RECORDS.  
 AT THE REQUEST OF STANISLAUS COUNTY

INSTRUMENT NO. 91783 FEE \$ 0.00

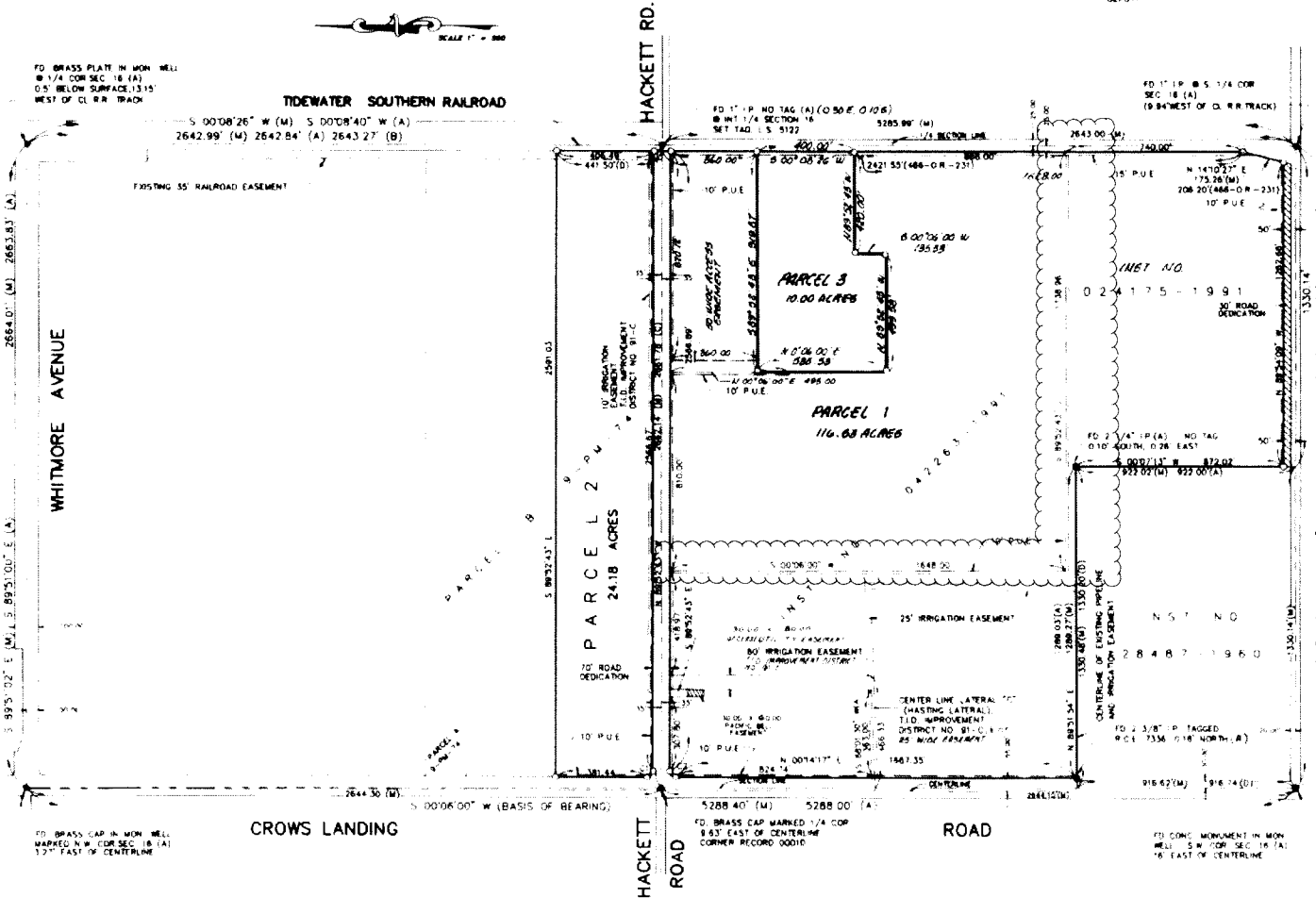
KAREN MATHEWS  
 COUNTY RECORDER

BY Pat Suddell, Asst. Recorder  
 DEPUTY

**PARCEL MAP**  
 BEING A PORTION OF PARCEL  
 "B" AS SHOWN IN BOOK 9 OF  
 PARCEL MAPS AT PAGE 74,  
 STANISLAUS COUNTY RECORDS  
 AND A PORTION OF THE WEST  
 HALF OF SECTION 16, TOWNSHIP  
 4 SOUTH, RANGE 9 EAST,  
 M.D.B. & M.

STANISLAUS COUNTY  
 SCALE 1" = 300'  
 JOB NO. 89135

CALIFORNIA  
 NOVEMBER, 1991  
 SHEET 2 OF 2



GENERAL NOTES

1. ALL BEARINGS AND DISTANCES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED.
2. ALL DISTANCES AND DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. ALL RECORD INFORMATION IS FROM STANISLAUS COUNTY RECORDS, UNLESS OTHERWISE NOTED.
4. PARCEL MAP CONTAINS 3 PARCELS, 150.71 ACRES.

LEGEND

- MONUMENT FOUND AS NOTED
- MONUMENT SET A 3/4" IRON PIPE TAGGED I.S. 5122

- P.U.E. PUBLIC UTILITY EASEMENT
- (M) MEASURED ON THIS SURVEY
- (A) VOL. 12 OF SURVEYS, PAGE 40
- (B) VOL. 10 OF SURVEYS, PAGE 56
- (C) VOL. 8 OF PARCEL MAPS, PAGE 74
- (D) FINAL ORDER OF CONDEMNATION INSTRUMENT NUMBER 91-042283

BASIS OF BEARING

A COURSE OF SOUTH 00° 00' WEST FOR THE WEST LINE OF SECTION 16, TOWNSHIP 4 SOUTH, RANGE 9 EAST, W 0° 0' 0" AS SHOWN IN VOLUME 12 OF SURVEYS AT PAGE 40 STANISLAUS COUNTY RECORDS.

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

2015-474

Date: October 20, 2015

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # \*C-1

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**APPROVAL TO SUMMARILY VACATE A PUBLIC UTILITY EASEMENT LOCATED AT THE  
NORTHEAST CORNER OF CROWS LANDING AND SERVICE ROADS, SOUTH OF THE CITY OF  
MODESTO AND WEST OF THE CITY OF CERES**

WHEREAS, Chapter 4 of the Public Streets, Highways and Service Easement Vacation Law, commencing with Streets and Highways Code section 8330, provides for summary vacation of streets and public service easements; and,

WHEREAS, the a Public Utility Easement (the subject "PUE") was created as part of Parcel Map Volume 45, Page 36, for the benefit of Stanislaus County on September 25, 1992; and,

WHEREAS, no utilities are located within the PUE; and,

WHEREAS, the City of Ceres and interested utility companies have been informed of the County's proposed abandonment of the PUE; and,

WHEREAS, section 8333 of the Streets and Highways Code authorizes the County to summarily vacate public service utilities easements which have not been used for the purpose for which it was dedicated or acquired, or the easement has been determined to be excess and there are no other public facilities located within the easement; and,

WHEREAS, the Board intends to summarily vacate the PUE, as more particularly described in Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B".

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

SECTION 1. This vacation is made under the authority of California Streets and Highways Code Chapter 4 of part 3 of Division 9, commencing at section 8330, et. seq.

1. The PUE described herein on Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B" is not required for utility purposes; and,
2. No public facilities are located within the said PUE; and,
3. The PUE is not needed for present or prospective public utility easement purposes; and,
4. The public convenience and necessity do not require reservation of any portion of this easement; and,

SECTION 2. Based upon the finding made in Section 1 of this Resolution and the above mentioned sections of the California Streets and Highways Code, the Board does hereby order that the PUE as described and shown on the attached Exhibit "A" and Exhibit "B" shall be and hereby is summarily vacated.

SECTION 3. The PUE described and shown on the attached Exhibit "A" and Exhibit "B" will no longer constitute and Public service easement from and after the date of recordation of this Resolution.

SECTION 4. The Department of Public Works is hereby directed to record a certified copy of this Resolution, including the attached Exhibits "A" and "B", with the Stanislaus County Clerk/Recorder.

SECTION 5. The Board finds that the summary vacation of the PUE is exempt from review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15305 as a minor alteration in land use limitations.

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



File No.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**PUBLIC UTILITY EASEMENT ABANDONMENT**  
**STANISLAUS COUNTY PUBLIC SAFETY CENTER**  
**STANISLAUS COUNTY APN: 086-015-030**

All that certain piece or parcel of land situate in the City of Ceres, County of Stanislaus, State of California, lying within the Southwest quarter of Section 16, Township 4 South, Range 9 East, Mount Diablo Meridian, described as follows:

ALL that portion of that certain parcel of land as depicted in that Certificate of Merger, filed in the Office of the Recorder of the County of Stanislaus on June 15, 2012 as Document Number 2012-0053244, being more particularly described as follows:

ALL of that certain 10.00 foot wide Public Utility easement as shown and dedicated on that map filed in the Office of the Recorder of the County of Stanislaus on September 25, 1992 in Book 45 of Parcel Maps at Page 36, lying 5.00 feet on each side of the following described centerline:

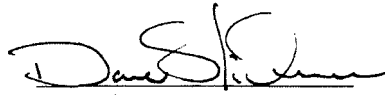
**10 FOOT WIDE PUBLIC UTILITY EASEMENT ABANDONMENT:**

COMMENCING at the Northwest corner of the Southwest quarter of said Section 16, said corner lying on the center line of a 70.00 foot wide Road known as Hackett Road; thence South 89°52'43" East along last said center line and the North line of said Southwest quarter, a distance of 892.42 feet to a point; thence South 00°06'00" West, a distance of 45.00 feet to a point on the South line of a 10.00 foot wide public utility easement adjacent to and abutting the South right of way line of said Hackett Road and being the POINT OF BEGINNING of this center line easement abandonment description; thence continuing South 00°06'00" West, a distance of 1643.01 feet to an angle point; thence South 89°52'43" East, a distance of 1729.00 feet to a point on the West line of that 15.00 foot wide public utility easement adjacent to and abutting the 50.00 foot wide Tidewater Southern Railroad right of way as shown on said parcel map and being the terminating point of this center line easement abandonment description.

IT is the intent of this legal description to abandon all those portions of irrigation easements as depicted on the attached exhibit "B".

The sidelines of said easement to be abandoned shall be lengthened or shortened to terminate at the line of the existing public utility easements and shall meet at all angle points.



  
Dave Skidmore, P.L.S. 7126  
9/22/15



