

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

DEPT: Planning and Community Development BOARD AGENDA #: *D-1

AGENDA DATE: June 14, 2016

SUBJECT:

Approval to Set a Public Hearing for June 28, 2016 at 9:10 a.m. to Consider Approval of Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, a Partial Cancellation of Williamson Act Contract No. 75-1846.

BOARD ACTION AS FOLLOWS:

No. 2016-304

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

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

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: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Planning and Community Development
Urgent Routine

BOARD AGENDA #: *D-1

AGENDA DATE: June 14, 2016

AF

CEO CONCURRENCE: _____

4/5 Vote Required: Yes No

SUBJECT:

Approval to Set a Public Hearing for June 28, 2016 at 9:10 a.m. to Consider Approval of Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, a Partial Cancellation of Williamson Act Contract No. 75-1846.

STAFF RECOMMENDATIONS:

1. Set a public hearing for June 28, 2016 at 9:10 a.m. to consider approval of Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, a request to cancel a portion of Williamson Act Contract No.75-1846, as a part of the Stanislaus County Public Works Department's McHenry Bridge Improvement Project.
2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

DISCUSSION:

This is a request to set a public hearing for June 28, 2016 at 9:10 a.m. to consider approval of Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, a request to cancel a portion of Williamson Act Contract No. 75-1846, as a part of the Stanislaus County Public Works Department's McHenry Bridge Improvement Project that is being undertaken to improve public safety.

The Board of Supervisors approved the purchase agreement between the Stanislaus County Department of Public Works and the property owner Hudelson Company on April 21, 2015 (Board Action No. 2015-159). The McHenry Bridge was built in 1959 and consists of a concrete slab foundation over the overflow banks and concrete cast-in-place box girder bridge over the main stem of the Stanislaus River. In late 1981 and early 1982, Stanislaus County and San Joaquin County through each of their respective Boards adopted a resolution and agreed to be responsible for the maintenance and repair for each of their half of the McHenry Bridge. In July of 2001, the results of a study conducted jointly by Stanislaus and San Joaquin Counties determined that the bridge was seismically, structurally, and functionally inadequate and recommended that the bridge be widened and replaced. The study further recommended that Stanislaus and San Joaquin Counties work toward the replacement of the bridge. On June 26, 2007, the Stanislaus County Board of Supervisors approved a Cooperative Agreement with San Joaquin County. The National Environmental Policy Act (NEPA) process was completed on March 7, 2013, and a California Environmental Quality Act (CEQA) Mitigated Negative Declaration environmental determination was adopted by San Joaquin County on February 25, 2014.

Approval to Set a Public Hearing for June 28, 2016 at 9:10 a.m. to Consider Approval of Williamson Act Cancellation Application No. PLN2016-0046, McHenry Bridge, a Partial Cancellation of Williamson Act Contract No. 75-1846.

Completion of the bridge improvement project required additional right-of-way along the existing bridge. In September of 2015, Stanislaus County Department of Public Works acquired 2.33 acres of Assessor Parcel No. 074-001-001 located at 8124 McHenry Avenue. Due to existence of Williamson Act Contract No. 75-1846, a partial cancellation is required for the 2.33 acres of right-of-way. The remaining 59.66 acres of 8124 McHenry Avenue will remain under contract, and will remain planted in orchard.

This item will set the date and time for a public hearing to consider approval of Williamson Act Cancellation Application No. PLN2016-0046 - McHenry Bridge.

POLICY ISSUE:

In order for a Williamson Act Contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make the necessary findings as required by California Government Code Section 51282, the County's Williamson Act Uniform Rules, and the contract itself.

FISCAL IMPACT:

Costs associated with setting the public hearing, publishing required notices, and conducting the hearing will be covered by the application fee paid by the applicant.

BOARD OF SUPERVISORS' PRIORITY:

The Williamson Act Cancellation, requested for the purpose of improving the McHenry Bridge, furthers the Board's priorities of A Safe Community, Effective Partnerships, and A Well Planned Infrastructure System, through proposed improvements to public infrastructure for the purposes of improving public safety.

STAFFING IMPACT:

Responsibility for preparing all reports and attending meetings associated with the proposed Williamson Act Cancellation Application will be assumed by existing Planning and Community Development staff.

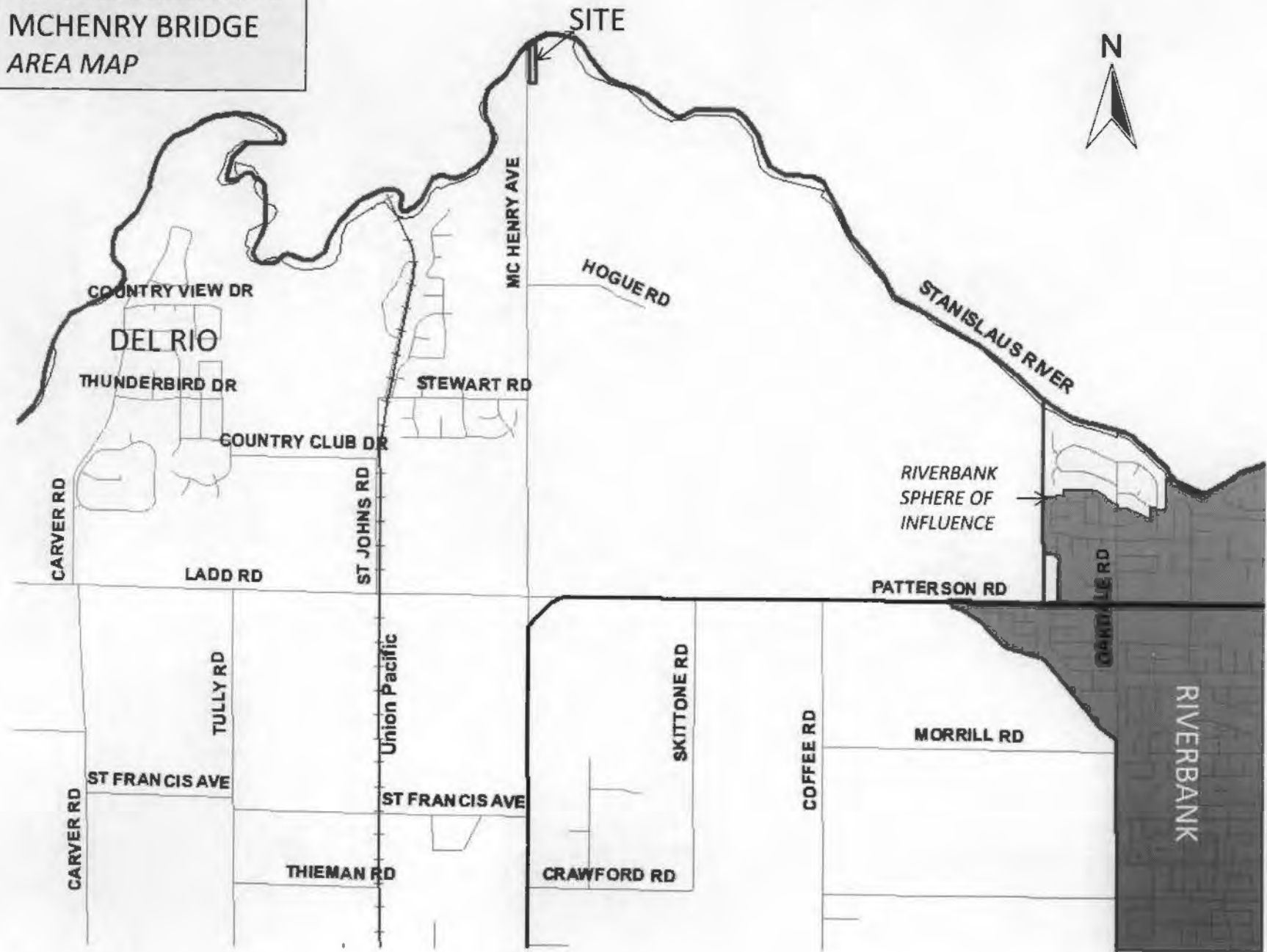
CONTACT PERSON:

Angela Freitas, Planning and Community Development Director Telephone: (209) 525-6330

ATTACHMENT(S):

1. Project Maps
2. Road Deed, Recorded September 18, 2015

WAC PLN2016-0046
MCHENRY BRIDGE
AREA MAP



WAC PLN2016-0046
MCHENRY BRIDGE
GENERAL PLAN MAP



STANISLAUS RIVER

SITE



AG

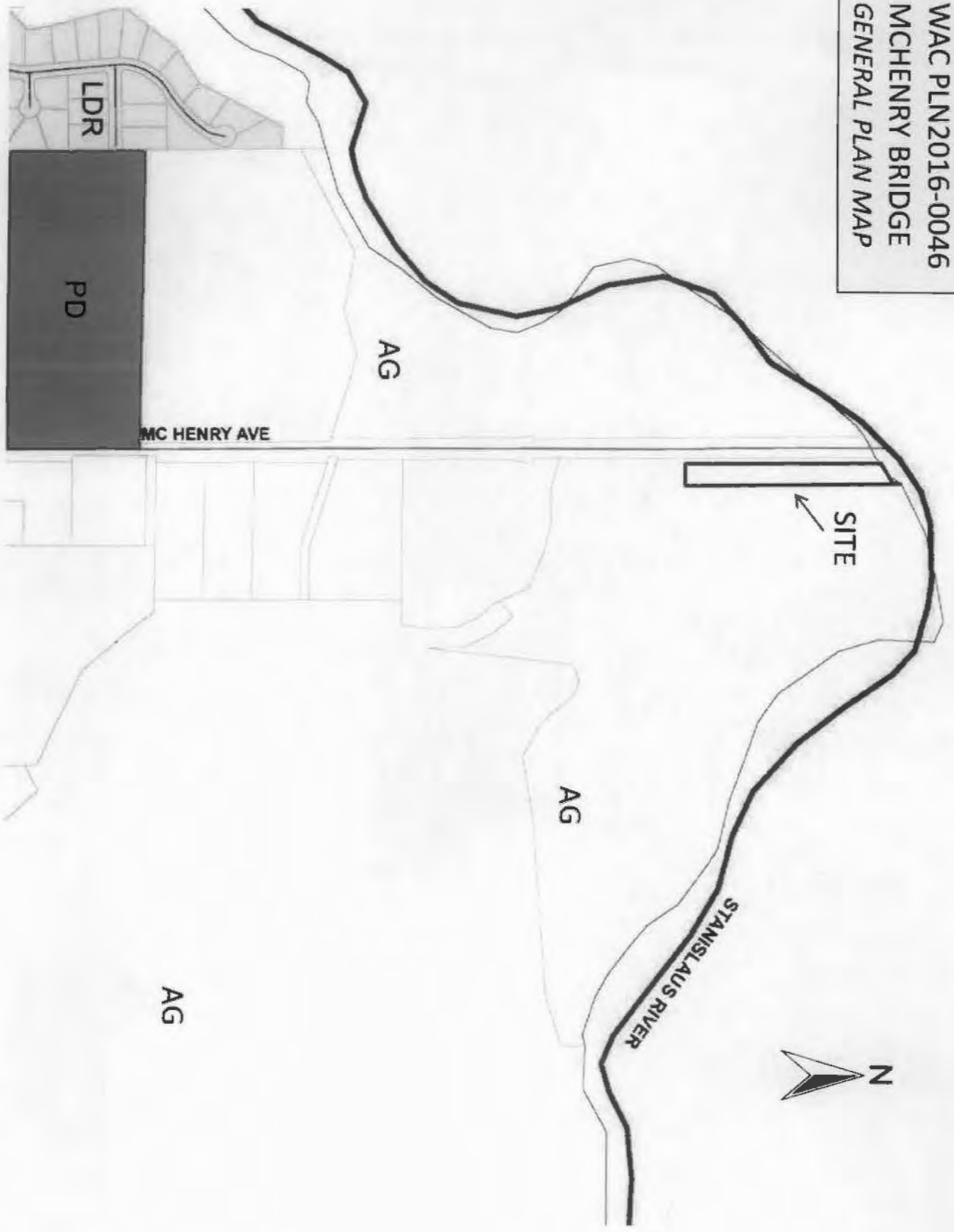
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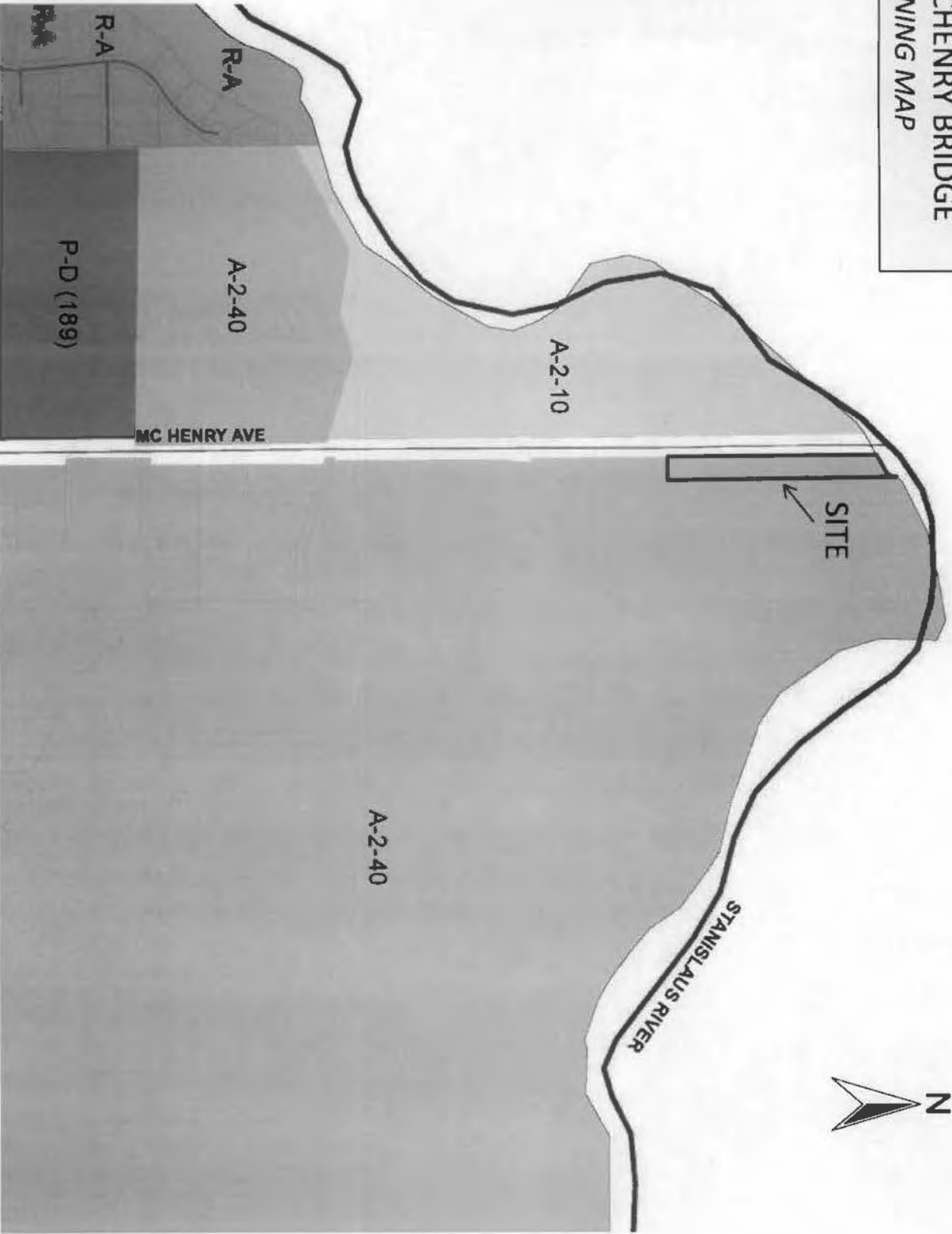
MC HENRY AVE

PD

LDR



WAC PLN2016-0046
MCHENRY BRIDGE
ZONING MAP



WAC PLN2016-0046
MCHENRY BRIDGE
2015 AERIAL

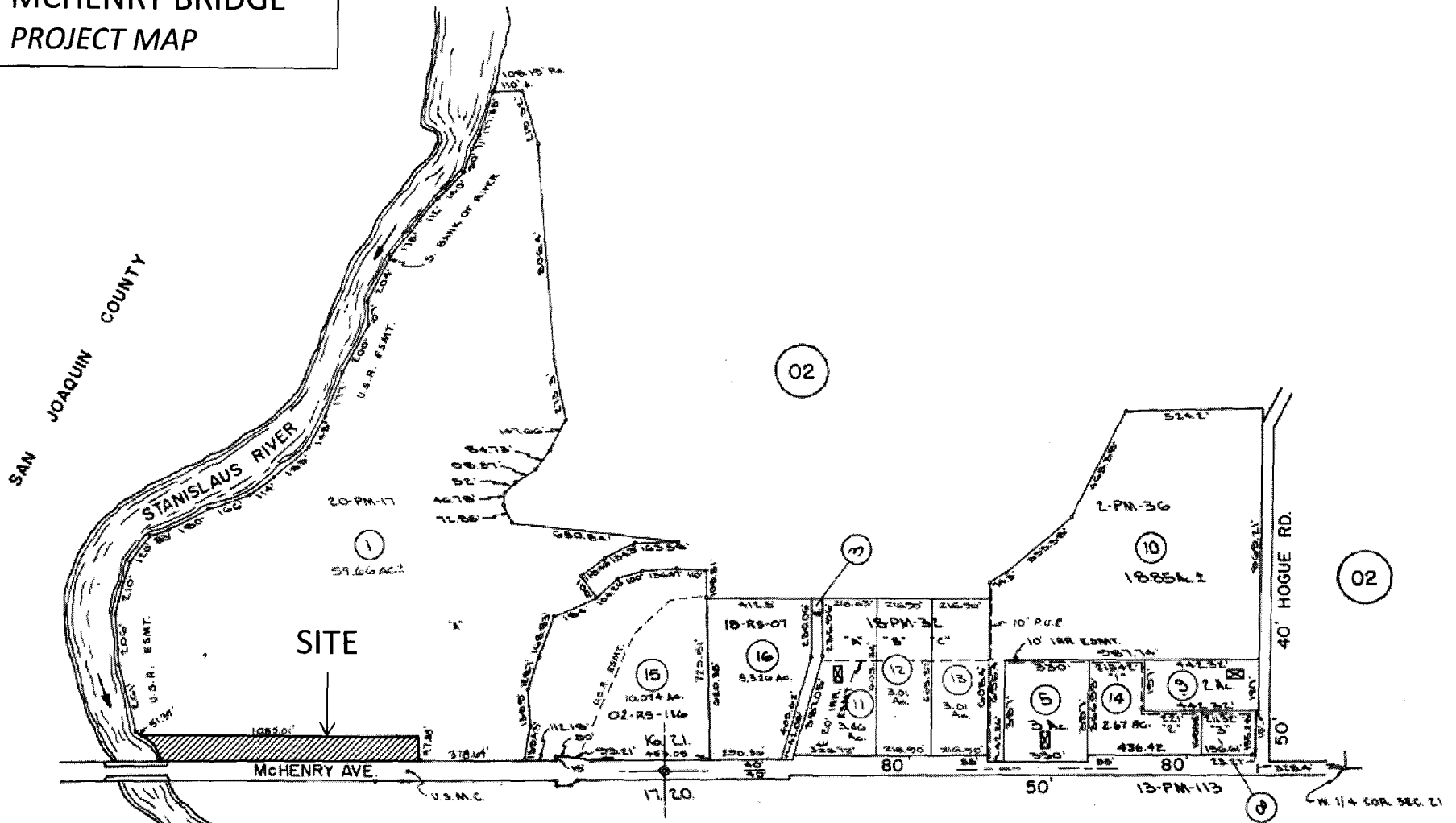


SITE



WAC PLN2016-0046
MCHENRY BRIDGE
PROJECT MAP

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM 4-03
AGE 588 47
9-6-74
UPDATED: 11-21-09 MF, 10-12-16 MF

BK. 4



75,06



Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2015-0074471-00

Acct 504-01d Republic
Friday, SEP 18, 2015 08:00:00
Ttl Pd \$0.00 Rcpt # 0003717953
MAP/R3/1-5

NO FEE
RECORDING REQUESTED BY:
BOARD OF SUPERVISORS

RETURN TO:
STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS
1716 MORGAN ROAD 95358
MODESTO, CA 95354

Road Name: McHenry Avenue

APN: 074-001-001

ROAD DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Hudelson Co., a Limited Partnership, who acquired title as Hudelson Company, a co-partnership

does hereby grants to the COUNTY OF STANISLAUS, a political subdivision of the State of California, an Easement for Public Road and Utility purposes in the real property in the County of Stanislaus, State of California described as:

SEE EXHIBITS "A" & "B"

(sign) Timothy Paul Hudelson
(print) TIMOTHY PAUL HUDELSON General Partner
Hudelson Co., a Limited Partnership
Dated: 2-11-15

APPROVED as to description: [Signature] Dated: 4/24/15

CERTIFICATE OF ACCEPTANCE AND CONSENT TO RECORDATION

This is to certify that the interest in real property conveyed by the deed or grant dated 2-11-15 From Hudelson Co., a Limited Partnership, who acquired title as Hudelson Company, a co-partnership to County of Stanislaus a political subdivision and/or governmental agency, is hereby accepted by the undersigned officer or agent on behalf of the Board of Supervisors of the County of Stanislaus, pursuant to authority conferred by resolution of the Board of Supervisors of the County of Stanislaus adopted on May 12, 1998 in accordance with the provisions of Government Code Section 27281, and the grantee consents to recordation thereof by its duly authorized officer.

Matthew Machado, County Surveyor, LS 9055
Stanislaus County, State of California

By [Signature] Dated: 4/10/2015

Larry Fontana, Deputy County Surveyor
Stanislaus County, State of California

500
Attachment 2 [Signature]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Stanislaus

On February 11, 2015 before me, Vanessa M. Cothran, Notary Public
(insert name and title of the officer)

personally appeared Timothy Paul Hudelson
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Vanessa M. Cothran (Seal)



July 10, 2014

PARCEL GEOMETRY DESCRIPTION
McHenry Avenue Improvement Project
Stanislaus County - APN 074-001-001-000

That certain real property situated in Stanislaus County, State of California, being a portion of Section 16, Township 2 South, Range 9 East, Mount Diablo Baseline and Meridian, also being a portion of land described in the Deed of Trust recorded June 26, 1996, as Doc-96-0051914-00, Stanislaus County Records, more particularly described as follows:

COMMENCING at a stainless steel rod in a sleeve on the west side of McHenry Avenue with the National Geodetic Survey designation "B 1388" and the National Geodetic Survey PID "HS4411", said point bears South 1°17'09" East 11253.38 feet from a 5/8" rebar with plastic cap stamped KSN Control shown on the record of survey recorded on September 16, 2013 in Book 38 of Surveys at Page 33, San Joaquin County Records as "KSN 501"; thence North 0°26'17" West 8911.83 feet to the southwest section corner of Section 16, Township 2 South, Range 9 East, M.D.B.&M. marked with an aluminum disk set in a monument well at the centerline of McHenry Road shown in said Book 38 of Surveys at Page 33 as Monument ID #55406; thence North 8°15'03" East 933.56 feet to the southeast corner of the herein described right of way, said point also being the **TRUE POINT OF BEGINNING**; thence in a counterclockwise direction, northerly along the easterly boundary of the herein described right of way, North 0°22'44" West 1085.01 feet, to the northerly boundary of said Deed of Trust; thence leaving the easterly boundary of the herein described right of way along the northerly boundary of said Deed of Trust, also being the meander of the south bank of the Stanislaus River the following courses:

- 1) South 36°18'10" West 33.61 feet;
- 2) thence South 69°01'10" West 69.81 feet,

to the southeast corner of the 100 foot wide Bridge Easement recorded February 25, 1958 in Official Records Volume 1469 at Book 505, Stanislaus County Records; thence along the southerly boundary of said Bridge Easement, South 69°01'10" West 10.69 feet, to the easterly boundary of the McHenry Road right of way described in the Grant Deed recorded March 17, 1959 in Official Records Volume 1535 at Page 552, Stanislaus County Records; thence leaving the boundary of said Bridge Easement, along the said easterly boundary of the McHenry Avenue right of way, South 0°14'33" East 1029.74 feet, to the southwest corner of the herein described right of way; thence leaving the said easterly boundary of the McHenry Road right of way, along the southerly boundary of the herein described right of way, North 89°37'16" East 97.88 feet to the **TRUE POINT OF BEGINNING**, containing 2.33 acres, more or less.

EXCEPTING THEREFROM any portion of said land lying within the original bed of the Stanislaus River owned by the State of California.

SUBJECT TO any portion of said land lying within the original banks of the Stanislaus River claimed by the State of California as a public trust easement.

ALSO SUBJECT TO any special assessments, restrictions, reservations, easements, and other encumbrances.

Bearings and distances are based on the California Coordinate System, Zone 3, North American Datum 1983. Multiply distances shown by 1.00007155 to obtain ground distances. All distances are provided in United States Survey Feet.

End of Description.

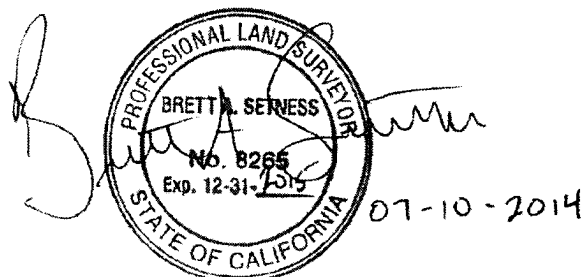
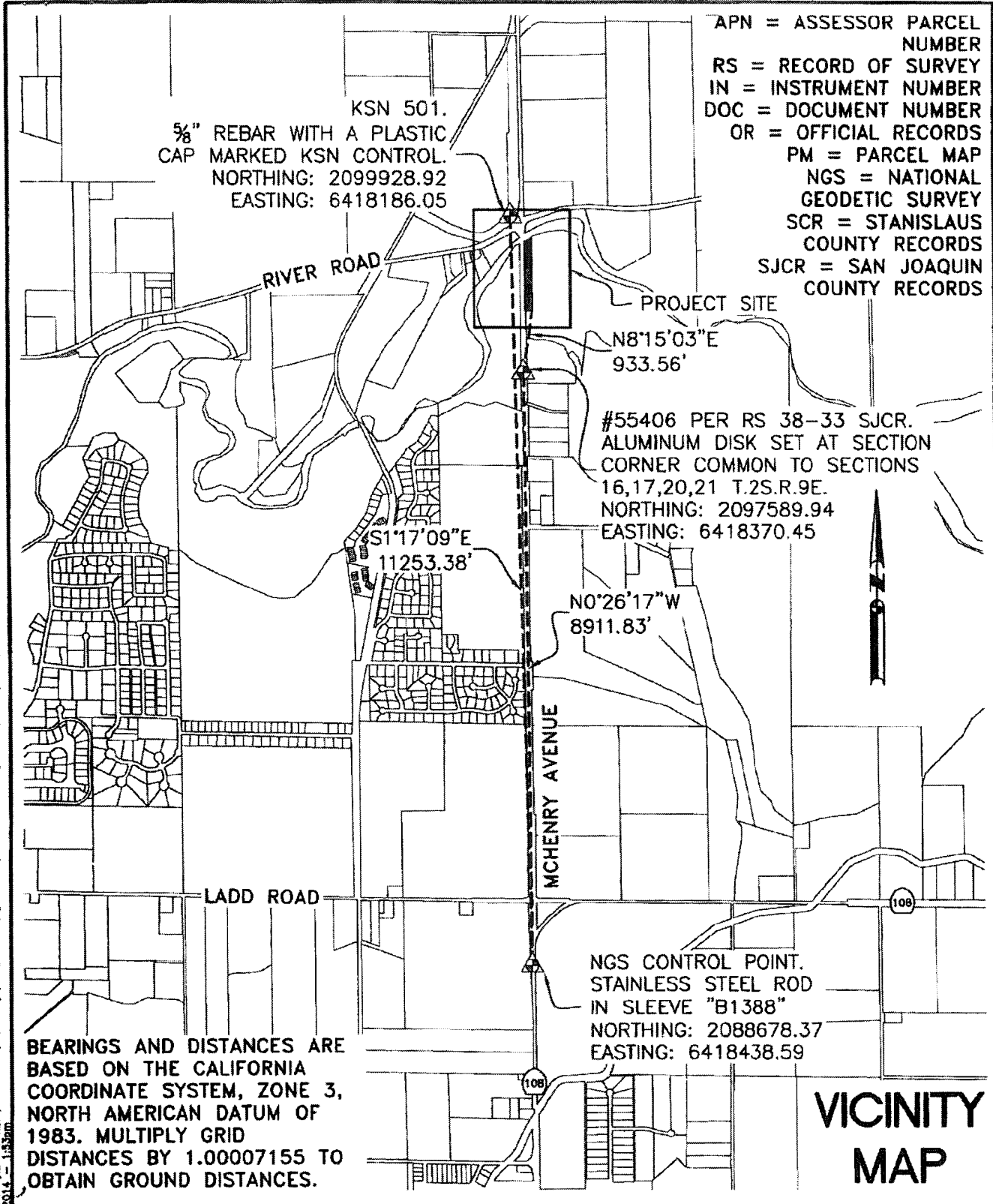


EXHIBIT "A"



BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 3, NORTH AMERICAN DATUM OF 1983. MULTIPLY GRID DISTANCES BY 1.00007155 TO OBTAIN GROUND DISTANCES.

FILE SPEC: P:\2095_Mchenry_Avenue_Improvements\04_Survey\300_Boundary\preliminary\Parcel_Geometry_Descriptions\Plot\Geometry\Hucdellen-RW-Package\14160625-Hucdellen-RW_Plot.dwg
 PLOT DATE: Jul 10, 2014 1:55PM

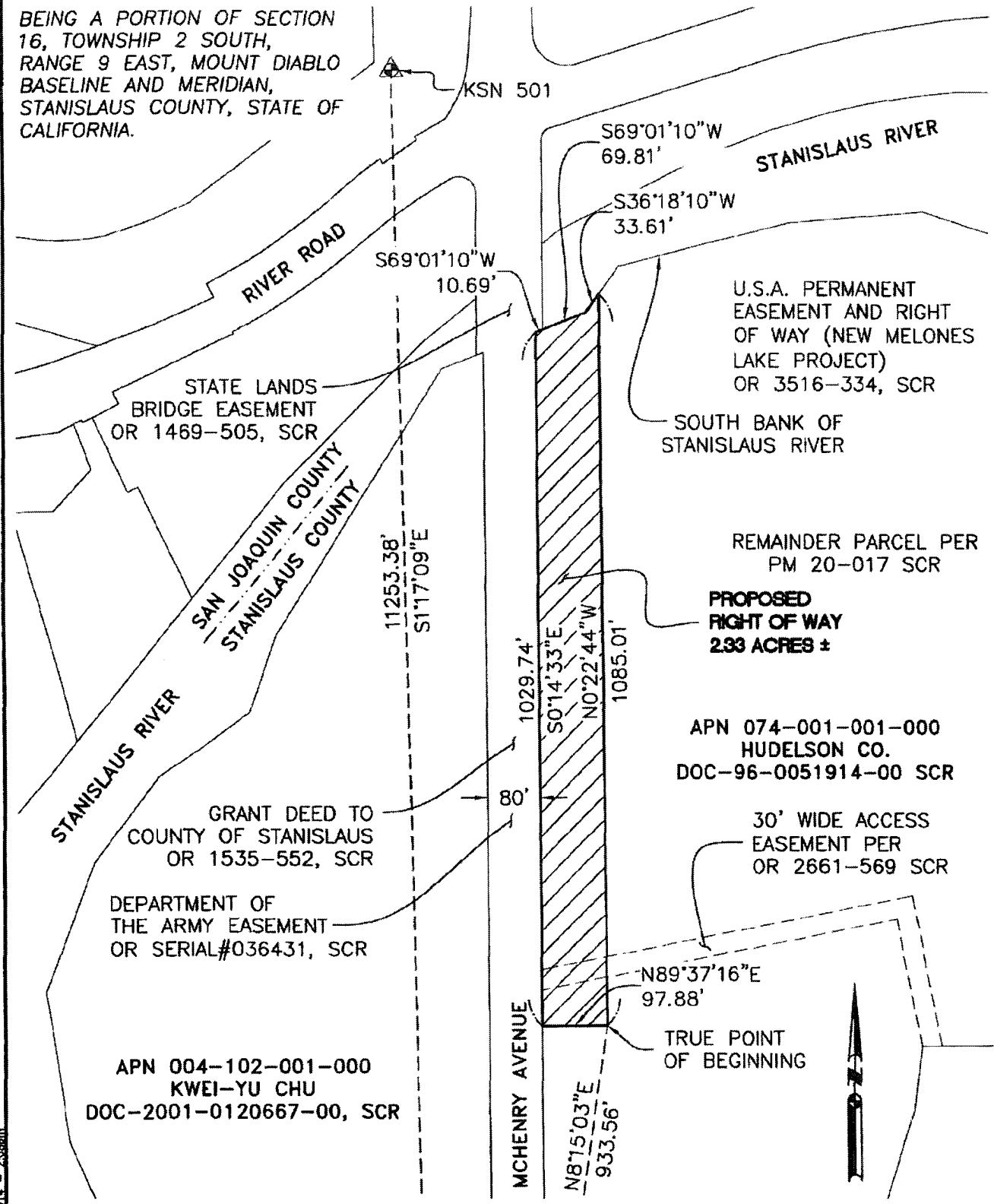
K S N INC. **KJELDSSEN SINNOCK NEUDECK**
 Civil Engineers and Land Surveyors
 711 N. Pershing Avenue
 Stockton, CA 95203
 (209) 946-0268
 1355 Halyard Drive, Suite 180
 West Sacramento, CA 95691
 (916) 403-5900
 www.keninc.com

STANISLAUS COUNTY
MCHENRY AVENUE
IMPROVEMENT PROJECT
APN 074-001-001-000

Design BAS	Scale 1"=2000'	Date JULY 2014
Drawn CSM	Original Drawing Scale 0 1/4" 1/2"	Sheet Number 1 of 2
Check BAS		Project File No. 2095-0010

EXHIBIT "B"

BEING A PORTION OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 9 EAST, MOUNT DIABLO BASELINE AND MERIDIAN, STANISLAUS COUNTY, STATE OF CALIFORNIA.



FILE SPEC: P:\2095_Mchenry_Avenue_Improvements\04_Survey\300_Boundary\preliminary\Parcel_Geometry\Descriptions\Packages\Hudelson-RW-Package\14140826-Hudelson_RW_Plot.dwg
 PLOT DATE: Jul 10, 2014 -- 2:35pm

K S N INC.	KJELDEN SINNOCK NEUDECK Civil Engineers and Land Surveyors 711 N. Pershing Avenue Stockton, CA 95203 (209) 946-0268 1355 Holyard Drive, Suite 180 West Sacramento, CA 95691 (916) 403-8900 www.ksninc.com	STANISLAUS COUNTY MCHENRY AVENUE IMPROVEMENT PROJECT APN 074-001-001-000	Design BAS Drawn CSM Check BAS	Scale 1"=200' Original Drawing Scale 0 1/4" 1/2"	Date JULY 2014 Sheet Number 2 of 2 Project File No. 2095-0010

STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING FOR
WILLIAMSON ACT CANCELLATION APPLICATION NO. PLN2016-0046
MCHENRY BRIDGE

NOTICE IS HEREBY GIVEN that on June 28, 2016 at 9:10 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, Lower Level, 1010 10th St., Modesto, CA, to consider approving a request of Williamson Act Cancellation No. PLN2016-0046, McHenry Bridge, a partial Cancellation of Williamson Act Contract No. 75-1846. In September of 2015, Stanislaus County Department of Public Works acquired 2.33 acres of Assessor Parcel No. 074-001-001 located at 8124 McHenry Avenue. Due to existence of Williamson Act Contract No. 75-1846, a partial cancellation is required for the 2.33 acres of right-of-way. The remaining 59.66 acres of 8124 McHenry Avenue will remain under contract, and will remain planted in orchard. The project is CEQA Exempt.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: June 14, 2016

ATTEST: ELIZABETH A. KING, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY: 
Pam Villarreal, Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of THE MODESTO BEE, printed in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, Under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Jun 17, 2016

STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING
FOR WILLIAMSON ACT
CANCELLATION APPLICATION
NO. PLN2016-0046

MCHENRY BRIDGE
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BY ORDER OF THE BOARD OF SUPERVISORS. DATED: June 14, 2016.
ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Pam Villarreal, Assistant Clerk.
Pub Dates Jun 17,2016

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

MODESTO, California on

June 17th, 2016

(By Electronic Facsimile Signature)

Cynthia A. Villarreal