

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

DEPT: Public Works *ml*

BOARD AGENDA # *C-5

Urgent

Routine

AGENDA DATE January 15, 2008

CEO Concurs with Recommendation YES NO

(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of Codoni Avenue Located South of Finch Road in the Beard Industrial Area

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes 8331, 8334 and 8335:

1. Find based on the reasons stated in this report, that the portion of Codoni Avenue located south of Finch Road in the Beard Industrial Area is not required for street and highway purposes.
2. Find the in-place public utility facilities will be protected by an easement retained for their benefit.
3. Adopt the attached resolution vacating a portion of Codoni Avenue located South of Finch Avenue.

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2008-046

On motion of Supervisor Monteith, Seconded by Supervisor Grover
 and approved by the following vote,
 Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield
 Noes: Supervisors: None
 Excused or Absent: Supervisors: None
 Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Summarily Vacate a Portion of Codoni Avenue, Located South of Finch Road in the Beard Industrial Area

DISCUSSION:

This item is regarding the abandonment of a portion of Codoni Avenue. This portion of road is bordered on both the east and west right-of-ways by the Beard Land Improvement Company. This abandonment is being pursued to alleviate an abatement and vandalism issues which has become a burden to both Stanislaus County and the adjacent landowner. This summary abandonment will relieve the abatement and vandalism issues for the County and the adjacent landowner, Mr. Ken Beard, Principal of the Beard Land Improvement Company.

The Utility Companies, A.T.&T., Pacific Gas and Electric and Modesto Irrigation District along with the City of Modesto do have facilities within the abandonment area and easements will be retained to protect their interests.

POLICY ISSUES:

The Board of Supervisors should consider if the recommended action is consistent with its priority of striving for a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

LF:jg

G:\Survey\Abandonment\Beard Land-Codoni Ave

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

Date: January 15, 2008

No. 2008-046

On motion of Supervisor Monteith Seconded by Supervisor Grover

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-5

APPROVAL TO SUMMARILY VACATE A PORTION OF CONDONI AVENUE LOCATED IN THE
LIMITED INDUSTRIAL DISTRICT

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 the excess street right-of-way described herein below in made under Chapter 4, of Part 3, of Division 9 of the California Streets and Highways Code. (Sections 8330 through 8336).
2. The excess street right-of-way to be vacated is a portion of Codoni Avenue in the Limited Industrial District, and more particularly described in Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B".
3. The excess street right-of-way hereby is not required for highway purposes. Being a portion of a dead-end road, which has the same ownership on both sides of the road, the County has not improved this portion of road and has no plans to do so. Furthermore the area has become a nuisance to the adjacent landowner and the County because illegal dumping and vandalism. The existing in-place utilities will be protected by an easement for their benefit.
4. That from and after the date this resolution is recorded by the County, the vacated excess street right-of-way herein described no longer constitutes a street, or highway.

Also in accordance with Section 8336(a) of the Street and Highway Code:

The Stanislaus County Clerk of the Board shall cause a certified copy of this resolution of vacation, attested by the Clerk under seal, to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the Office of the Recorded of this County, in which the property is located. No fee shall be charged for recordation.

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

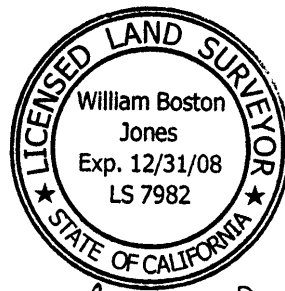


EXHIBIT "A"

ALL that certain piece or parcel of land situate within the County of Stanislaus, State of California and lying within a portion of Section 31, Township 3 South, Range 10 East and Section 6, Township 4 South, Range 10 East, Mount Diablo Base and Meridian and being more particularly described as follows:

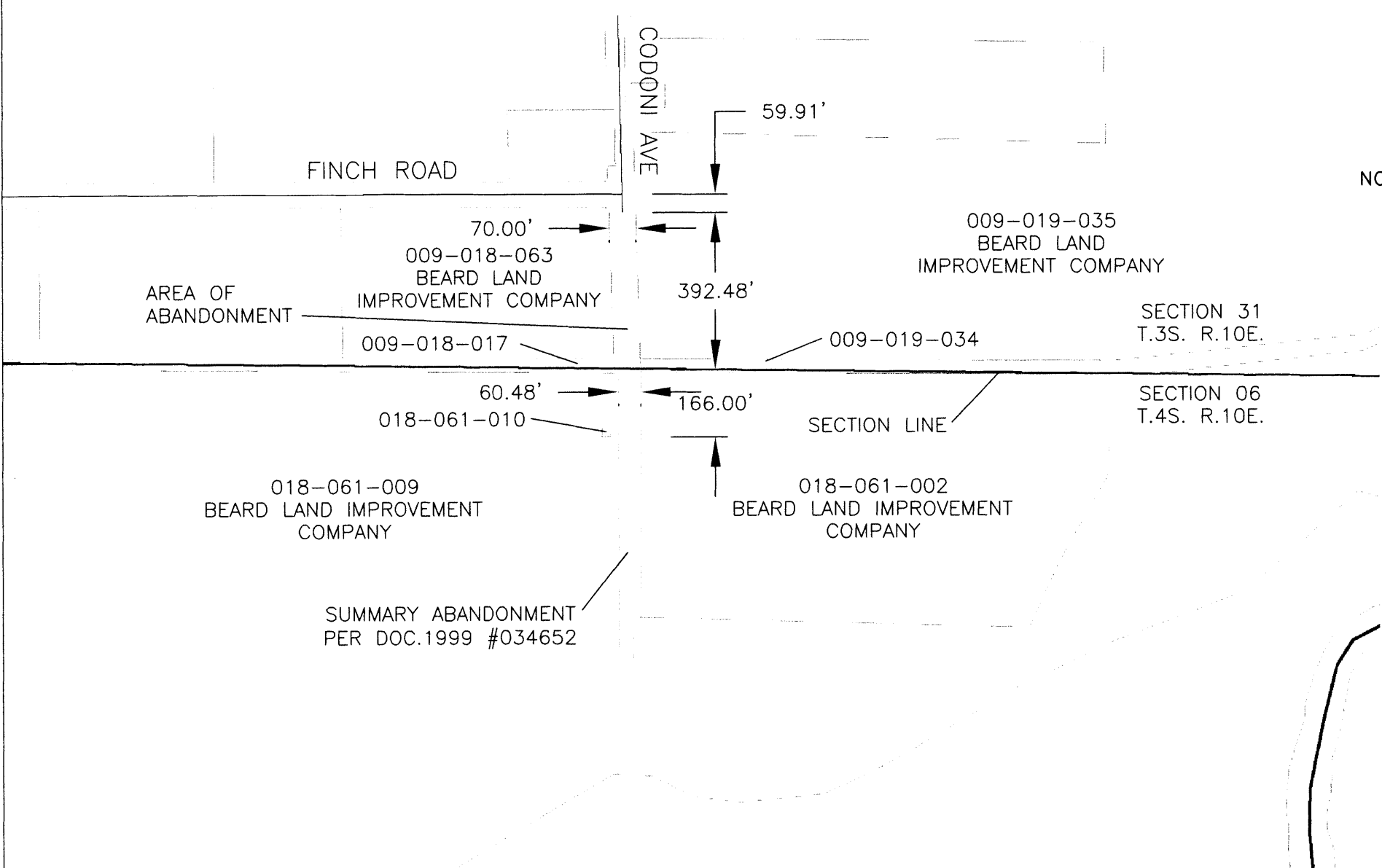
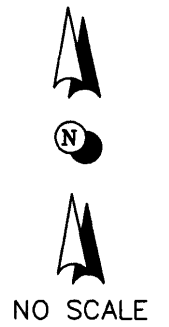
All that portion of Codoni Avenue as dedicated to Stanislaus County lying south of a line 59.51 feet South of and parallel with the centerline of Finch Road, and lying north of that portion of Codoni Avenue as Abandoned by Document 1999-0034652 on April 05, 1999, Stanislaus County Records.

Reserving therefrom, for existing irrigation facilities and public utilities, any right necessary for the maintaining, operating, repairing, replacing or renewing existing facilities, including rights of access to said facilities.



William B. Jones
Stanislaus County Surveyor
1.10.2008

EXHIBIT "B"



PROPOSED ABANDONMENT

S. PORTION SECTION 31 T.3 S. R.10 E.
N. PORTION SECTION 6 T.4 S. R.10 E.

