

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

DEPT: Public Works *Chen*

BOARD AGENDA # *C-1

Urgent ☐ Routine ☐

AGENDA DATE May 5, 2009

CEO Concurs with Recommendation YES ☐ NO ☐
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Summarily Vacate the 15-Foot Oakdale Irrigation District Irrigation Easement Located on the Southerly Side of Lots 9-17 Hillsborough Estates Subdivision No. 2

STAFF RECOMMENDATIONS:

Pursuant to the Street and Highway Code 8333(c):

1. Find, based on the reasons stated in this report, that the proposed 15-foot Oakdale Irrigation District (O.I.D.) Irrigation Easement located on the southerly side of Lots 9-17 Hillsborough Estates Subdivision No. 2 in Volume 43 of Maps, Page 63 in Stanislaus County is not required for street or highway purposes.
2. Find there are no in-place utility facilities in the abandonment area that will be affected by the abandonment.
3. Adopt the attached Resolution vacating the 15-foot easement.

FISCAL IMPACT:

There is no fiscal impact associated with this item. The fees for processing this abandonment, estimated at \$1,110, have been paid for by the applicant.

BOARD ACTION AS FOLLOWS:

No. 2009-298

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

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

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 the 15-Foot Oakdale Irrigation District Irrigation Easement Located on the Southerly Side of Lots 9-17 Hillsborough Estates Subdivision No. 2

DISCUSSION:

This item is regarding the proposed 15-foot O.I.D. Irrigation Easement, located on the southerly side of Lots 9-17 Hillsborough Estates Subdivision No. 2 in Volume 43 of Maps, page 63, filed on June 8, 2007, in Stanislaus County, also being located east of the City of Oakdale, adjacent to the intersection of Foxborough Drive and Goldsborough Drive. This easement has never been accepted by the Oakdale Irrigation District. The utility companies, AT&T, PG&E and Oakdale Irrigation District have no facilities now or in the foreseeable future within the abandonment area and have no objections to the abandonment. Pursuant to Street and Highway Code 8333(c), which states that the legislative body may summarily vacate if the easement has been determined to be excess, and no other public facilities are located within the easement. This summary abandonment is being requested by the current landowner, Stanislaus Development, LLC.

The irrigation easement was originally offered on Book 32 of Parcel Maps, page 88, Stanislaus County records for public use. This vacation will eliminate any interest Stanislaus County has or may have in the easement.

POLICY ISSUES:

Street and Highway Code 8333(c) state that the legislative body may summarily vacate if the easement has been determined to be excess, and not required for street and highway purposes. The Board of Supervisors should consider if the recommended action is consistent with its priority of a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

RB/RM/LF:lc

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

Date: May 5, 2009

No. 2009-298

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-1

**Approval to Summarily Vacate the Proposed 15-Foot Oakdale Irrigation District Irrigation Easement
Located on the Southerly Side of Lots 9-17 Hillsborough Estates Subdivision No. 2**

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 acknowledgment, certificate of acknowledgment, or further proof in the Office of the Recorder of this County, in which the property is located. No fee shall be charged for recordation.

THEREFORE, BE IT RESOLVED that pursuant to the above Section 8336, the proposed 15-foot easement described in Exhibit "A" is hereby summarily vacated.

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

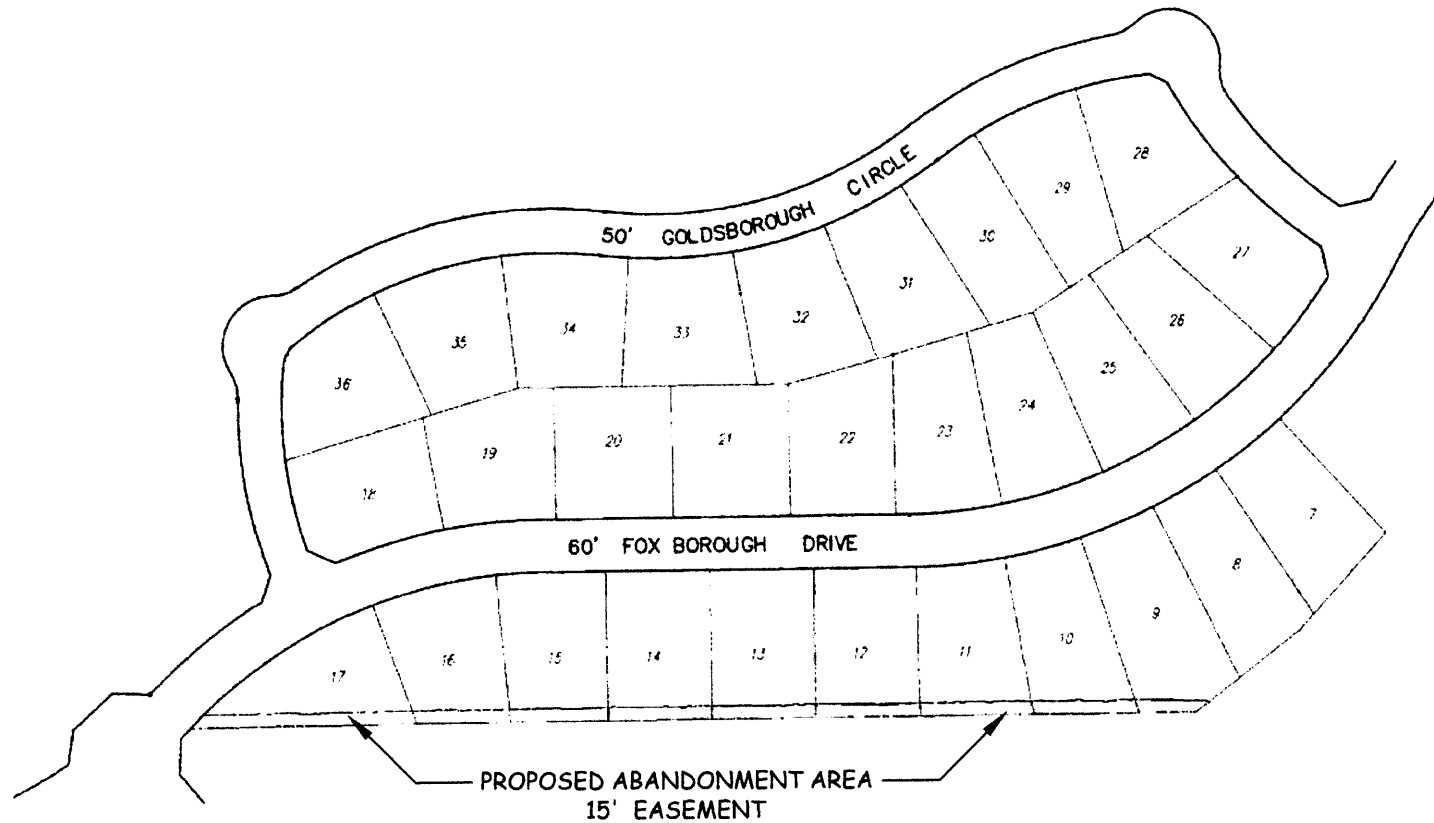
Christine Ferraro

EXHIBIT "A"

Being a portion of the Southeast Quarter of Section 6, Township 2 South, Range 11 East, Mount Diablo Base and Meridian as recorded on the subdivision map "Hillsborough Estates Subdivision Unit No. 2" in Volume 43 of Maps, Page 63 on June 8, 2007, Stanislaus County Records more particularly described as follows:

The proposed 15 foot O.I.D. Irrigation Easement per Volume 34 of Parcel Maps, Page 88, Stanislaus County Records lying along the southerly side of Lots 9-17.

EXHIBIT "B"



PROPOSED ABANDONMENT
SE $\frac{1}{4}$ SECTION 6 T.2 S. R.11 E.
POR. HILLSBOROUGH ESTATES UNIT NO. 2
15' O.I.D. IRRIGATION EASEMENT





RECEIVED

APR 15 2009

STANISLAUS COUNTY
DEPARTMENT OF PUBLIC WORKS

April 14, 2009

Mr. Matt Machado
Stanislaus County Director of Public Works
1010 10th Street, Suite 3500
Modesto, California 95354

Re: Irrigation Easement – 34-PM-088, 43-M-063

Dear Mr. Machado:

Thank you for your April 6, 2009 letter requesting information on the easement shown on the above-noted maps. Enclosed please find a copy of the August 4, 2008 letter sent to Mr. Bill Morris, Morris Engineering and Surveying, regarding the easement. As noted in the letter, Oakdale Irrigation District (OID) did not accept the offer of dedication for the easement in 1984 and there are no OID facilities on or beyond the project site that would require this easement.

OID has no objection to the proposal to vacate the fifteen (15) foot easement noted on Volume 43 of Maps, Page 63. If I can be of any further assistance, please feel free to contact me at (209) 840-5537.

Sincerely,

OAKDALE IRRIGATION DISTRICT

A handwritten signature in black ink, appearing to read "John B. Davids".

John B. Davids, P. E.
District Engineer

Enclosures: August 4, 2008 Letter

cc: Administration Files

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