

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

DEPT: Public Works *mb*

BOARD AGENDA # *C-1

Urgent ☐

Routine ☒

AGENDA DATE August 3, 2010

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

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Summarily Vacate the Easterly Thirty Feet of Lots 13, 14, 15 and 16 of the Reversion to Acreage Sturtevant Tract Map Recorded in Book 18 of Maps, Page 62, Located East of Michigan Avenue, in Stanislaus County

STAFF RECOMMENDATIONS:

Pursuant to the Street and Highway Code 8333(a & c) and 8334(a):

1. Find that the easterly thirty (30.00) feet of Lots 13, 14, 15 and 16 of Reversion to Acreage Sturtevant Tract Map, located east of Michigan Avenue in Stanislaus County, recorded in Volume 18 of Maps, Page 62, Stanislaus County Records, described herein, is excess right-of-way and has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years immediately preceding the proposed vacation.
2. Adopt the attached resolution vacating the easterly thirty feet of Lots 13, 14, 15, and 16 of the fore mentioned map, located east of Michigan Avenue, in Stanislaus County described herein.

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2010-504

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) X 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 the Easterly Thirty Feet of Lots 13, 14, 15 and 16 of the Reversion to Acreage Sturtevant Tract Map Recorded in Book 18 of Maps, Page 62, Located East of Michigan Avenue, in Stanislaus County

DISCUSSION:

The proposed area of abandonment was established from the Sturtevant Tract Map recorded in 1947, but was never developed. In 1956, a Reversion to Acreage Map was filed, reverting the surrounding property back to one parcel adjacent to Michigan Avenue. All adjacent lots affected by the abandonment have easements established through other parcels, providing access to Michigan Avenue; this removes the need for this right-of-way. The 30-foot right-of-way is not necessary for road purposes. This summary abandonment will return property use to all adjacent landowners. All utility companies involved agree to this summary abandonment.

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.

Street and Highways Code 8333(a) states that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years immediately preceding the proposed vacation.

Street and Highways Code 8333(c) states that that the legislative body of a local agency may summarily vacate a public service easement if the easement has been superseded by relocation, and there are no other public facilities located within the easement.

Street and Highways Code 8334(a) states that the legislative body of a local agency may summarily vacate excess right-of-way of a street or highway not required for street or highway purposes.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

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

RB:lc

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

Date: August 3, 2010

No. 2010-504

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-1

**SUMMARILY VACATE THE EASTERLY THIRTY FEET OF LOTS 13, 14, 15 AND 16 OF THE
REVERSION TO ACREAGE STURTEVANT TRACT MAP RECORDED IN BOOK 18 OF MAPS,
PAGE 62, LOCATED EAST OF MICHIGAN AVENUE, IN STANISLAUS COUNTY**

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

1. In accordance with Section 8333(a) of the Street and Highway Code, the legislative body may summarily vacate a public utility easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
2. In accordance with Section 8333(c) of the Street and Highway Code, the legislative body may summarily vacate a public utility easement if the easement has been superceded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.
3. In accordance with Section 8334(a) of the Street and Highway Code, the legislative body may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes.
4. At the request of Patricia E. Barber, Stanislaus County is being requested to abandon a 30-foot portion of Lots 13, 14, 15, and 16 of Reversion to Acreage Sturtevant Tract Map, located east of Michigan Avenue in Stanislaus County, recorded in Volume 18 of Maps, Page 62, Stanislaus County Records.
5. AT&T, Pacific Gas & Electric, Modesto Irrigation District, and the City of Modesto have no facilities within the abandonment area and have no objections to the abandonment and we have no need for the easement.

THEREFORE, BE IT RESOLVED that pursuant to the above Section 8333(a), 8333(c), and 8334(a), the easterly 30-foot portion of Lots 13, 14, 15, and 16 of the Reversion to Acreage Sturtevant Tract Map, located east of Michigan Avenue in Stanislaus County, recorded in Volume 18 of Maps, Page 62, Stanislaus County Records, are hereby summarily vacated.

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

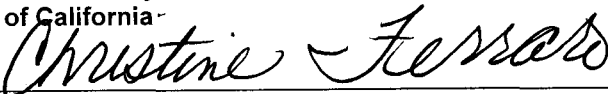


EXHIBIT "A"

30' Right of Way Abandonment

All that portion of the southwest quarter of Section 34, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, more particularly described as follows:

The easterly 30.00 feet of Lots 13, 14, 15 and 16 of the Reversion To Acreage Sturtevant Tract map recorded in Book 18 of Maps, Page 62, Instrument No. 34264 on December 20, 1956, Stanislaus County Records, State of California.



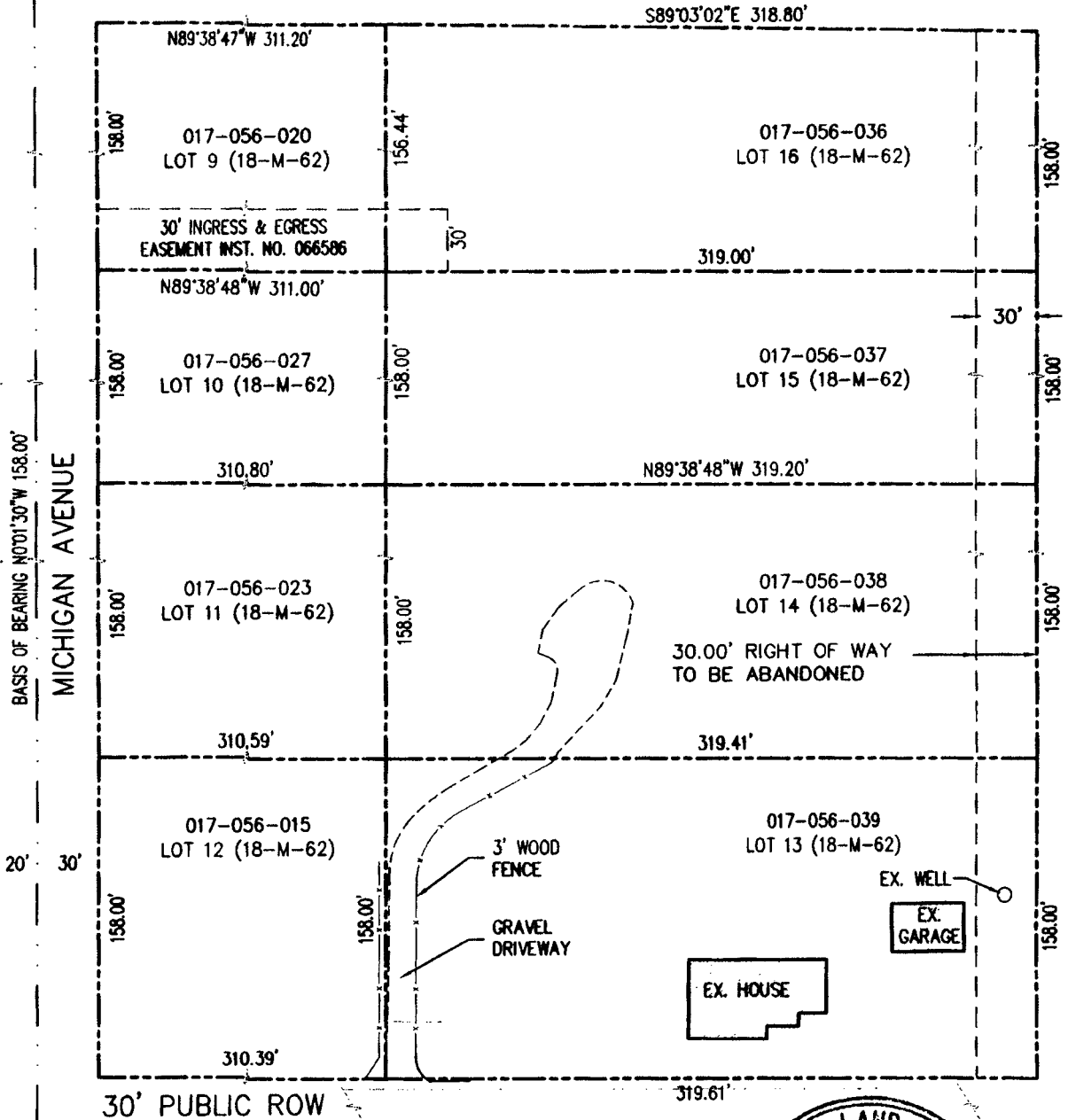
A handwritten signature in black ink, appearing to read "Kaiser I. Shahbaz", written over a horizontal line.

Kaiser I. Shahbaz
L. S. 8599
Expires 12/31/2011

4.19.2010

Date

EXHIBIT B

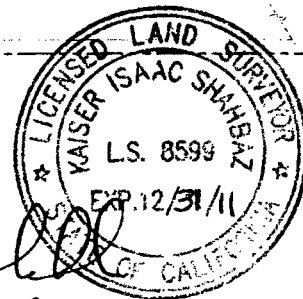


BASIS OF BEARING:

THE BEARING OF N 0°01'30" W FOR THE CENTER LINE OF MICHIGAN AVENUE AS SHOWN ON THE MAP FILED IN BOOK 23 OF PARCEL MAPS, AT PAGE 81, STANISLAUS COUNTY RECORDS

REFERENCES:

1. BK 18 OF SURVEY, P 96, SCR
2. BK 18 OF MAPS, P 62, SCR



Keith Shahbaz
4.19.2010

SCALE: 1"=80'

R B WELTY & ASSOCIATES, Inc.
521 13th STREET / P.O. BOX 1724
MODESTO, CA. 95353-1724
(209) 526-1515

30' ROW ABANDONMENT

PREPARED FOR PATRICIA BARBER
PROJECT ADDRESS: 2730 MICHIGAN AVE.
MODESTO, CA 95358

JOB NO. 79118
DATE: 4/15/10
BY: DR
SHEET
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