

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

DEPT: Public Works *MD*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE November 8, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of the Southeast End of Rancheria Drive, Located East of the City of Oakdale

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes 8334(a) and 8335:

1. Find based on the reasons stated in this report, that the portion of Rancheria Drive lying at the end of cul-de-sac, described herein, 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 that portion of Rancheria Drive lying at the end of cul-de-sac.

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. 2011-691

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

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

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:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Summarily Vacate a Portion of the Southeast End of Rancheria Drive, Located East of the City of Oakdale

DISCUSSION:

Curtis Lineberger, a home owner, has requested the abandonment of the portion of the southeast end of Rancheria Drive, located east of the City of Oakdale. This portion of road is at the end of a cul-de-sac and is not maintained for road purposes. Public Works has an easement for road way purposes but has determined that this portion of Rancheria Drive is excess right-of-way and is not needed for future road purposes. Control of the abandoned area will revert back to the adjacent land owners who currently own fee title of said property.

The utility companies, AT&T, Pacific Gas and Electric, along with Oakdale Irrigation District may have facilities within the abandonment area and a Public Utility Easement will be retained to protect their interests.

POLICY ISSUES:

The recommended actions are consistent with the Board's priority of A Well Planned Infrastructure System by removing any excess right-of-way that is not needed for road way purposes, therefore removing any liability. 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

G:\Survey\Abandonment\Rancheria\Exhibits\Rancheria Drive_BOS 11.8.11

EXHIBIT "A"

THAT CERTAIN REAL PROPERTY SITUATED IN SECTION 4, TOWNSHIP 2 SOUTH, RANGE 11 EAST, MOUNT DIABLO MERIDIAN, AND IN THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERN MOST CORNER COMMON WITH LOTS 18 AND 19 AS LAID OUT AND SHOWN ON THAT CERTAIN SUBDIVISION MAP ENTITLED "ORANGE BLOSSOM HILLS" FILED FOR RECORD IN BOOK 28 OF MAPS, AT PAGE 4, STANISLAUS COUNTY RECORDS, SAID POINT IS ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE CUL-DE-SAC OF CAPE HORN COURT AS LAID OUT AND SHOWN ON SAID MAP (NOW KNOWN AS RANCHERIA DRIVE) AND BEING A POINT AT THE START OF TANGENT CURVATURE CONCAVE NORTHERLY HAVING A RADIUS OF 40.00; THENCE NORTHEASTERLY 30.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°45'42" TO THE BEGINNING OF REVERSE CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 50.00 FEET, THENCE EASTERLY 233.46 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 267°31'25" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 40.00; THENCE NORTHWESTERLY 30.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°45'42" TO A POINT OF CUSP; THENCE SOUTH 62°49'42" EAST 12.26 FEET TO THE START OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 40.00 FEET; THENCE SOUTHEASTERLY 26.22 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°45'42" TO THE BEGINNING OF REVERSE CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 42.00 FEET, THENCE EASTERLY 187.02 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 255°07'34" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 40.00; THENCE NORTHWESTERLY 26.22 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 43°45'42" TO A POINT; THENCE NORTH 62°49'42" WEST A DISTANCE OF 12.26 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

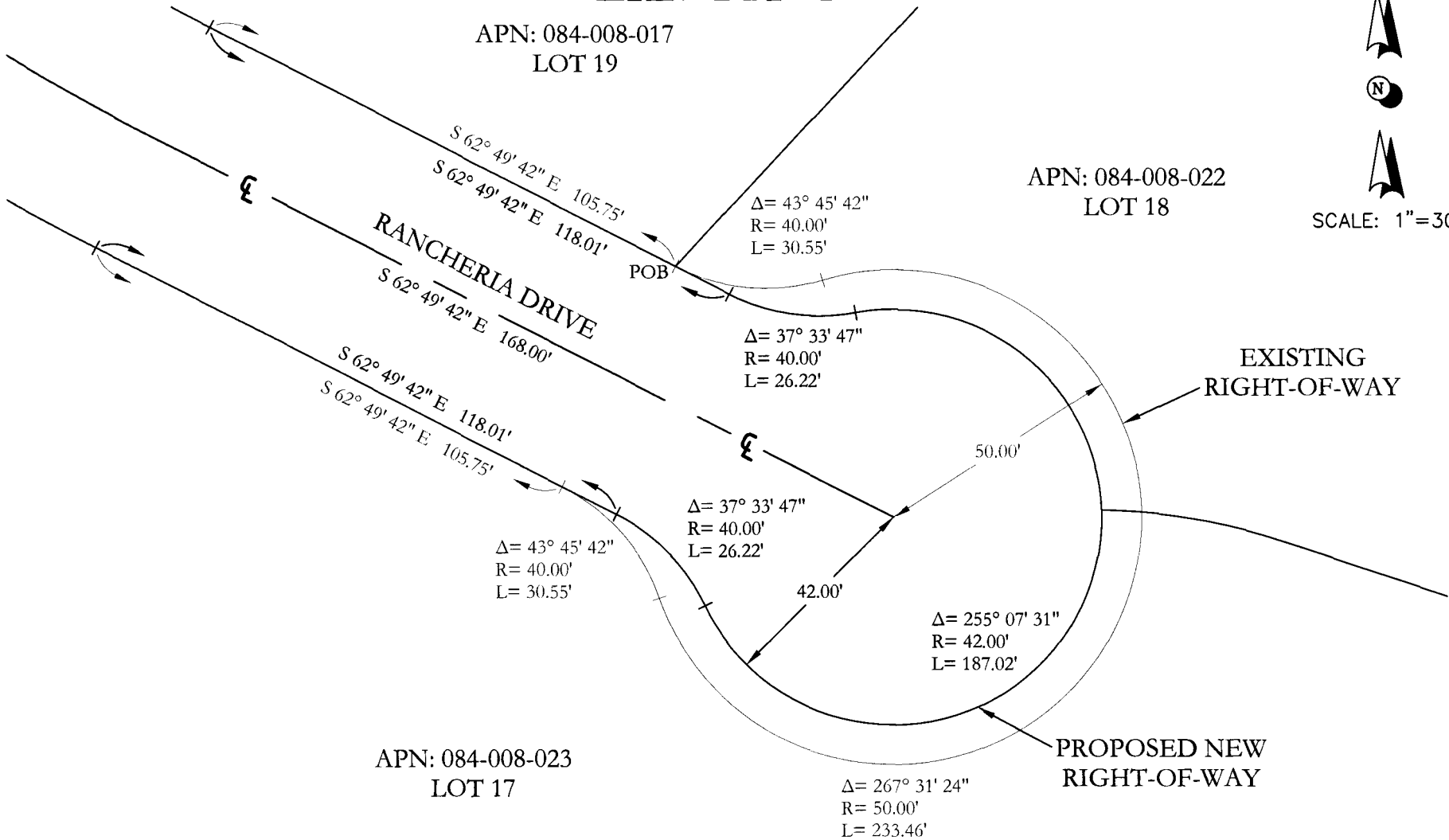
APN: 084-008-017
LOT 19

APN: 084-008-022
LOT 18

APN: 084-008-023
LOT 17



SCALE: 1"=30'



PROPOSED 8' RIGHT-OF-WAY ABANDONMENT SECTION 4 T.2 S. R.11 E.



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

Date: November 8, 2011

No. 2011-691

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *C-2

THE FOLLOWING RESOLUTION WAS ADOPTED:

APPROVAL TO SUMMARILY VACATE A PORTION OF THE SOUTHEAST END OF RANCHERIA
DRIVE, LOCATED EAST OF THE CITY OF OAKDALE

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 8334(a) and 8335).
2. The excess street right-of-way to be vacated is a portion of Rancheria Drive bordered by the northerly and westerly right-of-way and property shown as parcels 17 & 18 from that certain subdivision map entitled "Orange Blossom Hills" filed for record in Book 28 of maps, at Page 4, Stanislaus County Records, 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. Furthermore the area requested would provide required setback for site improvements to adjacent property. 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

Christine Ferraro