

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

DEPT: Public Works *MM*

BOARD AGENDA # *C-5

Urgent ☐

Routine ☒

AGENDA DATE August 27, 2013

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

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Summarily Vacate all of Gallo Park Way, a Portion of Santa Rita Avenue, S. Santa Ana Avenue, Hermosa Avenue, Portions of Three Undeveloped Alleys Located between Santa Rita Avenue and S. Santa Cruz Avenue and South of Tenaya Drive, Lying within Lots 8 and 9 of the Hermosa Tract, South of the City of Modesto

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes 8334(a & b), 8335, and 8340:

1. Find based on the reasons stated in this report, this portion of streets and alley described herein, are not required for street and highway purposes.
2. Find all public utility easements will be retained for the benefit of in-place public utility facilities.

(Continued on Page 2)

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2013-435

On motion of Supervisor Withrow, Seconded by Supervisor De Martini
and approved by the following vote,

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

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 all of Gallo Park Way, a Portion of Santa Rita Avenue, S. Santa Ana Avenue, Hermosa Avenue, Portions of Three Undeveloped Alleys Located between Santa Rita Avenue and S. Santa Cruz Avenue and South of Tenaya Drive, Lying within Lots 8 and 9 of the Hermosa Tract, South of the City of Modesto

STAFF RECOMMENDATIONS (Continued):

3. Adopt the attached resolution vacating that portion of the streets and alleys lying in Lots 8 and 9 of the Hermosa Tract as described in Exhibits "A" and "B".
4. Create a Temporary Emergency Vehicle Access Easement located on Hermosa Avenue as described in Exhibits "C" and "D".

DISCUSSION:

The abandonment application was filed by Hawkins & Associates Engineering, Inc. on behalf of Gallo Glass Company, the landowners. The property has been rezoned from R-1, R-2, & R-3 (All Residential) to zone M (Industrial) on April 30, 2013 with the approval of General Plan Amendment and Rezone Application No. PLN2012-37 Gallo Glass. This was done in preparation for the owner to maximize the potential of this area by creating an outdoor storage and parking area for the adjacent Gallo Glass Plant. The abandonment area is a portion of the rezone, with the remainder of the rezoned area to be abandoned at a later date. At this time all the properties within the abandonment area are vacant and have been purchased by Gallo Glass Company.

The Department of Public Works has determined that all property within the abandonment area is owned by Gallo Glass Company and is no longer needed for public right-of-way. The abandonment area was originally a part of the Hermosa Tract Subdivision recorded in February 1920. Then in 1944 the easterly portion was subdivided by the Hermosa Park Subdivision. The project is located approximately 1.5 miles southeasterly from the City of Modesto and three miles northwesterly from the City of Ceres, south of the intersection of Santa Rita Avenue and Yosemite Boulevard.

The utility easements within the project boundaries are to remain. The owner, Gallo Glass Company, will be working with all utility companies on the removal of existing facilities and easements.

The Emergency Vehicle Access Easement is being created to give Emergency Vehicles a location to turn around on Hermosa Avenue, until a time when the remaining Hermosa Avenue has been abandoned.

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(b) states that the legislative body of a local agency may summarily vacate if a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

Approval to Summarily Vacate all of Gallo Park Way, a Portion of Santa Rita Avenue, S. Santa Ana Avenue, Hermosa Avenue, Portions of Three Undeveloped Alleys Located between Santa Rita Avenue and S. Santa Cruz Avenue and South of Tenaya Drive, Lying within Lots 8 and 9 of the Hermosa Tract, South of the City of Modesto

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\Gallo Glass\Gallo Glass Board Item_BOS 8.27.13

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

Date:

THE FOLLOWING RESOLUTION WAS ADOPTED:

**TO SUMMARILY VACATE ALL OF GALLO PARK WAY, A PORTION OF SANTA RITA AVENUE,
S. SANTA ANA AVENUE, HERMOSA AVENUE, PORTIONS OF THREE UNDEVELOPED ALLEYS
LOCATED BETWEEN SANTA RITA AVENUE AND S. SANTA CRUZ AVENUE AND SOUTH OF
TENAYA DRIVE, LYING WITHIN LOTS 8 AND 9 OF THE HERMOSA TRACT, SOUTH OF THE
CITY OF MODESTO**

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 rights-of-way and alleys described herein below is made under Chapter 4, Part 3, of Division 9 of the California Street and Highway Code (Section 8334(a & b)).
2. The rights-of-way and alleys to be vacated are not required for street or highway purposes, and are more particularly described in Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B".
3. That from and after the date this resolution is recorded by Stanislaus County, the vacated roads and alleys herein described no longer constitutes part of a street or highway.
4. Create a Temporary Emergency Vehicle Access Easement located on Hermosa Avenue as described in Exhibits "C" and "D".
5. A certified copy of this Resolution shall be provided to the Department of Public Works for recordation.

EXHIBIT A
LEGAL DESCRIPTION
Right-of-Way Abandonment

PARCEL 1 (Santa Rita Avenue)

All that portion of 60.00 foot wide Santa Rita Avenue lying southerly of the south line of the 20.00 foot Alley adjacent to Lots 1 through 5 in Block 2040 as shown on the Map of Emerich Tract, filed in Volume 14 of Maps at Page 33, Stanislaus County Records, and lying north of the north line of Parcel 2, as shown on the Map filed in Volume 33 of Parcel Maps at Page 65, Stanislaus County Records, lying in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 31,394 square feet, more or less.

Subject to all easements and rights of way of record.

PARCEL 2 (Alley between Santa Rita Avenue and Hermosa Avenue)

All that portion of the 20.00 foot wide Alley lying southerly of the south line of the 20.00 foot Alley adjacent to Lots 1 through 5 in Block 2040 as shown on the Map of Emerich Tract, filed in Volume 14 of Maps at Page 33, Stanislaus County Records, lying in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 3,168 square feet, more or less.

Subject to all easements and rights of way of record.

PARCEL 3 (Hermosa Avenue)

All that portion of variable width Hermosa Avenue lying southerly of the south line of Lot 31 in Block 2049 as shown on the Map of Hermosa Park, filed in Volume 14 of Maps at Page 25, Stanislaus County Records, lying north of the north line of Gallo Park Way, as shown in that certain Road Deed recorded as Document No. 1999-0091862-00, Stanislaus County Records, lying in Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 11,487 square feet, more or less.

Subject to all easements and rights of way of record.

PARCEL 4 (Gallo Parkway)

All that certain real property being all of lots 24 and 15, and a portion of lots 23, 22, 21, 16, and 23 of Hermosa Park, as shown on Volume 14 of Maps Page 25, together with a portion of lot 8 of Hermosa Tract, as shown on Volume 9 of Maps Page 30. All of which lie in the Northeast quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, being more closely described as follows:

Beginning at the southwest corner of lot 25 as shown on the above mentioned Map of Hermosa Park, said lot corner being on the East line of Hermosa Avenue; thence North $89^{\circ}17'00''$ East a distance of 292.53 feet along the South line of lots 25 and 14 to the West line of Santa Ana Avenue; thence North $01^{\circ}30'00''$ West a distance of 8.49 feet along the West line of said Avenue; thence leaving last said line and proceeding at a right angle North $88^{\circ}30'00''$ East a distance of 50.00 feet to the East line of Santa Ana Avenue and the beginning of a non-tangent curve concave to the northeast, having a radius of 42.00 feet, a radial line to said curve bears South $70^{\circ}44'50''$ West; thence Southeasterly 13.13 feet along the arc of said curve through a central angle of $17^{\circ}54'23''$ to the beginning of a curve concave to the northwest, having a radius of 38.00 feet; thence Southeasterly, Southwesterly, and Northwesterly 107.51 feet along the arc of said curve through a central angle of $162^{\circ}06'06''$ to the beginning of a curve concave to the southwest, having a radius of 42.00 feet; thence Northwesterly 13.13 feet along the arc of said curve through a central angle of $17^{\circ}54'23''$ to a point on the north line of lot 16 as shown on the Map of Hermosa Park; thence South $89^{\circ}17'00''$ West a distance of 274.87 feet along the north line of lots 16 and 23 of said map to the beginning of a curve concave to the southeast, having a radius of 42.00 feet, a radial line to said curve bears North $18^{\circ}28'10''$ West; thence Southwesterly 13.13 feet along the arc of said curve through a central angle of $17^{\circ}54'23''$ to the beginning of a curve concave to the northeast, having a radius of 38.00 feet; thence Southwesterly, Northwesterly, and Northeasterly 106.47 feet along the arc of said curve through a central angle of $160^{\circ}32'06''$ to the beginning of a curve concave to the northwest, having a radius of 42.00 feet; thence Northeasterly 13.13 feet along the arc of said curve through a central angle of $17^{\circ}54'23''$ to a point on the West line of Hermosa Avenue; thence leaving last said line and proceeding at a right angle North $88^{\circ}30'00''$ East a distance of 50.00 feet to the East line of Hermosa Avenue; thence South $01^{\circ}30'00''$ East a distance of 9.17 feet to the point of beginning.

Containing 22,590 square feet, more or less.

Subject to all easements and rights of way of record.

PARCEL 5 (Alley between Hermosa Avenue and South Santa Ana Avenue)

All that portion of the 20.00 foot wide Alley lying southerly of the south line of Lot 8 in Block 2049 as shown on the Map of Hermosa Park, filed in Volume 14 of Maps at Page 25, Stanislaus County Records, lying northerly of the north line of Lot 23 in Block 2049 of said Map of Hermosa Park Subdivision, lying in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 6,000 square feet, more or less.

Subject to all easements and rights of way of record.

PARCEL 6 (South Santa Ana Avenue)

All that portion of 50 foot wide South Santa Ana Avenue lying southerly of the south line of the 20.00 foot Alley adjacent to Lot 1 in Block 2049 and Lot 34 in Block 2048 as shown on the Map of Emerich Tract, filed in Volume 14 of Maps at Page 33, Stanislaus County Records, and as shown on the Map of Hermosa Park Subdivision, filed in Volume 14 of Maps at Page 25, Stanislaus County Records, lying northerly of the north line of Gallo Park Way, as shown in that certain Road Deed recorded as Document No. 1999-0091862-00, Stanislaus County Records, lying in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 27,339 square feet, more or less.

Subject to all easements and rights of way of record.

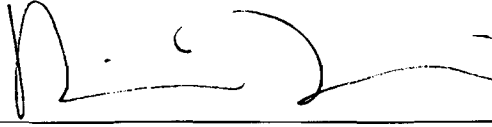
PARCEL 7 (Alley between South Santa Ana Avenue and South Santa Cruz Avenue)

All that portion of the 20.00 foot wide Alley lying southerly of the south line of the 20.00 foot Alley adjacent to Lots 2, 3, and 34 in Block 2048 as shown on the Map of Emerich Tract, filed in Volume 14 of Maps at Page 33, Stanislaus County Records, and as shown on the Map of Hermosa Park Subdivision, filed in Volume 14 of Maps at Page 25, Stanislaus County Records lying northerly of the north line of Lot 21 in Block 2048 of said Map of Hermosa Park Subdivision, lying in the Northwest Quarter of Section 34, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 12,146 square feet, more or less.

Subject to all easements and rights of way of record.

This description was prepared by me or under my direction in accordance with the Subdivision Map Act.


Kevin Genasci, PLS 8660

August 19, 2013



OWNER

GALLO GLASS COMPANY
P.O. BOX 1230
MODESTO, CA 95353
PH: (209) 341-3411

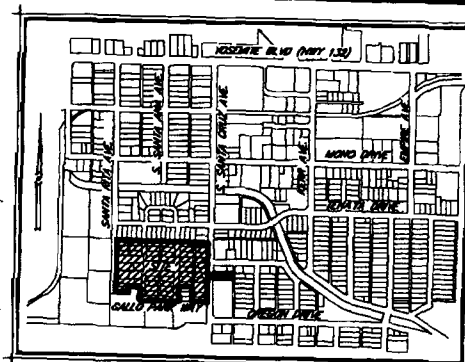
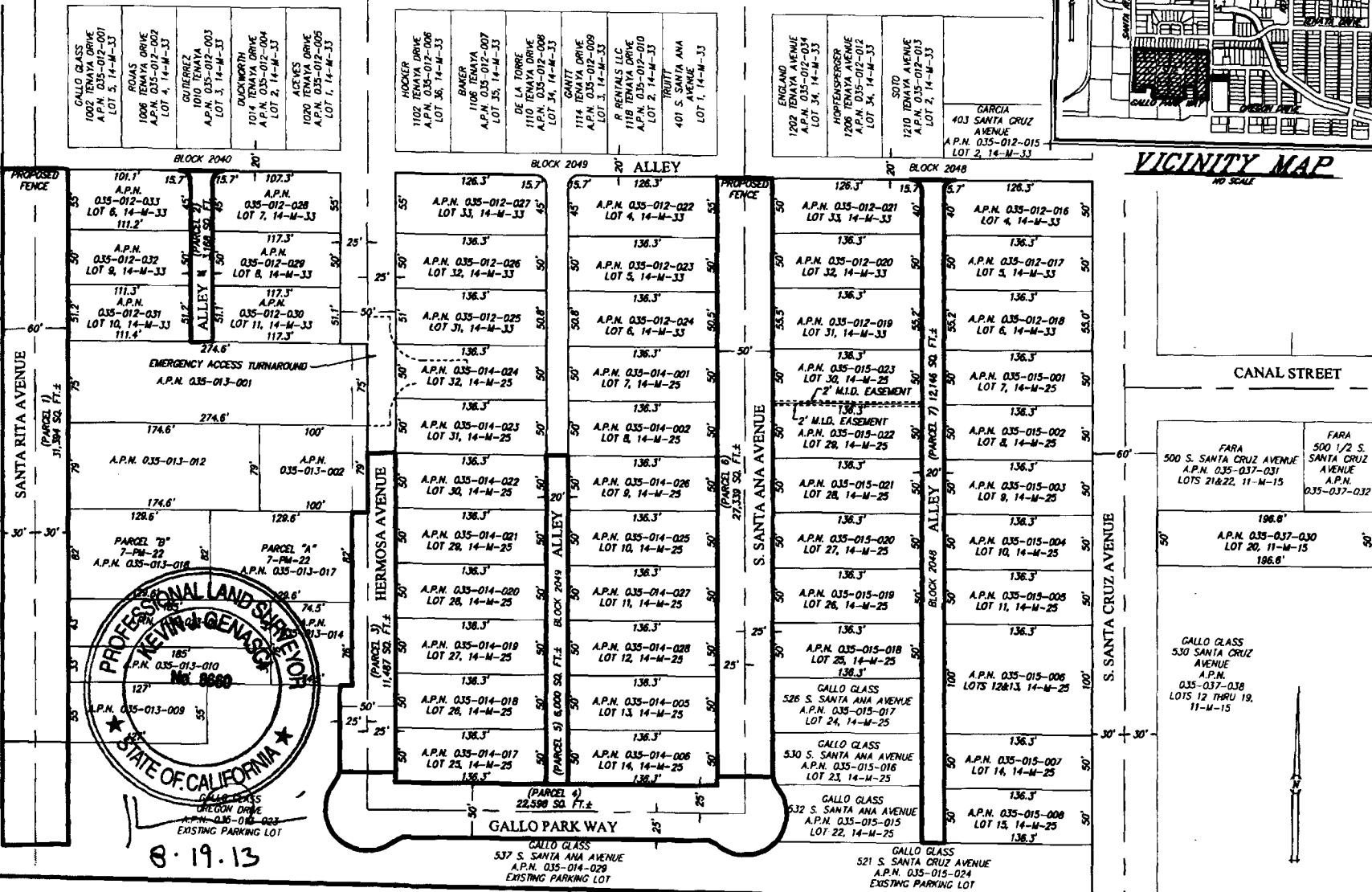


EXHIBIT "B"

RIGHT-OF-WAY ABANDONMENT EXHIBIT

GALLO GLASS
STANISLAUS COUNTY, CALIFORNIA

BY: RODRICK H. HAWKINS, R.C.E. 50188
KEVIN J. GENASCI, L.S. 8660

CHK: KUG

DATE: 12/28/12

SCALE: NONE

JOB #: 2030.T

STATE OF CALIFORNIA

PROFESSIONAL LAND SURVEYOR

KEVIN J. GENASCI
No. 8660

8.19.13

1. OF 1.

EXHIBIT C
LEGAL DESCRIPTION
Emergency Vehicle Access Easement
A.P.N. 035-014-024 (portion)

BEING a portion of Lot 32 in Block 2049 of Hermosa Park, as per map recorded in Book 14 of Maps, at Page 25, Stanislaus County Records, and situate in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at a point on the west line of above said Lot 32 which bears South $1^{\circ}30'$ East, a distance of 1.91 feet from the northwest corner of said lot, said point also being the point of intersection with a non-tangent curve having a radius of 30.00 feet and concave to the northeast, to which point a radial line bears South $54^{\circ}11'56''$ West; thence southeasterly along said curve through a central angle of $55^{\circ}41'56''$, a distance of 29.16 feet to the point of tangency with a line that bears North $88^{\circ}30'$ East; thence along said line a distance of 40.00 feet; thence South $01^{\circ}30'$ East, a distance of 20.00 feet; thence South $88^{\circ}30'$ West, a distance of 40.00 feet to the point of tangency with a curve having a radius of 30.00 feet and concave to the southeast; thence southwesterly along said curve through a central angle of $55^{\circ}41'56''$, a distance of 29.16 feet to a point on above said west line to which a radial line bears North $57^{\circ}11'56''$ West; thence along said west line of said lot North $1^{\circ}30'$ West, a distance of 46.19 to the **POINT OF BEGINNING**.

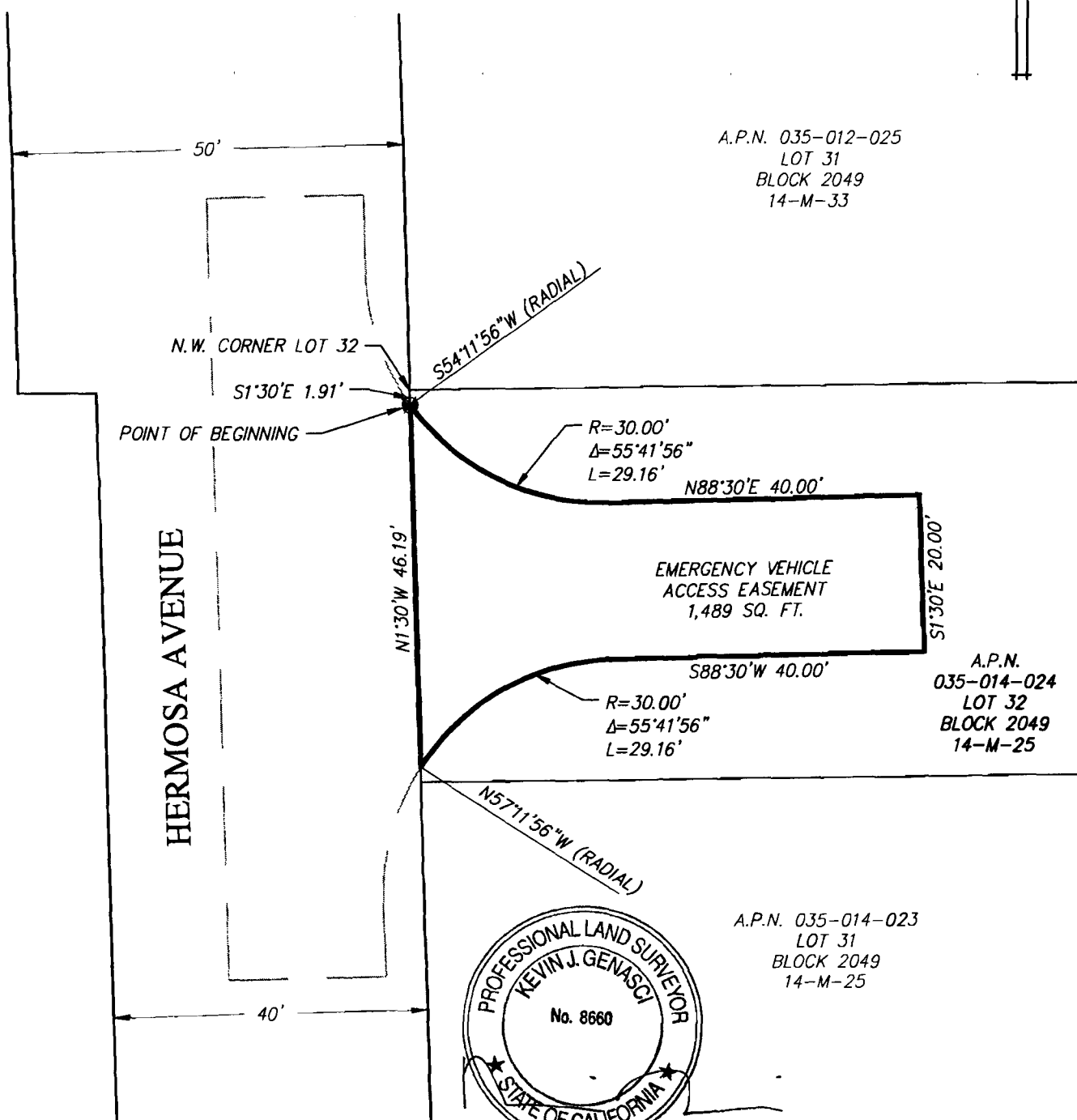
CONTAINING 1,489 square feet, more or less.

SUBJECT TO all rights-of-way and easements of record.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.


Kevin J. Genasci, P.L.S. 8660
August 19, 2013





8-14-13