

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

DEPT: Public Works

BOARD AGENDA # *C-2

Urgent

Routine

AGENDA DATE February 25, 2014

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Summarily Vacate That Portion of Fairbanks Avenue Located Between Grand Street and Modesto & Empire Traction (M&ET) Railroad, 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, the portion of street described herein, is 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.
3. Adopt the attached resolution vacating that portion of the street located between Grand Street and M&ET Railroad, south of the City of Modesto, as described in Exhibits "A" and "B".

FISCAL IMPACT:

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

BOARD ACTION AS FOLLOWS:

No. 2014-79

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

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

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 TALLMAN, Clerk

File No.

Approval to Summarily Vacate That Portion of Fairbanks Avenue Located Between Grand Street and Modesto & Empire Traction (M&ET) Railroad, South of the City of Modesto

DISCUSSION:

An abandonment application was filed by Stantec Consulting, Inc., on behalf of E. & J. Gallo Winery, the landowners. The abandonment is being sought to permit the construction of a new office building. Abandonment of the City of Modesto's right-of-way, adjacent to the County's right-of-way, is also being pursued through the City.

The Department of Public Works has determined that all property within the abandonment area is owned by E. & J. Gallo Winery and is no longer needed for public right-of-way (ROW).

The abandonment area was originally dedicated as Fairbanks Avenue with Vol. 477 of deeds, Page 86, recorded on September 13, 1932. On December 21, 1965 all of Fairbanks Avenue, south of Gilmore Avenue, was abandoned with document Book 2076, Page 314. The adjacent Gilmore Avenue was abandoned on March 28, 1985. This left a portion of Fairbanks Avenue, north of Gilmore Avenue, remaining. The requested action is to abandon the remaining ROW of Fairbanks Avenue.

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

The utility easements within the project boundaries are to remain for the benefit of existing utility facilities.

POLICY ISSUES:

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

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Matthew Machado, Public Works Director. Telephone: (209) 525-4130.

RB:sn

G:\Survey\Abandonment\Gallo\Fairbanks\2-25-14 BOS Item_Vacate ROW-Gallo Fairbanks_for RBrown

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

Date: February 25, 2014

No. 2014-79

On motion of Supervisor Withrow Seconded by Supervisor O'Brien

and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # *C-2

THE FOLLOWING RESOLUTION WAS ADOPTED:

**Approval to Summarily Vacate that Portion of Fairbanks Avenue, Located
Between Grand Street and Modesto & Empire Traction (M&Et) Railroad,
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:

FINDS, the vacation of right-of-way described herein below is made under Chapter 4, Part 3, of Division 9 of the California Street and Highway Code (Section 8334(a & b)); and

FINDS, the rights-of-way 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";

NOW, THEREFORE, BE IT RESOLVED that from and after the date this resolution is recorded by Stanislaus County, the vacated road herein described no longer constitutes part of a street or highway.

A certified copy of this Resolution shall be provided to the Department of Public Works for recordation.

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

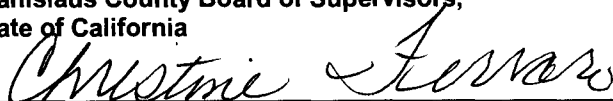


EXHIBIT A

LEGAL DESCRIPTION
FOR RIGHT-OF-WAY VACATION

All that certain portion of land dedicated as public highway by that certain document filed in Book 477 of Official Records, at Page 86, Stanislaus County Records, lying in Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the unincorporated area of the County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING at the intersection of the south line of Grand Street with the East line of South Morton Boulevard as shown on the map of Block 220 of the City of Modesto, filed in Book 15 of Maps, at Page 220, Stanislaus County Records, thence, along the south line of Grand Street, South $89^{\circ}22'50''$ East 61.83 feet; thence, continuing along the south line of said Grand Street, South $86^{\circ}20'32''$ East 134.48 feet; thence, continuing along the south line of said Grand Street, also being along the existing City Limits Line as described in the La-Loma/Yosemite Annexation file in 4 December, 1953, South $86^{\circ}03'32''$ East 214.64 feet, to the **TRUE POINT OF BEGINNING** of this description; thence, continuing along the existing City Limits Line, South $86^{\circ}03'32''$ East 133.99 feet, to a point on said City Limits Line of that portion of Yosemite Boulevard vacated by that certain document entitled "Vacation of Superseded State Highway", recorded on October 7, 1992, as Document No. 096661, Stanislaus County Records, said point being the beginning of a non-tangent curve, concave to the northwest, from which a radial line bears North $49^{\circ}11'08''$ West, having a radius of 50.00 feet and a central angle of $56^{\circ}32'26''$; thence, along the arc of said curve, also being along the limits of said vacated portion of Yosemite Boulevard, 49.34 feet; thence, continuing along the limits of said vacated portion of Yosemite Boulevard, South $77^{\circ}59'59''$ East 49.72 feet, to the beginning of a non-tangent curve, concave to the east, from which a radial line bears South $60^{\circ}18'32''$ East, having a radius of 11.70 feet and a central angle of $137^{\circ}01'30''$; thence, along the arc of said curve, 27.98 feet, to a point on the north line of Gilmore Avenue as vacated by that certain document recorded on March 4, 1985, as Document No. 040185, and recorded again on March 28, 1985, as Document No. 044516, Stanislaus County Records; thence, along the north line of said vacated Gilmore Avenue, South $72^{\circ}39'58''$ West 117.44 feet, to a point on the west line of Fairbanks Avenue as vacated by that certain document recorded on December 23, 1966, in Volume 2076 of Official Records, at Page 314, Stanislaus County Records; thence, along the west line of said vacated Fairbanks Avenue, North $29^{\circ}40'46''$ East 8.10 feet, to the beginning of a curve, concave to the southwest, having a radius of 54.51 feet and a central angle of $115^{\circ}44'18''$; thence, along the arc of said curve, 110.11 feet, to the **TRUE POINT OF BEGINNING**.

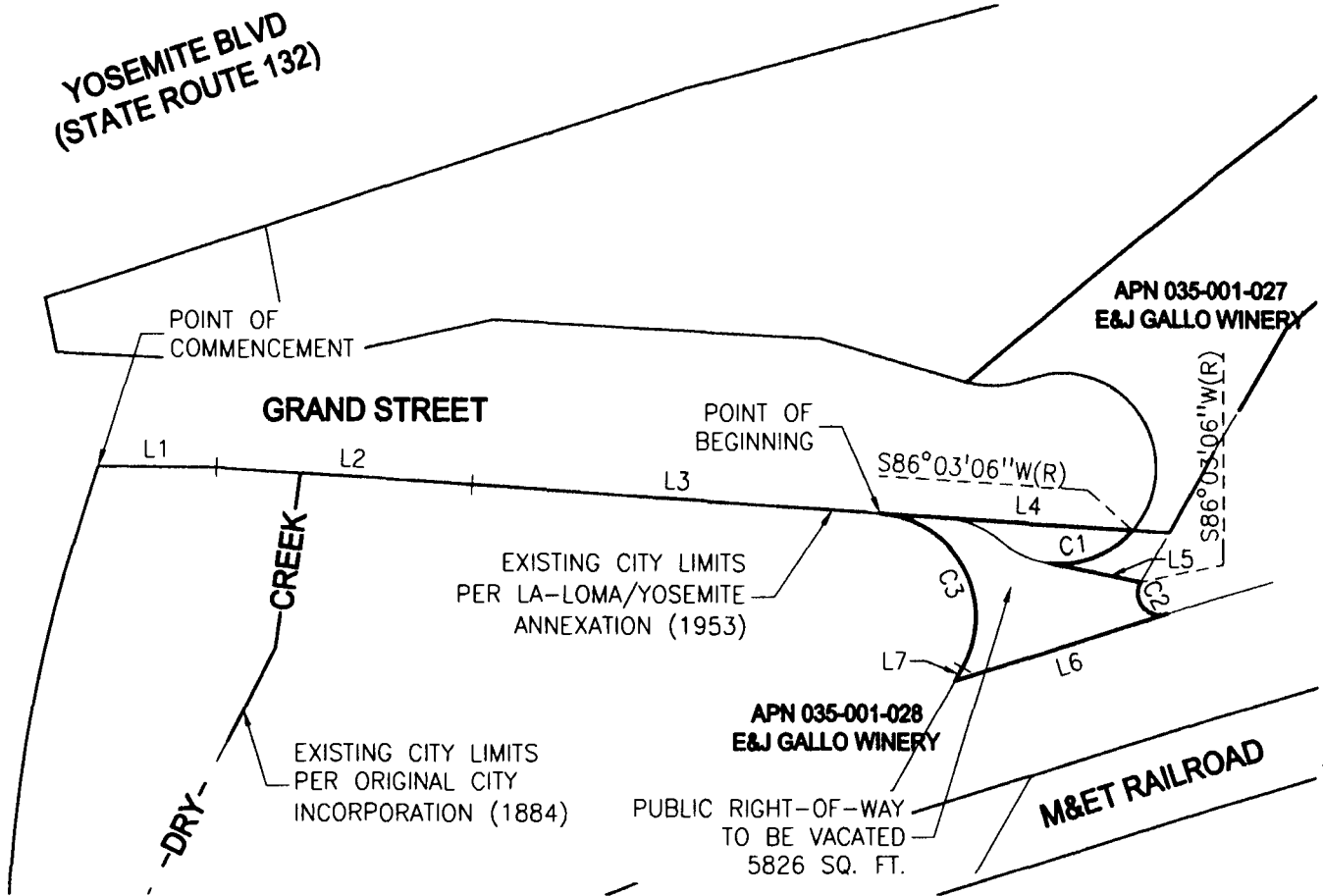
Containing 5826 square feet, more or less.

Michael Halterman
16 JAN 14



YOSEMITE BLVD
(STATE ROUTE 132)

S. MORTON BLVD



LINE DATA TABLE

LINE	BEARING	DISTANCE
L1	S89°22'50"E	61.83'
L2	S86°20'32"E	134.48'
L3	S86°03'32"E	214.64'
L4	S86°03'32"E	133.99'
L5	S77°59'59"E	49.72'
L6	S72°39'58"W	117.44'
L7	N29°40'46"E	8.10'

CURVE DATA TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	56°32'26"	50.00'	49.34'
C2	137°01'30"	11.70'	27.98'
C3	115°44'18"	54.51'	110.11'



100 50 0 100 200



SCALE: 1" = 100'



Stantec

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Fax. 209.521.9045
www.stantec.com

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SYD

SEP 2013

RIGHT-OF-WAY VACATION

STANISLAUS COUNTY, CALIFORNIA

PUBLIC
RIGHT-OF-WAY
EXHIBIT

EXHIBIT

B