

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

DEPT: Public Works CB

BOARD AGENDA # *C-4

Urgent Routine

AGENDA DATE November 25, 2014

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Summarily Vacate a Portion of Hermosa Avenue, a Portion of an Undeveloped Alley Located Between Hermosa Avenue and South Santa Ana Avenue, and a Temporary Emergency Vehicle Access Easement Lying Within the Emerich Tract Subdivision and Hermosa Park Subdivision, 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 street and alley described herein, are not required for street and highway purposes.
 2. Find the Temporary Access Easement is no longer required; all structures are vacant and will be demolished.
 3. 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. 2014-581

On motion of Supervisor Chiesa , Seconded by Supervisor Withrow
 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
 CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Summarily Vacate a Portion of Hermosa Avenue, a Portion of an Undeveloped Alley Located Between Hermosa Avenue and South Santa Ana Avenue, and a Temporary Emergency Vehicle Access Easement lying within the Emerich Tract Subdivision and Hermosa Park Subdivision, South of the City of Modesto

STAFF RECOMMENDATIONS (Continued):

4. Adopt the attached resolution vacating the portion of street and alley lying in Blocks 2040 and 2049 of the Emerich Tract and Hermosa Park Subdivisions as described in Exhibits "A" and "B", and the temporary Emergency Vehicle Access Easement located on Hermosa Avenue as described in Exhibits "C" and "D".

DISCUSSION:

This action is a continuation and completion of road and alley abandonments filed by Gallo Glass Company. The first abandonment was approved by the Board of Supervisors on August 27, 2013 (Attachment 6). This second application was filed by Hawkins & Associates Engineering, Inc. on behalf of Gallo Glass Company, the landowners. The property has been rezoned from 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. 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 is a part of the Emerich Tract Subdivision recorded on May 31, 1945 and the Hermosa Park Subdivision recorded on May 19, 1944. The project is located approximately 1.5 miles southeast of the City of Modesto and three miles northwest of the City of Ceres, and 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, is working with all utility companies on the removal of existing facilities and easements.

The Emergency Vehicle Access Easement is being abandoned because there are no occupied structures remaining on Hermosa Avenue that require emergency services.

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 a Portion of Hermosa Avenue, a Portion of an Undeveloped Alley Located Between Hermosa Avenue and South Santa Ana Avenue, and a Temporary Emergency Vehicle Access Easement lying within the Emerich Tract Subdivision and Hermosa Park Subdivision, 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.

ATTACHMENTS:

1. Exhibit A - Legal Description Right of Way Abandonment for Parcel 1 and Parcel 2
2. Exhibit B - Right of Way Abandonment Map
3. Exhibit C - Legal Description - Emergency Vehicle Access Easement
4. Exhibit D - Emergency Vehicle Access Map
5. Resolution
6. Abandonment #1

G:\Survey\Abandonment\Gallo\Gallo Glass\Gallo Glass No. 2\Gallo ROW Abandonment _11-25

EXHIBIT A
LEGAL DESCRIPTION
Right-of-Way Abandonment

PARCEL 1 (Hermosa Avenue)

All that portion of variable width Hermosa Avenue lying southerly of the south line of the Alley adjacent to Lot 36 in Block 2049 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 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 in Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 10,325 square feet, more or less.

Subject to all easements and rights of way of record.


PARCEL 2 (Alley between Hermosa Avenue and South Santa Ana Avenue)

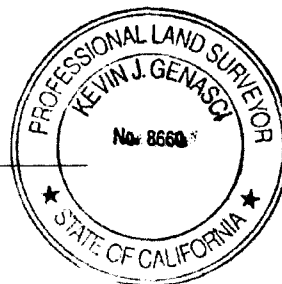
All that portion of the 20.00 foot wide Alley lying southerly of the south line of the Alley adjacent to Lot 34 in Block 2049 as shown on the Map of Emerich Tract, filed in Volume 14 of Maps at Page 33, Stanislaus County Records, and lying northerly of the south line of Lot 8 in Block 2049 as shown on the Map of Hermosa Park, filed in Volume 14 of Maps at Page 25, Stanislaus County Records, lying in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

Containing 5,159 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



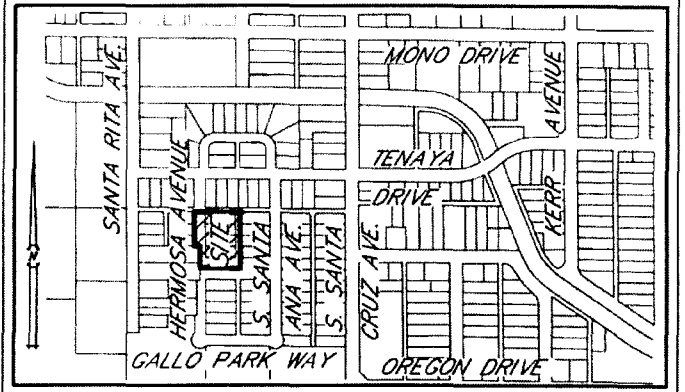
September 17, 2014

OWNER

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



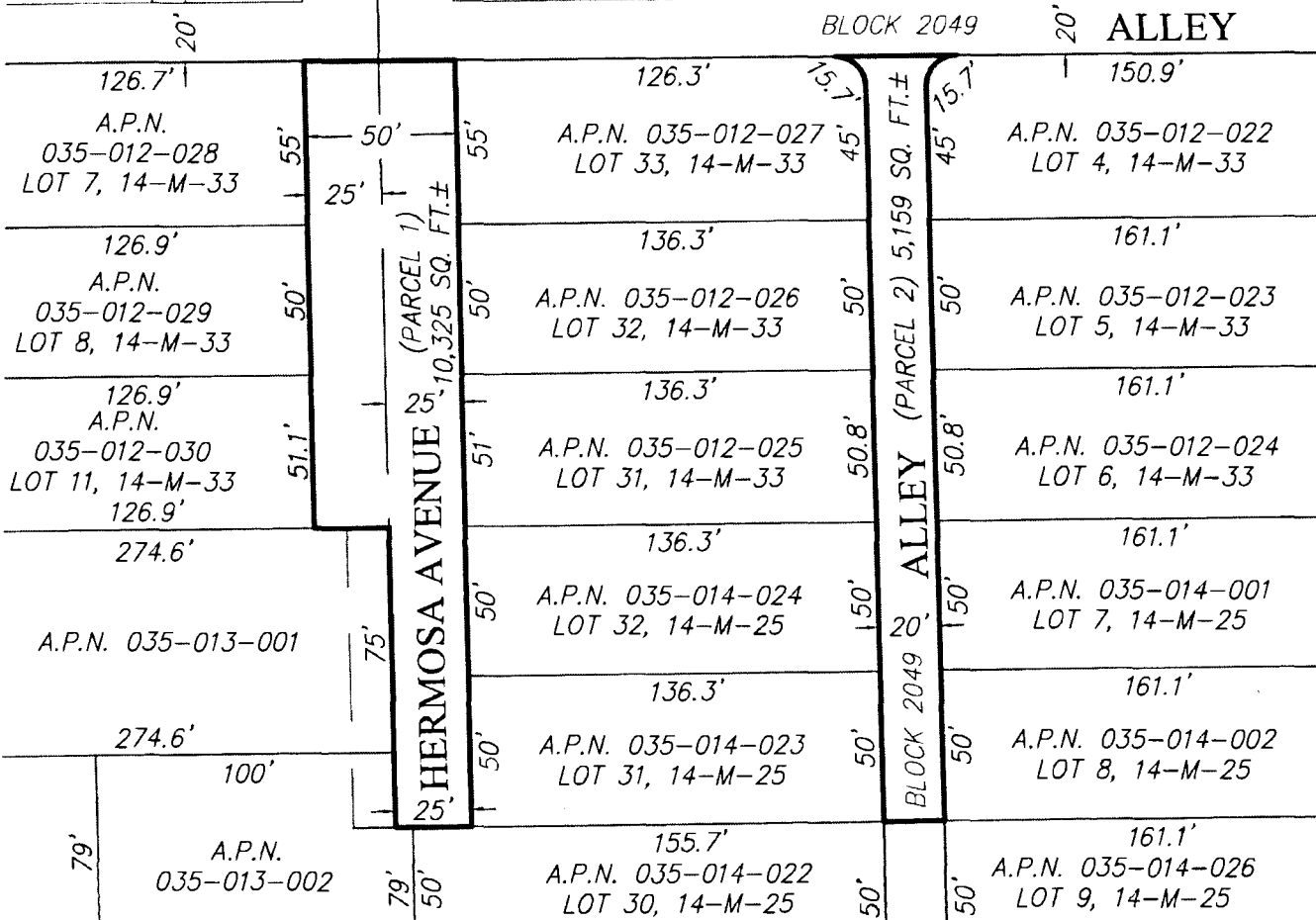
9.17.14



VICINITY MAP

NO SCALE

- | | | | | | | | |
|--|---|--|---|---|--|--|--|
| DUCKWORTH
1014 TENAYA DRIVE
A.P.N. 035-012-004
LOT 2, 14-M-33 | ACEVES
1020 TENAYA DRIVE
A.P.N. 035-012-005
LOT 1, 14-M-33 | HOCKER
1102 TENAYA DRIVE
A.P.N. 035-012-006
LOT 36, 14-M-33 | BAKER
1106 TENAYA
A.P.N. 035-012-007
LOT 35, 14-M-33 | DE LA TORRE
1110 TENAYA DRIVE
A.P.N. 035-012-008
LOT 34, 14-M-33 | GANTT
1114 TENAYA DRIVE
A.P.N. 035-012-009
LOT 3, 14-M-33 | R RENTALS LLC
1118 TENAYA DRIVE
A.P.N. 035-012-010
LOT 2, 14-M-33 | TRUITT
401 S. SANTA
ANA AVENUE
LOT 1, 14-M-33 |
|--|---|--|---|---|--|--|--|



**HAWKINS & ASSOCIATES
 ENGINEERING, INC.**
 436 MITCHELL ROAD
 MODESTO, CA. 95354
 PH: (209) 575-4295
 FX: (209) 578-4295

EXHIBIT "B"
R-O-W ABANDONMENT
GALLO GLASS
STANISLAUS COUNTY, CALIFORNIA

BY: RCS
 CHK: KJG
 DATE: 09/2014
 SCALE: 1"=60'
 JOB #: 2030T
 FILE: EXB

1
 OF
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EXHIBIT C
LEGAL DESCRIPTION
Emergency Vehicle Access Easement
A.P.N. 035-014-024 (portion)

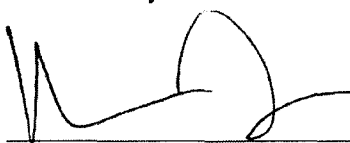
BEING a portion of Lot 32 in Block 2049 of Hermosa Park, as per map recorded in Book 14 of Maps, at Page 25, Stanislaus County Records, and situate in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian, County of Stanislaus, State of California, more particularly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


BEGINNING at a point on the west line of above said Lot 32 which bears South 1°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°11'56" West; thence southeasterly along said curve through a central angle of 55°41'56", a distance of 29.16 feet to the point of tangency with a line that bears North 88°30' East; thence along said line a distance of 40.00 feet; thence South 01°30' East, a distance of 20.00 feet; thence South 88°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°41'56", a distance of 29.16 feet to a point on above said west line to which a radial line bears North 57°11'56" West; thence along said west line of said lot North 1°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.

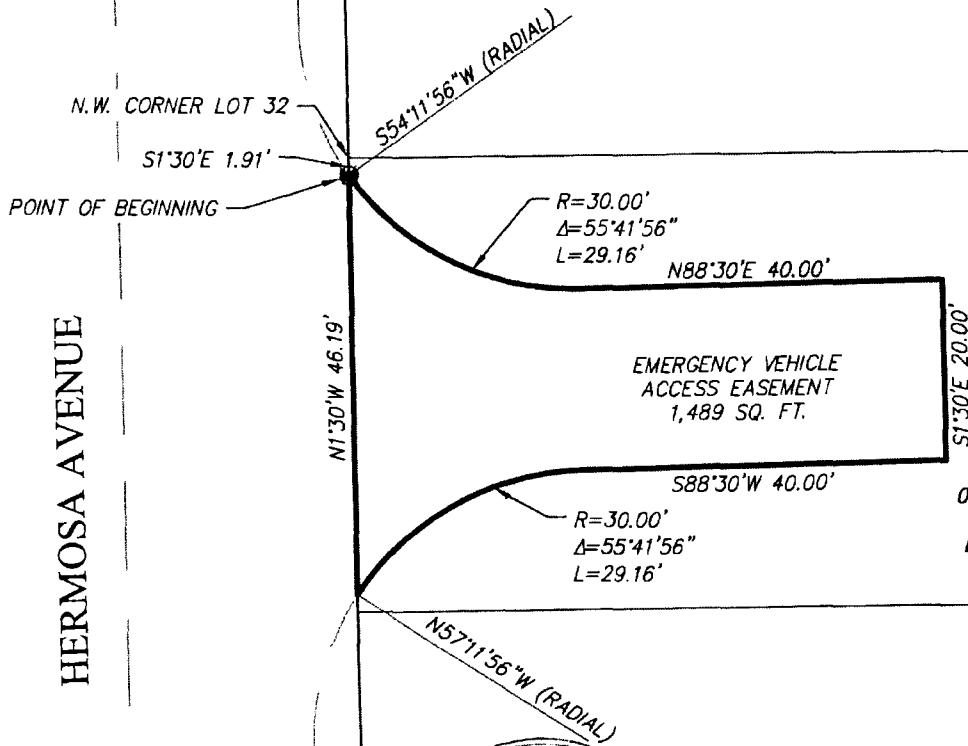
This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act.


Kevin J. Genasci, P.L.S. 8660
September 17, 2014



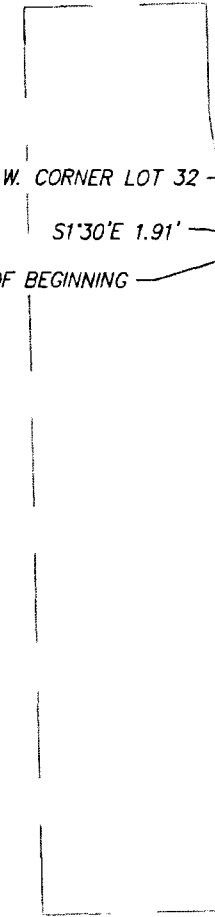


A.P.N. 035-012-025
LOT 31
BLOCK 2049
14-M-33



N.W. CORNER LOT 32
S1°30'E 1.91'
POINT OF BEGINNING

HERMOSA AVENUE



A.P.N.
035-014-024
LOT 32
BLOCK 2049
14-M-25

A.P.N. 035-014-023
LOT 31
BLOCK 2049
14-M-25



9.17.14



**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

EXHIBIT "D"
EMERGENCY VEHICLE ACCESS
GALLO GLASS
STANISLAUS COUNTY, CALIFORNIA

BY: RCS
CHK: KJG
DATE: 09/2014
SCALE: 1"=20'
JOB #: 2030T
FILE: SUR/PLATS

1
OF
1

ATTACHMENT 5

RESOLUTION

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

Date: November 25, 2014

2014-581

On motion of Supervisor Chiesa Seconded by Supervisor Withrow
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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-4

TO SUMMARILY VACATE A PORTION OF HERMOSA AVENUE, PORTION OF UNDEVELOPED ALLEY LOCATED BETWEEN HERMOSA AVENUE AND SOUTH SANTA ANA AVENUE AND THE TEMPORARY EMERGENCY ACCESS EASEMENT, LYING WITHIN BLOCKS 2040 AND 2049 OF THE EMERICH TRACT AND HERMOSA PARK SUBDIVISIONS, AND 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:

WHEREAS, 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)).

WHEREAS, the right-of-way and alley 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".

WHEREAS, the Temporary Emergency Vehicle Access Easement located on Hermosa Avenue as described in Exhibits "C" and "D". is not required for emergency access

WHEREAS, that from and after this Resolution is recorded by Stanislaus County, the vacated road, alley and emergency access easement herein described no longer constitutes a part of a street or highway.

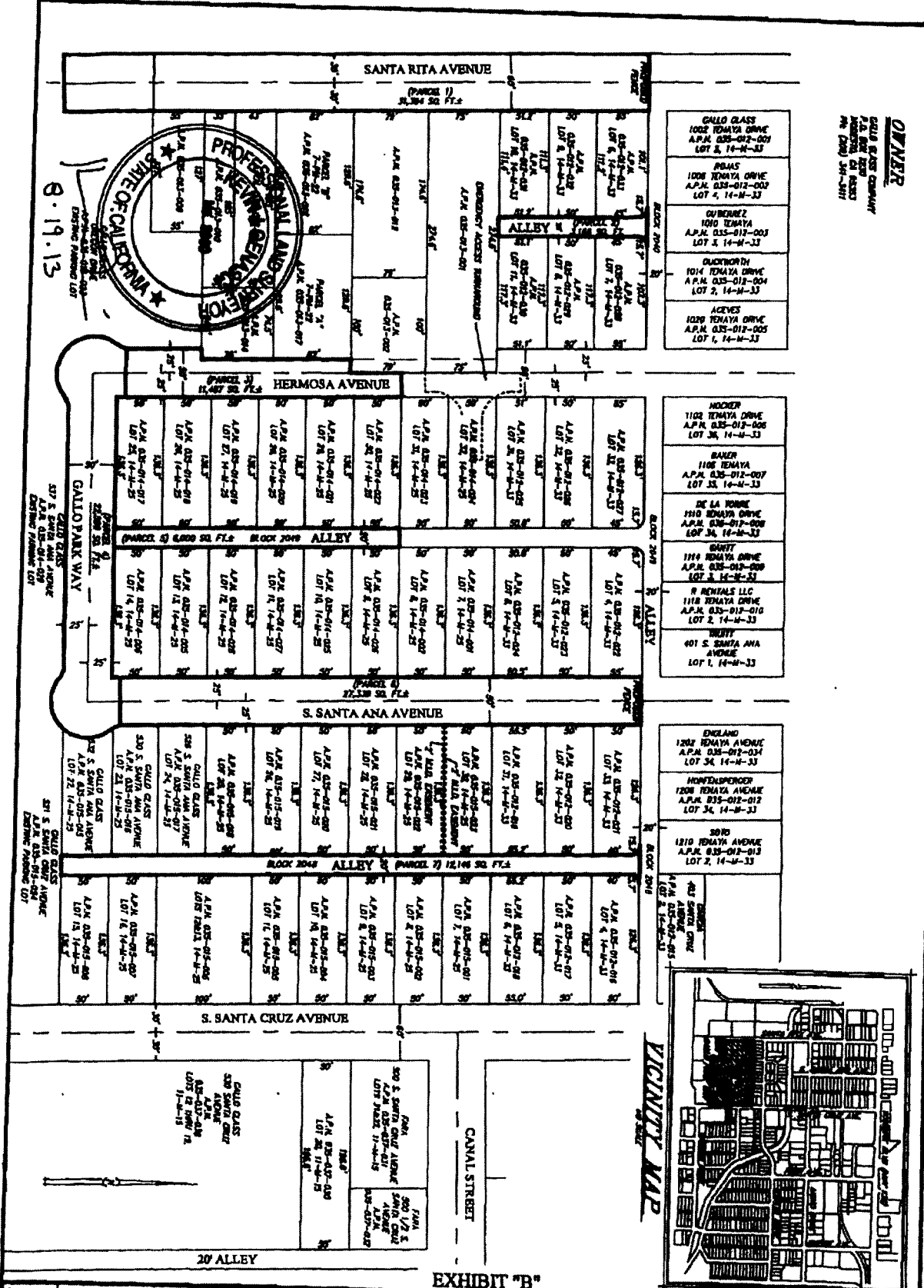
WHEREAS, a certified copy of this Resolution shall be provided to the Department of Public Works for recordation.

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



File No.

ATTACHMENT 6
ABANDONMENT #1



OWNER
 GALLO GLASS COMPANY
 1002 TEMAYA DRIVE
 LOT 2, 14-M-33
 (SEE SHEET 2083)

GALLO GLASS
 1002 TEMAYA DRIVE
 A.P.N. 035-012-001
 LOT 2, 14-M-33

AGUAS
 1006 TEMAYA DRIVE
 A.P.N. 035-012-002
 LOT 4, 14-M-33

GUERRERAZ
 1010 TEMAYA
 A.P.N. 035-012-003
 LOT 5, 14-M-33

QUICKBORN
 1014 TEMAYA DRIVE
 A.P.N. 035-012-004
 LOT 2, 14-M-33

ACEVES
 1020 TEMAYA DRIVE
 A.P.N. 035-012-005
 LOT 1, 14-M-33

HICKER
 1102 TEMAYA DRIVE
 A.P.N. 035-012-006
 LOT 36, 14-M-33

BAKER
 1106 TEMAYA
 A.P.N. 035-012-007
 LOT 35, 14-M-33

DE LA TORRE
 1110 TEMAYA DRIVE
 A.P.N. 035-012-008
 LOT 34, 14-M-33

GUNTT
 1114 TEMAYA DRIVE
 A.P.N. 035-012-009
 LOT 3, 14-M-33

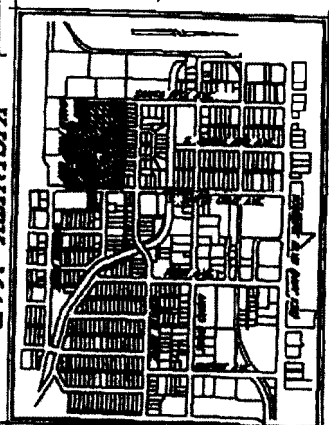
R. RENTALS LLC
 1118 TEMAYA DRIVE
 A.P.N. 035-012-010
 LOT 2, 14-M-33

IBERTY
 601 S. SANTA ANA AVENUE
 LOT 1, 14-M-33

ENGLAND
 1202 TEMAYA AVENUE
 A.P.N. 035-012-014
 LOT 24, 14-M-33

HONDESPENCER
 1206 TEMAYA AVENUE
 A.P.N. 035-012-012
 LOT 24, 14-M-33

SORO
 1210 TEMAYA AVENUE
 A.P.N. 035-012-013
 LOT 2, 14-M-33



SHEET
 1.
OF
 1.

HAWKINS & ASSOCIATES ENGINEERING, INC.
 436 MITCHELL RD.
 MODESTO, CA. 95354
 PH: (209) 575 - 4295 FX: (209) 578 - 4295

EXHIBIT "B"

RIGHT-OF-WAY ABANDONMENT EXHIBIT

GALLO GLASS
 STANISLAUS COUNTY, CALIFORNIA

BY: RCS
CHK: KLG
DATE: 12/20/12
SCALE: NONE
JOB #: 2030.T

FREDRICK N. HAWKINS: P.L.C.E. 80180
KEVIN J. GENABCK: L.S. 8680

DATE	DESCRIPTION	APPRO.