

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

DEPT: Public Works

BOARD AGENDA # \*C-1

Urgent

Routine

AGENDA DATE September 22, 2015

CEO Concur with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Summarily Vacate Portions of Santa Rita Avenue, Hermosa Avenue, and South Santa Rita Avenue, together with the Alley Located Between Santa Rita Avenue and South Santa Cruz Avenue lying within Blocks 2040, 2048 and 2049 of the Emerich Tract 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 information stated in this report, the portions of street and alley described follows, are no longer required for street and highway purposes: Santa Rita, Hermosa and South Santa Cruz Avenues, lying 130 feet south of Tenaya Drive and a 20 foot alley lying between Santa Rita and South Santa Cruz Avenues, south of Tenaya Drive.
2. Find public utility easements will be retained for the benefit of in-place public utility facilities as requested by the participating utility companies.

(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. 2015-438

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Monteith, DeMartini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: O'Brien

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

  
CHRISTINE FERRARO TALLMAN, Clerk

ATTEST:

File No.

Approval to Summarily Vacate Portions of Santa Rita Avenue, Hermosa Avenue, and South Santa Rita Avenue, together with the Alley Located Between Santa Rita Avenue and South Santa Cruz Avenue lying within Blocks 2040, 2048 and 2049 of the Emerich Tract Subdivision, South of the City of Modesto

**STAFF RECOMMENDATIONS (CONTINUED):**

3. Adopt the attached resolution vacating the portions of street and alley lying in Blocks 2040, 2048 and 2049 of the Emerich Tract Subdivision (Exhibit C) as described in Exhibit "A" legal description of area to be abandoned and Exhibit "B", plat of area to be abandoned.

**DISCUSSION:**

This action is a continuation of the road and alley abandonments filed by Gallo Glass Company as part of an improvement and expansion to their glass facility. The first abandonment was approved by the Board on August 27, 2013. This fourth application was filed by Hawkins & Associates Engineering, Inc. on behalf of Gallo Glass Company, the landowners. The property was rezoned from R-1, R-2, and 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. At this time all the properties within the abandonment area are vacant.

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 in Volume 14 of Maps, Page 33 Stanislaus County Records. The project is located approximately 1.5 miles southeasterly from the City of Modesto and three miles northwesterly from 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 as needed for their expansion.

**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.

**STAFFING IMPACT:**

There is no staffing impact associated with this item.

**CONTACT PERSON:**

Matt Machado, Public Works Director. Telephone: (209) 525-4153.

Approval to Summarily Vacate Portions of Santa Rita Avenue, Hermosa Avenue, and South Santa Rita Avenue, together with the Alley Located Between Santa Rita Avenue and South Santa Cruz Avenue lying within Blocks 2040, 2048 and 2049 of the Emerich Tract Subdivision, South of the City of Modesto

**ATTACHMENTS:**

1. Exhibit A - Legal Description of Right of Way Abandonment
2. Exhibit B - Plat of Right of Way Abandonment
3. Exhibit C - Emerich Tract Subdivision Map, Volume 14 of Maps, Page 33.
4. Resolution

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**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 westerly projection of the south right-of-way line of Tenaya Drive, and lying north of the westerly projection of the south right-of-way line of the Alley adjacent to Lot 6 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 9,008 square feet, more or less.

Subject to all easements and rights of way of record.

**PARCEL 2 (Hermosa Avenue)**

All that portion of 50.00 foot wide Hermosa Avenue lying southerly of the south right-of-way line of Tenaya Drive, and lying north of the south right-of-way line of the Alley adjacent to Lot 33 in Block 2049 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 7,507 square feet, more or less.

Subject to all easements and rights of way of record.

**PARCEL 3 (South Santa Ana Avenue)**

All that portion of 50.00 foot wide South Santa Ana Avenue lying southerly of the south right-of-way line of Tenaya Drive, and lying north of the south right-of-way line of the Alley adjacent to Lot 4 in Block 2049 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 7,507 square feet, more or less.

Subject to all easements and rights of way of record.

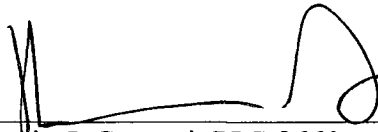
**PARCEL 4** (Alley South of Tenaya Drive)

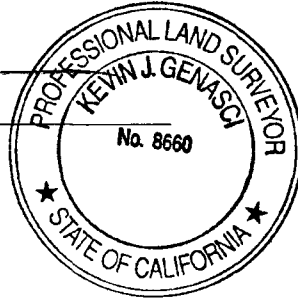
All that portion of the 20.00 foot wide Alley being parallel with Tenaya Drive lying east of the east right-of-way line of Santa Rita Avenue and west of the west right-of-way line of Santa Cruz Avenue as shown on the Map of Emerich Tract, filed in Volume 14 of Maps at Page 33, Stanislaus County Records, lying in the Northeast Quarter of Section 33, Township 3 South, Range 9 East, Mount Diablo Meridian.

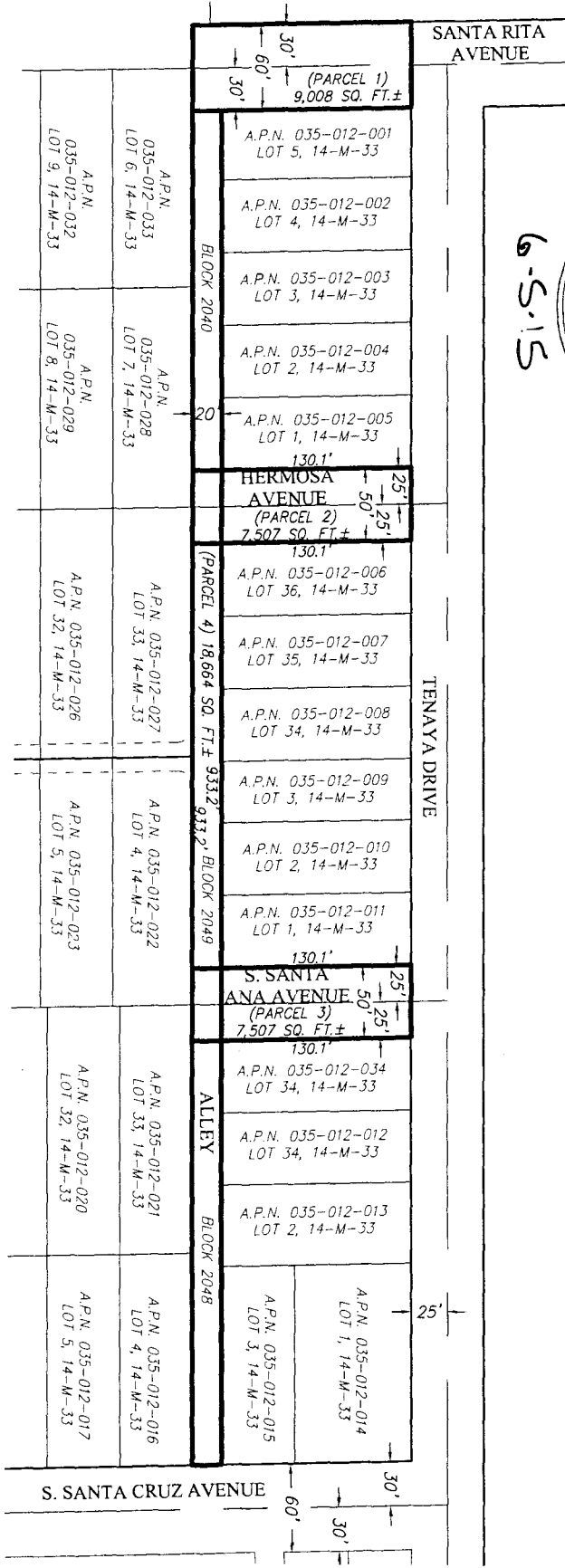
Containing 18,664 square feet, more or less.

Subject to all easements and rights of way of record.

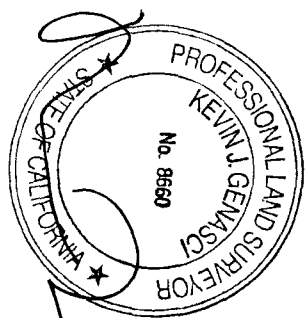
This description was prepared by me or under my direction in accordance with the Subdivision Map Act.

  
Kevin J. Genasci, PLS 8660  
June 5, 2015



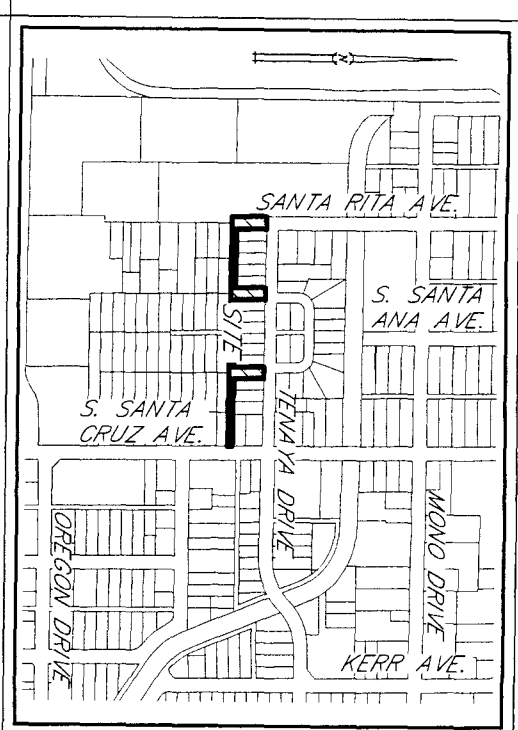


6-5-15



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

**VICINITY MAP**  
NOT TO SCALE

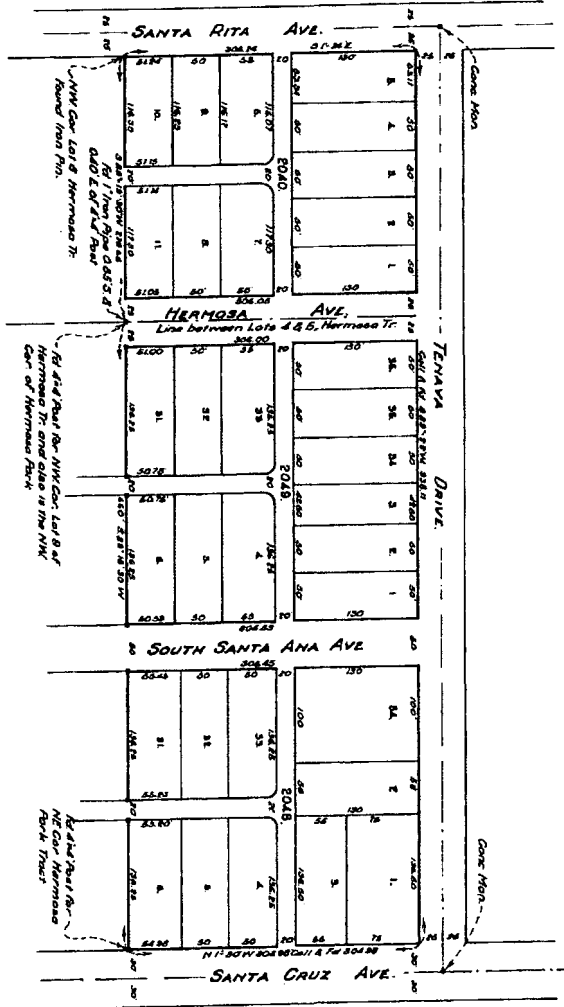


**HAWKINS & ASSOCIATES ENGINEERING, INC.**  
436 MITCHELL ROAD  
MODESTO, CA. 95354  
PH: (209) 575 - 4295  
FX: (209) 578 - 4295

1 OF 1

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

BY: RCS  
CHK: KJG  
DATE: 11/2014  
SCALE: 1"=100'  
JOB #: 2030.T  
FILE: SURV



Boundaries of Bearings: N 1/2 S 80 W for Santa Cruz Ave as delineated on the map of the Hermosa Tract in Maps Vol. 5 Page 50 District of Columbia Records. The above description of each lot and alley conform to the original plan of the Hermosa Tract. The distance of each lot from the center of the Hermosa Tract is 1000 feet.

9578

Recorded MAY 31, 1945  
 Vol. 14 of Page 33  
 The 5th District Recorder  
 Washington, D.C. 20540

**EMERICH TR.**

BEING A RESUBDIVISION OF LOT 4 AND 5 OF THE  
 HERMOSA TRACT IN THE NORTH HALF OF SECS. 33  
 AND 34. T. 3 S., R. 9 E.

SCALE 1" = 80'

APRIL, 1945.

SURVEYED BY  
 [Signature]  
 Licensed Surveyor No. 8092

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

Date: September 22, 2015

2015-438

On motion of Supervisor Monteith Seconded by Supervisor Chiesa  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Monteith, DeMartini and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: O'Brien

Abstaining: Supervisor: None

Item # \*C-1

THE FOLLOWING RESOLUTION WAS ADOPTED:

**TO SUMMARILY VACATE PORTIONS OF SANTA RITA AVENUE, HERMOSA AVENUE, AND SOUTH SANTA RITA AVENUE, TOGETHER WITH THE ALLEY LOCATED BETWEEN SANTA RITA AVENUE AND SOUTH SANTA CRUZ AVENUE LYING WITHIN BLOCKS 2040, 2048 AND 2049 OF THE EMERICH TRACT SUBDIVISION, 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 excess street rights-of-way and alley described herein below is made under Chapter 4, Part 3, of Division 9 of the California Street and Highway Code Sections 8334 a & b and 8335.
2. The street 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".
3. That from and after this Resolution is recorded by Stanislaus County, the vacated streets and alley herein described no longer constitutes a part of a street or highway.
4. 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.



Recording Requested By:  
Stanislaus County  
Department of Public Works

  
Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office  
**DOC- 2015-0079715-00**  
Tuesday, OCT 06, 2015 10:36:23  
Ttl Pd \$0.00 Rcpt # 0003725320  
JMG/R3/1-9

When Recorded Mail To:  
Department of Public Works  
1716 Morgan Road  
Modesto, Ca. 95358

Attn: SURVEYORS OFFICE

For recorders use only

=====  
APPROVAL TO SUMMARILY VACATE PORTIONS OF SANTA RITA AVE,  
HERMOSA AVE, AND SOUTH SANTA ANA AVE TOGETHER WITH THE ALLEY  
LOCATED BETWEEN SANTA RITA AVE AND SOUTH SANTA CRUZ AVE, LYING  
WITHIN BLOCKS 2040, 2048 AND 2049 OF THE EMERICH TRACT, SOUTH OF  
THE CITY OF MODESTO  
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9JC