

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

DEPT: Public Works

BOARD AGENDA #: \*C-1

AGENDA DATE: July 12, 2016

**SUBJECT:**

Approval to Summarily Vacate a Portion of the 20 Foot Alley in Block 3 of the Del Este Subdivision Located South of Yosemite Boulevard, East of Santa Rosa Avenue, North of Modesto and Empire Traction Railway, Lying South of the City of Modesto

**BOARD ACTION AS FOLLOWS:**

No. 2016-363

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

Ayes: Supervisors: O'Brien, Chiesa, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: DeMartini, and Withrow

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION: This Item was removed from the consent calendar for discussion and consideration.

ATTEST:   
ELIZABETH A. KING, Clerk of the Board of Supervisors

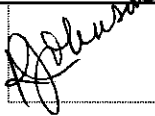
File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Public Works

Urgent

Routine



BOARD AGENDA #: \*C-1

AGENDA DATE: July 12, 2016

CEO CONCURRENCE:

4/5 Vote Required: Yes  No

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**SUBJECT:**

Approval to Summarily Vacate a Portion of the 20 Foot Alley in Block 3 of the Del Este Subdivision Located South of Yosemite Boulevard, East of Santa Rosa Avenue, North of Modesto and Empire Traction Railway, Lying South of the City of Modesto

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**STAFF RECOMMENDATIONS:**

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

1. Find based on the reasons stated in this report, this portion of alley as 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 the portion of alley lying within Block 3 of the Del Este Subdivision located south of Yosemite Boulevard, east of Santa Rosa Avenue, north of the Modesto and Empire Traction Railway (M&ET Railway), and lying south of the City of Modesto as described in Exhibits "A" and "B".

**DISCUSSION:**

The abandonment application was filed by VVH Consulting Engineers on behalf of E & J Gallo Winery. The winery owns all of the Lots within Block 3 of the Del Este Subdivision making them the sole owners of the underlying fee title to the alley. The abandonment is being pursued to permit the construction of additional parking to serve the E & J Winery campus. The alley area will be used for circulation in the parking lot. The City of Modesto previously abandoned a portion of the alley within Block 3 lying within their jurisdiction in 2015.

The alley right-of-way is partially improved with asphalt pavement and there are in-place utilities from Modesto Irrigation District electrical, City of Modesto water, AT&T and Comcast communications. A Public Utility Easement (PUE) shall be retained over the entire abandonment area for the benefit of all utilities.

It will be the sole responsibility of the owner, E & J Gallo Winery to negotiate with all utility companies on the potential removal of existing facilities and easements.

Approval to Summarily Vacate a Portion of the 20 Foot Alley in Block 3 of the Del Este Subdivision Located South of Yosemite Boulevard, East of Santa Rosa Avenue, North of Modesto and Empire Traction Railway, Lying South of the City of Modesto

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**POLICY ISSUE:**

California Street and Highways Code Sections 8330-8334.6 gives the legislative body of a local agency the authority to summarily vacate a street or highway. This action is being pursued under Section 8334 (a) and (b).

**FISCAL IMPACT:**

Staff time is reimbursed through fees paid by the applicant. The abandonment terminates the County's interest in this right-of-way.

**BOARD OF SUPERVISORS' PRIORITY:**

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.

**STAFFING IMPACT:**

Existing Public Works staff will record Public Utility Easement deeds on behalf of the County.

**CONTACT PERSON:**

Matt Machado, Public Works Director

Telephone: (209) 525-4153

**ATTACHMENT(S):**

1. Resolution
2. Exhibit A – Legal Description for Right of Way Vacation
3. Exhibit B – Public Right of Way (Alley) Exhibit

ATTACHMENT 1  
RESOLUTION

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

Date: July 12, 2016

2016-363

On motion of Supervisor Chiesa Seconded by Supervisor O'Brien  
and approved by the following vote,  
Ayes: Supervisors: O'Brien, Chiesa, and Chairman Monteith  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: DeMartini, and Withrow  
Item # \*C-1

**THE FOLLOWING RESOLUTION WAS ADOPTED:**

**APPROVAL TO SUMMARILY VACATE A PORTION OF THE ALLEY IN BLOCK 3 OF  
THE DEL ESTE SUBDIVISION, LOCATED SOUTH OF YOSEMITE BOULEVARD,  
EAST OF SANTA ROSA AVENUE, NORTH OF MODESTO AND EMPIRE TRACTION  
RAILWAY, LYING SOUTH OF THE CITY OF MODESTO**

WHEREAS, the California Street and Highways Code Sections 8330-8334.6 provides the legislative body of a local agency the authority to summarily vacate a street or highway; and,

WHEREAS, E & J Gallo Winery owns all of the Lots within Block 3 of the Del Este Subdivision making them the sole owners of the underlying fee title to the alley, and no portion or end of the alley touches another property of another; and,

WHEREAS, the alley right-of-way is partially improved with asphalt pavement and there are in-place utilities from Modesto Irrigation District electrical, City of Modesto water, AT&T and Comcast communications; and,

WHEREAS, a Public Utility Easement (PUE) shall be retained over the entire abandonment area for the benefit of all utilities, and it will be the sole responsibility of the owner to negotiate with all utility companies on the potential removal of existing facilities and easements; and,

WHEREAS, the City of Modesto abandoned a portion of the alley within Block 3 lying within their jurisdiction in 2015; and,

WHEREAS, the Board intends to summarily vacate a portion of the alley in Block 3 of the Del Este Subdivision, located south of Yosemite Boulevard, east of Santa Rosa Avenue, north of Modesto and Empire Traction Railway, lying south of the City of Modesto,

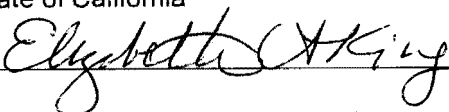
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Stanislaus, State of California, does hereby find and determine as follows:

1. The portion of alley described herein, is not required for street and highway purposes, and are more particularly described in Exhibit "A" attached hereto and shown on the precise map attached hereto as Exhibit "B"; and,

2. The summary vacation of the portion of alley described herein is exempt from review under the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15305 as a minor alteration in land use limitations; and,
3. The Department of Public Works is directed to record a certified copy of this Resolution, including the attached Exhibits "A" and "B" with the Stanislaus County Clerk-Recorder.

NOW, THEREFORE, BE IT FURTHER RESOLVED that from and after the date this resolution is recorded by Stanislaus County, the portion of the vacated alley lying in Block 3 of the Del Este Subdivision as described in Exhibits "A" and "B", no longer constitutes part of a street or highway.

ATTEST: ELIZABETH A. KING, Clerk  
Stanislaus County Board of Supervisors,  
State of California

  
\_\_\_\_\_

File No.

ATTACHMENT 2

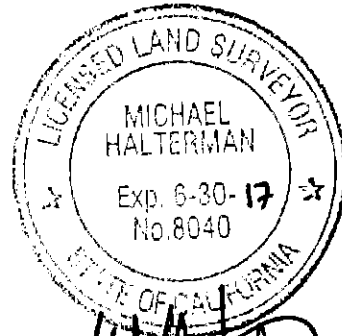
EXHIBIT A – LEGAL DESCRIPTION FOR RIGHT OF WAY VACATION

**EXHIBIT A**

**LEGAL DESCRIPTION  
FOR RIGHT-OF-WAY VACATION**

All that portion of that certain 20-foot wide alley in Block 3 of the Map of Del Este Subdivision, filed in Book 8 of Maps, at Page 12, Stanislaus County Records and dedicated to the public thereon, lying south of the existing city limits as shown on the Santa Rosa Addition, also being the south 266.68 feet, more or less, of said alley.

Containing 5334 square feet, more or less.

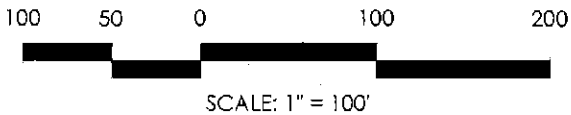
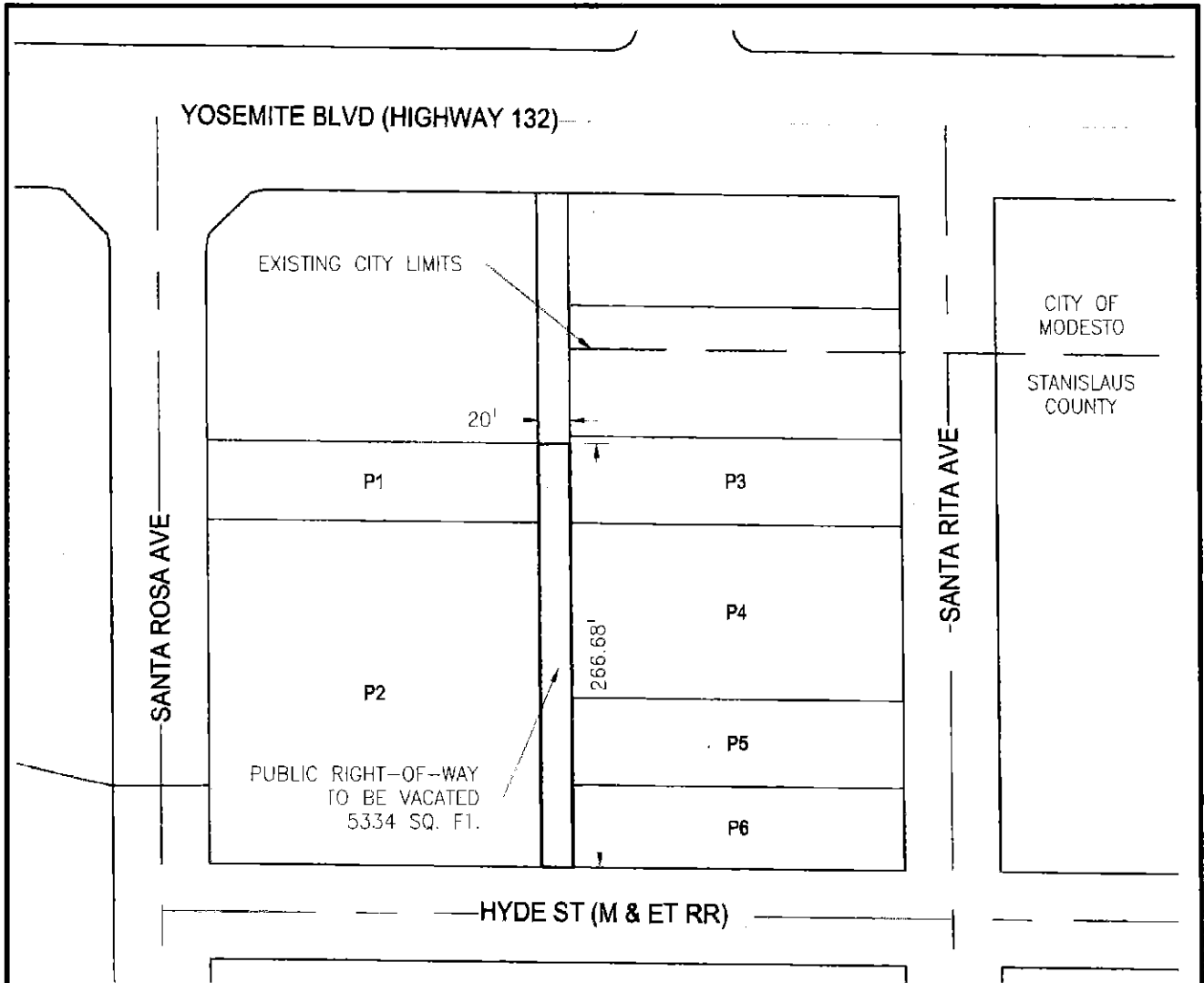


*Michael Halterman*  
ZOMAY16



ATTACHMENT 3

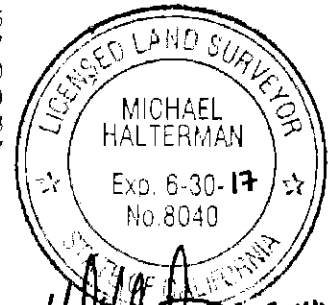
EXHIBIT B – PUBLIC RIGHT OF WAY (ALLEY) EXHIBIT



PROPERTY LIST:

ALL PROPERTIES OWNED BY E. & J. GALLO WINERY, A CALIFORNIA CORPORATION

- P1 APN 035-003-03
- P2 APN 035-003-47
- P3 APN 035-003-10
- P4 APN 035-003-09
- P5 APN 035-003-08
- P6 APN 035-003-07



*Michael Halterman* 20 MAY 16

VVH Consulting Engineers  
 430 10th Street  
 Modesto, CA U.S.A. 95354  
 Tel. (209) 568-4477  
 Fax. (209) 568-4478

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RIGHT-OF-WAY (ALLEY) VACATION

STANISLAUS COUNTY, CALIFORNIA

PUBLIC RIGHT-OF-WAY (ALLEY) EXHIBIT

SYD JAN 2016 EXHIBIT B