

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

DEPT: Public Works

BOARD AGENDA #: *C-2

AGENDA DATE: August 30, 2016

SUBJECT:

Approval to Summarily Vacate the Offer of Road Reservation from Parcel Map Volume 34, Page 49, Lying East of Litt Road, North of Claribel Road and South of the City of Riverbank

BOARD ACTION AS FOLLOWS:

No. 2016-462

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

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

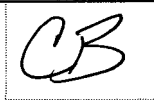
ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

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

DEPT: Public Works
Urgent Routine

BOARD AGENDA #: *C-2
AGENDA DATE: August 30, 2016



CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

Approval to Summarily Vacate the Offer of Road Reservation from Parcel Map Volume 34, Page 49, Lying East of Litt Road, North of Claribel Road and South of the City of Riverbank

STAFF RECOMMENDATIONS:

Pursuant to Street and Highway Codes Sections 8331, 8333, and 8335:

1. Find based on the reasons stated in this report, the Road Reservation as described herein, is not required for street and highway purposes.
2. Find no public utility improvements have been built, requiring a Public Utility Easement.
3. Adopt the attached Resolution vacating the Offer of Road Reservation as shown on Parcel Map, Volume 34, Page 49, Parcel B, Exhibit "A" and as described in Volume 3714, Page 46, Exhibit "B" Stanislaus County Records.
4. Direct the Department of Public Works to record the resolution with the County Clerk-Recorder.

DISCUSSION:

The abandonment application was filed by Ramona Pettit, she is the sole owner of the underlying fee title to the property encumbered by the Offer of Road Reservation. The abandonment is being pursued to help alleviate illegal dumping, and trespassing issues. The offer has created some confusion between the adjacent property owners as to access rights on the private property. The Road Reservation was originally offered on Parcel Map Volume 34, Page 49 in 1983. The intent was to provide access for possible future development of the property. This is no longer possible because the current zoning requires a minimum size of 10 acre parcels and the current parcel size is 4.6 acres. Since 1983, no improvements have been made to the proposed road.

The Department of Public Works has determined the Offer of Road Reservation to be excess and wishes to dispose its interest. This action will serve as a constructive notice that the County has no interest in the property on behalf of the public, and the owner has the right to use and control the property. The City of Riverbank, having sphere of influence in this area has also agreed to the abandonment of the offer.

The Road Reservation is currently natural ground. No other utility improvements have been built in the reservation. All local utilities have been contacted for their input and it has been determined that retaining a Public Utility Easement is not required.

The vacation of this Offer of Road Reservation 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.

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 8335.

FISCAL IMPACT:

All costs for staff time are reimbursed through fees paid by the applicant. The abandonment terminates the County's interest in this Offer of Road Reservation.

BOARD OF SUPERVISORS' PRIORITY:

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

STAFFING IMPACT:

Existing Public Works staff will record documents on behalf of the County.

CONTACT PERSON:

Matt Machado, Public Works Director

Telephone: (209) 525-4153

ATTACHMENT(S):

1. Resolution
2. Exhibit A – Offer of Road Reservation
3. Exhibit B – Parcel Map

ATTACHMENT 1
RESOLUTION

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

Date: August 30, 2016

2016-462

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

THE FOLLOWING RESOLUTION WAS ADOPTED:

Item # *C-2

**APPROVAL TO SUMMARILY VACATE THE OFFER OF ROAD RESERVATION FROM PARCEL
MAP VOLUME 34, PAGE 49, LYING EAST OF LITT ROAD, NORTH OF CLARIBEL ROAD AND
SOUTH OF THE CITY OF RIVERBANK**

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, the Offer of Road Reservation described in Exhibit "A" and "B" is not required for street and highway purposes; and,

WHEREAS, the Offer of Road Reservation lies within property under one ownership and that does not continue through such ownership or end touching property of another; and has been determined to be excess right-of-way; and,

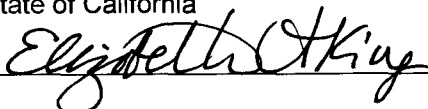
WHEREAS, no public utility improvements are present requiring a Public Utility Easement.

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

1. The portion of roadway described in Exhibit "A" and "B" is not required for street and highway purposes; and,
2. The summary vacation of the portion of roadway 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 vacated Offer of Road Reservation as described in Exhibits "A" and "B", no longer constitutes part of a street, highway or right-of-way.

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



File No.

ATTACHMENT 2

EXHIBIT A – OFFER OF ROAD RESERVATION

RECORDED AT 2:05 BY

Capt. of Pub. Works

RIGHT-OF-WAY EASEMENT AND ROAD CONSTRUCTION AGREEMENT

11137 AUG 26 83

OFFICIAL RECORDS STANISLAUS CO., CALIF. DAVID A. WURM, RECORDER

970/ Lee

In consideration of the allowance of division of land identified and described in File No. 6332 with the Department of Public Works of Stanislaus County, and approval of Parcel Map therefor, the undersigned, owner(s) of record of such property, hereby establish and grant, as an easement and covenant to run with and as a burden upon such land and for the benefit of any and all portions thereof into which such land may hereafter be divided, and purchasers thereof, and to and for the benefit of the general public, right-of-way for road purposes over, upon and across the strips of land noted as road reservations on parcel map recorded in Volume 34, Parcel Maps, at Page 49, Stanislaus County Records.

The undersigned further agree(s) and consent that, in the event of further division of the parcel of such property upon which such described strip of land is located, the County of Stanislaus may require as a condition to allowance of such further division that the undersigned construct an improved road upon such strip of land, to County standards, and that the undersigned, upon completion of such road, convey such described strip of land in fee to the County of Stanislaus, by grant deed, for road purposes, with remainder over to then adjoining landowners in event of abandonment of said road by the County.

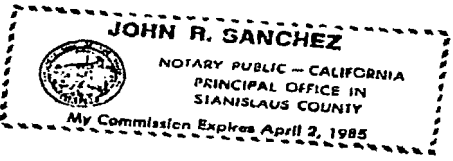
11137 AUG 26 83

Date: 8-24-83

Ransom N. Wey
Ransom N. Wey
Verna J. Wey
Verna J. Wey

STATE OF CALIFORNIA }
COUNTY OF STANISLAUS } ss.

On this 24th day of August, in the year 1983 before me, the undersigned, a Notary Public in and for said State, personally appeared RANSOM N. WEY and VERNA J. WEY, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) was subscribed to the within instrument, and acknowledged to me that he executed it.

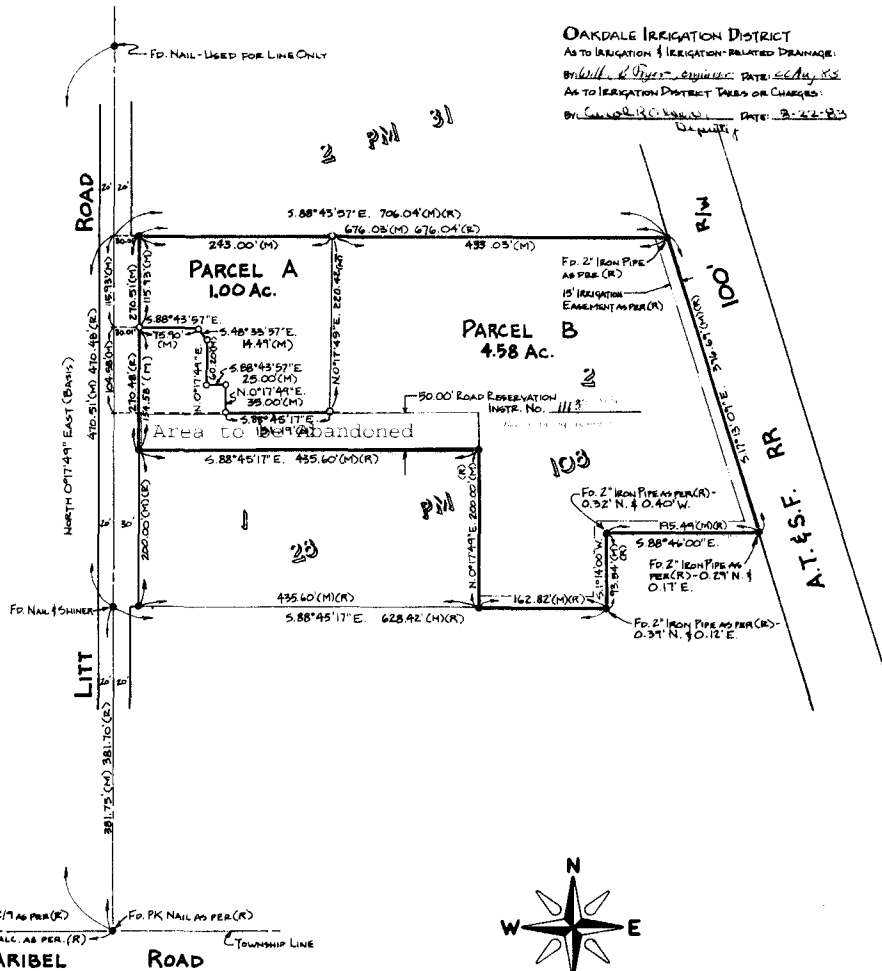


WITNESS my hand and official seal.

John R. Sanchez
Notary Public in and for said State.

11137 AUG 26 83

ATTACHMENT 3
EXHIBIT B – PARCEL MAP



OAKDALE IRRIGATION DISTRICT
 AS TO IRRIGATION & IRRIGATION-RELATED DRAINAGE:
 BY Bill & Dyes ENGINEERS DATE 8/28/83
 AS TO IRRIGATION DISTRICT TARIFFS OR CHARGES:
 BY CALIFORNIA R.R. ASSOCIATION DATE 3-22-83

BASIS OF BEARINGS
 A COURSE OF NORTH 0° 17' 41" EAST AS SHOWN FOR THE CENTER-
 LINE OF LITT ROAD IN BOOK 28 OF PARCEL MAPS AT PAGE 108, STANISLAUS COUNTY RECORDS.

- LEGEND**
- INDICATES SET 3/4" x 30" LONG IRON PIPE W/TAG L54862
 - " " " FD. 3/4" Ø IRON PIPE W/TAG LCE 22986, UNLESS NOTED OTHERWISE.
 - (M) " MEASURED THIS SURVEY
 - (R) " BK. 28-PARCEL MAPS-PG. 108

NOTARY (INDIVIDUAL)
 STATE OF CALIFORNIA
 COUNTY OF STANISLAUS } ss.
 ON THIS 3 DAY OF AUGUST, IN THE YEAR 1983,
 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Stanislaus Snyder and Verna J. Wiley PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY ENDED IT.

Charles E. Neal
 NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE



NOTARY (CORPORATE)
 STATE OF CALIFORNIA
 COUNTY OF STANISLAUS } ss.
 ON THIS 11 DAY OF August, IN THE YEAR 1983,
 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Blake Hamilton and Paul Davis PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHO REPRESENT THE WITHIN INSTRUMENT AS Vice President and Secretary RESPECTIVELY OF THE CORPORATION THEREIN NAMED, AND ACKNOWLEDGED TO ME THAT THE CORPORATION ENDED IT PURSUANT TO ITS BY-LAWS OR A RESOLUTION OF ITS BOARD OF DIRECTORS.

Deanne E. Reese
 NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

RECORDER'S CERTIFICATE
 FILED THIS 11 DAY OF August, 1983 AT Modesto, M., IN
 BOOK 28 OF PARCEL MAPS AT PAGE 108 AT THE REQUEST OF Stanislaus Snyder.

INSTR. No. 96 DEPUTY
 FEES \$ DAVID A. WURN
 COUNTY RECORDER

SURVEYOR'S CERTIFICATE
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF Stanislaus Snyder, 1983. I HEREBY STATE THAT THIS PARCEL MAP CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND THAT ALL THE MONUMENTS OF THE KIND SHOWN HEREON SHALL BE SET ON OR BEFORE July, 1983, IN THE POSITIONS INDICATED AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED.

Robert M. Snyder
 ROBERT M. SNYDER L54862

COUNTY SURVEYOR'S CERTIFICATE
 THIS MAP CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES.
 DATE: August 3, 1983 H.E. Callahan
 COUNTY SURVEYOR
 DEPUTY

OWNER'S CERTIFICATE
 WE, THE UNDERSIGNED OWNERS AND/OR TRUSTEES, HEREBY CERTIFY THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST OF RECORD IN THE LAND SHOWN ON THIS PARCEL MAP, AND WE CONSENT TO THE MAKING AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER.

DATE: August 3, 1983 Stanislaus Snyder
Verna J. Wiley
 STANISLAUS SNYDER
 VERNA J. WILEY

THE CALIFORNIA SAMPSON CORPORATION:
 DATE: August 16, 1983
 AUTHORIZED SIGNATURE

 AUTHORIZED SIGNATURE

PARCEL MAP
 BEING A DIVISION OF PARCEL 2 AS SHOWN IN BOOK 28 OF PARCEL MAPS AT PAGE 108, AND LYING WITHIN THE SOUTH HALF OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 9 EAST, MOUNT DIABLO MERIDIAN. STANISLAUS COUNTY

ROBERT M. SNYDER - LAND SURVEYOR
 MODESTO, CALIFORNIA
 (209) 523-3566

STANISLAUS COUNTY FILE NO. 6332 LT