

PLANNING COMMISSION
RESOLUTION NO. 2019-07

RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE ABANDONMENT OF 11TH STREET BETWEEN D STREET AND MORTON BOULEVARD, 12TH STREET BETWEEN B STREET AND MORTON BOULEVARD, AND B STREET BETWEEN 10TH AND 12TH STREETS TO BE IN CONFORMANCE WITH THE CITY OF MODESTO GENERAL PLAN (STANISLAUS FOOD PRODUCTS)

WHEREAS, a verified application by the Stanislaus Food Products requesting the abandonment of 11th Street between D Street and Morton Boulevard, 12th Street between B Street and Morton Boulevard, and B Street between 10th and 12th Streets, and shown by reference in the attached Exhibits, was received by the City of Modesto; and

WHEREAS, a title report was submitted with the abandonment request which vests fee title of street right-of-way to Stanislaus Food Products, Beard Land and Investment Company, Modesto Terminal Company, and Modesto Interurban Railway; and

WHEREAS, the proposed abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received; and

WHEREAS, Section 8313 of the Streets and Highways Code states that the Planning Commission shall review the abandonment and report on its conformance with the General Plan; and

WHEREAS, Section 65402 of the Government Code requires that the Planning Commission report to the City Council as to whether the disposal of real property conforms with the City of Modesto General Plan; and

WHEREAS, a public hearing was held by the Planning Commission on March 4, 2019 in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2019-02, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The streets to be abandoned are not necessary to serve present or future traffic needs in the area.
2. 11th, 12th, and B Streets are considered local streets and are not designated as Collector Streets or higher in the Circulation Element of the

General Plan; therefore, the street abandonment is in conformance with the General Plan.

3. An Initial Study, Environmental Assessment No. EA/C&ED 2019-02 was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
4. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code that was not identified in the Master EIR.
5. No new or additional mitigation measures or alternatives are required.
6. The subsequent project is within the scope of the project covered by the Master EIR.
7. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
8. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council the vacation of 11th Street between D Street and Morton Boulevard, 12th Street between B Street and Morton Boulevard, and B Street between 10th and 12th Streets, as shown in Exhibits below, subject to the following conditions:

1. Prior to recordation of the abandonment, the applicant shall secure and construct the following improvements:
 - a. Construct a minimum six-foot high fence across the four openings of the abandoned streets with signs identifying the closed road. The fence may include gates.
 - b. Reserve public utility easement along the streets of the abandonment area, where the location and width of the easement shall be approved by City Engineer or designee and utility companies.

BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the street abandonment (File No. ABD-17-003), and any related files. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate

fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on March 4, 2019, by Commissioner Smith, who moved its adoption, which motion was seconded by Commissioner Escutia-Braaton and carried by the following vote:

Ayes:	Birring, Escutia-Braaton, Pollard, Smith Vohra, Morad
Noes:	None
Absent:	Lucas
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD
Steve Mitchell, Secretary

Attachment: "Exhibit A" Legal Description
"Exhibit B" Site Plan

EXHIBIT "A"

LEGAL DESCRIPTION TO VACATE PUBLIC RIGHT OF WAY

"Exhibit B"

EXHIBIT "A"
LEGAL DESCRIPTION
(11TH STREET)

THAT PORTION OF 11TH STREET, LYING BETWEEN D STREET AND B STREET, AS SHOWN ON THAT PARCEL MAP, FILED FOR RECORD ON DECEMBER 31, 1987, IN BOOK 40 OF PARCEL MAPS AT PAGE 37. LYING WITHIN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 9 EAST. LOCATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF B STREET (40 FOOT HALF WIDTH);

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, AND ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 11TH STREET (30 FOOT HALF WIDTH), ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 23.56 FEET;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 43°07'57" WEST, 850.53 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 23.56 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF D STREET AS SHOWN ON SAID MAP;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 46°50'23" EAST, 75.00 FEET TO THE **POINT OF BEGINNING**;

ALL AS SHOWN ON THE ATTACHED EXHIBIT "B", MADE A PART HEREOF AND CONTAINING 1.22 ACRES MORE OR LESS.

END DESCRIPTION

DRAFT



WILLIAM M. KOCH
PROFESSIONAL LAND SURVEYOR
CALIFORNIA NO. 8092

DATE

EXHIBIT "A"
LEGAL DESCRIPTION
(11TH STREET)

THAT PORTION OF 11TH STREET, LYING BETWEEN SOUTH MORTON BOULEVARD AND B STREET, AS SHOWN ON THAT RECORD OF SURVEY, FILED FOR RECORD ON JULY 15, 1996, IN BOOK 23 OF SURVEYS AT PAGE 24. LYING WITHIN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 9 EAST. LOCATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST CORNER OF BLOCK R, AS SHOWN ON SAID RECORD OF SURVEY, POINT ALSO BEING THE NORTHERLY RIGHT-OF-WAY LINE OF 11TH STREET;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 43°12'29" EAST, 817.57 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 46°47'31" WEST, 60.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 11TH STREET;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 43°12'29" WEST, 817.61 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF B STREET (40 FOOT HALF WIDTH) AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 46°49'39" EAST, 60.00 FEET TO THE **POINT OF BEGINNING**;

ALL AS SHOWN ON THE ATTACHED EXHIBIT "B", MADE A PART HEREOF AND CONTAINING 1.13 ACRES MORE OR LESS.

END DESCRIPTION

DRAFT



WILLIAM M. KOCH
PROFESSIONAL LAND SURVEYOR
CALIFORNIA NO. 8092

DATE

EXHIBIT "A"
LEGAL DESCRIPTION
(12TH STREET)

THAT PORTION OF 12TH STREET, LYING BETWEEN SOUTH MORTON BOULEVARD AND B STREET, AS SHOWN ON THAT RECORD OF SURVEY, FILED FOR RECORD ON MARCH 8, 1993, IN BOOK 21 OF SURVEYS AT PAGE 18. LYING WITHIN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 9 EAST. LOCATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF BLOCK R, AS SHOWN ON SAID RECORD OF SURVEY, POINT ALSO BEING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF 12TH STREET (30 FOOT HALF WIDTH);

THENCE LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, NORTH 46°49'00" EAST, 60.00 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF 12TH STREET;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 43°11'00" EAST, 109.62 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF 12TH STREET, ALONG THE ARC OF A 203.64 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 42°07'09", A DISTANCE OF 149.70 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SOUTH 85°17'28" EAST, 132.73 FEET THE BEGINNING OF A TANGENT CURVE;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 90°00'18", A DISTANCE OF 23.56 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH MORTON BOULEVARD (40 FOOT HALF WIDTH) AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 04°42'14" WEST, 90.00 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF 12TH STREET, ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 89°59'42", A DISTANCE OF 23.56 FEET;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, NORTH 85°17'28" WEST, 132.75 FEET TO THE BEGINNING OF A TANGENT CURVE;

THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 12TH STREET, ALONG THE ARC OF A 263.64 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 42°06'28", A DISTANCE OF 193.75 FEET;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 43°11'00" WEST, 109.64 FEET TO THE **POINT OF BEGINNING**;

ALL AS SHOWN ON THE ATTACHED EXHIBIT "B", MADE A PART HEREOF AND CONTAINING 0.59 ACRES MORE OR LESS.

END DESCRIPTION

DRAFT



WILLIAM M. KOCH
PROFESSIONAL LAND SURVEYOR
CALIFORNIA NO. 8092

DATE

EXHIBIT "A"
LEGAL DESCRIPTION
(B STREET)

THAT PORTION OF B STREET, LYING BETWEEN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 10TH STREET AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF 12TH STREET, AS SHOWN ON THAT RECORD OF SURVEY, FILED FOR RECORD ON JULY 15, 1996, IN BOOK 23 OF SURVEYS AT PAGE 24. LYING WITHIN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 3 SOUTH, RANGE 9 EAST. LOCATED IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 78, AS SHOWN ON SAID RECORD OF SURVEY, POINT ALSO BEING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF B STREET (40 FOOT HALF WIDTH);

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, NORTH 46°49'39" EAST, 10.00 FEET TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, NORTH 43°10'13" WEST, 80.00 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF B STREET;

THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, NORTH 46°49'19" EAST, 750.27 FEET;

THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE, SOUTH 43°10'13" EAST, 80.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID B STREET;

THENCE SOUTH 46°49'19" WEST, 750.27 FEET TO THE **POINT OF BEGINNING**;

ALL AS SHOWN ON THE ATTACHED EXHIBIT "B", MADE A PART HEREOF AND CONTAINING 1.38 ACRES MORE OR LESS.

END DESCRIPTION

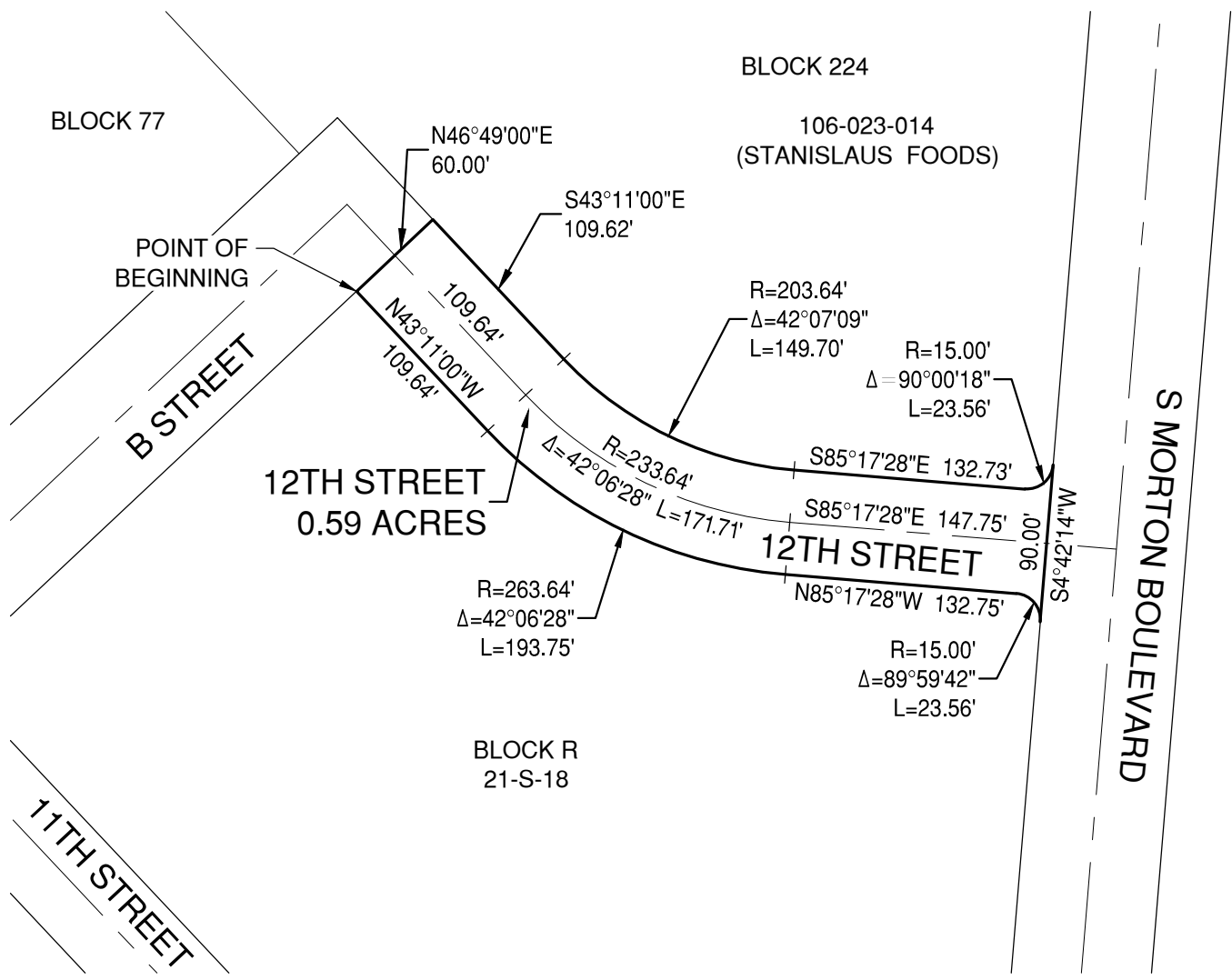
DRAFT

WILLIAM M. KOCH
PROFESSIONAL LAND SURVEYOR
CALIFORNIA NO. 8092



DATE

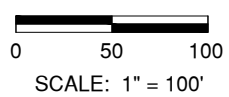
EXHIBIT B



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LEGEND

- BOUNDARY LINE
- CENTER LINE OF ROAD
- EASEMENT LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE



DRAFT



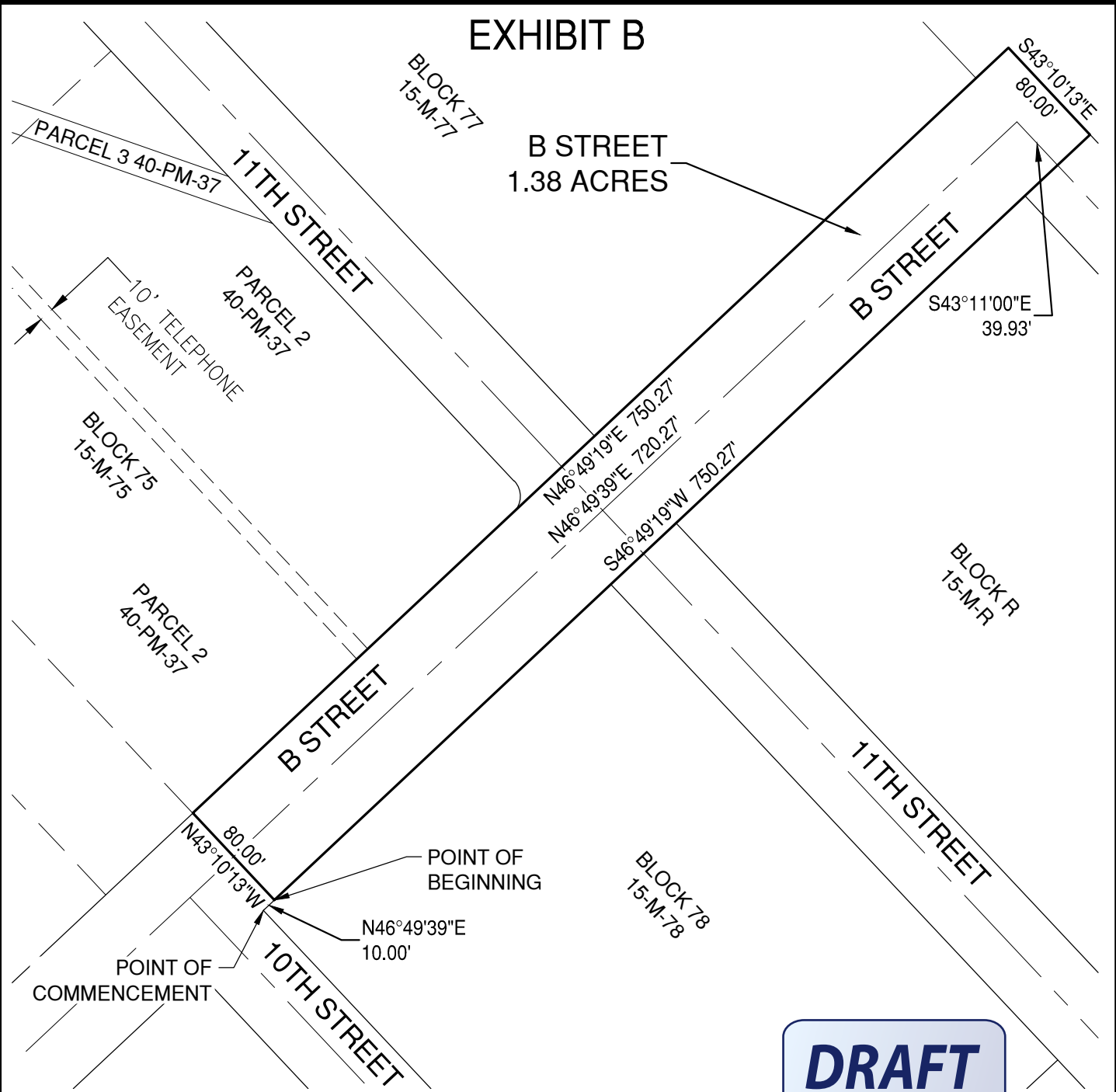
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Modesto, CA 95350
odellengineering.com

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JOB NO.:	34000		
FILE:	34000-EXHIBITS.DWG		

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EXHIBIT B

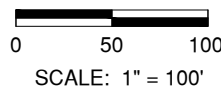
B STREET
1.38 ACRES



DRAFT

LEGEND

- BOUNDARY LINE
- CENTER LINE OF ROAD
- EASEMENT LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- RIGHT-OF-WAY LINE (OLD)



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DESCRIPTION: STREET IMPROVEMENT PROJECT			
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EXHIBIT B

12TH STREET

B STREET

N46°49'39"E
60.00'

POINT OF BEGINNING

11TH STREET

11TH STREET
1.13 ACRES

BLOCK R
15-M-R

BLOCK 6
15-M-76

N43°12'29"W 817.59'
S43°12'29"E 817.57'
N43°12'29"W 817.61'

23-RS-24





BLOCK S
15-M-S

S MORTON BOULEVARD

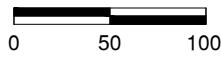
11TH STREET

S46°47'31"W
60.00'

LEGEND

-  BOUNDARY LINE
-  CENTER LINE OF ROAD
-  EASEMENT LINE
-  RIGHT-OF-WAY LINE

DRAFT



SCALE: 1" = 100'



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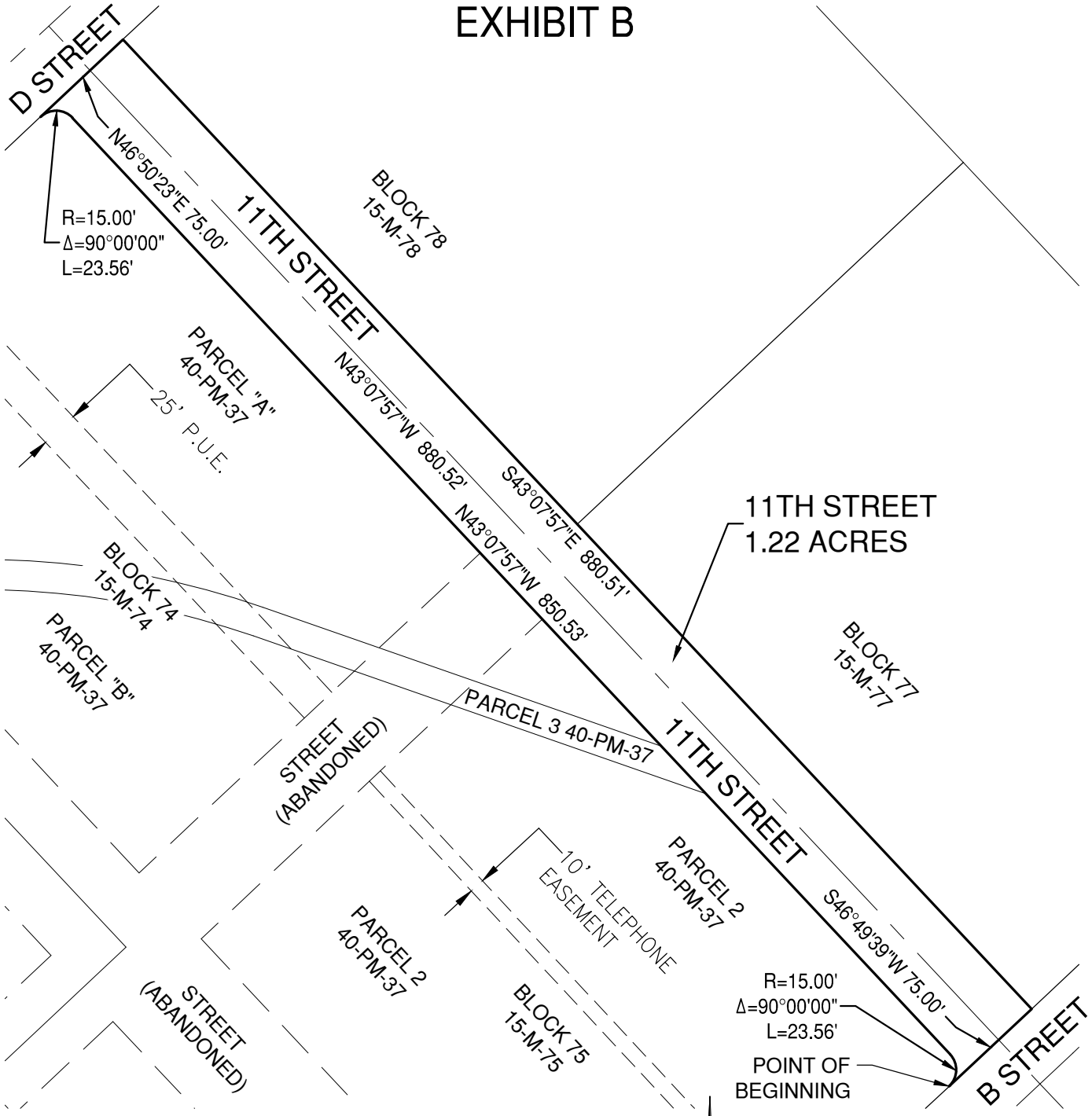
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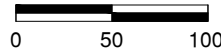
EXHIBIT B



LEGEND

- BOUNDARY LINE
- CENTER LINE OF ROAD
- EASEMENT LINE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- RIGHT-OF-WAY LINE (OLD)

DRAFT



SCALE: 1" = 100'



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