

**TO:** JAMES L. APP, CITY MANAGER  
**FROM:** JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS  
**SUBJECT:** STREET ABANDONMENT 98-009 (IRVING et al)  
**DATE:** SEPTEMBER 7, 1999



**Needs:** For the City Council to consider adopting a Resolution to abandon a 60-foot wide unimproved portion of Olive street between 4<sup>th</sup> and 6<sup>th</sup> streets as shown on the attached exhibit.

- Facts:**
1. The Planning Commission at their meeting on February 23, 1999 recommended approval of the abandonment request.
  2. The applicant is requesting that a 60-foot unimproved "paper" street between 4<sup>th</sup> and 6<sup>th</sup> streets be abandoned.
  3. The abandonment request was submitted by seven (7) of the surrounding property owners who will be incorporating the abandoned street into their respective properties.
  4. The City Council, at their meeting on August 3, 1999 adopted "Resolution of Intent to Abandon" No. 99-136 which set a public hearing to abandon these properties.

**Analysis and**

**Conclusion:** This request was found to be consistent with the Streets and Highway Code and the City's General Plan

**Policy**

**Reference:** Streets and Highway Code, Section 8300, Resolution No. 99-136

**Fiscal**

**Impact:** None

- Options:**
- A. That the City Council adopt the attached Resolution to abandon an unimproved portion of Olive Street between 4<sup>th</sup> and 6<sup>th</sup> Streets as shown on the attached exhibit.
  - B. That the City Council amend, modify, or reject the above option.

**Attachments:** (5)

- 1) Resolution
- 2) Exhibit
- 3) Affidavit of Posting
- 4) Letters sent to 300-foot radius property owners
- 5) Proof of Legal Notice

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

CITY OF EL PASO DE ROBLES  
ENGINEERING DIVISION  
1000 SPRING STREET  
PASO ROBLES, CA 93446

ATTN.: CITY ENGINEER

FOR RECORDERS USE ONLY

RESOLUTION NO. 99-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES VACATING A PORTION  
OF OLIVE STREET BETWEEN 4<sup>TH</sup> AND 6<sup>TH</sup> STREETS

WHEREAS, the City of Paso Robles, having on the 3<sup>rd</sup> day of August 1999, passed a Resolution of Intention to close and vacate an unimproved portion of Olive Street between 4<sup>th</sup> and 6<sup>th</sup> Streets in the City of Paso Robles, County of San Luis Obispo, State of California, and more particularly described as follows:

SEE ATTACHMENT EXHIBIT 'A'

WHEREAS, it now appears that the City of Paso Robles did cause said Resolution of Intention to be published in the Telegram-Tribune as required by law; and

WHEREAS, it further appears that said notices and public actions were in all respects completed as required by the provisions of an act of Legislature of the State of California entitled "Street Vacation Act of 1941" Division IX, Part 3, Chapters 1 and 2 of the Streets and Highways Code; and

WHEREAS, a public hearing has been held on said proposed vacation as so noticed and having heard all evidence offered by any person interested, the City Council of the City of Paso Robles finds that the portion of the street as described is unnecessary for present or prospective access purpose, and;

WHEREAS, abandonment of the alley is necessary in order to construct the City's Public Safety Building, and:

THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the road abandonment herein before described be vacated for public purposes.

BE IT ALSO RESOLVED that the City Council of the City of Paso Robles does hereby reserve and except from said vacation a permanent easement and right-of-way for the purpose of maintaining and operating, replacing or removal of utility lines over, under and across all of the vacated area herein described with ingress and egress rights for said purposes including access for the protection of said facilities from all hazards.

BE IT FURTHER RESOLVED, that the City Clerk of the City of Paso Robles cause a certified copy of this Resolution to be recorded in the Office of the County Clerk Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 7<sup>th</sup> day of September, 1999, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

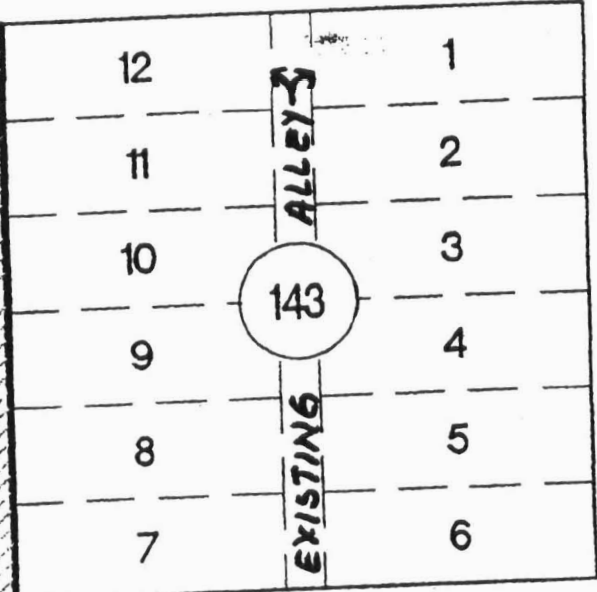
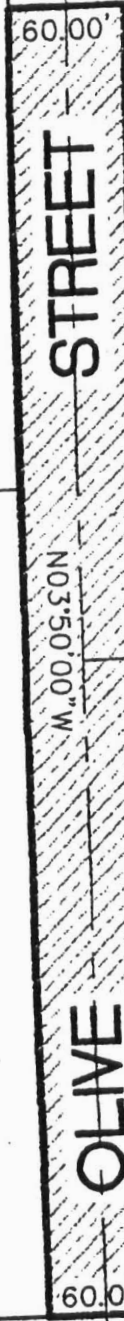
PACIFIC STREET

SIXTH STREET



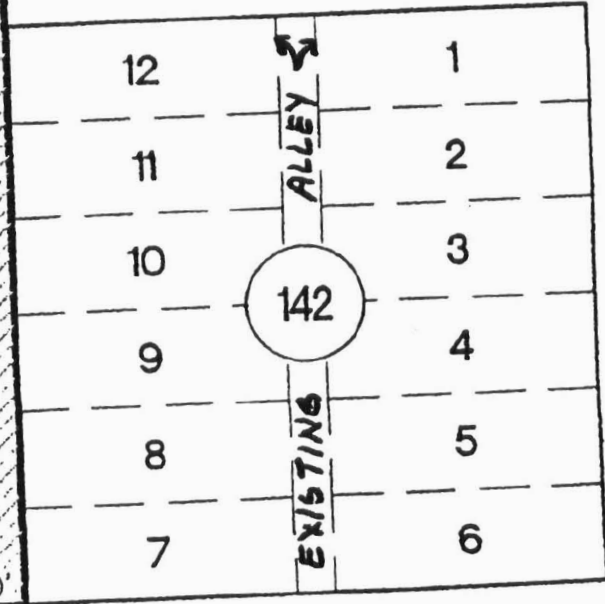
SCALE: 1" = 100'

LOT 199



STREET

FIFTH STREET



VINE

STREET ABANDONMENT 98-009

EXHIBIT A ATTACHMENT TO RES/ORD# PAGE 1 OF 1

FOURTH STREET N86°10'00"E



EXHIBIT "A"

PREPARED BY: EMK & ASSOCIATES, INC. 1005 RAILROAD STREET PASO ROBLES, CA 93446 (805) 238-5427

73

**AFFIDAVIT OF POSTING**

STATE OF CALIFORNIA        }  
  }  
COUNTY OF SAN LUIS OBISPO }

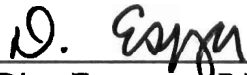
I, **Ditas Esperanza**, being first duly sworn, disposes and says:

1. That I am now and was at all times herein mentioned the duly appointed and acting **CITY ENGINEER** for the City of El Paso de Robles, California;

2. That on the **20<sup>th</sup>** day of **August 1999**, I caused to be conspicuously posted along that portion of a street in the City of El Paso de Robles, being proposed for closing at not more than 300 feet in distance apart, notice of passage of that certain **Resolution of Intention No. 99-136** passed on the **3<sup>rd</sup>** day of **August 1999** by the City Council of the City of El Paso de Robles and which is referenced in the **Notice** attached hereto;

3. That said **Notice** was headed "**NOTICE OF STREET VACATION**" in letters of not less than one inch in height and was in legible characters and stated the fact of the passage of said **Resolution of Intention**, its' date, and briefly the areas to be closed and the date set for the hearing any objections thereto;

4. That a copy of said **Notice** as aforementioned is hereto attached and marked "**EXHIBIT A**".

  
\_\_\_\_\_  
Ditas Esperanza, P.E.  
City Engineer

Subscribed and affirmed to before me this \_\_\_\_ day of \_\_\_\_\_, by  
Ditas Esperanza.

By: \_\_\_\_\_



# CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

DATE: August 16, 1999

SUBJECT: STREET/EASEMENT ABANDONMENT 98-009

Dear Property Owner:

You are hereby notified, as the owner of property within 300 feet of this street abandonment request that the City council will be holding a public hearing to consider the following application in your neighborhood:

APPLICATION: Request to abandon an unimproved portion of Olive Street between 4<sup>th</sup> and 6<sup>th</sup> streets.

APPLICANT: Irving, et al

LOCATION: Olive between 4<sup>th</sup> and 6<sup>th</sup> streets

This hearing will be held at the Paso Robles City Hall Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, September 7, 1999, at which time all interested parties may appear and be heard.

If you challenge this Abandonment application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

Copies of the staff report pertaining to this project will be available for review at the Public Works Department Friday preceding this hearing (copies are available for purchase for the cost of reproduction). If you have any questions, please contact the Public Works Department at (805) 237-3860.

Sincerely,

  
DITAS ESPERANZA, P.E.  
CITY ENGINEER

ms  
Attachment

I:Letters\8-16-99 Irving Aband.Prop.Owners

RESOLUTION NO. 99-136

A RESOLUTION OF INTENTION FOR VACATING AN UNIMPROVED PORTION OF OLIVE STREET BETWEEN 4TH AND 6TH STREETS AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING THAT THE CITY COUNCIL OF THE CITY OF PASO ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

1. That it is the intention of the City Council to close and vacate a 60-foot wide unimproved portion of Olive Street between 4th and 6th Streets and more particularly described as: SEE EXHIBIT 'A'

2. For further particulars as to the proposed vacation, reference is thereby made to a map and plan now on file in the office of the City Clerk of the City of Paso Robles.

3. That September 7, 1999, at the hour of 7:30 PM, on said date in the Paso Robles City Hall, 1000 Spring Street, Paso Robles, California, is the time and place set forth for hearing all persons interested or having objection to the proposed closing.

4. That the City Engineer of the City of Paso Robles be and is hereby directed to cause a copy of this Resolution of Intention to be published fifteen (15) days prior to the date set herein for hearing in the Paso Robles Telegram Tribune, a newspaper of general circulation, published and circulated in the City of Paso Robles, California.

5. The City Engineer of the City of Paso Robles be and is hereby directed to cause a notice of the passage of this Resolution of Intention and the time and place for hearing hereon by conspicuously posting notice thereof along the line of the easement to be vacated.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 3rd day of August, 1999, by the following vote:

AYES: Baron, Macklin, Mecham, Swanson and Picanco

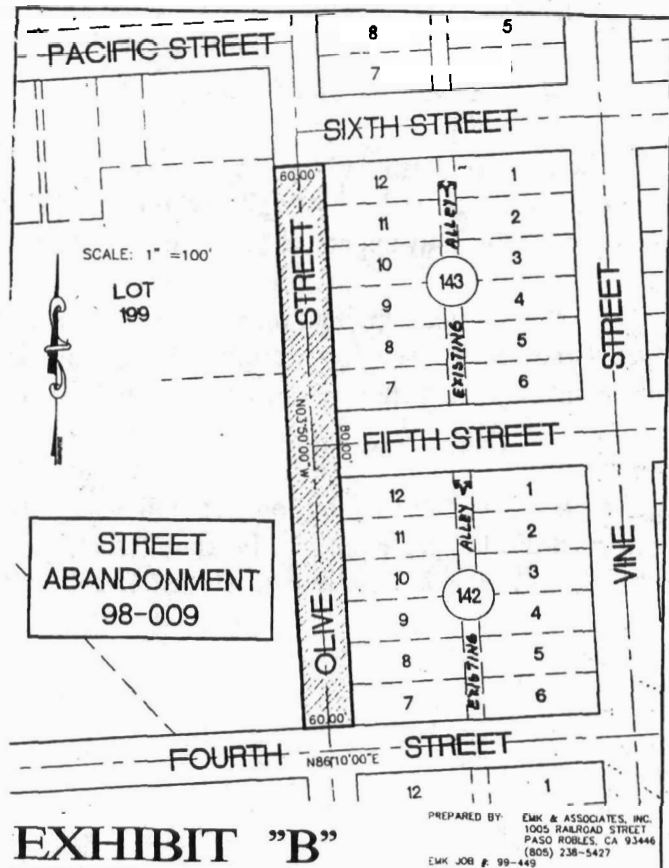
NOES: None

ABSENT: None

ABSTAIN: None

Duane J. Picanco, Mayor  
ATTEST:

Sharlyn M. Ryan, Deputy City Clerk



Aug. 23, 1999

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