

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STREET ABANDONMENT 99-010 AND 99-011 (LUJAN AND THOMAS)
DATE: DECEMBER 3, 2002

Needs: For the City Council to consider adopting a Resolution to abandon, or a Resolution not to abandon, an 80-foot wide unimproved street as shown on the attached exhibits.

Facts:

1. The Planning Commission at their meeting of November 9, 1999 recommended approval of the abandonment request.
2. The abandonment request was submitted by Lupe Lujan and Chris Thomas. The purpose of their request is to provide the applicants the opportunity to more fully develop their properties at Assessor Parcel Numbers 009-243-014 and 023.
3. The other adjacent property owner being Caltrans has written a letter of no objection to the proposed abandonment.
4. The City Council, at their meeting on November 5, 2002, adopted "Resolution of Intent to Abandon" No. 02-224 which set a public hearing to abandon these properties.

**Analysis
and
Conclusion**

The requests were found to be consistent with the Streets and Highway Code and the City's General Plan. Emergency Services Staff has not raised any concerns regarding the proposed abandonment.

The City Council should, however, consider that the street right-of-ways proposed for abandonment in this application are located across 19th Street from City owned property (Pioneer Park) and therefore, for practical purposes, can be considered contiguous to park property. Further, there have been discussions regarding improvements to traffic circulation in and around the Mid-State Fair property. Although the discussions are preliminary at this time, it may be prudent for the City to retain all options that may be available to improve traffic circulation in this area.

**Policy
Reference:** Streets and Highways Code

**Fiscal
Impact:** None

Options:

- a. Adopt Resolution No. 02-xxx to deny the request to abandon an unimproved street as shown on the Exhibits "A" and "B" based on the inability of the City Council to make the finding, as required by the Streets and Highways Code, that the right-of-way is unnecessary for present or future uses as a street.
- b. Adopt Resolution No. 02-xxx to abandon an unimproved street as shown on the Exhibits "A" and "B" as requested by the adjacent property owners.
- c. That the City Council amend, modify or reject the above options.

Attachments: (2)
1. Resolution
2. Exhibits A & B

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DENYING APPLICATION TO VACATE AN UNIMPROVED PORTION OF
PASO ROBLES STREET SOUTH OF 19TH STREET (LUJAN AND THOMAS)

WHEREAS, the Planning Commission at their meeting of November 9th 1999, made findings as required by the Streets and Highways Code, as follows:

- There will be a public advantage arising from the requested abandonment.
- The right of way is unnecessary for present or future uses as a street.
- The abandonment is for the convenience of general public and their safety and welfare.

WHEREAS, The City Council of the City of Paso Robles, at their meeting of November 5, 2002, passed a Resolution of Intention to close and vacate an unimproved portion of Paso Robles Street in the City of Paso Robles, County of San Luis Obispo, State of California, and more particularly described as follows:

SEE ATTACHMENTS EXHIBITS "A" AND "B"

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, The City Council is unable to make the finding, as required by the Streets and Highways Code, that the right-of-way is unnecessary for present or future uses as a street; and

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the applications made by Lupe Lujan and Chris Thomas to abandon an unimproved road herein before described be denied.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 3rd day of December 2002 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Frank R. Mecham, Mayor

Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION NO. 02-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING AN UNIMPROVED PORTION OF PASO ROBLES STREET SOUTH OF
19TH STREET (LUJAN AND THOMAS)

WHEREAS, the Planning Commission at their meeting of November 9th 1999, made findings as required by the Streets and Highways Code, as follows:

- There will be a public advantage arising from the requested abandonment.
- The right of way is unnecessary for present or future uses as a street.
- The abandonment is for the convenience of general public and their safety and welfare.

WHEREAS, The City Council of the City of Paso Robles, at their meeting of November 5, 2002, passed a Resolution of Intention to close and vacate an unimproved portion of Paso Robles Street in the City of Paso Robles, County of San Luis Obispo, State of California, and more particularly described as follows:

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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

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the unimproved road herein before described be vacated for public purposes.
2. 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 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 3rd day of December 2002 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Frank R. Mecham, Mayor

Sharilyn M. Ryan, Deputy City Clerk