

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STREET ABANDONMENT 02-005 (JIFFY LUBE-PETRILLI)
DATE: FEBRUARY 18, 2003

Needs: For the City Council to consider adopting a Resolution to abandon a 60-foot wide unimproved street as shown on the attached exhibits.

Facts:

1. The Planning Commission at their meeting of January 14, 2003 recommended approval of the abandonment request.
2. The abandonment request was submitted by Ed Petrilli, Phase II Realty. The purpose of their request is to provide the applicant's proposed development of PD 02-008, Jiffy Lube, at Assessor Parcel Number 009-814-023.
3. The other adjacent property owner, Pete Cagliero, has joined in the abandonment application.
4. The City Council, at their meeting on January 21, 2003, adopted "Resolution of Intent to Abandon" No. 03-12 which set a public hearing to abandon this right-of-way.

**Analysis
and
Conclusion**

The request was 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.

Utilities exist within this portion of public right-of-way including water, sanitary sewer, power, gas, phone and cable television. It is recommended that easements be retained within the right-of-way proposed to be abandoned.

**Policy
Reference:** Streets and Highways Code

**Fiscal
Impact:** None

Options:

- a. Adopt Resolution No. 03-xx to abandon an unimproved street and retain an easement for water, sanitary sewer, storm drains and public services as shown on the Exhibits "A" and "B" as requested by the adjacent property owners.
- b. That the City Council amend, modify or reject the above options.

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

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING AN UNIMPROVED PORTION OF OLD SOUTH RIVER ROAD SOUTH OF OAK HILL
ROAD (JIFFY LUBE-PETRILLI)

WHEREAS, the Planning Commission at their meeting of January 14, 2003, 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 January 21, 2003, passed a Resolution of Intention to close and vacate an unimproved portion of Old South River Road 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

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the unimproved road herein before described be vacated for public purposes (Exhibit "A").
2. That the City retain an easement for water, sanitary sewer, storm drain and public services over the portion of abandoned right-of-way described in Exhibit "B".
3. 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 18th day of February 2003 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

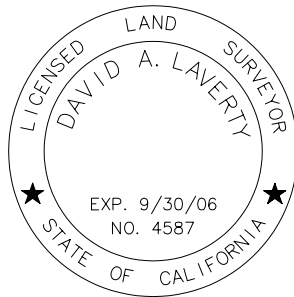
Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit "A"
Legal Description
for
Vacation of Portions of Old South River Road

All those portions of that road known as Old South River Road in the City of Paso Robles, County of San Luis Obispo, State of California, lying easterly of a line parallel with and distant 50.00 feet easterly, measured at right angles, from the centerline of South River Road as shown on Parcel Map PR 89-418 per map recorded on June 26, 1990 in Book 47 of Parcel Maps at Page 22 on file in the office of the County Recorder of said County and also lying southerly of a line, parallel with and distant 32.00 feet southerly, measured at right angles, from the centerlines of Nicklaus per said Parcel Map PR 89-418 and Oak Hill Road per Parcel Map 98-038 per map recorded on June 7, 1999 in Book 53 of Parcel Maps at Page 94 on file in the office of said County Recorder.



Legal Description prepared by or under the Supervision of:

David A. Lavery
L.S. 4587 Lic. Exp. 9/30/06

EXHIBIT "A"

VACATION OF PORTIONS OF OLD SOUTH RIVER ROAD

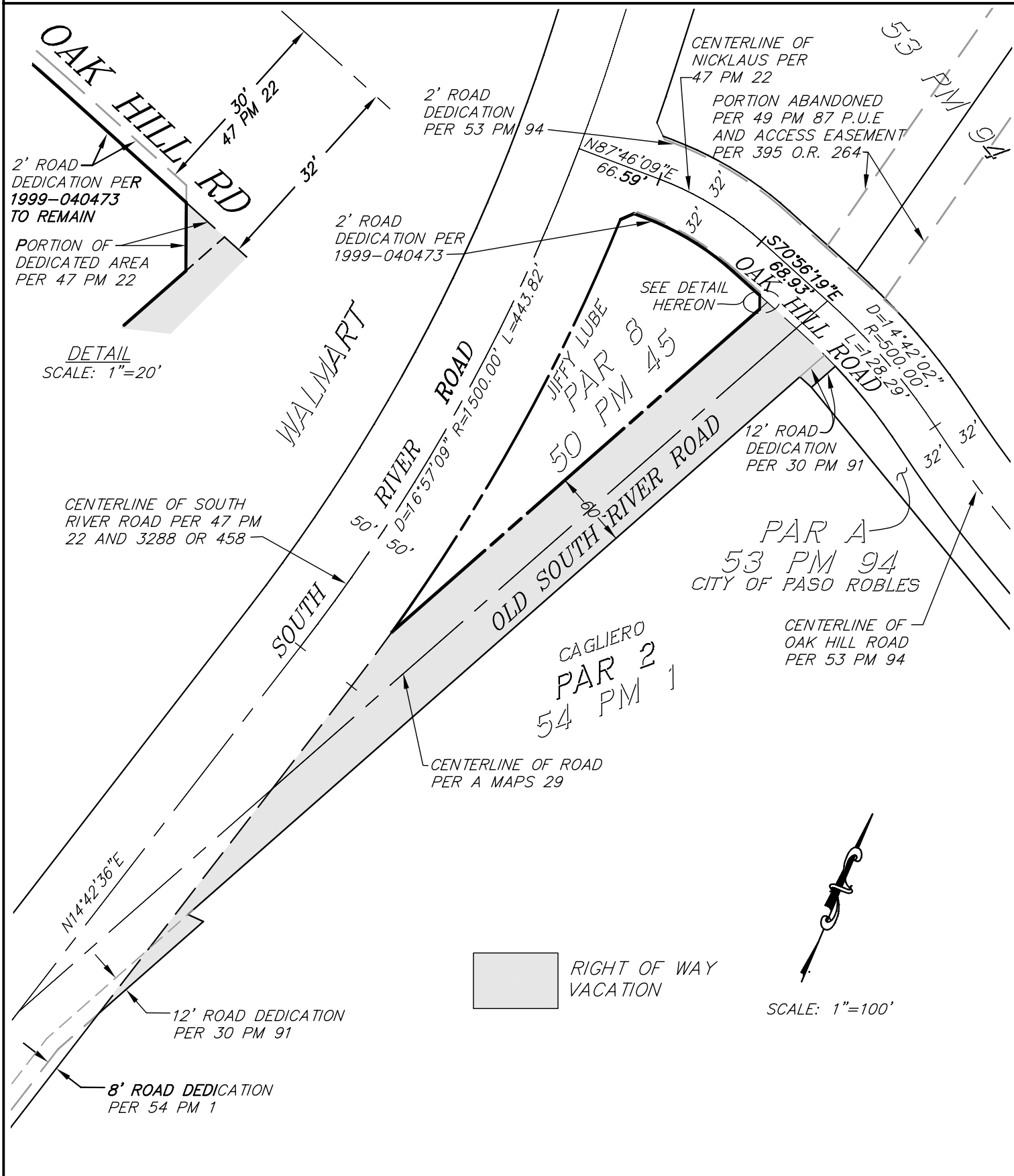


EXHIBIT "A"

VACATION OF PORTIONS OF OLD SOUTH RIVER ROAD

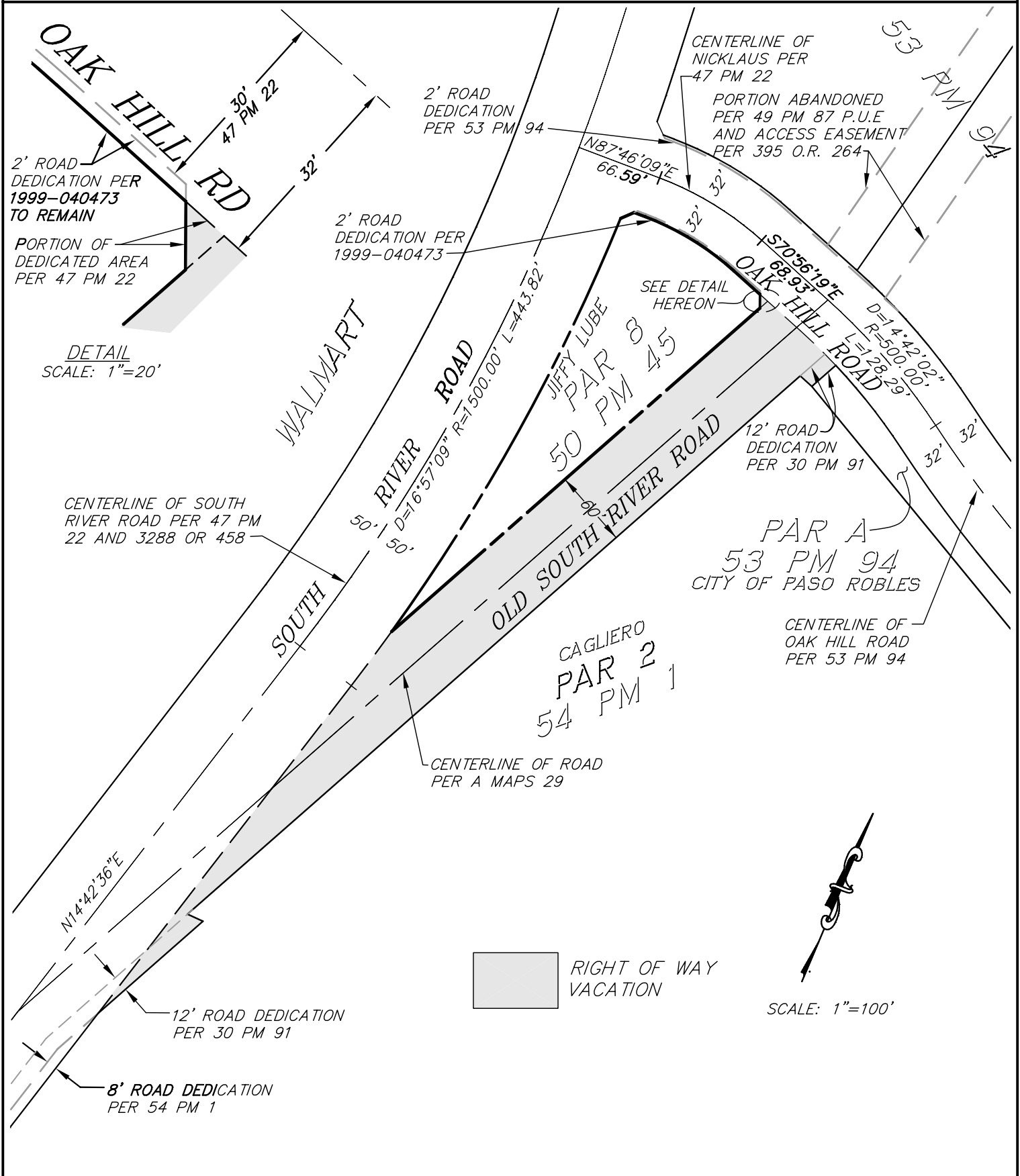
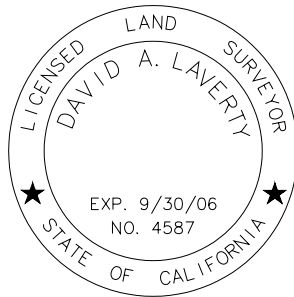


Exhibit "B"
Legal Description
for
Public Utility, Water, Sewer, Drainage and Access Easement over
vacated portions of Old South River Road

Being a portion of that road known as Old South River Road in the City of Paso Robles, County of San Luis Obispo, State of California, more particularly described as follows:

Beginning at the south corner of Parcel 8 of Parcel Map PR 91-095 per map recorded on October 18, 1993 in Book 50 of Parcel Maps at Page 45 on file in the office of the County Recorder of said County; thence along the easterly line of said Parcel 8, N 25°42'39" E 280.84 feet; thence N 70°42'39" E 9.90 feet; thence N 25°42'39" E 45.00 feet; thence N 19°17'21" W 9.90 feet to a point in said easterly line; thence along said easterly line and the northerly prolongation thereof, N 25°42'39" E 47.48 feet to a point on a line, parallel with and distant 32.00 feet southerly, measured at right angles from the centerline of Nicklaus per Parcel Map PR 89-418 per map recorded on June 26, 1990 in Book 47 of Parcel Maps at Page 22 on file in the office of said County Recorder; thence along said parallel line, S 70°57'02" E 33.94 feet to the beginning of a 468.00 foot radius tangent curve, concave southwesterly said curve being concentric with and distant 32.00 feet southerly, measured at right angles from the centerline of Oak Hill Road per Parcel Map 98-038 per map recorded on June 7, 1999 in Book 53 of Parcel Maps at Page 94 on file in the office of said County Recorder; thence southeasterly along said curve an arc length of 26.40 feet through a central angle of 3°13'54" to a point on a line parallel with and distant 60.00 feet southeasterly measured at right angles, from the said easterly line of Parcel 8; thence along said parallel line, S 25°42'39" W 697.63 feet to a point on a line parallel with and distant easterly 50.00 feet, measured at right angles from the centerline of South River Road as shown on said Parcel Map PR 89-418; thence along said parallel line N 14°42'36" E 257.76 feet to the beginning of a 1550.00 foot radius curve, concave westerly; thence northerly along said curve an arc length of 52.16 feet through a central angle of 1°55'41" to the point of beginning.

Legal Description prepared by or under the Supervision of:



David A. Laverty
L.S. 4587 Lic. Exp. 9/30/06

EXHIBIT "B"

PUBLIC UTILITY, WATER, SEWER, DRAINAGE AND ACCESS EASEMENT

