

TO: James L. App, City Manager
FROM: Joseph M. Deakin, Public Works Director
SUBJECT: Abandonment of Unimproved Portion of Vista Grande
DATE: March 18, 2003

NEEDS: For the City Council to consider formally abandoning the unimproved portion of Vista Grande.

- FACTS:**
1. The status of the streets within and adjacent to the Orchard Bungalow Tract has been an ongoing discussion over the last few years.
 2. The original map that created the lots and the streets for the Orchard Bungalow Tract was originally established in the County. The final map recorded in November 1920. The Owner's Certificate of the final map clearly specified that the streets were not offered or dedicated for public use but were reserved to the owners, their heirs and assigns.
 3. In September 1981, the City Council adopted Resolution No. 2631 which formed the Assessment District pursuant to the Municipal Improvement Bond Act of 1913 and the Improvement Bond Act of 1915.
 4. According to the City's records, certain property owners within the District only wanted to pay for the installation of water, sewer, and other utilities but not for the paving of roads. Consequently, only certain properties and only certain streets were paved with District funds. This explains, in part, the irregular paving, or in some areas, the lack of paving, along some of the streets.

**ANALYSIS
AND**

CONCLUSION: Vista Grande was never constructed between Union Road and Walnut Drive, Vista Grande is a "paper" street. It is likely that it was not constructed due to existing topography (a canyon and deep swale). All of the lots that abut Vista Grande have access to either Morro Way or Pino Way. The City Council may formally abandon Vista Grande between Union Road and Walnut Drive. To that end, the City Council adopted a Resolution of Intent to abandon this portion of Vista Grande on February 18, 2003.

Abandonment of the unimproved portion of Vista Grande is consistent with the Streets and Highways Code because:

- there is a public advantage to formally abandoning this road easement; and
- the right-of-way is unnecessary for present or future uses as a street; and
- the abandonment is for the convenience, safety and welfare of the general public

In accordance with the Streets and Highways Code:

- the Resolution of Intent to Abandon was published in a local newspaper fifteen (15) days prior to the Public Hearing; and
- the property owners within 300 feet of this unimproved road were notified of the Public Hearing; and
- the Resolution of Intent to Abandon was posted every 300 feet along the unimproved road.

POLICY

REFERENCE: California Streets and Highways Code

FISCAL

IMPACT: None anticipated for the abandonment

- OPTIONS:**
- a. Adopt Resolution No. 03-xx formally abandoning the unimproved portion of Vista Grande between Union Road and Walnut Drive as a road easement.
 - b. Amend, modify or reject the above option.

Attachments(6)

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

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

The City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Attn: DITAS ESPERANZA

RESOLUTION NO. 03-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES FORMALLY
VACATING THE UNIMPROVED PORTION OF VISTA GRANDE
BETWEEN UNION ROAD AND WALNUT DRIVE

WHEREAS, the City of Paso Robles, having on the 18th day of February 2003, passed a Resolution of Intention to close and vacate an unimproved portion of Vista Grande between Union Road and Walnut Drive in the City of Paso Robles, County of San Luis Obispo, State of California, and more particularly described as follows:

SEE EXHIBIT 'A'

WHEREAS, the City of Paso Robles did cause said Resolution of Intention to be published in the Tribune as required by law and shown by the Affidavit of Posting attached herein as Exhibit 'B'; 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, 2 and 3 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.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED as follows:

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

SECTION 2. 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.

SECTION 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 March 2003
by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Exhibit "A"
Legal Description

Those portions of roads within the Orchard Bungalow Tract as per the Map recorded in Book 2 of Maps, at Page 55, in the City of El Paso de Robles, County of San Luis Obispo, State of California, more particularly described as follows:

Parcel A (Vista Grande):

That portion of unnamed road presently known as Vista Grande fronting Lots 95-106, 112, 113, 158-161 and 163-167 as shown on said Map.

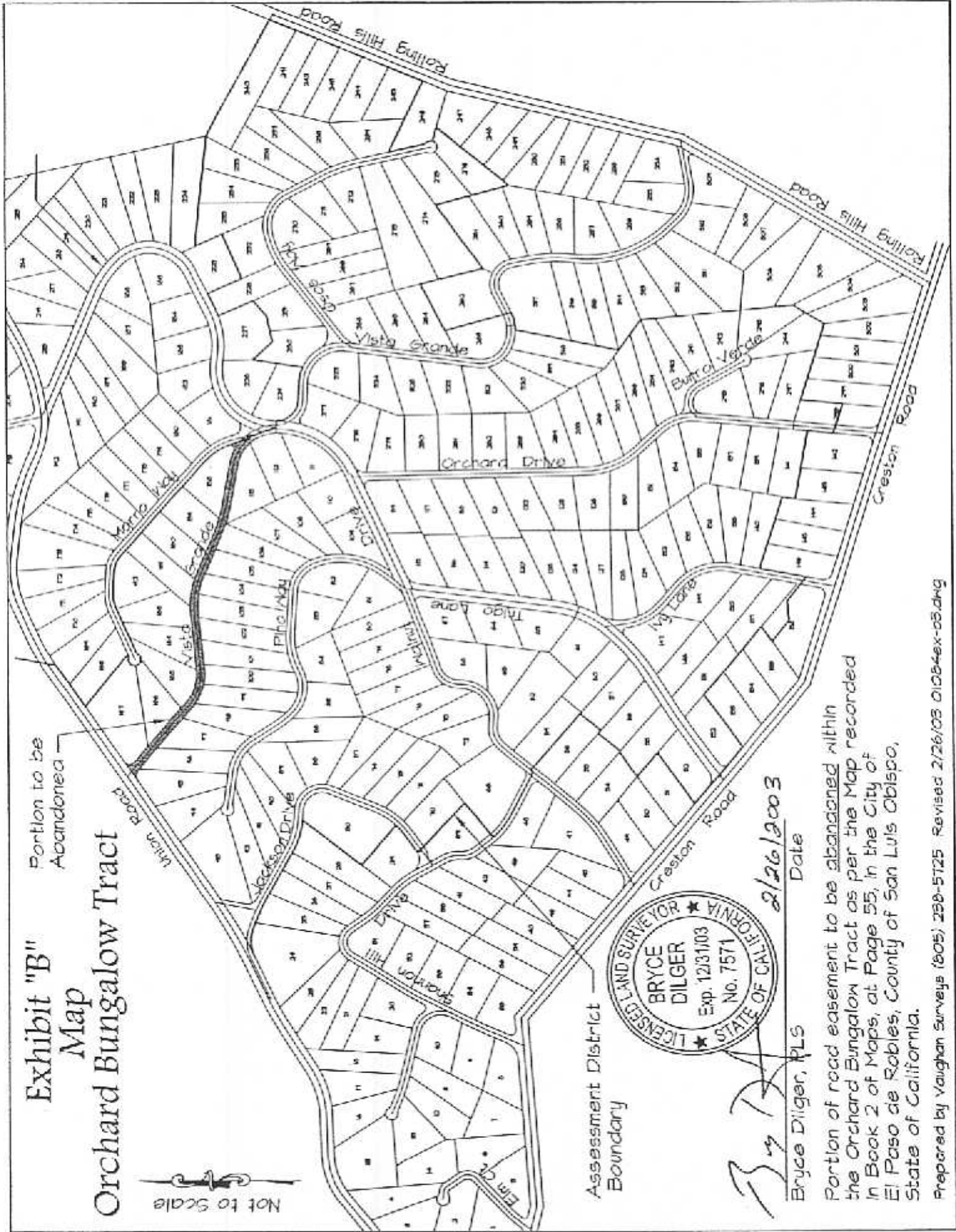

Bryce Dilger, PLS

2/26/2003
Date



Exhibit "B" Map Orchard Bungalow Tract

Portion to be
Abandoned



Assessment District
Boundary



[Signature]
Bryce Dilger, PLS
Date 2/26/2003

Portion of road easement to be abandoned within
the Orchard Bungalow Tract as per the Map recorded
in Book 2 of Maps, at Page 55, in the City of
El Paso de Robles, County of San Luis Obispo,
State of California.

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: March 3, 2003

Meeting Date: March 18, 2003
(City Council)

Project: Resolution of Intention of the
City Council of the City of Paso
Robles for vacating unimproved
Streets in the Orchard Bungalow
Tract

I, Tracey Gutierrez, employee of the Public
Works Department, of the City of El Paso de Robles,
do hereby certify that this notice is a true copy of a
published legal newspaper notice for the above named project.

Signed: *Tracey Gutierrez*
Tracey Gutierrez

forms\newsaffi.691



RESOLUTION NO. 03-27

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES FOR VACATING UNIMPROVED STREETS IN THE ORCHARD BUNGALOW TRACT AND GIVING NOTICE OF 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 Vista Grande between Union Road and Walnut Drive.
2. For further particulars as to the proposed vacation, reference is thereby made to a copy and plan now on file in the office of the City Clerk of the City of Paso Robles.
3. That March 18, 2003, at the hour of 7:30 P.M. 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 Capital Projects 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 Press, a newspaper of general circulation, published and circulated in the City of Paso Robles, California.
5. The Capital Projects 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 notices thereof along the line of the easement to be vacated.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18th day of February 2003 on the following vote:

AYES: Hingan, Nemeth, Picanco and Mecham
 NOES: None
 ABSTAIN: Haggarty
 ABSENT: None
 Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk
 EXHIBIT IS AVAILABLE FOR REVIEW
 IN THE CITY CLERK'S OFFICE

March 3, 2003 8795200

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 CAPITAL PROJECTS ENGINEER for the City of El Paso de Robles, California;

2. That on the 3rd day of March 2003, 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. 03-27 passed on the 18th day of February 2003 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."

D. Esperanza

Ditas Esperanza, P.E.
Capital Projects Engineer

STATE OF CALIFORNIA)

) ss.

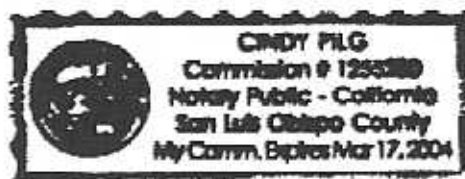
COUNTY OF SAN LUIS OBISPO)

On 3/3/03 before me, Cindy Pilg, personally appeared Ditas Esperanza personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) who name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cindy Pilg

Signature of Notary Public



NOTICE OF STREET VACATION

Notice is hereby given that on the 18th day of February 2003, the City Council of the City of El Paso de Robles passed a Resolution of Intention No. 03-27 to close an unimproved street in the City of El Paso de Robles, California, more particularly described as follows:

"The unimproved portion of Vista Grande between Union Road and Walnut Drive"

For further particulars, reference is hereby made to said Resolution of Intention with the map now on file in the office of the City Clerk of the City of El Paso de Robles.

The date set for Public Hearing for all interested persons thereon is March 18, 2003, at 7:30 PM in the Paso Robles City Hall, 1000 Spring Street, Paso Robles, California.

Dated 3rd day of March 2003.


DITAS ESPERANZA, P.E.
CAPITAL PROJECTS ENGINEER