TO:             **James L. App, City Manager**

FROM:           **Joseph M. Deakin, Public Works Director**

SUBJECT:        **Sewer Pipeline Abandonment (Hilltop Drive)**

DATE:           **March 18, 2003**
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NEEDS:          For the City Council to consider setting a Public Hearing to initiate Abandonment Proceedings for the sewerline on Hilltop Drive.

FACTS:          1.    There is an existing sewerline generally parallel to Olive Street behind existing residences fronting on Olive Street.  The records regarding the ownership and responsibility for maintenance of this sewerline are unclear.

                2.    During the storms of 1995, the slope behind these homes failed, damaging two of the residences.

                3.    A lawsuit was filed by these residents against the City alleging that the City was responsible for the failed slope.  The lawsuit claimed the sewerline was improperly maintained by the City, causing the slope to fail.

                4.    The lawsuit was settled and the Settlement Agreement released the City from all future claims.  The attorney who represented the City in this litigation recommended that the City consider abandoning any interest it might be considered to have in this sewerline to avoid future problems with other landowners.  The attorney further recommended that the City re-route the sewerline following Hilltop Road alignment.

ANALYSIS
AND
CONCLUSION:     Re-routing of the sewerline along Hilltop Road was approved as part of a Capital Improvement Project and on November 19, 2002, the City Council authorized staff to award the construction contract to Raminha Construction.  When the work is completed, the City could then abandon whatever interest it could be considered to have in the old sewerline, following all required notice and hearing procedures.

                On February 28, 2003, Raminha Construction completed the work in accordance to the Plans & Specifications and to the satisfaction of City.

POLICY
REFERENCE:      Settlement Agreement, Rogers v. City of Paso Robles; Streets and Highways Code

FISCAL
IMPACT:         $100,000 has been appropriated under Budget Account Nos. 610.910.5452.571 and 221.910.5452.571

OPTIONS:        a.    Adopt Resolution 03-xx declaring intent to abandon the old Hilltop Drive sewerline and setting a Public Hearing for the abandonment proceedings.

                b.    Amend, modify or reject the above option.

Attachment (1)
    1)      Resolution
    2)      Exhibit

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
FOR DECLARING THE CITY'S INTENTION TO VACATE WHATEVER INTEREST
THE CITY MAY HAVE TO AN EXISTING SEWER LINE AND GIVING NOTICE OF A
TIME AND PLACE FOR A PUBLIC HEARING

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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 abandon whatever interest the City could be considered to have in an existing sewer pipeline.

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 April 15, 2003 at the hour of **7:30 p.m.**, on said date in the **Paso Robles City Hall, City Council Chambers, 1000 Spring Street**, Paso Robles, California, is the time and place set forth for hearing all persons interested or having objection to the proposed abandonment.

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 sewerline to be abandoned.

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

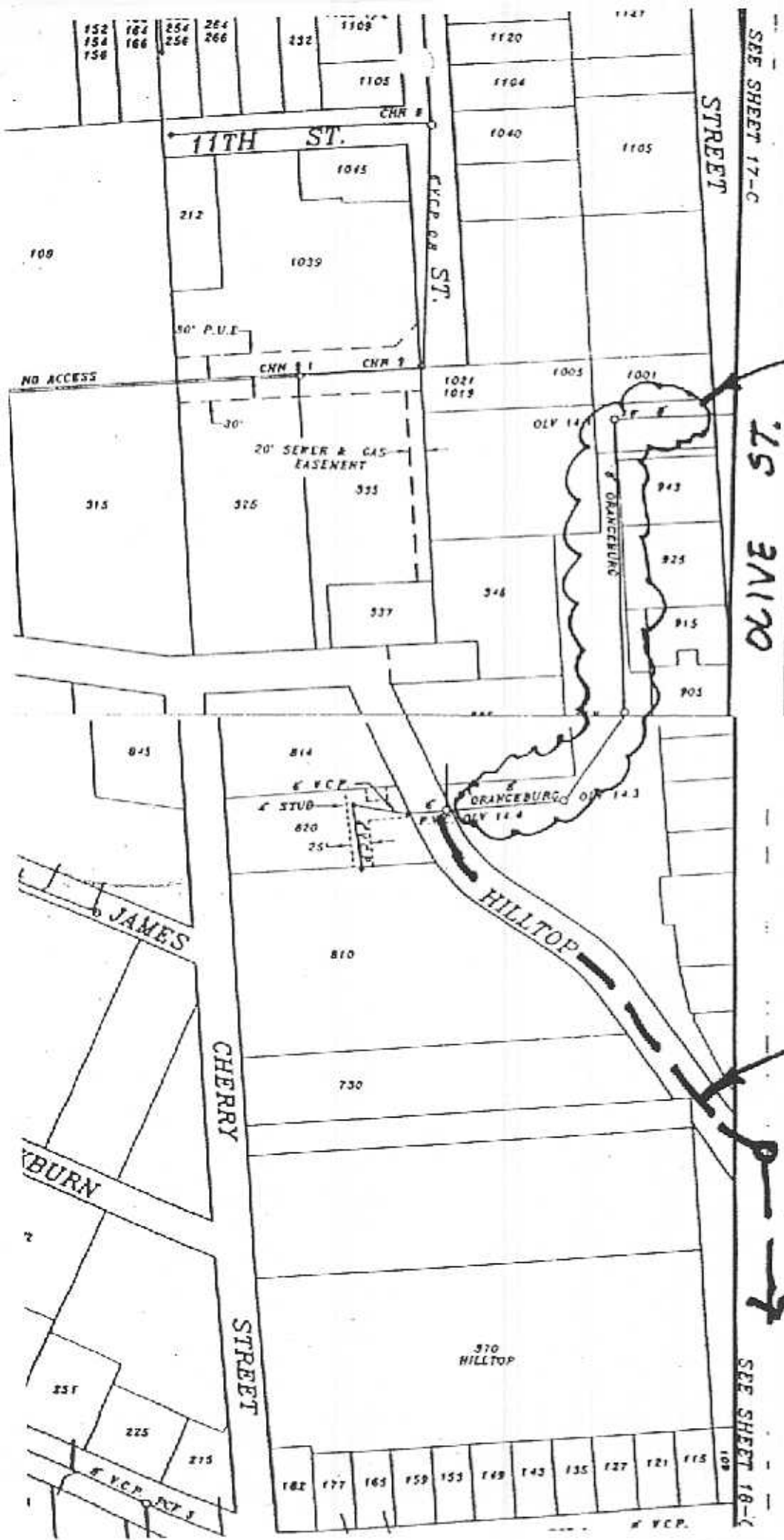AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Frank R. Mecham, Mayor

ATTEST:


_____
Sharilyn M. Ryan, Deputy City Clerk