

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Street Abandonment 03-001 (Estrella Associates, Waterford Court)
DATE: June 17, 2003

Needs: For the City Council to hold a public hearing to consider adopting a Resolution, with conditions, to abandon a 50-foot wide street, Waterford Court, as shown on the attached exhibits.

- Facts:**
1. Waterford Court ends in a cul-de-sac with no public through traffic. Further, at this time there is no residential development on the Court. Therefore, there is little to no public use of the Court.
 2. The Planning Commission at their meeting of May 13, 2003 recommended approval of the abandonment request.
 3. The abandonment request was submitted by Estrella Associates. The purpose of their request is to accommodate the applicant's desire to establish a small private community along Waterford Court, a street that has been constructed to City standards.
 4. The City Council, at their meeting on May 20, 2003, adopted "Resolution of Intent to Abandon" No. 03-xx which set a public hearing to abandon this right-of-way.
 5. That pursuant to Streets and Highways Code §8323, Notice of this Hearing was duly published in the Telegram Tribune, a newspaper published and circulated within the City of El Paso de Robles.
 6. That pursuant to Streets and Highways Code §8323, at least two (2) weeks before the date set for this hearing, Notice of Vacation was posted along the line of Waterford Court.

**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.

It is recommended that public service easements be retained within the right-of-way proposed to be abandoned. The City will continue maintenance of water and sewer lines in Waterford Court and in surrounding easements.

Further, it is recommended that a homeowner's association be formed for the purposes of funding continuing maintenance of Waterford Court as a private street. Waterford Court should be posted as "private". It is recommended that special constructive notices are recorded on all parcels within Tract 2376 affected by the abandonment to provide special notice that Waterford Court is a private street and that parcel owners are obligated to maintain Waterford Court as a private street.

Because Waterford Court will be gated, posted and maintained as a private street, Waterford Court will be unnecessary for present or prospective public use.

Policy

Reference: Streets and Highways Code

Fiscal

Impact: None

Options:

- a. Adopt Resolution No. 03-xx to abandon Waterford Court, a 50-foot right-of-way, and retain a public services easement for water, sanitary sewer, and public services as shown on the Exhibit "A" as requested by the adjacent property owners.
- b. That the City Council amend, modify or reject the above option.

Attachments: (2)

1. Exhibit "A"
2. Resolution

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING WATERFORD COURT, A 50-FOOT RIGHT-OF-WAY NORTH OF SCHOOL
HOUSE CIRCLE (ESTRELLA ASSOCIATES)

WHEREAS, the Planning Commission at their meeting of May 13, 2003, recommended approval of the abandonment request; and

WHEREAS, The City Council of the City of Paso Robles, at their meeting of May 20, 2003, adopted a Resolution of Intention to close and vacate Waterford Court, a 50-foot public right-of-way 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, based on the Staff Report, Staff presentation and having heard all evidence offered by any person interested in the proposed vacation, the City Council of the City of El Paso de Robles finds:

- A. That pursuant to Streets and Highways Code §8322 a Notice of this Hearing has been appropriately published in a newspaper of general circulation within the City of El Paso de Robles; and
- B. That pursuant to Streets and Highways Code §8323 a Notice of Vacation has been appropriately posted along the line of the street to be vacated; and
- C. That Waterford Court, a fifty (50) foot right of way as described in this Resolution, is unnecessary for present or prospective public use.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF EL PASO de ROBLES AS FOLLOWS:

1. Subject to the conditions set forth in Sections 2 and 3 below, Waterford Court, as herein before described be vacated for public purposes Exhibit "A".
2. That the City retains an easement for the construction, operation and maintenance of water, sanitary sewer, and other public utilities and services over and under the right-of-way to be abandoned, as described in Exhibit "A".
3. City Conditions Precedent to the Vacation are as follows:
 - a. To the satisfaction of the City Attorney a Homeowner's Association be formed for purposes of funding continued maintenance of Waterford Court as a private street.
 - b. To the satisfaction of the City Attorney constructive notice be recorded on all affected parcels within Tract 2376 that Waterford Court is a private street that will be maintained privately by the Homeowner's Association.
 - c. That Waterford Court be permanently posted as private.
 - d. That to the satisfaction of the City Engineer, a gate be installed at the existing median in Waterford Court north of School House Circle.

4. That upon receipt of satisfactory evidence that the conditions reflected in Section 3 above have been completed, the City Clerk of the City of El Paso de Robles is authorized to cause a certified copy of this Resolution to be recorded in the office of the County Clerk Recorder, County of San Luis Obispo, State of California.
5. The above Recitals are incorporated into this Order.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 17th day of June 2003 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

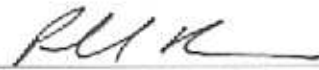
ATTEST:

Frank R. Mecham, Mayor

Sharilyn M. Ryan, Deputy City Clerk

Exhibit
Legal description

Waterford Court right of way in the City of Paso Robles, County of San Luis Obispo, State of California as dedicated to the public for public use according to the map of Tract Map No. 2376, recorded August 8, 2001, filed in book 19, page 72 of Maps in the office of the Recorder for said County, more particularly described as shown on the attached Exhibit Plat.



Phil Reimer, PLS 6391
Expires 12-31-06

6-6-03
Date





LINE TABLE		
LINE	LENGTH	BEARING
L1	9.75'	S18°37'13"E
L2	35.45'	S19°03'06"E
L3	35.45'	N32°45'34"W

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	65.80'	14.80'	12°52'27"
C2	50.00'	41.14'	47°06'34"
C3	50.00'	34.12'	39°06'03"
C4	525.00'	4.58'	00°30'01"
C5	119.88'	26.94'	12°52'27"
C6	279.00'	46.91'	10°14'58"

ABANDONMENT AREA



Cannon
ASSOCIATES
ENGINEERS
PLANNERS
SURVEYORS

Exhibit "A"
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EXHIBIT PLAT

RIVER OAKS TRACT 2376 - WATERFORD DRIVE ABANDONMENT

DRAWN BY: BC

CHECKED BY: PR

DATE: 6/5/03