

**TO:** James L. App, City Manager  
**FROM:** Robert A. Lata, Community Development Director  
**SUBJECT:** Street Abandonment 03-002 (12<sup>th</sup> Street, Wyatt)  
**DATE:** October 21, 2003

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**Needs:** For the City Council to hold a public hearing to consider adopting a Resolution, with conditions, to abandon a portion of 12<sup>th</sup> Street, an 80-foot wide street, as shown on the attached exhibits.

- Facts:**
1. The portion of 12<sup>th</sup> Street being considered for abandonment lies between Paso Robles Street and State Highway 101. 12<sup>th</sup> Street at this location ends at the Caltrans right-of-way allowing no public through traffic.
  2. The abandonment request was submitted by Gregg Wyatt. The purpose of the request is to accommodate the applicant's desire to eliminate the requirement for street improvements as conditioned by the Planning Commission in their approval of Conditional Use Permit 02-001 and to provide parking for his existing commercial building on Paso Robles Street.
  3. The Planning Commission at their meeting of August 26, 2003 recommended approval of the abandonment request.
  4. The City Council, at their meeting on September 16, 2003, adopted "Resolution of Intent to Abandon" No. 03-170 which set a public hearing to abandon this right-of-way.
  5. 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. Pursuant to Streets and Highways Code §8323, two (2) weeks before the date set for this hearing, Notice of Vacation was posted along the line of 12<sup>th</sup> Street.

**Analysis  
and  
Conclusion**

The request would appear 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 12<sup>th</sup> Street.

The Streets and Utilities Committee and the Planning Commission have recommended that as a condition of approval the applicant improve the frontage of Paso Robles Street across the abandoned portion of the 12<sup>th</sup> Street right-of-way.

**Policy**

**Reference:** Streets and Highways Code

**Fiscal**

**Impact:** None

**Options:**

- a. Adopt Resolution No. 03-xx to abandon a portion of 12th Street—an 80-foot right-of-way from Paso Robles Street to State Highway 101—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 subject to conditions set forth.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Exhibit “A”
2. Resolution

RESOLUTION NO. 03-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
VACATING A PORTION OF 12<sup>TH</sup> STREET, AN 80-FOOT RIGHT-OF-WAY WEST OF  
PASO ROBLES STREET (WYATT)

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WHEREAS, the Planning Commission at their meeting of August 26, 2003, recommended approval of the abandonment request; and

WHEREAS, the City Council of the City of Paso Robles, at their meeting of September 16, 2003, adopted a Resolution of Intention to close and vacate a portion of 12<sup>th</sup> Street, an 80-foot public right-of-way, from Paso Robles Street to State Highway 101 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 12<sup>th</sup> Street from Paso Robles Street to State Highway 101, an eighty (80) 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, 12<sup>th</sup> Street, 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. The applicant shall construct curb, gutter and sidewalk on Paso Robles Street in accordance with City of Paso Robles Standard Drawing A-4 across the frontage of the right-of-way to be abandoned.
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 21<sup>st</sup> day of October 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

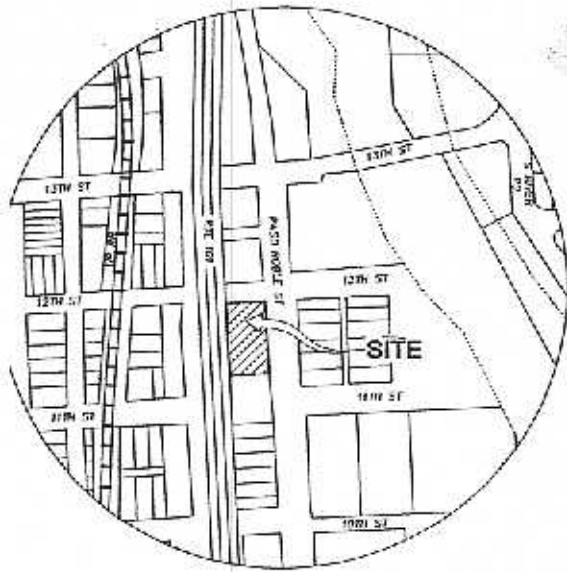
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Frank R. Mecham, Mayor

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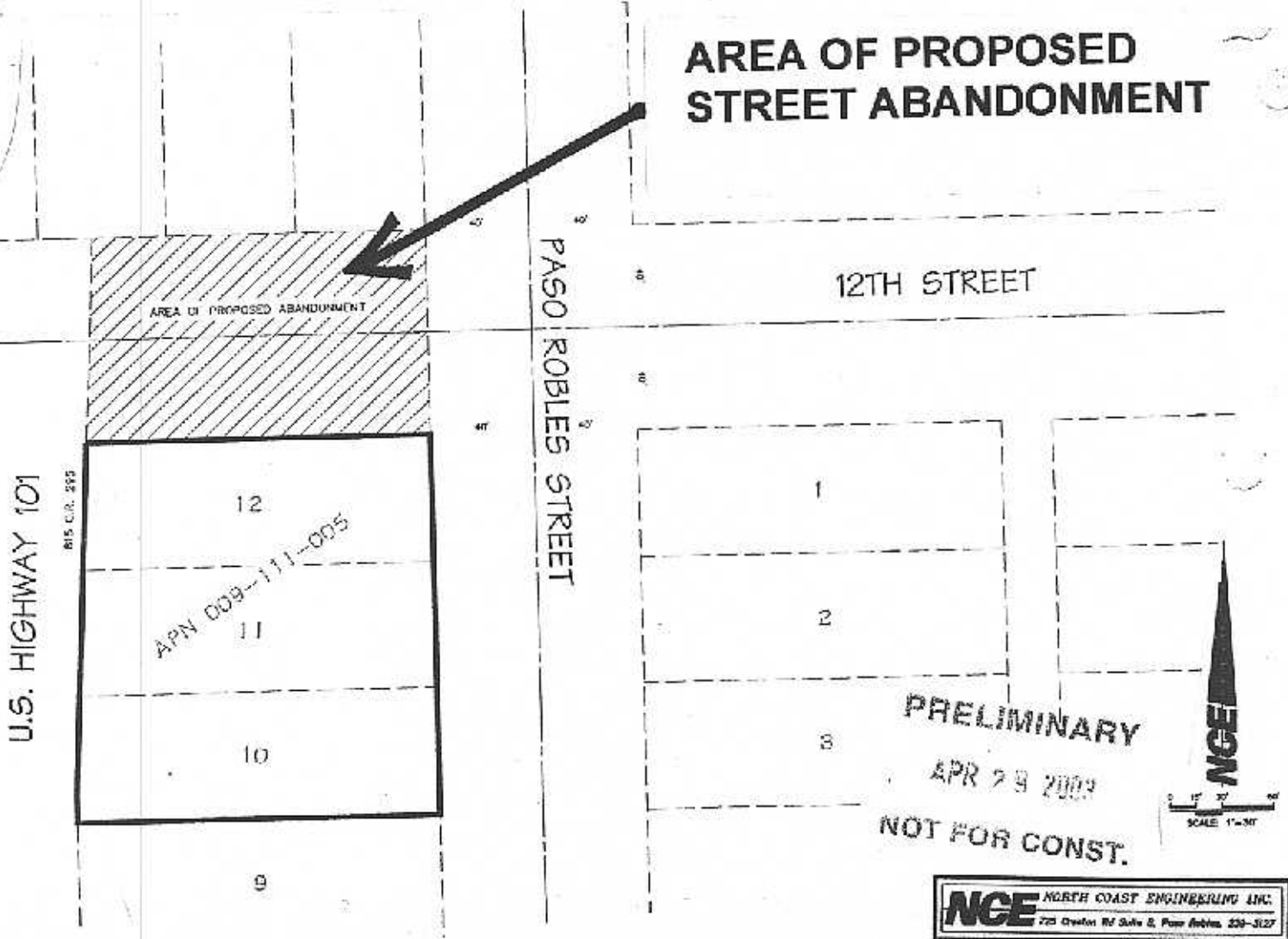
Sharilyn M. Ryan, Deputy City Clerk

**EXHIBIT "A"**  
**FOR**  
**RESOLUTION OF INTENT**



**VICINITY MAP**

**AREA OF PROPOSED**  
**STREET ABANDONMENT**



**PRELIMINARY**  
**APR 29 2003**  
**NOT FOR CONST.**

**NCE** NORTH COAST ENGINEERING INC.  
725 Ocean Rd Suite 2, Paso Robles, 239-5127

**AFFIDAVIT  
OF MAIL NOTICES**

**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Street Abandonment 03-002 and Amendment to Conditional Use Permit 02-001 (Wyatt) on this 12th day of August 2003.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed: \_\_\_\_\_



Lonnie Dolan

**Legal Notice**

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

Newspaper: Paso Robles Press

Date of Publication: August 13, 2003

Meeting Date: August 26, 2003  
(Planning Commission)  
September 16, 2003  
(City Council)

Project: Street Abandonment 03-002  
Conditional Use Permit 02-001  
Amendment (Wyatt)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, 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:   
Lonnie Dolan

City of El Paso De Robles  
Notice of Public Hearing  
NOTICE IS HEREBY GIVEN  
that the City of El Paso de Robles will be holding a public hearing of the Planning Commission and the City Council on Tuesday, August 26, 2003 and Tuesday, September 16, 2003 respectively, to consider: Street Abandonment 03-002, filed by Mr. Greg Wyatt, seeking to abandon 12<sup>th</sup> Street from Paso Robles Street to U.S. Highway 101 right-of-way.  
Amendment of Conditional Use Permit 02-001 for an Automotive Repair Shop at 1123 12<sup>th</sup> Street, filed by Mr. Greg Wyatt, seeking removal of Standard Condition F6 requiring the dedication and improvement of 12<sup>th</sup> Street and Site Specific Condition No. 7 requiring construction of a City Standard handicap ramp at the intersection of Paso Robles Street and 12<sup>th</sup> Street. (If 12<sup>th</sup> Street is abandoned, the required street improvements will not be necessary; the area of the abandonment will continue to be used for on-site parking.)  
Each public hearing on the proposal will be held beginning at the hour of 7:30 p.m. in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1008 Spring Street, Paso Robles, CA 92346. Background information may be reviewed in the Community Development Department at Paso Robles Library/City Hall. Copies of the staff report on this matter will be available for review on the Thursday preceding each hearing.  
All interested persons are invited to comment by written response prior to the public hearings or by oral testimony at the hearings. If you challenge any aspect of this proposal in court, the challenge may be limited to those issues you or someone else raised at the public hearings described in this Notice, or in written correspondence delivered at, or prior to, the public hearings. For additional information, call Tina Ryder at (805) 237-3970.