

**TO:** James L. App, City Manager  
**FROM:** Robert A. Lata, Community Development Director  
**SUBJECT:** Street Abandonment 04-005 (Newton)  
Portion of 19th Street, Pine Street to UP Railroad  
**DATE:** December 21, 2004

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**Needs:** For the City Council to consider adopting a “Resolution of Intent” to abandon an unimproved 80-foot wide portion of 19<sup>th</sup> Street right-of-way between Pine Street and the Union Pacific Railroad as shown on the attached exhibit “A”.

**Facts:**

1. The Planning Commission at their meeting of November 23, 2004 recommended approval of the abandonment request subject to conditions of approval.
2. The abandonment request was submitted by Eric Newton. The purpose of the request is to expand residential use of the abandoned area.

**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.

The Streets and Utility Committee has recommended approval.

The Planning Commission recommends approval of the proposed street abandonment subject to the condition of approval that the southerly 40-foot wide portion of the right-of-way proposed for abandonment will be retained as an easement for City sewer, water and storm drain lines and for other public utilities.

**Policy**

**Reference:** Streets and Highway Code

**Fiscal**

**Impact:** None

**Options:**

- a. Adopt Resolution of Intent No. 04-xx abandoning a portion of 19<sup>th</sup> Street between Pine Street and the Union Pacific Railroad as shown on the Exhibit “A” and setting February 1, 2005, in the Paso Robles City Hall, 1000 Spring Street, for public hearing for all persons interested or having objection to the proposed closing.
- b. Amend, modify or reject the above option.

Attachments: (3)

1. Resolution of Intent
2. Exhibit “A”
3. Mail and News Noticing Affidavits

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
PROVIDING NOTICE OF INTENTION FOR VACATING AN UNIMPROVED PORTION  
OF 19TH STREET AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING  
(NEWTON)

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WHEREAS, the Street and Utilities Committee has recommended approval; and

WHEREAS, the Planning Commission at their meeting of November 23, 2004 recommended approval of the abandonment request subject to conditions; and

WHEREAS, the abandonment request was submitted by the applicant to expand the residential uses of the adjacent properties; and

WHEREAS, the City Council determines that the abandonment and vacation of the 80-foot wide portion of 19th Street right-of-way, more specifically described as: See Exhibit "A", that from all evidence submitted is unnecessary for present or prospective public use.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above findings are true and correct.
2. That it is the intention of the City Council of the City of Paso Robles to close and vacate an 80-foot wide portion of 19<sup>th</sup> Street right-of-way more particularly described as:  
SEE EXHIBIT "A"
3. 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.
4. That February 1, 2005, 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.
5. That the City 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 a newspaper of general circulation, published and circulated in the City of Paso Robles, California.
6. The City 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 right-of-way to be vacated.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21st day of December 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

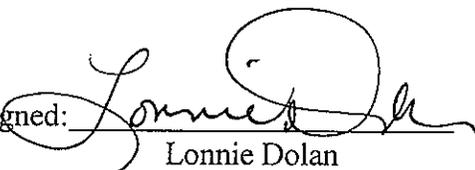
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Sharilyn M. Ryan, Deputy City Clerk

**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 04-005 (Newton) on this 8th day of November, 2004.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Lonnie Dolan

THE Newspaper of the Central Coast  
TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California  
In and for the County of San Luis Obispo  
AFFIDAVIT OF PUBLICATION

AD #6093719  
CITY OF PASO ROBLES

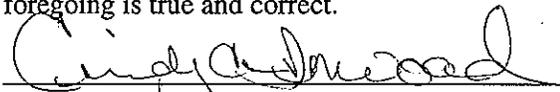
STATE OF CALIFORNIA,

ss.

County of San Luis Obispo

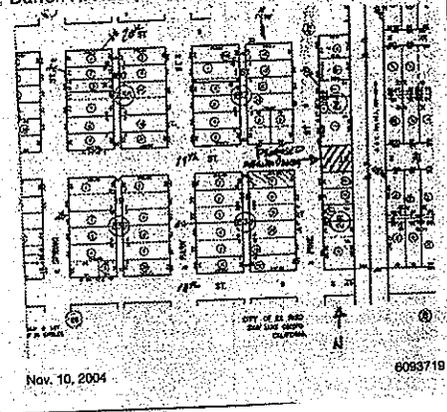
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates, to-wit NOVEMBER 10, 2004 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
(Signature) of Principal Clerk

DATED: NOVEMBER 10, 2004  
AD COST: \$79.97

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider approving the following Street Abandonment application:  
**Street Abandonment 04-005:** a request filed by Eric Newton to abandon a portion of 19th Street between Pine Street and the Railroad Tracts, an existing "paper" street, in the City of Paso Robles (see attached vicinity map).  
The Planning Commission hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, November 23, 2004, at which time all interested parties may appear and be heard.  
Comments on the proposed street abandonment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing.  
If you challenge the street abandonment applications in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.  
Darren R. Nash, Associate Planner



RECEIVED

NOV 15 2004

Community Development

