

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Street Abandonment 04-005 (19th Street, Newton)
DATE: February 1, 2005

Needs: For the City Council to hold a public hearing to consider adopting a Resolution to abandon a portion of 19th Street, an 80-foot wide street, as shown on the attached Exhibit "A".

Facts:

1. The portion of 19th Street being considered for abandonment lies between Pine Street and the Union Pacific Railroad. 19th Street at this location ends at the railroad right-of-way allowing no public through traffic.
2. The abandonment request was submitted by Eric Newton. The purpose of the request is to expand his residential uses.
3. The Planning Commission at their meeting of November 23, 2004 recommended approval of the abandonment request.
4. The City Council, at their meeting on December 21, 2004, adopted "Resolution of Intent to Abandon" No. 04-282 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 19th 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 southerly 40 feet of the right-of-way proposed to be abandoned. The City will continue maintenance of water and sewer lines in 19th Street.

Policy

Reference: Streets and Highways Code

**Fiscal
Impact:**

None

Options:

- a. Adopt Resolution No. 05-xx to abandon a portion of 19th Street—an 80-foot right-of-way from Pine Street to the Union Pacific Railroad—and retain a public services easement for water, sanitary sewer, and public services as shown on 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. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING A PORTION OF 19TH STREET, AN 80-FOOT RIGHT-OF-WAY WEST
OF PASO ROBLES STREET (NEWTON)

WHEREAS, the Planning Commission at their meeting of November 23, 2005, recommended approval of the abandonment request; and

WHEREAS, the City Council of the City of Paso Robles, at their meeting of December 21, 2004, adopted a Resolution of Intention to close and vacate a portion of 19th Street, an 80-foot public right-of-way, from Pine Street to the Union Pacific Railroad 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 19th Street from Pine Street to the Union Pacific Railroad, 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 Section 2 below, 19th 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 southerly 40 feet of the right-of-way to be abandoned, as described in Exhibit "A".
- 4. That 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 1st day of February 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

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 #6124296
CITY OF PASO ROBLES
COMMUNITY DEVELOPMENT DEPARTMENT

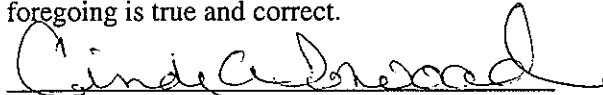
STATE OF CALIFORNIA,

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 JANUARY 17, 2005; 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: JANUARY 17, 2005
AD COST: \$106.45

RESOLUTION NO. 04-282
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)

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 19th 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: Heggarty, Nemeth, Picanco, Strong, and Mecham

NOES: None

ABSTAIN: None

ABSENT: None

Frank R. Mecham, Mayor

ATTEST:
Sharilyn M. Ryan, Deputy City Clerk
Jan. 17, 2005

6124296