

**TO:** James L. App, City Manager  
**FROM:** Robert A. Lata, Community Development Director  
**SUBJECT:** Street Abandonment 04-007 (Kleck Road, Sylvester)  
**DATE:** March 15, 2005

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**Needs:** For the City Council to hold a public hearing to consider adopting a Resolution to abandon a portion of Kleck Road, a variable width street, as shown on the attached Exhibit "A".

**Facts:**

1. The portion of Kleck Road being considered for abandonment lies approximately 200 feet north of Windsong Way and at the southerly boundary of Tract 2369-1, Montebello Estates.
2. The abandonment request was submitted by Steve Sylvester. The purpose of the request is to clear title to the adjacent residential parcel.
3. The Planning Commission at their meeting of January 11, 2005 recommended approval of the abandonment request.
4. The City Council, at their meeting on February 15, 2005, adopted "Resolution of Intent to Abandon" No. 05-033 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 the subject portion of Kleck Road.

**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.

**Policy**

**Reference:** Streets and Highways Code

**Fiscal**

**Impact:** None

**Options:**

- a. Adopt Resolution No. 05-xx to abandon a portion of Kleck Road, a variable width right-of-way from approximately 200 feet north of Windsong Way to the southerly boundary of Tract 2369-1, as shown on Exhibit "A".
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Mail and News Noticing Affidavits
2. Resolution with Exhibit "A"

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:  
CITY ENGINEER  
COMMUNITY DEVELOPMENT DEPT.  
CITY OF EL PASO DE ROBLES  
1000 SPRING STREET  
PASO ROBLES, CA 93446

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
VACATING A PORTION OF KLECK ROAD, A VARIABLE WIDTH RIGHT-OF-WAY  
(SYLVESTER)

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WHEREAS, the Planning Commission at their meeting of January 11, 2005, recommended approval of the abandonment request; and

WHEREAS, the City Council of the City of Paso Robles, at their meeting of February 15, 2005, adopted a Resolution of Intention to close and vacate a portion of Kleck Road, a variable width public right-of-way, approximately 200 feet north of Windsong Way to the southerly boundary of Tract 2369-1 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 the subject portion of Kleck Road lying approximately 200 feet north of Windsong Way to the southerly boundary of Tract 2369-1, a variable width 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. The subject portion of Kleck Road, as herein before described be vacated for public purposes as shown on Exhibit "A".

2. 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.
3. The above Recitals are incorporated into this Order.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 15th day of March 2005 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



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

## AFFIDAVIT

## OF MAIL NOTICES

### PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Sharie A. Scott, 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 SA 04-007 (Sylvester) on this 23<sup>rd</sup> day of February 2005.

City of El Paso de Robles  
Community Development Department  
Planning Division

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

*Sharie A. Scott*  
Sharie A. Scott

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 #6143794  
CITY OF PASO ROBLES

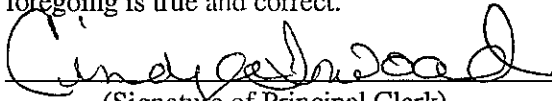
STATE OF CALIFORNIA,

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 FEBRUARY 28, 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: FEBRUARY 28, 2005  
AD COST: \$106.45

RESOLUTION NO. 05- 033  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PASO ROBLES PROVIDING NOTICE OF  
INTENTION FOR VACATING AN UNIMPROVED  
PORTION OF KLECK ROAD AND GIVING  
NOTICE OF A TIME AND PLACE  
FOR A PUBLIC HEARING  
(SYLVESTER)

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

WHEREAS, the Planning Commission at their meeting of January 11, 2005 recommended approval of the abandonment request; 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 variable width portion of Kleck Road 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 a variable width portion of Kleck Road 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 March 15, 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 15th day of February 2005 by the following vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham

NOES: None

ABSTAIN: None

ABSENT: None

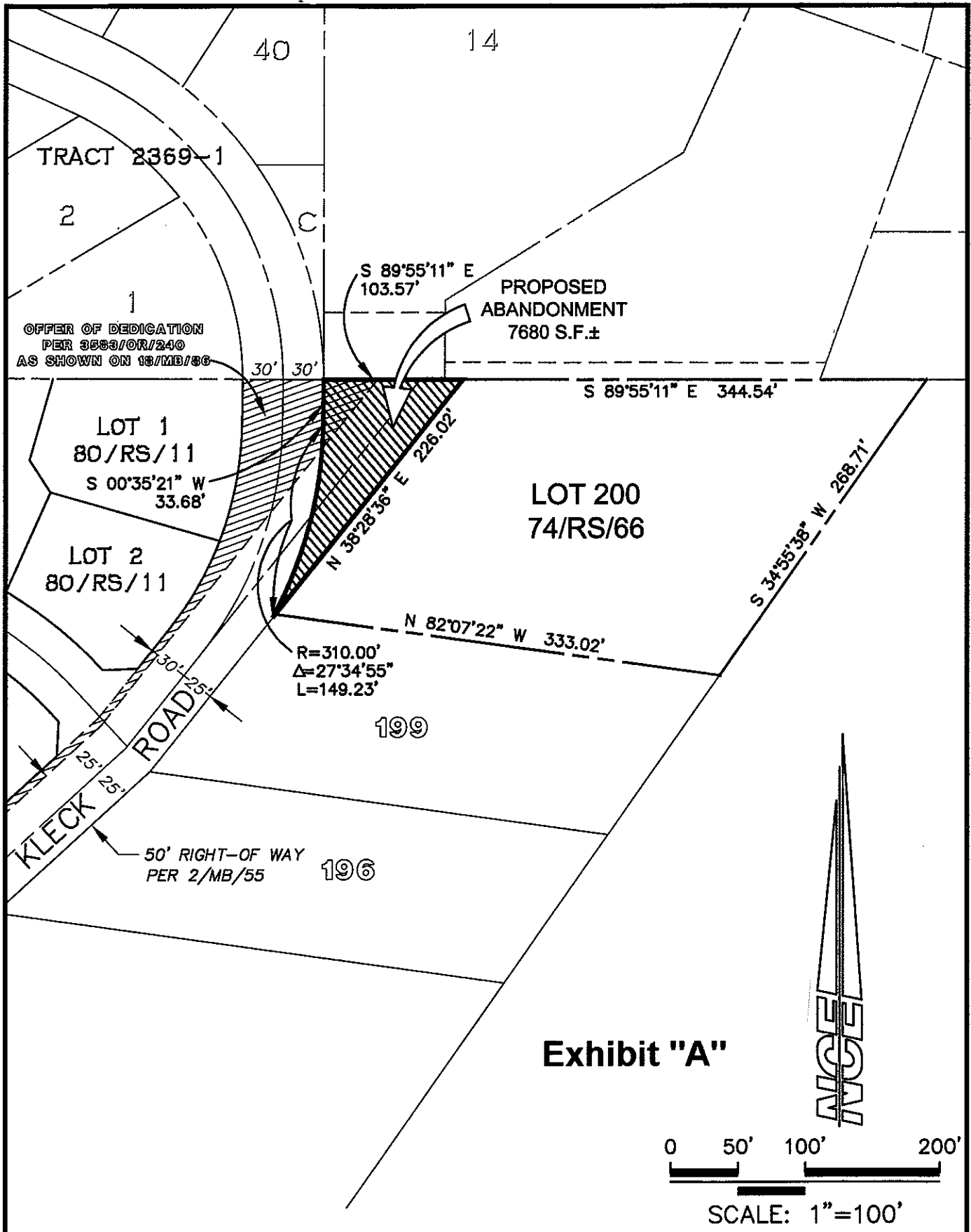
Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Feb. 28, 2005

6143794



**NCE** NORTH COAST ENGINEERING INC.  
CIVIL ENGINEERING • LAND SURVEYING • PROJECT DEVELOPMENT

725 Creston Road Suite B  
Paso Robles, CA 93446  
805-239-3127  
805-927-8651

**EXHIBIT MAP**

OF LOT 200 OF ASSOCIATED ALMOND GROWERS  
ORCHARD BUNGLOW TRACT, RECORDED IN BOOK  
2 OF MAPS, AT PAGE 55, AND ADJACENT KLECK  
ROAD, IN THE CITY OF PASO ROBLES, COUNTY OF  
SAN LUIS OBISPO, STATE OF CALIFORNIA.