

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Notice of Intention to Consider Abandoning a Portion of 38th Street
SA 04-006 (Vernon)
DATE: April 5, 2005

Needs: For the City Council to approve a resolution providing "Notice of Intention" to consider abandoning an unimproved variable width portion of 38th Street right-of-way between Vine Street and Oak Street as shown on the attached exhibit "A".

Facts:

1. The abandonment request was submitted by Brad Vernon. The purpose of the request is to expand residential use of the parcels adjacent to the abandoned area.
2. The Planning Commission at their meeting of January 25, 2005, in a unanimous decision, recommended denial of the abandonment request.
3. 38th Street is a roughly developed gravel road. The existing grade of 38th Street does not conform to City Standards for vertical profiles.
4. A City Standard Road could not be built in the existing right-of-way without significant alteration of the existing terrain.

**Analysis
and
Conclusion**

The subject 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 Planning Commission recommended denial of the proposed street abandonment on a unanimous vote. The Commission determined that 38th Street was useful as a connection between Vine and Oak Streets. The Planning Commission was not presented with detailed information regarding the current condition of 38th Street and the constraints associated with its ultimate development as a City Street.

The existing terrain in the 38th Street right-of-way drops off of the edge of paving on Vine Street at a slope in excess of 20 percent. In accordance with City Standards, a street should slope at no more than 3 percent for the first 20 feet beyond the curb line of an intersecting street; and then no more than 15 percent beyond that point. Substantial alteration of existing grades, including fill in excess of 10 feet in vertical height, would be necessary to bring 38th Street into conformance with City Standards.

Due to the existing condition of 38th Street, it would appear that the City would benefit from the abandonment of the street by the elimination of a safety hazard.

The northerly half of the right-of-way of 38th Street is owned in fee by the City by virtue of a quit claim deed from Caltrans. The abandonment of the street right-of-way provides the City with the opportunity to benefit by the proceeds of transferring the property, should the City choose to do so.

Policy

Reference: Streets and Highway Code

Fiscal

Impact: None

Options:

- a. Adopt Resolution of Intent No. 05-xx to consider abandoning a portion of 38th Street right-of-way from Vine Street to Oak Street as shown on Exhibit "A" and setting May 3, 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

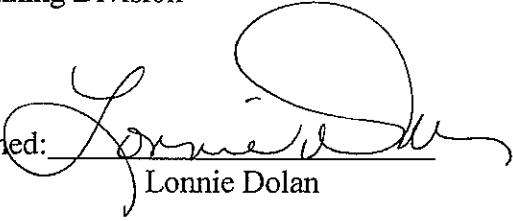
**AFFIDAVIT
OF MAIL NOTICES**

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 04-006 (Vernon – 38th Street between Vine and Oak Streets) on this 12th day of January 2005.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____


Lonnie Dolan

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

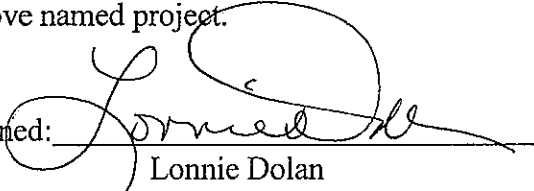
Newspaper: Tribune

Date of Publication: January 12, 2005

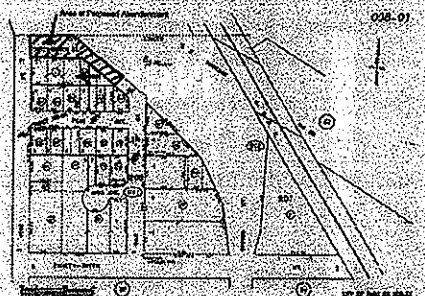
Meeting Date: January 25, 2005
(Planning Commission)

Project: Street Abandonment 04-006
(Vernon)

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

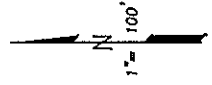
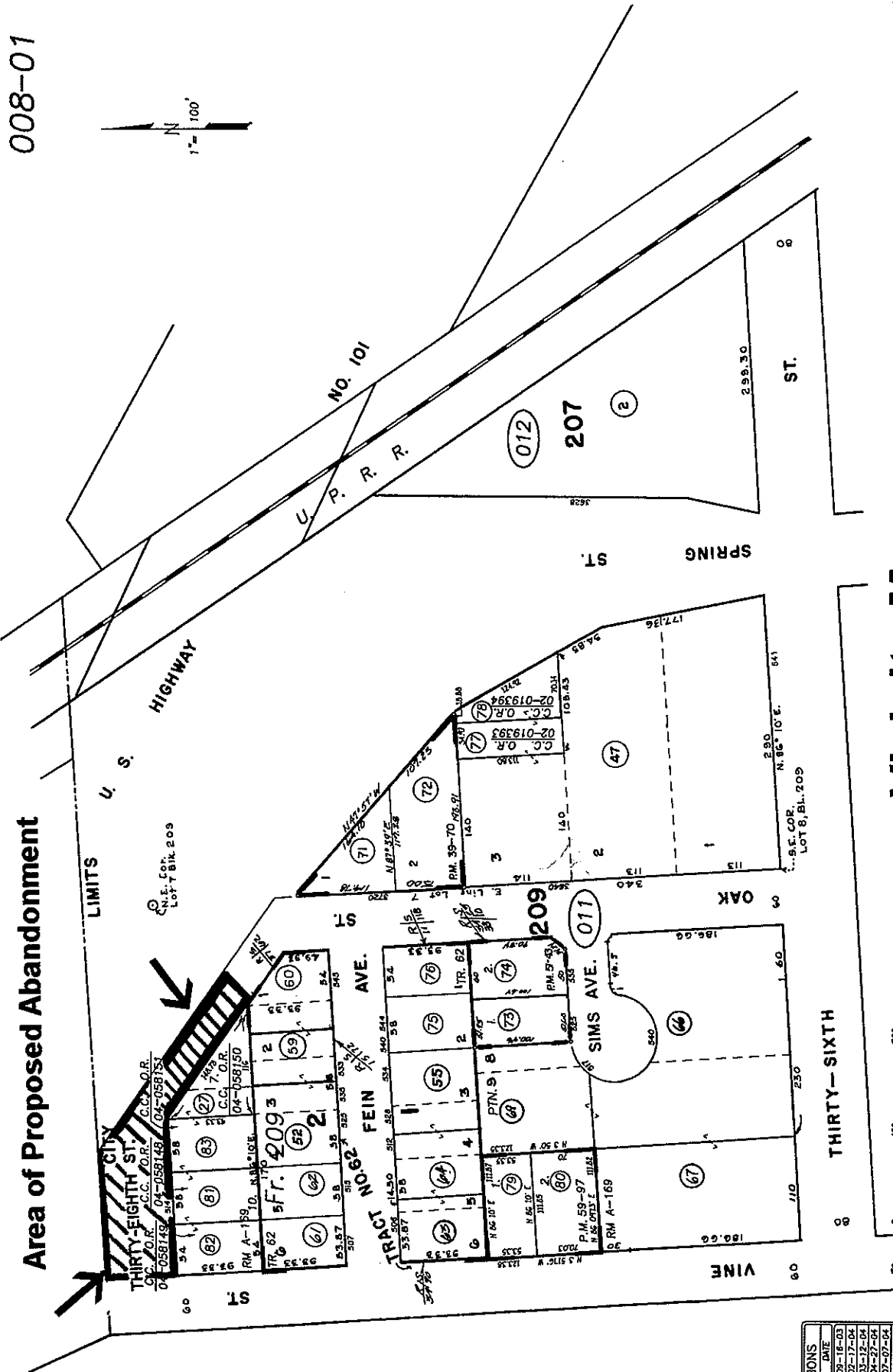
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider approving the following Street Abandonment:
Street Abandonment 04-006, a request filed by Brad Vernon, to abandon 38th Street between Vine and Oak, in the City of Paso Robles.
This 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, January 25, 2005, 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 hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.
Darren H. Nash, Associate Planner



Jan. 12, 2005 8121725

Exhibit "A"

Area of Proposed Abandonment



REVISIONS	D.S.	DATE
	04-174	09-16-03
	04-347	02-17-04
	04-NA	03-12-04
	04-NA	04-27-04
	05-NA	07-07-04
	05-200	10-28-04
		10-28-04

THIRTY-SIXTH

0 100 200
 THIS MAP IS PREPARED FOR
 01-14-99 ASSESSMENT PURPOSES ONLY

Vicinity Map
 SA 04-006 ~ Vernon

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
PROVIDING NOTICE OF INTENTION TO CONSIDER VACATING AN UNIMPROVED PORTION
OF 38TH STREET AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING
(VERNON)

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

WHEREAS, the Planning Commission at their meeting of January 25, 2005 recommended denial of the abandonment request.

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 consider closing and vacating a variable width portion of 38th 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 May 3, 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 5th day of April 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk