

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Street Abandonment 04-006 (38th Street, Vernon)
DATE: May 3, 2005

Needs: For the City Council to hold a public hearing to consider adopting a resolution 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. The City Council, at their meeting of April 5, 2005, adopted Resolution No. 05-072, a Notice of Intention to Abandon a portion of 38th Street, which set a public hearing date of May 3, 2005 to consider the street abandonment request.
 4. Pursuant to Streets and Highways Code 8323, Notice of this Hearing was duly published in the Telegram Tribune, a newspaper published and circulated with the City of Paso Robles.
 5. 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 38th Street.
 6. 38th Street is a roughly developed gravel road. The existing grade of 38th Street does not conform to City Standards for vertical profiles.
 7. 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.

The request is consistent with the Streets and Highway Code and the City's General Plan. Emergency Services staff has not expressed concerns with the proposed abandonment.

It is recommended that public easements be retained for the maintenance of existing sewer and water lines.

Policy

Reference: Streets and Highway Code

Fiscal

Impact: None

Options:

- a. Adopt Resolution No. 05-xx to deny the request of the applicant to abandon 38th Street between Vine Street and Oak Street.
- b. Adopt Resolution No. 05-xx to abandon 38th Street right-of-way from Vine Street to Oak Street and retain public easements for water and sewer as shown on Exhibit "A".
- c. Amend, modify or reject the above option.

Attachments: (3)

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



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 04-006 (Vernon) on this 14th day of April 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 #6169331
CITY OF PASO ROBLES

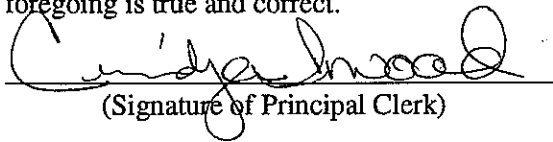
STATE OF CALIFORNIA,

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 APRIL 18, 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: APRIL 18, 2005
AD COST: \$84.73

RESOLUTION NO: 05-072
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" (EXHIBIT IS AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE)

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: Heggarty, Nemeth, Picanco, Strong, and Mecham

NOES: None

ABSTAIN: None

ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

April 18, 2005

6169331

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DENYING THE APPLICATION TO VACATE 38TH STREET, AN 80-FOOT
RIGHT-OF-WAY BETWEEN VINE AND OAK STREETS (VERNON)

WHEREAS, the City Council of the City of Paso Robles, at their meeting of April 5, 2005, adopted a Resolution of Intention to close and vacate 38th Street, an 80-foot public right-of-way, from Vine Street to Oak Street 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 that 38th Street is necessary for prospective public use.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF EL PASO de ROBLES AS FOLLOWS:

1. That the City deny the application filed by Brad Vernon to abandon 38th Street from Vine Street to Oak Street.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 3rd day of May 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Road Abandonment Exhibit

Villa Lots Rd.
width varies

Vine Street

City Limit

30'
30'

N03°39'46"W 73.34'

U.S. 101
City Limit

38 th Street

N 86°10'00" E 143.11'

N 86°10'00" E 170.12' M

36.67'

36.67'

383 OR 401

306 OR 485

330 OR 424

Block 209

Block 2

Lot 6

Lot 5

Lot 4

Lot 3

Lot 2

Lot 1

101B OR 175

Lot 7

Lot 10

N54°42'59"W 149.45' M

Oak Street

U.S. 101

N54°42'59"W 330.16' M

20'
20'

N35°17'01"E 40.00'



1" = 40'

The basis of bearings for this survey is between the found monuments along the North line of Tract 62 and noted as N 86°10'00" E.

The Boundary lines shown are based on a Boundary Survey.

Field survey performed April 2004.

Prepared by Mark Lewis
L.S. 6631 exp. 12-31-2005
4-24-2005

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING 38TH STREET, AN 80-FOOT RIGHT-OF-WAY BETWEEN
VINE AND OAK STREETS (VERNON)

WHEREAS, the City Council of the City of Paso Robles, at their meeting of April 5, 2005, adopted a Resolution of Intention to close and vacate 38th Street, an 80-foot public right-of-way, from Vine Street to Oak Street 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 38th Street from Vine Street to Oak Street, 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, 38th 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 20 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.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 3rd day of May 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk