TO:	James L. App, City Manager
FROM:	Robert A. Lata, Community Development Director
SUBJECT:	Notice of Intention to Consider Abandoning a Portion of Oak Street SA 04-003 (Morris-Cardinale)
DATE:	June 7, 2005
Needs:	For the City Council to approve a resolution providing "Notice of Intention" to consider abandoning an unimproved 80-foot wide portion of Oak Street right-of-way between 3 <sup>rd</sup> Street and 4 <sup>th</sup> Street as shown on the attached exhibit "A".
Facts:	1. The abandonment request was submitted by Dick Morris and Joe Cardinale. 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 May 24, 2005, in a unanimous decision (one abstain), recommended approval of the abandonment request.
	3. Oak Street between 3 <sup>rd</sup> and 4 <sup>th</sup> Streets is partially developed as a rough driveway. The existing topography of the right-of-way does not lend itself to the practical extension of Oak Street.
	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 existing terrain in the Oak Street right-of-way drops off of the edge of paving on 4 <sup>th</sup> Street at a sharp slope. Substantial alteration of existing grades, including fill in a floodway would be necessary to bring Oak Street into conformance with City Standards.
Policy Reference:	Streets and Highway Code
Fiscal Impact:	None

- **Options:** a. Adopt Resolution of Intent No. 05-xx to consider abandoning the 80-foot wide right-of-way of Oak Street from 3<sup>rd</sup> Street to 4<sup>th</sup> Street as shown on Exhibit "A" and setting July 5, 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

### PROOF OF PUBLICATION

#### LEGAL NEWSPAPER NOTICES

## PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

# Street Abandonment 04-003: a request filed by John McCarthy of McCarthy Engineering on behalf of Dick Morris and Joe Cardinale to abandon a portion of Oak Street between 3rd and 4th Streets, an existing "paper" street, in the City of Pase Robles (see attached vicinity map). Newspaper: Tribune The Planning Commission hearing will take place in the City Hall/Library Confer-ence Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, May 24, 2005, at which time all interested parties may appear and be heard. **Date of Publication:** May 11, 2005 Comments on the proposed street abandonment may be mailed to the Commu-nity 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. **Meeting Date:** May 24, 2005 (Planning Commission) Darren R. Nash, Associate Planner 009 - 25**Project:** Street Abandonment 04-003 (Morris/Cardinale) ⊛ I, Lonnie Dolan \_\_\_\_, employee of the Community Development Department, Planning Division, of the Cit-Θ 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

May 11, 2005

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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 Abandoriment application:

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## 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 04-003 (Morris &

Cardinale) on this 12th day of May 2005.

City of El Paso de Robles Community Development Department Planning Division

Signed onnie Dolan

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#### **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 OAK STREET AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING (MORRIS-CARDINALE)

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 May 24, 2005 recommended approval 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 an 80-foot wide portion of Oak Street right-of-way from 3<sup>rd</sup> Street to 4<sup>th</sup> Street 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 July 5, 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 7th day of June 2005 by the following vote:

AYES: NOES: ABSTAIN: ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

