

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Utility Easement Abandonment (Tract 2745)
DATE: August 7, 2007

Needs: For the City Council to consider adopting a resolution of vacation of a portion of a utility easement over a vacated portion of Old South River Road as shown on the attached exhibit "A".

- Facts:**
1. The abandonment request was submitted by Richard Debeikes of H and D Highlands. The purpose of the request is to expand commercial use of the adjacent parcel to the abandoned area.
 2. The portion of the easement considered for abandonment was originally dedicated as a public right-of-way in response to a condition of parcel map approval on the adjacent property prior to the realignment of South River Road.
 3. The portion of the Old South River Road easement considered for abandonment has not been used for the purpose for which it was dedicated for more than five years.
 4. Pursuant to Streets and Highways Code 8333, this portion of the Old South River Road easement may be considered for summary vacation.

**Analysis
and**

Conclusion: The subject request has been reviewed by all utility companies including County Engineering representatives working on the Nacimiento pipeline project. All utility companies report that they have no operating utilities in the area of the subject vacation and they take no exception to the easement vacation process.

Policy

Reference: Section 8333 of the Streets and Highway Code.

Fiscal

Impact: None.

- Options:**
- a. Adopt Resolution No. 07-xxx to approve the request to vacate a portion of the Old South River Road public utilities easement.
 - b. Amend, modify or reject the above option.

Attachments: (7)

1. Resolution
2. Exhibit "A"
3. Letter from Tom Trott, County Engineering
4. Letter from P. G. & E.
5. Letter from AT & T
6. Letter from Gas Company
7. Letter from Charter Communications

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. 07-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING A PORTION OF A PUBLIC UTILITY EASEMENT (H & D HIGHLANDS)

WHEREAS, the City Council of the City of El Paso De Robles is authorized under the provisions of the State of California Streets and Highways Code to consider and act upon public service easement vacation requests, and

WHEREAS, the portion of Old South River Road easement considered for vacation has not been used for the purpose for which it was dedicated for more than five years; and

WHEREAS, pursuant to Streets and Highways Code 8333, this portion of the old South River Road public utilities easement may be considered for summary vacation; and

WHEREAS, the vacation of the old South River Road Easement does not conflict with any provision of the City's General Plan; and

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 the portion of the Old South River Road public utilities easement described in Exhibit "A" and attached to 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 old South River Road public utilities easement, 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 Resolution.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th day of August, 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

EXHIBIT A

A portion of Lot 7 of Tract 2745 in the City of El Paso De Robles, County of San Luis Obispo, State of California according to Map Book 27, Pages 31 through 34, inclusive, in the office of the Recorder of said County, said portion being more particularly described as follows:

Commencing at the most Westerly corner of said Lot 7 being on the North right of way line of Oak Hill Road and being the beginning of a curve concave Southerly having a Radius of 532.00 feet, thence from a semi-tangent bearing of South 70° 47' 11" East along said right of way line and said curve Easterly and to the Right through a Central Angle of 4° 35' 24" for an Arc Length of 42.62 feet to the East line of a 72' wide P.U.E. as shown on the map of said Tract 2745 and the True Point of Beginning; thence along said East line,

North 11° 48' 56" East, 150.00 feet; thence leaving said East line at right angles,

North 78° 11' 04" West, 12.00 feet; thence parallel to said East line,

South 11° 48' 56" West, 147.60 feet to the North right of way line of Oak Hill Road and the beginning of a curve concave Southerly having a Radius of 532.00 feet; thence from a semi-tangent Bearing of South 67° 30' 52" East along said right of way line and said curve Easterly and to the Right through a Central Angle of 1° 19' 05" for an Arc Length of 12.24 feet to the True Point of Beginning and containing 1,785 square feet, more or less.

End of Description

July 25, 2007

Richard H Cassera

LS 4283 exp 6-30-2008



EXHIBIT A

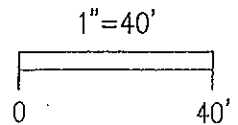
**TRACT 2745
LOT 2**

EXISTING 72'
WATER, SEWER,
DRAINAGE, ACCESS ESMT
AND P.U.E. PER
3953/OR/264
AND 53/PM/94

**PARCEL 1
54/PM/64**

RIVER ROAD

**TRACT 2745
LOT 7**



S67°30'52"E (SEMI-TANGENT)

N11°48'56"E

N78°11'04"W
12.00'

S11°48'56"W 147.60'

N11°48'56"E 150.00'

ESM'T STRIP
TO BE ABANDONED

TRUE
POB

R=532.00'
Δ=1°19'05"
L=12.24'

**OAK
OLD SOUTH
HILL ROAD**

John Falkenstien

From: ttrott@co.slo.ca.us
Sent: Wednesday, July 18, 2007 9:37 AM
To: John Falkenstien
Cc: Doug Monn; Katie DiSimone; jhollenbeck@co.slo.ca.us
Subject: Fw: Easement Abandonment
Attachments: S River Road PUE Abandonment.pdf

Hi John,

John Hollenbeck and I have reviewed Kennedy Club Fitness's request to abandon a portion of right-of-way on Old South River Road, City of Paso Robles to determine if there is a potential conflict with the Nacimiento Water Project pipeline alignment. If the City of Paso Robles chooses to abandon the said portion of right-of-way, the new easterly edge of right-of-way on Old South River will still provide a minimum clearance of approximately 39 feet from the edge of right-of-way to the centerline of the Nacimiento pipeline alignment, located on the west side of the right-of-way centerline (see the attached exhibit). Therefore, the abandonment of said portion of right-of-way will not affect construction of the Nacimiento Water Project.

Please let me know if you need any other information or have any questions.

Thanks,

Tom C. Trott

County of San Luis Obispo
Development Services Engineer
Phone: (805) 781-1186
Fax: (805) 781-1229

----- Forwarded by Thomas Trott/PubWorks/COSLO on 07/18/2007 09:16 AM -----

John Hollenbeck/PubWorks/COSLO

To: Thomas Trott/PubWorks/COSLO@Wings

cc

07/16/2007 02:35 PM

Subject: Fw: Easement Abandonment

John R. Hollenbeck, P.E.
Nacimiento Project Manager
San Luis Obispo County, Dept of Public Works
Room 207, County Government Center
San Luis Obispo, CA 93408
(P) (805) 781-1288 (direct)
(P) (805) 781-5252 (general)
(C) (805) 458-7268
(Fax @ office) 805-788-2768
(Fax General) (805) 781-1229
Project Web Site: <http://www.slocounty.ca.gov/PW/NacWP.htm>



**Pacific Gas and
Electric Company**

Los Padres Division
4325 South Higuera Street
San Luis Obispo, CA 93401

June 13, 2007

Mr. Devin Newton
TEC Civil Engineering Consultants
4115 Broad Street, Ste. B-1
San Luis Obispo, CA 93401

Dear Mr. Newton:

This is regarding the 72 foot wide Public Utility Easement on a portion of Lot 7 of Tract 2745 as shown on the map filed for record in Book 27 of Maps at page 32, San Luis Obispo County Records.

PG&E has no objection to the abandonment of the easterly 14' - 15' portion of this P.U.E. PG&E will retain the right to use the remaining portion of the P.U.E.

Please be advised that you must also contact the other utilities in the area as PG&E can only consent to the P.U.E.'s use insofar as it pertains to PG&E's interests.

If you have any questions or concerns regarding this matter, please call me at 546-3888.

Sincerely,

Claire Mastin
Land Agent

90193



AT&T California
102 Cross St. Ste. 210
San Luis Obispo, CA 93401

6/6/07

TEC Civil Engineering Consultants
4115 Broad, Ste. B1
San Luis Obispo, CA 93401
805-541-2114

Attn: Devin Newton

RE: The Highlands, Tract 2745, Paso Robles – Abandonment of Easement

Devin:

AT&T does not object to the abandonment of a portion of the PUE on Lot 7 of Tract 2745 as stated in your letter of June 4, 2007.

A handwritten signature in cursive script that reads "Vince Petrie".

Vince Petrie
BIC Engineer – AT&T
805-546-7002



750 Industrial Way
San Luis Obispo, CA 93401-7604

A  Sempra Energy utility™

June 12, 2007

Devin Newton
TEC Civil Engineering Consultants
4115 Broad Street, Suite B-1
San Luis Obispo, CA 93401

Dear Mr. Newton:

Subject: Vacation of Utility Easement
Tract 2745 – The Highlands, Paso Robles

Our Company has no facilities within the described area shown on your map and we have no objection to the proposed utility easement vacation.

Should you have any questions or require additional information, please contact me at (805) 781-2440.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Isbell".

Richard Isbell
Planning Associate
Email: risbell@semprautilities.com

cc: B. Nakamura, FPA



June 7, 2007

DeBeikes Investment Co.
5289 Alton Parkway,
Irvine CA. 92604
{949} 733-3823

Reference:

Abandonment of Existing
Public Utility Easement
In the City of Paso de Robles
Tract 2745 - LOT 7

This letter refers to the proposed abandonment of a portion existing Public Utility Easement on Lot 7 within the above referenced location. Please be advised that Charter Communications **Will Maintain Future** facilities adjacent the proposed area but **Does Not Maintain** existing facilities in the proposed abandonment at this time. Therefore Charter Communications does hereby agree to abandonment of the public utility easement, said portion being more particularly described as follows: Commencing at the most westerly corner of said lot 7 being on the North right of way line of Oak Hill Rd. and being the beginning of a curve concave Southerly having a radius of 532.00" thence from a Simi-tangent bearing of Southerly 70 degrees 47'11" East along said right of way line and said curve Easterly and to the Right through a central angle of 4 degrees 35' 24" for an arc length of 42.62 feet to the East line of a 72' wide P.U.E. as shown on the map of said Tract 2745

Please call me at (805) 466-4423 if you have any questions or concerns regarding this Correspondence.

Sincerely,

Tim Lindsay
Charter Communications
Const. Manager
Office 805-466-4423
Fax 805-461-7104
E-mail, Tim.Lindsay@chartercom.com

Charter Com. Planning Dept. - 7555 San Luis ave. Atascadero, CA. 93422