

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Street Abandonment 08-001 (Jackson Drive, Stein)
DATE: April 1, 2008

Needs: For the City Council to consider adopting a resolution for a summary vacation of an unimproved variable width portion of Jackson Drive right-of-way adjacent to Union Road as shown on the attached exhibit "A".

- Facts:**
1. The abandonment request was submitted by Brian Stein. The purpose of the request is to expand residential use of the adjacent parcel to the abandoned area.
 2. The Planning Commission at their meeting of March 11, 2008, in a unanimous decision found that the proposed street abandonment is consistent with the General Plan and recommended approval of the request.
 3. The portion of Jackson Drive considered for abandonment was originally shown on the map of the Orchard Bungalow Tract, recorded in 1920.
 4. The area considered for abandonment is not shown in the City's Circulation Element of the General Plan as being needed for street purposes.
 5. The portion of Jackson Drive considered for abandonment has never been used as a City street and is not passable for vehicle travel.
 6. No public money has been expended for maintenance on the portion of Jackson Drive considered for abandonment.
 7. Pursuant to Streets and Highways Code 8331, this portion of Jackson Drive may be considered for summary vacation.

**Analysis
and**

Conclusion: The subject request was presented to the Planning Commission on March 11, 2008. The Planning Commission found the request to be consistent with the Streets and Highway Code and the City's General Plan. The Planning Commission recommended approval of the proposed street abandonment on a unanimous vote.

The existing terrain in the area of the proposed street abandonment has never been graded or developed for use as a road and therefore can be considered for a

summary vacation (abandonment) in accordance with the Streets and Highways Code.

Policy

Reference: Section 8331 of the Streets and Highway Code.

Fiscal

Impact: None.

Options:

- a. Adopt Resolution No. 08-xxx to approve the request of the applicant to abandon a portion of Jackson Drive right-of-way adjacent to Union Road.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Resolution
2. Exhibit "A"

REVISED TENTATIVE
PARCEL MAP PR 05-0282

BEING A DIVISION OF
 LOT 93, ORCHARD BUNGALOW TRACT,
 (02-MB-55),
 CITY OF EL PASO DE ROBLES,
 COUNTY OF SAN LUIS OBISPO,
 STATE OF CALIFORNIA
 APN 025-121-008

ENGINEER'S STATEMENT

I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLES WITH THE LOT DIVISION ORDINANCE OF THE CITY OF PASO ROBLES.

DANIEL J. STEWART, R.C.E. #14984 (EXP. 3/31/209)

OWNER'S STATEMENT

I DO HEREBY APPLY FOR THE APPROVAL OF THE PARCEL MAP AND DIVISION OF THE SAID PROJECTED SUBDIVISION THIS TENTATIVE MAP AND STATE THAT I AM THE LEGAL OWNER OF THE AUTHORIZED AGENT THEREOF AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

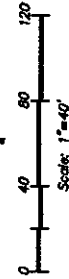
BRIAN STEIN
 708 PINO WAY
 PASO ROBLES, CA 93446

BASIS OF BEARINGS

THE "BASIS OF BEARINGS" FOR THIS SURVEY IS THE TRE BETWEEN FOUND AND ACCEPTED MONUMENTS ALONG THE SOUTHERLY LINE OF LOT 83, AS SHOWN AND NOTED AS BEING N74°32'00"E.

LEGEND

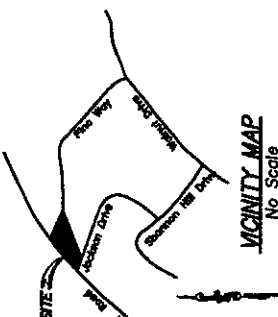
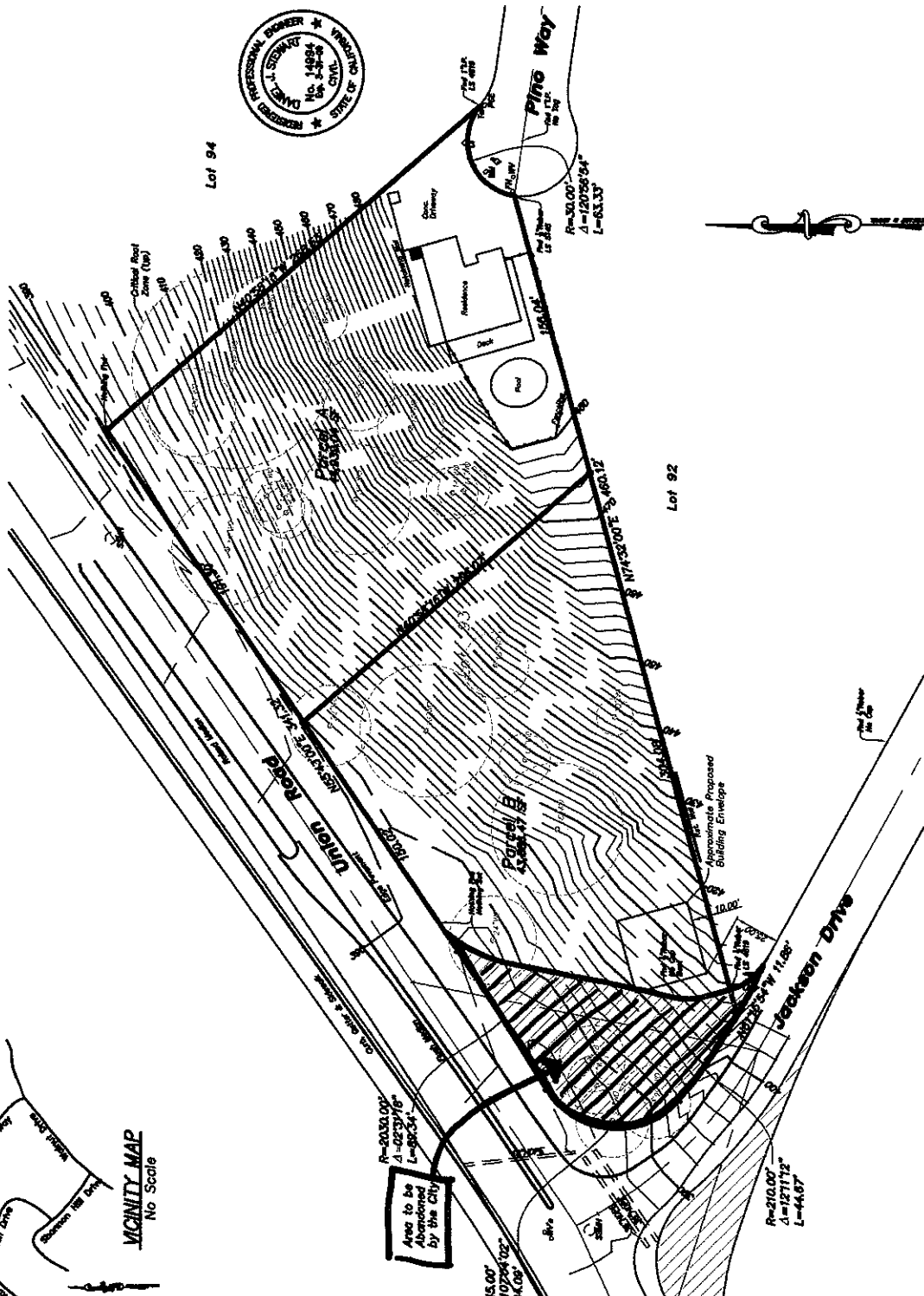
- R = 02 MB 08
- RI = 53 RS 56
- M = MEASURED
- O = SET 1/2" REBAR/CAP RCE#14984
- = FD. MONUMENT AS NOTED



DANIEL J. STEWART & ASSOC.
ENGINEERS - SURVEYORS
 597 12th STREET / P.O. BOX 2039
 PASO ROBLES, CA 93446

SHEET 1 OF 2

#4127
 PATS-407-163180



NOTES
 Horizontal Datum per a field survey
 Vertical Datum is assumed.

Exhibit B
 Tentative Parcel Map
 PR 05-0282
 (Stein)

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. 08-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING A PORTION OF JACKSON DRIVE, A VARIABLE WIDTH RIGHT-OF-
WAY (STEIN)

WHEREAS, the Planning Commission at their meeting of March 11, 2008, found the abandonment consistent with the General Plan and recommended approval of the request; and

WHEREAS, the portion of Jackson Drive considered for abandonment has been impassable for vehicle travel for more than five years; and

WHEREAS, no public money has been expended for maintenance of the portion of Jackson Drive considered for abandonment; and

WHEREAS, pursuant to Streets and Highways Code 8331, this portion of Jackson Drive may be considered for summary vacation; 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 Jackson Drive as 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 Jackson Drive, 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 1st day of April, 2008 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk