

**TO:** James L. App, City Manager  
**FROM:** Ronald Whisenand, Community Development Director  
**SUBJECT:** Street Abandonment, Regency Centers  
**DATE:** March 17, 2009

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**Needs:** For the City Council to consider adopting a resolution for a summary vacation of an un-named public right-of-way west of Golden Hill Road and north of Highway 46E.

- Facts:**
1. The applicant, Regency Centers, has requested the abandonment of a thirty-foot offer of dedication of public right-of-way in order to accommodate development of a regional shopping center at the southwest corner of Golden Hill Road and Dallons Drive (see site plan, Attachment 1).
  2. At their meeting of August 12, 2008, the Planning Commission on a unanimous vote found that the proposed street abandonment was consistent with the General Plan in their approval of a tentative subdivision map.
  3. The subject un-named right-of-way was originally dedicated on a parcel map recorded in 1983.
  4. No public money has been expended for maintenance of this right-of-way.
  5. The right-of-way proposed for abandonment is not specifically shown in the City's Circulation element of the General Plan.
  6. The right-of-way proposed for abandonment has never been made passable for vehicle travel with the exception of that portion adjacent to the Pacific Pride-Mobil gas stations.
  7. Pacific Pride-Mobil is the underlying fee title owner of that portion adjacent to their businesses. They have provided Regency with a recorded easement agreement.
  8. Regency will reconstruct the drive entrance in accordance with their plans for a regional shopping center. The driveway entrance is proposed to be privately maintained.
  9. Pursuant to the Streets and Highways Code, the subject right-of-way may be considered for summary vacation.

**Analysis  
and**

**Conclusion:** The proposal to abandon the subject right-of-way was presented to the Planning Commission on August 12, 2008 in the context of a tentative subdivision map. On a unanimous vote, the Commission recommended abandonment of the right-of-way and approval of the tentative subdivision. With the exception of the 150-foot portion adjacent to Golden Hill Road, the right-of-way proposed for abandonment has not been developed by the City since its dedication.

The applicant has provided a copy of a recorded private easement in which owners Regency and Pfeil assume responsibility for the portion of the right-of-way adjacent to the Pacific Pride gas station. Along with permanent reciprocal access for both parties, the easement gives Regency the right to reconstruct the easement area in accordance with their plans for the main entrance to the shopping center.

**Policy**

**Reference:** Streets and Highways Code.

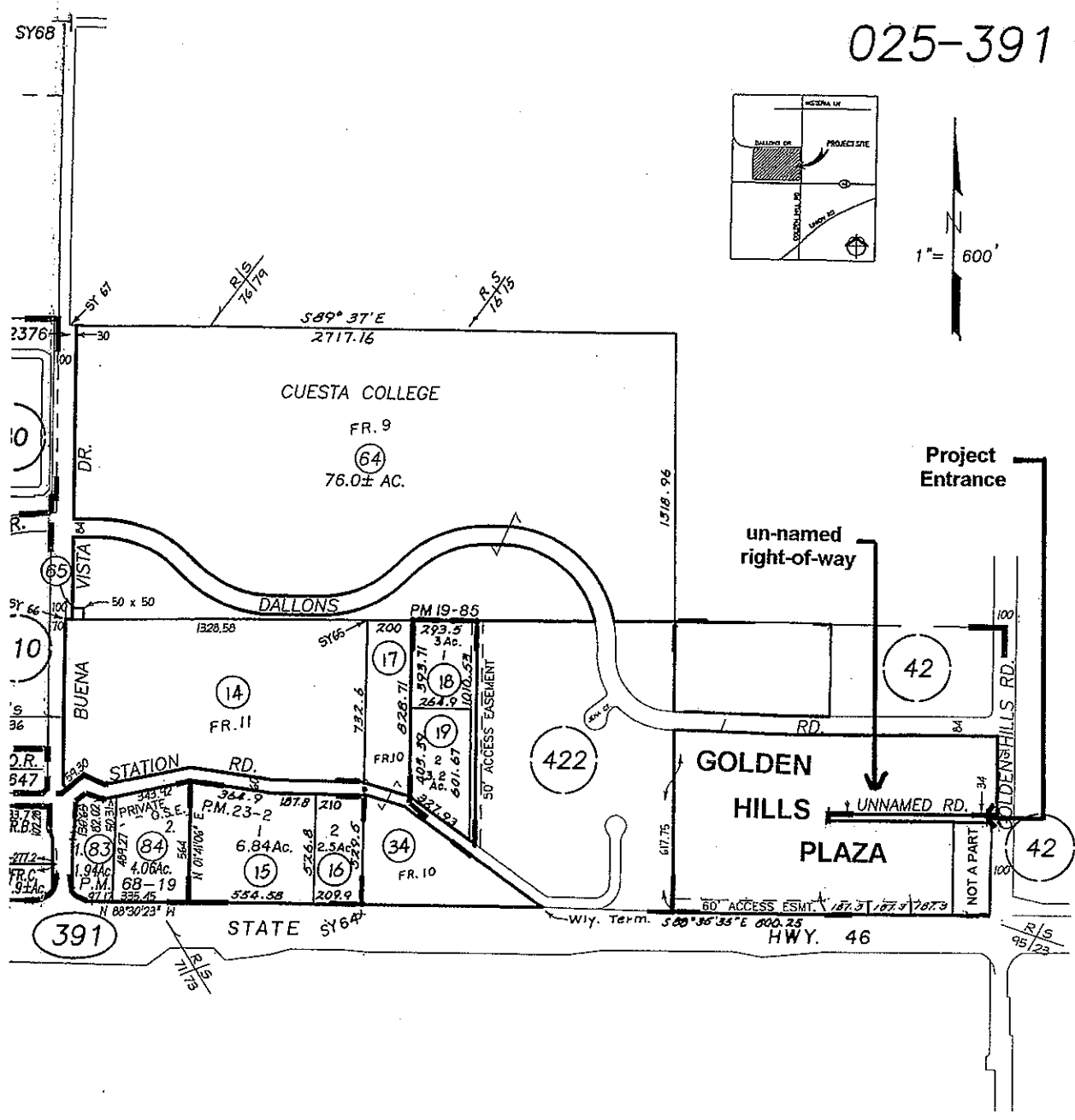
**Fiscal**

**Impact:** None.

- Options:**
- a. Adopt Resolution No. 09-xxx approving the request to abandon an un-named right-of-way west of Golden Hill Road and north of State Highway 46E.
  - b. Amend, modify or reject the above option.

Attachments: (4)

- 1) Vicinity/Reduced size tract map
- 2) Resolution of Abandonment
- 3) Abandonment Exhibit
- 4) Public Notices



VICINITY MAP  
 GOLDEN HILLS PLAZA  
 REGENCY CENTERS

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. 09-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
VACATING AN UN-NAMED RIGHT-OF-WAY (REGENCY CENTERS)

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WHEREAS, the Planning Commission at their meeting of August 12, 2008, found the abandonment of an un-named right-of-way west of Golden Hill Road and north of State Highway 46E as shown on the tentative subdivision map for Planned Development PD 06-025, Regency Centers, consistent with the General Plan and recommended approval of the request; and

WHEREAS, the un-named right-of-way was dedicated on Parcel Map PR 79-252 as recorded in 1983; and

WHEREAS, the un-named right-of-way is not specifically shown in the Circulation Element of the General Plan; and

WHEREAS, the un-named right-of-way has not been shown as necessary for access to any other private properties; and

WHEREAS, the un-named right-of-way has not been made passable for vehicle travel; and

WHEREAS, no public money has been expended for maintenance of the subject un-named right-of-way; and

WHEREAS, pursuant to Streets and Highways Code 8331, the subject un-named right-of-way 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 un-named right-of-way west of Golden Hill Road and north of State Highway 46E as described in Exhibit "A" 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:

SECTION 1: The un-named right-of-way west of Golden Hill Road and north of State Highway 46E, more particularly described in Exhibit "A", be vacated for public purposes.

SECTION 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.

SECTION 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 17<sup>th</sup> day of March, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Cathy M. David, Deputy City Clerk

EXHIBIT "A"

**LEGAL DESCRIPTION**

THOSE PORTIONS OF PARCELS A, B, C AND D OF PARCEL MAP PR 79-252 IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, PER MAP RECORDED FEBRUARY 17, 1983 IN BOOK 33 OF PARCEL MAPS AT PAGE 24 (33 PM 24) IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF 33 PM 24;

THENCE SOUTH 89°54'31" EAST, A DISTANCE OF 710.16 FEET, ALONG THE NORTHERLY LINE OF 33 PM 24, TO A LINE PARALLEL WITH THE CENTERLINE OF GOLDEN HILLS ROAD AND 69.95 FEET WESTERLY THEREOF;

THENCE SOUTH 00°02'10" EAST, A DISTANCE OF 34.00 FEET, ALONG SAID PARALLEL LINE, TO A LINE PARALLEL WITH AND 34.00 FEET SOUTHERLY OF SAID NORTHERLY LINE;

THENCE NORTH 89°54'31" WEST, A DISTANCE OF 148.01 FEET, ALONG SAID PARALLEL LINE, TO THE WEST LINE OF SAID PARCEL D;

THENCE NORTH 00°02'10" WEST, A DISTANCE OF 4.00 FEET, ALONG THE WEST LINE OF SAID PARCEL D, TO A LINE PARALLEL WITH AND 30.00 FEET SOUTHERLY OF SAID NORTHERLY LINE;

THENCE NORTH 89°54'31" WEST, A DISTANCE OF 562.16 FEET, ALONG SAID PARALLEL LINE, TO THE WESTERLY LINE OF 33 PM 24;

THENCE NORTH 00°02'44" WEST, A DISTANCE OF 30.00 FEET, ALONG SAID WESTERLY LINE, TO THE POINT OF BEGINNING.

SAID DESCRIPTION CONTAINS 21,897 SQUARE FEET.

END OF DESCRIPTION

A PLAT OF THIS DESCRIPTION, LABELED "EXHIBIT 'B' ABANDONMENT PLAT", IS ATTACHED HERETO AND MADE A PART HEREOF.

THIS DESCRIPTION WAS WRITTEN BY ME OR UNDER MY DIRECTION IN CONFORMANCE TO THE PROFESSIONAL LAND SURVEYORS ACT (CALIFORNIA BUSINESS AND PROFESSIONS CODE §8700, ET SEQ) IN FEBRUARY OF 2009.

  
D. IAN WILSON      P.L.S. 7010  
EXP. DATE            9/30/09

2.19.2009  
DATE





PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

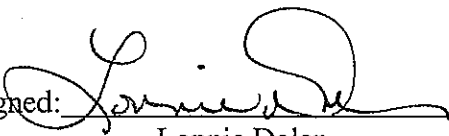
Newspaper: Tribune

Date of  
Publication: February 25, 2009

Hearing  
Date: March 17, 2009  
(City Council)

Project: Right-of-Way Abandonment 08-003  
(Abandonment of un-named right-of-way west of  
Golden Hill Road and north of Highway 46 east in con-  
junction with development of Regency Centers

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

forms/newsaffi.691

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of El Paso de Robles will hold a Public Hearing to consider a request to abandon an undeveloped paper right of way west of Golden Hill Road and north of State Highway 46E. The un-named right of way proposed for summary vacation has not been made passable for vehicle travel; is not necessary for access to any property and is not shown in the Circulation Element of the General Plan. The right-of-way is proposed for abandonment in conjunction with the development of PD 06-025, Regency Centers, approved by the Planning Commission on August 12, 2008.

The City Council 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, March 17, 2009, at which time all interested parties may appear and be heard.

This application is Categorically Exempt from environmental review per Section 15315 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Comments on the proposed project 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. Should you have any questions regarding this application, please call John Falkenstien at (805) 237-3970.

The proposed summary vacation will be available for review at the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, on the Thursday before the scheduled date of these hearings.

If you challenge the summary vacation application 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 City Council at, or prior to, the public hearing.

John Falkenstien, City Engineer  
Feb. 25; March 4, 2009 6800104