

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: Street Abandonment SA 08-004 (Hawk)
DATE: May 19, 2009

Needs: For the City Council to approve the limits of an easement for a bicycle and pedestrian path related to vacation of an un-named public right-of-way along the east side of Golden Hill Road, south of Gilead Lane.

- Facts:**
1. The applicant, Bill Hawk has requested the abandonment of a sixty-foot offer of dedication of public right-of-way in order to accommodate development of age restricted apartments and an assisted living facility on his property at 1450 Golden Hill Road (see site plan, Attachment 1).
 2. At their meeting of November 18, 2008, the City Council approved the abandonment of the public right-of-way subject to retention of a public bicycle and pedestrian path easement satisfactory to the City Engineer and as accepted by City Council.
 3. The un-named right-of-way was originally dedicated by the applicant as a condition of approval of a general plan amendment releasing his property from the Chandler Ranch Specific Plan overlay zone. The reason behind the condition was to ensure adequate access to the Chandler Ranch in advance of a Specific Plan being prepared for the area.
 4. The subject right-of-way follows a natural drainage course. North Coast Engineering, on behalf of applicant Bill Hawk, has provided a letter and schematic easement for a bicycle and pedestrian path in accordance with Council's November 18 resolution. The letter describes the potential character of the path within the easement. It is anticipated that the path will be constructed with the development of the Chandler Ranch.
 5. The City Engineer has reviewed the letter and the attached easement diagram (attachment 2) and finds that it is acceptable with the condition that the vacation of the 60-foot offer of dedication be limited to that portion of the offer that affects the Hawk property and that the City retain an easement for the path per the concept proposed.

**Analysis
and**

Conclusion: The proposal to abandon the subject right-of-way was presented to the City Council on November 18, 2008. The council resolved to abandon the right-of-way subject to retention of an easement for a bicycle and pedestrian path for access to the Chandler Ranch.

The applicant has provided a concept for the path by letter and attached easement diagram. The City Engineer has reviewed the documents and finds that they are acceptable. No solid fencing was proposed with the development of PD 07-014. It is

important that the applicant and his successors in interest acknowledge the ultimate development of the path and maintain the project without a solid fence. It is anticipated that the path will be constructed with the development of the Chandler Ranch.

The City Engineer therefore recommends that the abandonment of the right-of-way be recorded subject to retention of easements as indicated and that the applicant enter into an agreement acknowledging the eventual development of the path and agrees not to place a solid fence along its boundary.

Policy

Reference:

- Streets and Highways Code
- Circulation Element Goal CE-1 “establish a safe, balanced and efficient circulation and pedestrian system serving all segments of the community”
- Circulation Element Policy CE-1A “Revise/update the City’s Circulation Master Plan to address the existing and projected needs, including;
 - a) Providing safe, efficient, and effective traffic and pedestrian flow within the City...
 - g) Establishing safe paths to school for pedestrian and bicycle traffic”
- Circulation Element Policy CE-1F “Provide safe and convenient pedestrian access to all areas of the city”

Fiscal

Impact:

None.

Options:

- a. Adopt a resolution approving the conceptual plan for the bicycle and pedestrian path provided by Bill Hawk and authorize the City Engineer to record the abandonment of the un-named 60-foot right-of-way subject to:
 - retention of the bicycle and pedestrian path easement as shown on the easement diagram
 - retention of sewer and water easements as needed to accommodate development in the Chandler Ranch
 - that the abandonment be limited to that portion of the existing offer of dedication that affects the Hawk property
 - and that the applicant enter into an agreement, to be recorded and applied to successors in interest, that acknowledges his understanding that the bicycle and pedestrian path will ultimately be developed and that no solid fencing along its boundary will be placed.
- b. Amend, modify or reject the above option.

Attachments: (4)

- 1) Vicinity/Reduced size site map
- 2) Resolution No. 08-172
- 3) Letter from NCE and easement diagram
- 4) Resolution

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. 08-172

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

WHEREAS, the Planning Commission at their meeting of October 14, 2008, found the abandonment of an un-named right-of-way east of Golden Hill Road and south of Gilead Lane as shown on the plans for Planned Development PD 07-014, Golden Hill Retirement Community, consistent with the General Plan and recommended approval of the request; and

WHEREAS, the un-named right-of-way was dedicated by the applicant Bill Hawk in 1993 in consideration of a General Plan amendment releasing his property from the Chandler Ranch Specific Plan overlay zone; and

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

WHEREAS, while the Circulation Element of the General Plan does not specifically show the need for a vehicular connection at this location, policies do call for improved pedestrian and bike connection within the City and linking new neighborhoods and schools; and

WHEREAS, the un-named right-of-way has not been shown as necessary for access to the Chandler Ranch Specific Plan on any recent draft plans; 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 east of Golden Hill Road and south of Gilead Lane 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 east of Golden Hill Road and south of Gilead Lane more particularly described in Exhibit "A" be vacated for public purposes.

SECTION 2: The City shall retain easements for public sewer, water lines and for public bicycle and pedestrian access. The precise limits of the easement shall be satisfactory to the City Engineer and shall be presented to the City Council for acceptance.

SECTION 3: 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 4: The above Recitals are incorporated into this Resolution.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18th day of November, 2008 by the following vote:

AYES: Hamon, Nemeth, Picanco, Strong and
NOES: Mecham
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk



Vicinity Map
PD 07-014
(Golden Hill Retirement)



April 27, 2009

Mr. Darren Nash
City of Paso Robles
1000 Spring Street
Paso Robles, CA. 93446

Subject: Golden Hill Senior Community
Public Path Access Easement

Dear Darren:

Per City Council Resolution 08-172, the location of a bicycle and pedestrian easement must be presented to the City Council for acceptance. Design concepts for a potential path have been suggested and discussed by staff. The enclosed exhibit has been prepared to illustrate the location of the proposed easement.

Coincidentally with the vacation of the un-named right of way, the City will retain easements for public sewer, water and public bicycle and pedestrian access. Utility easements will coincide with the location of the respective utilities in final design. The proposed public access easement is shown on the attached exhibit.

The westerly third of the easement measures a minimum of 35 feet wide and runs parallel to the southerly parcel boundary. Along this portion of the easement, design and construction of a bicycle and pedestrian path could be conventional (on-grade) with minimal modifications to grading design.

The center third of the easement, between the angle point in the easement at the retaining wall and the wetland restoration area, has a variable width with portions as narrow as 10 feet where site design dictates. A path along this center stretch would be cantilevered over the drainage channel to preserve the conveyance characteristics of the channel. The elevation of the path would be equal to the elevation of the project access drive.

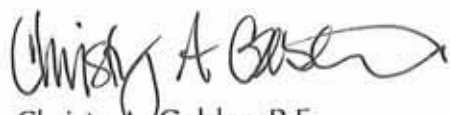
The easterly third of the easement, south of the senior community cottages, would be constructed on a raised boardwalk extending east to the project boundary line. A raised boardwalk in this area could potentially preserve the natural bottom of the drainage channel and the integrity of the easterly wetland mitigation area. The elevation of the path should be set so that it would not obstruct storm water flows from the off-site areas to the east.

Mr. Darren Nash
April 27, 2009
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Clearly, any party proposing to construct a future public access through this easement must comply with CEQA, obtain the necessary permits and complete the appropriate mitigations. Preliminary designs for future public access have not been prepared, so potential impacts and design issues have not been identified.

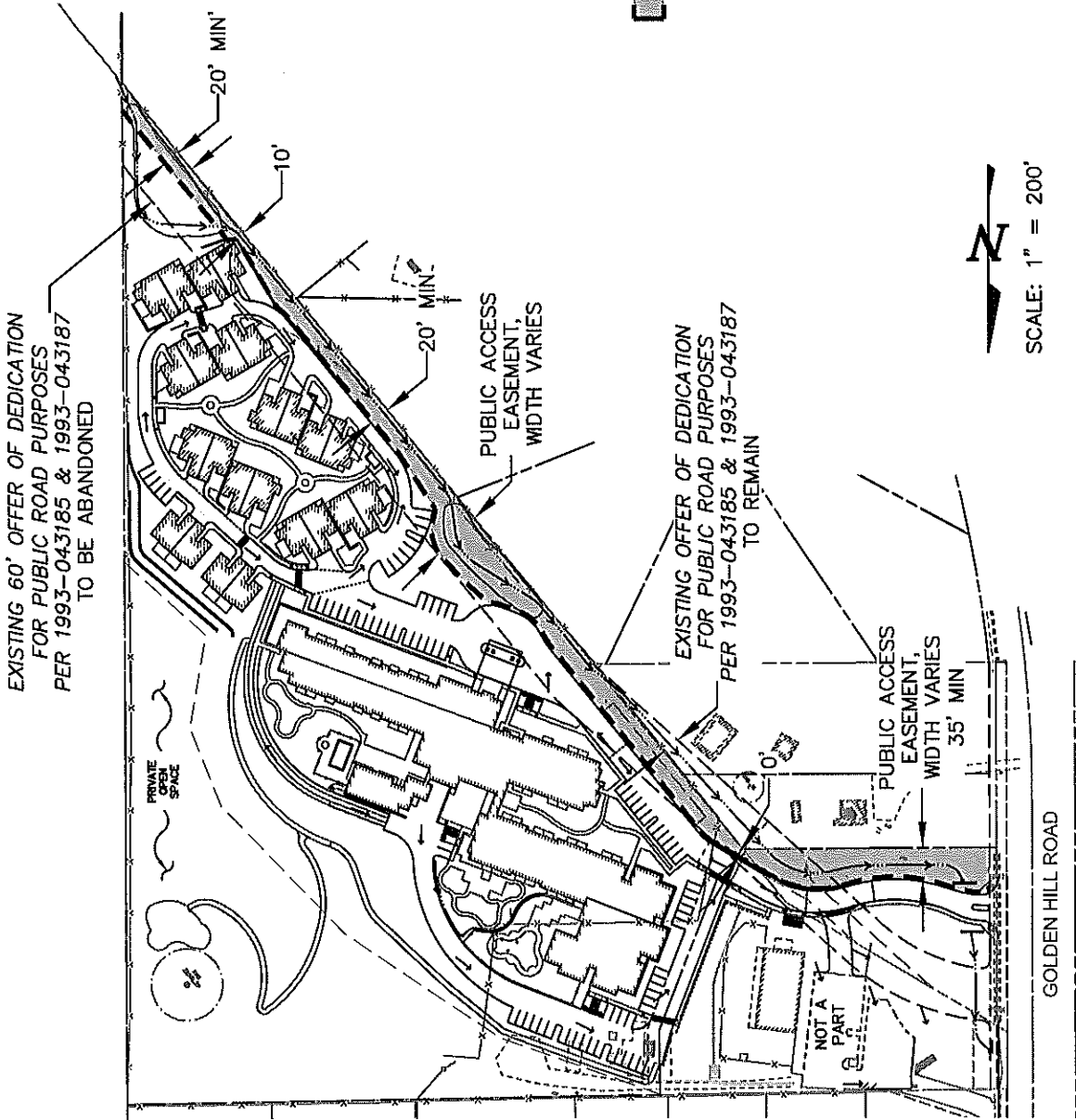
Please review the attached exhibit demonstrating the location of the proposed easement. I would be happy to discuss them with you if there were any questions. We look forward to bringing this item back to the City Council for an official acceptance of the limits of the Public Access Easement.

Sincerely,

A handwritten signature in black ink, appearing to read "Christy A. Gabler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Christy A. Gabler, P.E.
Senior Civil Engineer

Enclosure



**GOLDEN HILL
SENIOR COMMUNITY
PUBLIC ACCESS
EASEMENT
EXHIBIT**



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
SETTING CONDITIONS OF VACATING AN UN-NAMED RIGHT-OF-WAY (HAWK)

WHEREAS, the City Council at their meeting of November 18, 2008, found the abandonment of an un-named right-of-way east of Golden Hill Road and south of Gilead Lane as shown on the plans for Planned Development PD 07-014, Golden Hill Retirement Community, consistent with the General Plan and recommended approval of the request; and

WHEREAS, approval of the abandonment was subject to retention of an easement for bicycle and pedestrian access with limits approved by the City Engineer, and

WHEREAS, the applicant has provided to the City Engineer a letter and schematic layout of an easement for a bicycle and pedestrian path; and

WHEREAS, the City Engineer has reviewed the letter and finds that it is acceptable subject to certain conditions; and

WHEREAS, the original right-of-way was dedicated by the applicant Bill Hawk in 1993 in consideration of a General Plan amendment releasing his property from the Chandler Ranch Specific Plan overlay zone; and

WHEREAS, it is anticipated that construction of the bicycle and pedestrian path will be accomplished through the development of the Chandler Ranch, and

WHEREAS, based on the staff report, staff presentation and having heard all evidence offered by any person interested in the proposed vacation and related bicycle and pedestrian path, the City Council of the City of El Paso de Robles finds that the schematic public access easement provided by applicant, Bill Hawk, and attached as Exhibit "A" is adequate for future use.

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

SECTION 1: The schematic public access easement attached as Exhibit "A" is satisfactory to the City Council.

SECTION 2: The City shall retain additional easements for public sewer and water lines satisfactory to the City Engineer.

SECTION 3: The public right-of-way to be vacated shall be limited to that portion lying within the boundaries of the applicant's property.

SECTION 4: The applicant shall enter into an agreement, to be recorded and applied to successors in interest that acknowledges his understanding that the bicycle and pedestrian path will ultimately be developed.

SECTION 5: The design of any fencing placed along the boundaries of the bicycle and pedestrian path easement shall be subject to the approval of the Director of Community Development.

SECTION 6: 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 7: The above Recitals are incorporated into this Resolution.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 19th day of May, 2009 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Cathy David, Deputy City Clerk