



## Council Agenda Report

From: John Falkenstien, City Engineer

Subject: Street Abandonment 15-001 (SA15-001)  
Summary vacation of a fragment of right-of-way of Tucker Avenue east of Trigo Lane as requested by St. Rose Catholic Church

Date: October 18, 2016

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### **Facts:**

1. The applicant, St. Rose Catholic Church, owns parcels on each side of the right-of-way proposed for abandonment as well as the property to the east.
2. Abandonment of this right-of-way will provide more flexible parking and land use opportunities for the Church.
3. The Planning Commission held a public hearing on February 23, 2016, and referred the item back to staff due to neighborhood concerns.
4. The Planning Commission held a public hearing on June 14, 2016, and on a unanimous vote, found that the proposed abandonment of the right-of-way fragment is consistent with the General Plan and recommended approval.
5. The right-of-way proposed for abandonment is not specifically shown in the City's Circulation element of the General Plan.
6. The Tucker Avenue right-of-way east of Trigo Lane lies within property of one ownership and does not continue through such ownership or end touching property of another.
7. Pursuant to the Streets and Highways Code, the subject right-of-way may be considered for summary vacation.

### **Options:**

1. Approve Draft Resolution A approving the Street Abandonment 15-001, a right-of-way fragment of Tucker Avenue east of Trigo Lane subject to improvement of the right-of-way.
2. Refer back to staff to analyze different improvements in the right-of-way.
3. Deny the request to abandonment of a right-of-way fragment of Tucker Avenue east of Trigo Lane based on findings.
4. Do nothing

## **Analysis & Conclusion:**

The abandonment request was presented to the Planning Commission on February 23, 2016. At the meeting numerous questions and concerns were raised by the neighbors related to the intended use of the area, using the area as a parking lot, and concerns about use of the area as a student drop off area. Additionally, concerns were raised with the current practice of the area being used by the trash company to access the trash bins.

Prior to the June 14 Planning Commission hearing, staff met with Father Roberto and Don Benson. They indicated it was not the church's intent to use the area for parking or as a student drop off area, and the church would like to prevent these activities on Trigo Lane. St. Rose has revised the abandonment exhibit to show the installation of curb, gutter, and sidewalk for the abandonment frontage that would extend across the abandonment area and tie into the existing curb, gutter, and sidewalk on Trigo Lane (see attached exhibit, Attachment 2). The new improvements would prevent vehicles, including the trash truck from accessing the abandonment area. Additionally, the plan shows the installation of a masonry trash enclosure adjacent to the administration building that would be accessed from the Creston Road parking lot side.

The Planning Commission at their meeting of June 14, 2016, unanimously recommended approval of the requested abandonment. The abandonment of the right-of-way fragment of Tucker Avenue, east of Trigo Lane, will allow for more flexible land use opportunities for the St. Rose Catholic Church.

### **General Plan Consistency**

The fragment of right-of-way proposed for abandonment serves no current or future purpose for public streets.

### **Abandonment Process**

Section 8334 of the State Streets and Highways Code provides that the City Council may "summarily" vacate a right-of-way of a street not required for street purposes and/or a portion of a street that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

The proposed abandonment complies with all of the above terms.

### **Utilities**

There are no City water or sewer facilities affected by the proposed abandonment. However, the area proposed for abandonment is occupied by wire utilities including PG&E and AT&T. Additionally, the area accepts surface drainage from the neighboring streets. Therefore, the area proposed for abandonment must be retained as a Public Utility and Drainage Easement.

**Policy  
Reference:**

City of Paso Robles Municipal Code; California Government and Streets and Highways Codes.

**Fiscal  
Impact:**

None

**Recommendation:**

Option 1: Approve Draft Resolution A approving the abandonment of a right-of-way fragment of Tucker Avenue east of Trigo Lane subject to improvement of the right-of-way.

**Attachments:**

1. Site Photo
2. Improvement Plan
3. Draft Resolution A

# Attachment 1







# Attachment 3

## Draft Resolution A

### RESOLUTION NO. 16-XXX

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES VACATING A PORTION OF UNUSED RIGHT-OF-WAY OF TUCKER AVENUE STREET ABANDONMENT 15-001 (SA 15-001) ST. ROSE CATHOLIC CHURCH

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WHEREAS, Tucker Avenue, east of Trigo Lane is bordered by properties owned by the Diocese of Monterey on both sides and at its eastern terminus; and

WHEREAS, said portion of Tucker Avenue, used exclusively by the neighboring property owner, St. Rose Catholic Church (Diocese of Monterey) and is not specifically shown in the Circulation Element of the General Plan; and

WHEREAS, Section 65402(a) of the Government Code provides that "...no street shall be vacated or abandoned, ... if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such... street vacation or abandonment... has been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof"; and

WHEREAS, at its meeting of June 14, 2016, the Planning Commission recommended that the City Council find that the proposed vacation of Tucker Avenue right-of-way described in Exhibits "A" and "B" to be consistent with the General Plan and approve said vacation; and

WHEREAS, the Tucker Avenue right-of-way east of Trigo Lane is an excess right-of-way not required for street purposes; and

WHEREAS, the Tucker Avenue right-of-way east of Trigo Lane lies within property of one ownership and does not continue through such ownership or end touching property of another; and

WHEREAS, pursuant to Streets and Highways Code 8334, this portion of street 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 portion of street right-of-way described in Exhibits "A" and "B" 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 proposed vacation of a portion of alley right-of-way shown on Exhibits "A" and "B" is consistent with the General Plan for the City of El Paso de Robles.

SECTION 2: The subject portion of street right-of-way described on Exhibits "A" and "B" be vacated for public purposes.

SECTION 3: The subject portion of street right-of-way described on Exhibits “A” and “B” shall be retained as a Public Utility Easement.

SECTION 4: The applicant shall make the improvements as shown on Exhibit C within 1-year of recordation of vacation of Tucker Ave.

SECTION 5: 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 6: The above Recitals are incorporated into this Resolution.

APPROVED this 18<sup>th</sup> day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Steven W. Martin, Mayor

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Kristen L. Buxkemper, Deputy City Clerk

Exhibits

- A. Legal Description
- B. Abandonment Map
- C. Right-of-way Improvement Plan

EXHIBIT A  
LEGAL DESCRIPTION

That portion of Tucker Avenue, a sixty (60) foot wide road in Tract 68, in the City of Paso Robles, County of San Luis Obispo, State of California, according to the map filed in Book 5 of Maps at page 87, in the office of the County Recorder of said County, described as follows:

Commencing at the most easterly centerline intersection of Tucker Avenue and Trigo Lane of said map as evidenced by a spike as shown on the Record of Survey filed in Book 9 of Licensed Surveys at page 12, Records of said County; thence South 50°30'00" East, along the centerline of said Tucker Avenue, 25.00 feet to the **true point of beginning**;

1. Thence N 28° 32' 30" E 63.45 feet to a point on a non-tangent curve concave northeasterly having a radius of 45.00 feet, a radial line to said point bears N66°34'00"W;
2. Thence southerly along the arc of said curve through a central angle of 73°36'00", an arc distance of 57.81 feet;
3. Thence parallel with said centerline of said Tucker Avenue, South 50°30'00" East, 24.90 feet to the southerly most corner of Lot 2 of Block 9 of said Tract 68;
4. Thence South 02°28'47" East, along the easterly end of said Tucker Avenue and the easterly line of Said Tract 68, a distance of 80.72 feet to the easterly most corner of Lot 1 of Block 6 of said Tract 68;
5. Thence parallel with said centerline of said Tucker Avenue, North 50°30'00" West, along the northeasterly line of said Lot 1 a distance of 90.00 feet to the beginning of a tangent curve concave southerly having a radius of 20.00 feet;
6. Thence northwesterly along the arc of said curve through a central angle of 90°00'00", an arc distance of 31.42 feet; to a point on the southeasterly right-of-way line of Trigo Lane (50 foot wide -25 foot half width) of said Tract 68;
7. Thence parallel with said centerline of said Trigo Lane, North 39°30'00" East, 50.00 feet to **the true point of beginning**.


The above described land, containing 5,420 square feet, more or less, is graphically shown on Exhibit "B" attached hereto and made a part hereof.

\* \* \*

END DESCRIPTION

SURVEYOR'S STATEMENT

This legal description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



Wm. E. Touchon, P.L.S. 4845

November 13, 2015

Date





# Exhibit "B"

R1= 5-MB-87

TUCKER  
TUCKER

25'  
25'

N 39°30'00" E 50.00' [R1]

FD. SPIKE

POINT OF  
COMMENCEMENT

TRIGO LANE

N 23°06'00" E 85.00' [R1]

30'

30'

N 23°06'00" E  
29.10' [R1]

POINT OF  
BEGINNING

N 28°32'30" E 63.45'

N 39°30'00" E 50.00'

R=20.00'  
Δ=90°00'00" [R1]  
L=31.42'

30'

30'

108.00' [R1]

N 50°30'00" W

LOT 2  
BLOCK 9  
TRACT 68  
5-MB-87

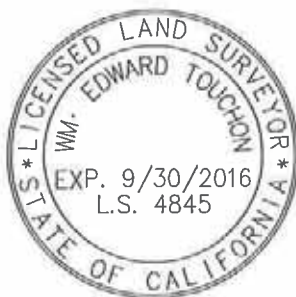
LOT 1  
BLOCK 6  
TRACT 68  
5-MB-87

N 50°30'00" W 90.00' [R1]

STREET ABANDONMENT  
AREA = 5,420 SQ.FT.

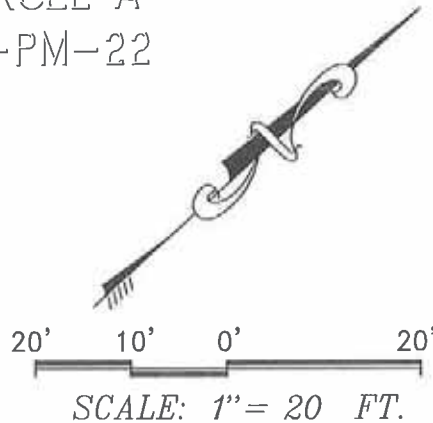
PARCEL A  
24-PM-22

TRACT BOUNDARY



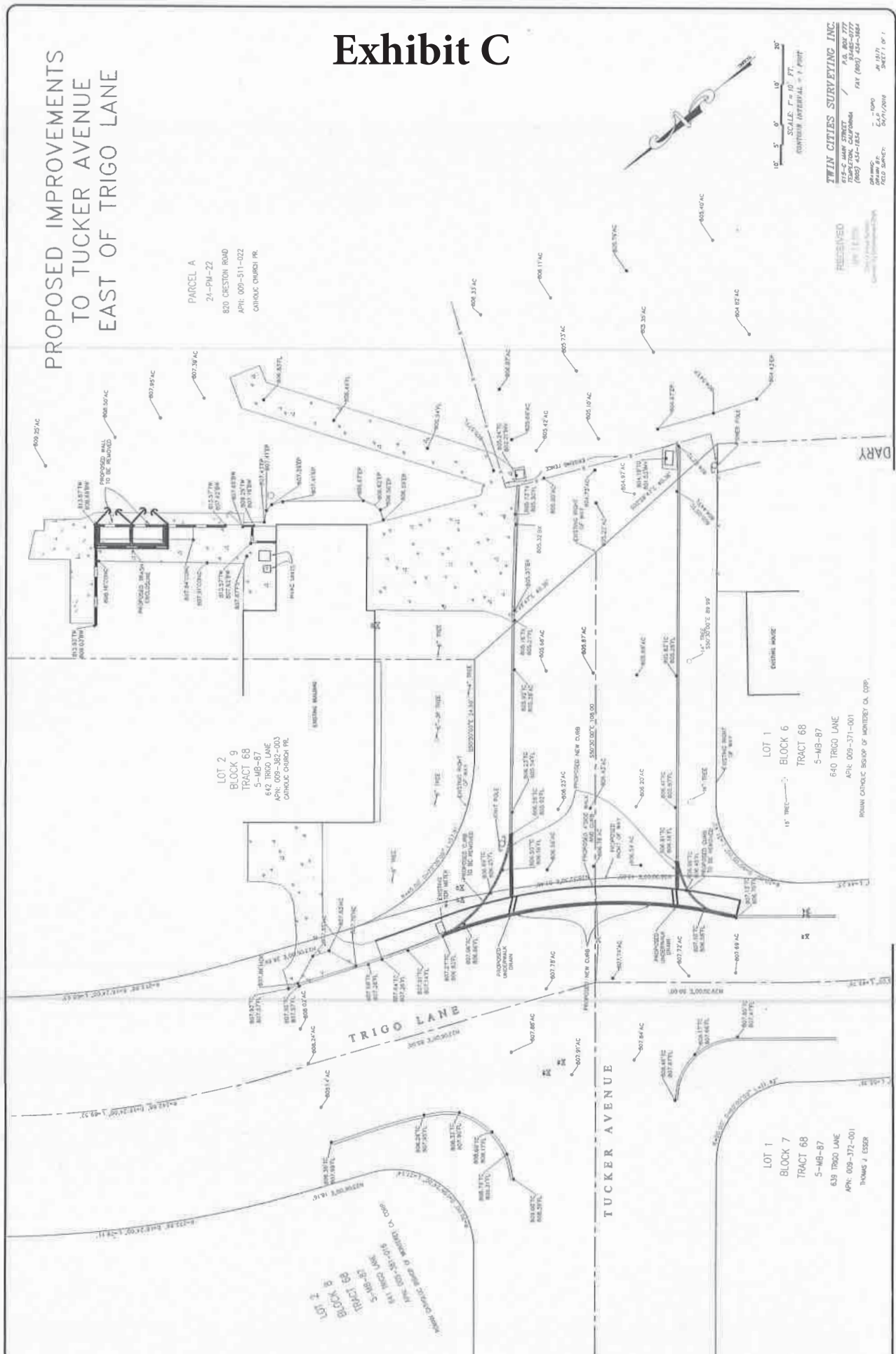
TRACT BOUNDARY

*Wm. E. Touchon* 11-13-2015  
WM. E. TOUCHON L.S. 4845 DATE  
(LICENSE EXPIRES 09/30/2016)



TWIN CITIES SURVEYING INC.  
TEMPLETON, CALIFORNIA  
JN 00000

PROPOSED IMPROVEMENTS  
TO TUCKER AVENUE  
EAST OF TRIGO LANE



## Exhibit C