

Doc No: 1996-023178

Rec No: 00095483

Official Records
San Luis Obispo Co.
Julie L. Rodewald
Recorder
May 09, 1996
Time: 11:20

NF 0.00

TOTAL 0.00

[4]

Recording requested by and
when recorded mail to:
City of Paso Robles
Department of Public Works
1000 Spring Street
Paso Robles, CA 93446

RESOLUTION No. 96-26

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO de ROBLES
VACATING A PORTION OF
ELEVENTH STREET BETWEEN PINE STREET
AND RAILROAD STREET AND A PORTION
OF RAILROAD STREET IN THE CITY OF EL PASO de ROBLES**

WHEREAS, the City of El Paso de Robles, having on the 20th day of February, 1996, passed a Resolution of Intention (No. 96-15) to close and vacate a public street in the City of El Paso de Robles, County of San Luis Obispo, State of California, and more particularly described as follows:

That portion of Eleventh Street lying between the Easterly right-of-way line of Pine Street, and the Westerly right-of-way line of Railroad Street, and the Westerly five feet (5') of Railroad Street fronting on Lots 10, 11, 12 Block 44 and Lots 9, 10, 11, 12 Block 45, as shown in Book A of Maps, at Page 169.

;and

WHEREAS, the City of El Paso de Robles did cause said Resolution of Intention to be published in the Country News-Press as required by law; and

WHEREAS, it further appears that said notices and public actions were in all respects completed as required by the entitled "Street Vacation Act of 1941" Division IX, Part 3, Chapters 1, 2 and 3 of the Streets and Highways Code; and

WHEREAS, the Planning Commission found that this vacation conforms with the General Plan as required by Government Code Section 65402.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. A public hearing has been held on said proposed vacation as so noticed and having heard all evidence offered by all persons interested, the City Council of the City of El Paso de Robles finds that the street as described is unnecessary for present or prospective future public street purposes.

Section 2. Based upon the facts and analysis presented in the staff report and public testimony received, the City Council finds that:

A. The proposed street vacation in association with Planned Development 96001 is not in conflict with the City's General Plan, and

B. The proposed street vacation in association with Planned Development 96001 is consistent with the City's Redevelopment Plan and Economic Strategy, and

C. The Redevelopment Agency of the City of Paso Robles and the applicant, John Rousch, entered into an Owner Participation Agreement, dated November 30, 1995, to provide for the development of a multiplex movie theater project in furtherance of the goals and objectives of the Paso Robles Redevelopment Plan to revitalize downtown Paso Robles.

Section 3. That the City Council of the City of El Paso De Robles, does approve street vacation 96001 subject to the following conditions:

A. This resolution of vacation shall be recorded upon, (i) the applicant providing documentation satisfactory to the City that financing commitments have been secured by the applicant to develop the approved plans for Planned Development 96001; and

B. (ii) the applicant providing verification that escrow has closed and John Rousch is the property owner of the site approved for Planned Development 96001.

C. Applicant agrees to execute an amendment to the Owner Participation Agreement with the Redevelopment Agency of the City of El Paso de Robles (the "OPA") that will require applicant to rededicate to the City the portion of 11th Street that is to be abandoned pursuant to this resolution if the OPA is terminated by the applicant or by the Agency.

Section 4. Traffic impacts associated with closure of Eleventh Street were analyzed in the Negative Declaration for Planned Development 96001 and it is hereby determined that such environmental review is sufficient.

Section 5. That the street herein before described is unnecessary for present or prospective public street purposes, and that it would be in the public interest and general welfare that said street be vacated. The City Council further finds and determines that there shall be reserved and excepted from said vacation a public utility, water, sewer, drainage and access easement.

Section 6. The City Clerk of the City of El Paso de Robles shall cause a certified copy of this Resolution to be recorded in the Office of the County Recorder of the County of San Luis Obispo, State of California, upon the satisfaction of the conditions specified in Section 3.

PASSED AND ADOPTED by the City Council of the City of Paso Robles, this 19th day of March, 1996, on the following vote:

AYES: HEGGARTY, IVERSEN, MARTIN, PICANCO, MACKLIN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Walter J. Macklin, Mayor

ATTEST:


Richard J. Ramirez, City Manager/Clerk