

RESOLUTION NO. 12-183

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES VACATING
A PORTION OF UNUSED RIGHT-OF-WAY OF AN ALLEY NORTH OF 28TH STREET**

WHEREAS, on June 1, 2010, the Planning Commission approved the redevelopment of the Oak Park housing project located between Park Street and the railroad and between 28th and 34th Streets; and

WHEREAS, the plans for the redevelopment of Oak Park include perpendicular parking along the west side of the public alley located directly adjacent to the railroad; and

WHEREAS, there is an unused portion of alley right-of-way, eight feet in width, near 28th Street 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 October 23, 2012, the Planning Commission recommended that the City Council find that the proposed vacation of a portion of the alley right-of-way described in Exhibits "A" and "B" to be consistent with the General Plan and approve said vacation; and

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

WHEREAS, the portion of alley right-of-way 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 alley right-of-way considered for abandonment; and

WHEREAS, pursuant to Streets and Highways Code 8331, this portion of alley 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 alley 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 alley right-of-way described on Exhibits "A" and "B" be vacated for public purposes.

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 Paso Robles this 4th day of December, 2012 by the following vote:

AYES: Strong, Martin, Steinbeck, Hamon, Picanco

NOES:

ABSTAIN:

ABSENT:



Duane Picanco, Mayor

ATTEST:



Caryn Jackson, Deputy City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

ROADWAY ABANDONMENT

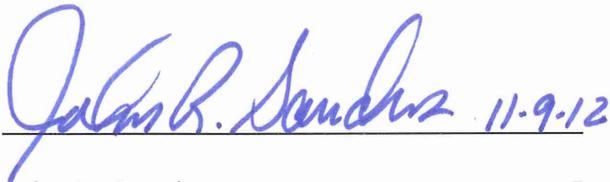
A portion of the public right of way lying southerly of the Southern Pacific Railroad right of way and westerly of 28th Street, in the City of San Luis Obispo, County of San Luis Obispo, State of California, as shown on that Record of Survey filed November 7, 2008, in Book 100 of Licensed Surveys, at Pages 86 and 87, in the office of the County Recorder of said County, being more particularly described as follows;

Beginning at the northeast corner of the lands shown on said Record of Survey, said corner being marked by a nail tagged "LS 6492", thence;

North 03°34'19" West, 125.23 feet to the easterly line of said lands; thence along the easterly line of said lands North 86°06'05" East, 8.00 feet; thence leaving said easterly line South 03°34'19" East, 125.23 feet to the westerly line of said 28th Street; thence along said westerly line, South 86°06'05" West, 8.00 feet to the point of beginning.

Containing 1,002 sq. ft. more or less.

See attached Exhibit "B" made a part hereof.

 11-9-12

John R. Sanders

Date



P.L.S. 5812 Exp. 6/30/14

EXHIBIT "B"

S.P.R.R.

EXISTING RIGHT OF WAY

EXISTING 40' DEDICATION
PER 733 O.R. 182

AREA TO BE ABANDONED

N86°06'05"E 8.00'

S03°34.19"E 125.23'

N03°34.19"W 125.23'

EXISTING BOUNDARY

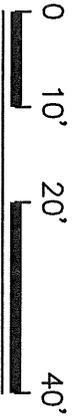
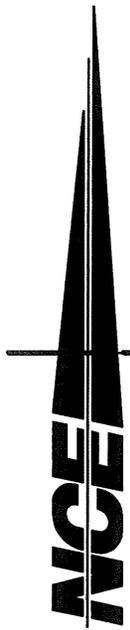
8.00'

POINT OF BEGINNING

S86°06'05"W 8.00'

28TH STREET

100 RS 86



SCALE: 1"=20'

JN 09129

ABANDONMENT OF
RIGHT OF WAY



NORTH COAST ENGINEERING INC.
725 Creston Rd Suite B, Paso Robles, 239-3127