

TO: PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STREET ABANDONMENT 10-001 (SOUTH RIVER ROAD ASSOCIATES)
DATE: JUNE 22, 2010

Needs: For the Planning Commission to make the following recommendations to the City Council regarding abandonment (vacation) of former rights-of-way for Niblick and South River Roads adjacent to the proposed Hidden Creek Village 81 unit apartment complex at 80 S. River Road:

- a. Find that the abandonment of the former rights-of-way for both streets is consistent with the General Plan;
- b. Consider approval of the proposed abandonment.

Facts:

1. Both Niblick and South River Roads were re-aligned in the late 1980s. However, portions of the old rights-of-way were never abandoned.
2. On January 6, 2009, the City Council approved a development plan (PD 08-010) for the construction of Hidden Creek Village, an 81 unit affordable apartment complex at 80 S. River Road.
3. The development plan proposes to incorporate the abandoned rights-of-way into the housing site. A general description of the portions to be abandoned are:
 - a. Niblick Road: a dedication of 42 feet of half-width for this road, which runs along the south side of the site;
 - b. S. River Road: a dedication of 12 feet along much of the Cary Street frontage plus a triangular area at the corner of S. River Road and Cary Street.
4. Attached is a map showing the sections of both roads that are proposed for abandonment.
5. There are utilities in the rights-of-way to be abandoned, one of which is beneath the footprint of a building. The applicant's engineer has indicated that they are working with affected utility companies to relocate the utilities and will be recording new utility easements before construction of the project is completed.
6. 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... have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof."

Analysis and
Conclusion:

General Plan Consistency

Both Niblick and South River Roads are designated by the Circulation Element as arterial roads. However, the alignment of both roads was changed in the late 1980s to improve circulation,

including the ability of both roads to adequately perform as arterials. The areas to be abandoned no longer serve any purpose for these arterial streets. Additionally, the rights-of-way to be abandoned do not include the right-of-way for Cary Street, which runs along the southwest side of the apartment site and provides the primary access to the site.

Abandonment

Sections 8330, 8331, and 8333 of the State Streets and Highways Code provide that the City Council may “summarily” vacate a street that has been superseded by relocation provided that the vacation:

- Does not cut off all access to a person’s property which, prior to relocation, adjoined the street or highway.
- For a period of five consecutive years, the street has been impassable for vehicular travel and no public money was expended for maintenance on the street during such period.
- Does not terminate a public service easement, provided that the easement:
 - Has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and
 - Has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

The proposed abandonment complies with all of the above items.

There are utility easements within portions of the S. River Road right-of-way to be abandoned. Some utilities need to be relocated, and the applicant has made arrangements with the affected utilities for their relocation, which will occur during construction of the project. The City Council will be asked to approve the abandonment on the condition that the utilities are relocated to the satisfaction of the utility providers and that new easements are recorded.

- Policy Reference: City of Paso Robles Municipal Code; California Government and Streets and Highways Codes.
- Fiscal Impact: None identified.
- Options: That the Planning Commission make the following recommendations to the City Council regarding the proposed abandonment:
 - a. That the City Council adopt the attached resolution conditionally approving the abandonment of portions of the former rights-of-way for Niblick and South River Roads;
 - b. Amend, modify, or reject the above option.

Prepared by: Ed Gallagher, City Planner

Attachment: Resolution Approving Vacation

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. 10-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING PORTIONS OF UNUSED RIGHTS-OF-WAY OF
NIBLICK AND SOUTH RIVER ROADS
(HIDDEN CREEK VILLAGE)

WHEREAS, On January 6, 2009, the City Council approved a development plan (PD 08-010) for the construction of Hidden Creek Village, an 81 unit affordable apartment complex at 80 S. River Road; and

WHEREAS, in the late 1980s, Niblick and South River Roads were realigned in a manner that left portions of their rights-of-way that are adjacent to the site for Hidden Creek Village unused and unmaintained; and

WHEREAS, the unused rights-of-way for Niblick and South River Roads are not specifically shown in the Circulation Element of the General Plan; and

WHEREAS, the unused rights-of-way for Niblick and South River Roads have not been shown as necessary for access to any other private properties; and

WHEREAS, the development plan for Hidden Creek Village proposes to incorporate the unused rights-of-way into the housing site; a general description of the portions to be vacated are as shown in Exhibit "A" of this resolution; 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... have 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 22, 2010, the Planning Commission recommended that the City Council find that the proposed vacation of the portions of Niblick and South River Roads described in Exhibit "A" be found to be consistent with the General Plan and approve said vacation; and

WHEREAS, the portions of Niblick and South River Roads considered for abandonment have been impassable for vehicle travel for more than five years; and

WHEREAS, no public money has been expended for maintenance of the portions of Niblick and South River Roads considered for abandonment since the realignment of these roads in the late 1980s; and

WHEREAS, pursuant to Streets and Highways Code 8331, these portions of Niblick and South River Roads 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 portions of Niblick and South River Roads as described in Exhibit "A" and attached to this Resolution, are 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 the subject portion of portions of Niblick and South River Roads, as shown on Exhibit "A", is consistent with the General Plan for the City of El Paso de Robles.

SECTION 2: The subject portion of portions of Niblick and South River Roads, as described as shown on Exhibit "A" be vacated for public purposes.

SECTION 3: The City shall retain easements for public utilities, satisfactory to the City Engineer.

SECTION 4: 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.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 6th day of July, 2010 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

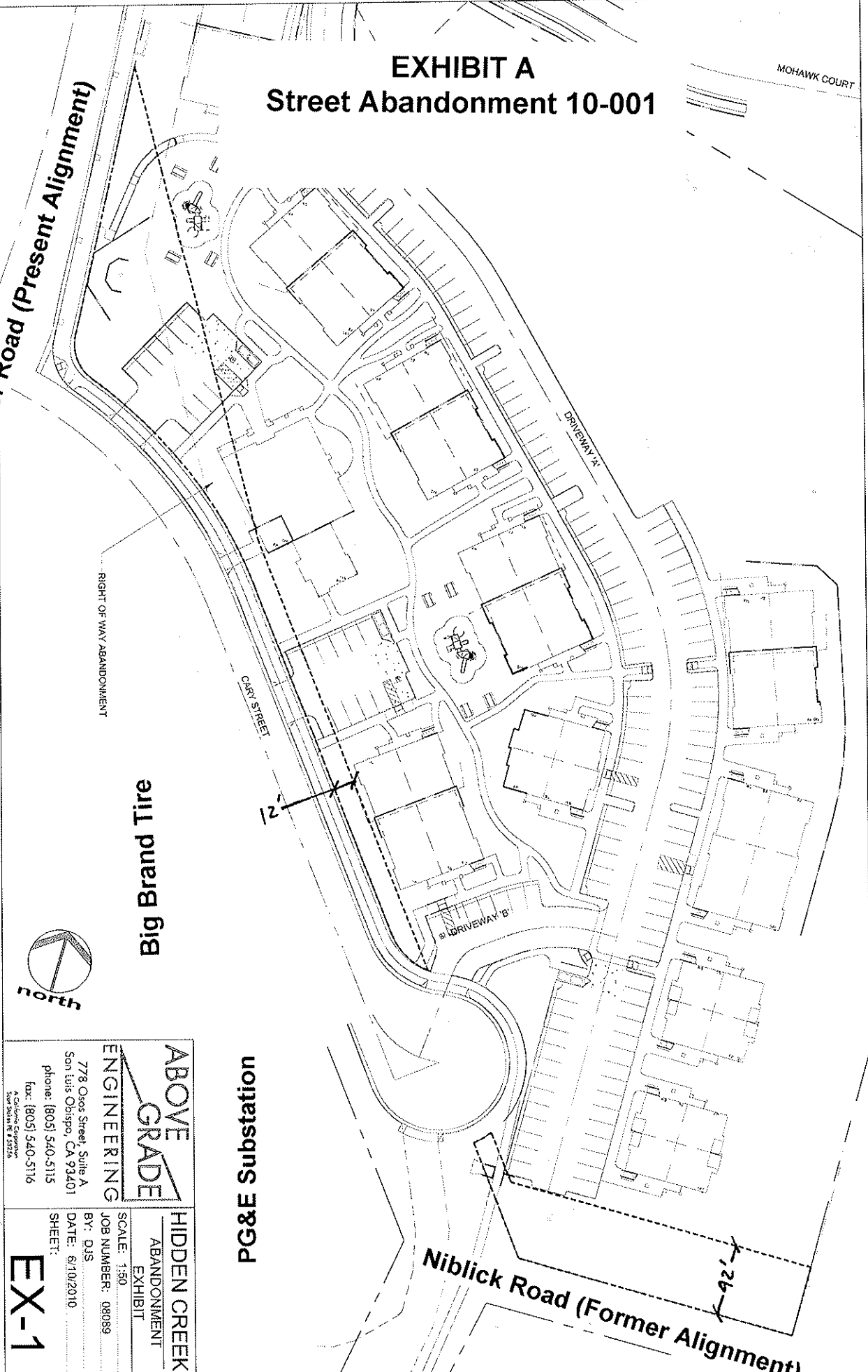
ATTEST:

_____, Deputy City Clerk

EXHIBIT A
Street Abandonment 10-001

S. River Road (Present Alignment)

MOHAWK COURT



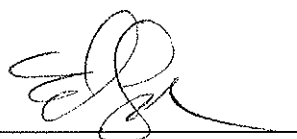
Big Brand Tire

<p>ABOVE GRADE ENGINEERING</p> <p>778 Oros Street, Suite A San Luis Obispo, CA 93401 phone: [805] 540-5115 fax: [805] 540-5116 <small>A California Corporation State License # 22215</small></p>	<p>HIDDEN CREEK ABANDONMENT EXHIBIT</p>
	<p>SCALE: 1:50 JOB NUMBER: 08099 BY: DJS DATE: 6/10/2010 SHEET: EX-1</p>

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Ed Gallagher, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Street Abandonment 10-001 (Niblick and S. River Roads) on this 11th day of June, 2010.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Ed Gallagher

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