

TO: PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STREET ABANDONMENT 11-001 (SOUTH RIVER ROAD ASSOCIATES)
DATE: JANUARY 10, 2012

Needs: For the Planning Commission to make the following recommendations to the City Council regarding abandonment (vacation) of former rights-of-way for South River Road and Navajo Avenue adjacent to the Hidden Creek Village apartment complex at 80 Cary Street:

- 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. Additional right-of-way was abandoned in 2010 consistent with the current plan for Cary Street. However, a small fragment of right-of-way was missed.
2. South River Road Associates requests abandonment of a fragment of antiquated right-of-way south of and generally parallel to Navajo Avenue to be incorporated into the open space portion of their project.
3. 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 Cary Street.
4. Attached are maps showing the portions of right-of-ways of both roads proposed for abandonment. See Attachments 1 and 2.
5. 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

The fragments of right-of-way proposed for abandonment serve no purpose for public streets.

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8333 of the State Streets and Highways Code provide that the City Council may "summarily" vacate a street that has been superseded by relocation provided that the vacation: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 abandonments comply with all of the above items.

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 Navajo Avenue and South River Roads;
- b. Amend, modify, or reject the above option.

Prepared by: John Falkenstien, City Engineer

Attachments:

1. Navajo Avenue Exhibit
2. South River Road Exhibit
3. Resolution Approving Vacation
4. Mail Notice Affidavit

EXHIBIT A

Legal Description

A portion of the forty foot wide, unnamed road shown on Parcel Map P.R. 79-275 as recorded on the 17th day of June, 1980 in Book "29" of Parcel Maps at Page 43 and filed in the office of the county recorder, City of El Paso De Robles, County of San Luis Obispo, State of California, more particularly described as follows:

Beginning at a point on the easterly line of Parcel 1 of said map at the intersection with the southerly line of the 10 foot offer of dedication shown on said map; thence, North 74°37'28" West 312.10 feet along the said southerly line of 10 foot offer of dedication per said map to the intersection with the southerly right-of-way line of Mohawk Court as shown on Map of Tract 2186, recorded in Map Book 18 at Page 51, records of said county, said point being a point on a non-tangent curve, concave northerly, having a radius of 280.00 feet and to which point a radial line bears South 11°10'20" West; thence northeasterly along said curve through a central angle of 16°44'18" and a distance of 81.80 feet; thence North 84°27'46" East 34.34 feet to the centerline of said unnamed 40 foot wide road; thence South 74°37'28" 192.21 feet East along said centerline to the intersection with the northerly prolongation of the easterly line of said Parcel 1; thence South 0°00'07" West 31.11 feet along said prolonged line to the point of beginning.

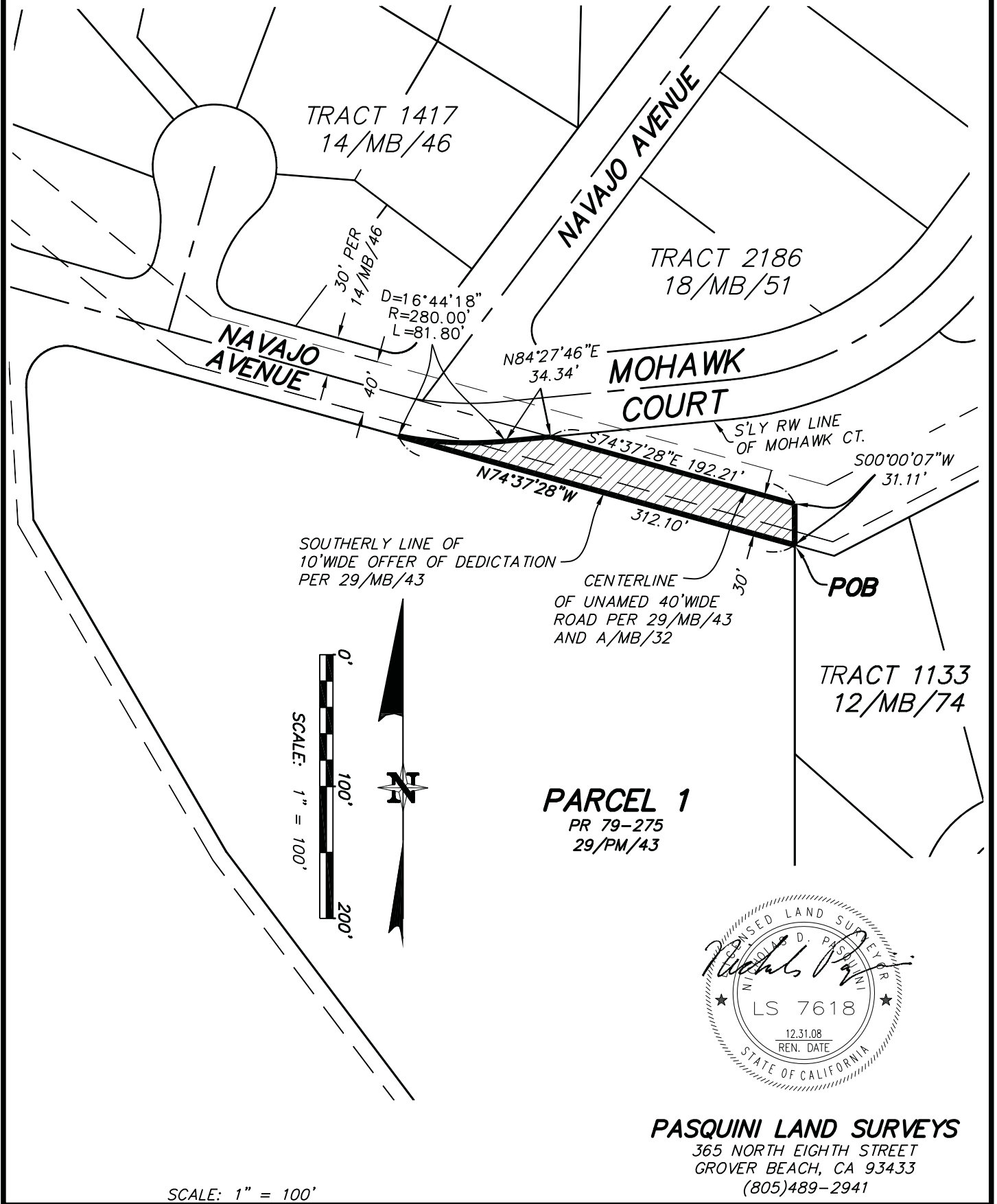
The above-described parcel is graphically shown on the attached exhibit and made a part hereof.

End of Description

Nicholas D. Pasquini, PLS 7618
Exp. 12-31-08

EXHIBIT B

A portion of the forty foot wide, unnamed road shown on Parcel Map P.R. 79-275 as recorded on the 17th day of June, 1980 in Book "29" of Parcel Maps at Page 43 and filed in the office of the county recorder, City of El Paso De Robles, County of San Luis Obispo, State of California.



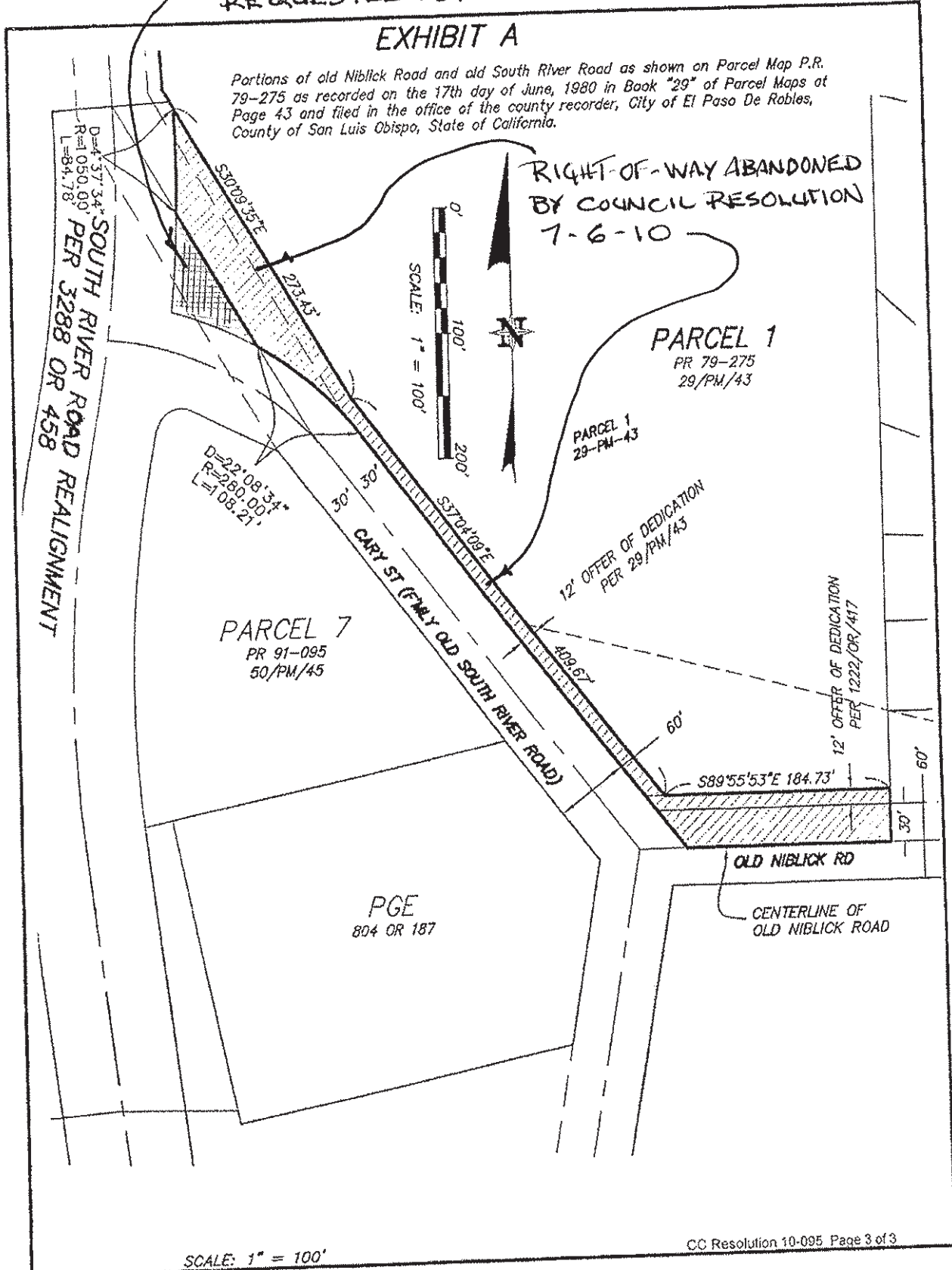
PASQUINI LAND SURVEYS
365 NORTH EIGHTH STREET
GROVER BEACH, CA 93433
(805)489-2941

SCALE: 1" = 100'

**RIGHT-OF-WAY FRAGMENT
 REQUESTED FOR ABANDONMENT**

EXHIBIT A

Portions of old Niblick Road and old South River Road as shown on Parcel Map P.R. 79-275 as recorded on the 17th day of June, 1980 in Book "29" of Parcel Maps at Page 43 and filed in the office of the county recorder, City of El Paso De Robles, County of San Luis Obispo, State of California.



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. 12-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING PORTIONS OF UNUSED RIGHT-OF-WAYS OF
NAVAJO AVENUE 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 Cary Street; and

WHEREAS, in the late 1980s, South River Road was realigned in a manner that left portions of its right-of-way unused and unmaintained; and

WHEREAS, Navajo Avenue somewhat follows and then diverges from a historical un-named right-of-way established on the original map of the Rancho Santa Ysabel; and

WHEREAS, the unused portions of right-of-ways for Navajo Avenue and South River Road are not specifically shown in the Circulation Element of the General Plan; and

WHEREAS, the unused portions of right-of-ways for Navajo Avenue and South River Road 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 portions of right-of-ways into the housing site. A general description of the portions to be vacated are shown in Exhibits "A" and "B" 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 January 10, 2012, the Planning Commission recommended that the City Council find that the proposed vacation of the portions of Navajo Avenue and South River Road described in Exhibits "A" and "B" to be consistent with the General Plan and approve said vacation; and

WHEREAS, the portions of Navajo Avenue and South River Road 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 Navajo and South River Road 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 Navajo Avenue and South River Road 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 Navajo Avenue and South River Road as described in Exhibits "A" and "B" 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 portions of Navajo Avenue and South River Road, as shown on Exhibits "A" and "B", is consistent with the General Plan for the City of El Paso de Robles.

SECTION 2: The subject portions of Navajo Avenue and South River Road, as described as shown on Exhibits "A" and "B" be vacated for public purposes.

SECTION 3: The City shall retain an easement for public utilities over that fragment of South River Road being abandoned, 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 5: The above Recitals are incorporated into this Resolution.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of January, 2012 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

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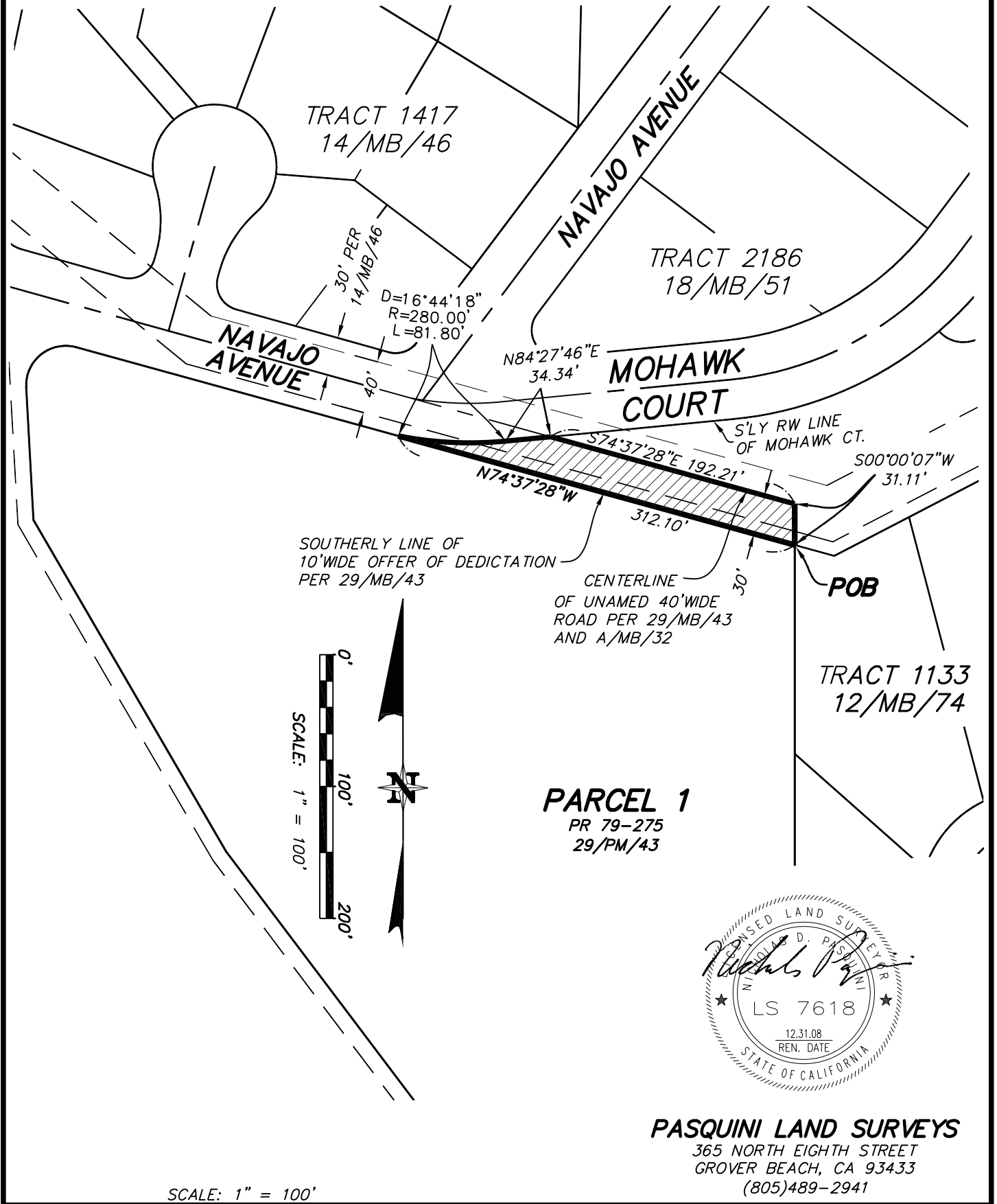
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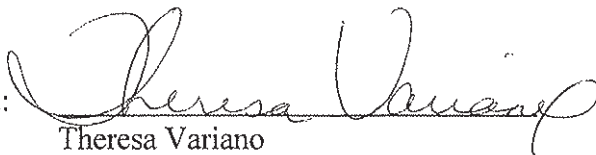
SCALE: 1" = 100'

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Theresa Variano, 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 11-001
(South River Road Associates) on this 21st day of December, 2011.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Theresa Variano

forms\mailaffi.691