

TO: PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STREET ABANDONMENT 12-003 (OAK PARK)
DATE: OCTOBER 23, 2012

Needs: For the Planning Commission to make the following recommendations to the City Council regarding abandonment (vacation) of a fragment of right-of-way of an alley north of 28th Street adjacent to the railroad:

- a. Find that the abandonment of the fragment of right-of-way on the alley north of 28th Street along the railroad is consistent with the General Plan;
- b. Consider approval of the proposed abandonment.

Facts:

1. The redevelopment of the Oak Park housing was approved by the Planning Commission on June 1, 2010.
2. New permanent parking facilities are planned along the west side of the public alley that serves the Oak Park development adjacent to the railroad. Abandonment of this right-of-way fragment will provide additional Housing Authority property clear of the public easement, which will accommodate parking in accordance with the approved plan.
3. The fragment of right-of-way proposed for abandonment is indicated on the attached Exhibit.
4. 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 fragment 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8333 of the State Streets and Highways Code provide that the City Council may "summarily" vacate a street that has been superseded by relocation provided that the vacation: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 - Has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.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 approving the abandonment of the fragment of right-of-way of the alley north of 28th Street adjacent to the railroad;
- b. Amend, modify, or reject the above option.

Prepared by: John Falkenstien, City Engineer

Attachments:

1. Exhibit
2. Resolution Approving Vacation

U.P.R.R.

ALLEY

PROPOSED OFFER
OF DEDICATION

EXISTING DEDICATION
PER 733 O.R. 182

PROPOSED ABANDONMENT

PROPOSED LOT LINE

20.00'

125.23'

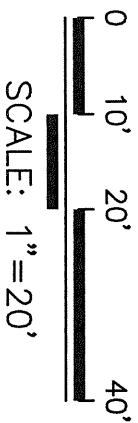
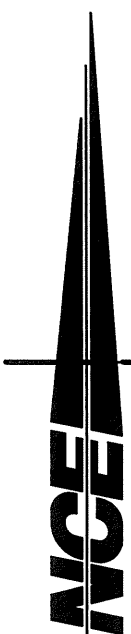
EXISTING BOUNDARY

8.00'

28TH STREET

LOT 2
TRACT 3024-PH 1

PROPOSED ABANDONMENT OF RIGHT OF WAY



JN 09129

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

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 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 portions 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 20th day of November, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

U.P.R.R.

ALLEY

PROPOSED OFFER
OF DEDICATION

EXISTING DEDICATION
PER 733 O.R. 182

PROPOSED ABANDONMENT

PROPOSED LOT LINE

20.00'

125.23'

EXISTING BOUNDARY

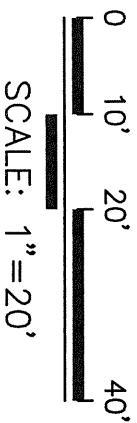
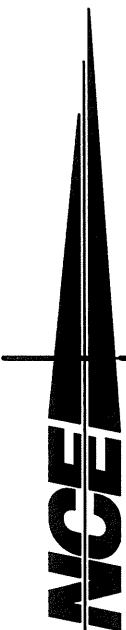
8.00'

28TH STREET

EXHIBIT "A"

LOT 2
TRACT 3024-PH 1

PROPOSED ABANDONMENT
OF RIGHT OF WAY



JN 09129

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

EXHIBIT “B”

LEGAL DESCRIPTION

[TO BE INSERTED]