

TO: PLANNING COMMISSION
FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STREET ABANDONMENT 15-001 (ST. ROSE CATHOLIC CHURCH)
DATE: FEBRUARY 23, 2016

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 Tucker Avenue from Trigo Lane to 108 feet east of Trigo Lane:

- a. Find that the abandonment of the fragment of right-of-way of Tucker Avenue east of Trigo Lane is consistent with the General Plan;
- b. Consider approval of the proposed abandonment.

Facts:

1. The applicant, St. Rose Catholic Church, owns parcels on each side of the right-of-way proposed for abandonment, as well as the property to the east of the right-of-way.
2. Abandonment of this right-of-way fragment will provide more flexible parking and land use opportunities for the Church.
3. The fragment of right-of-way proposed for abandonment is indicated on the attached Exhibit.
4. The right of way is not shown in the General Plan for an future circulation purposes.
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 fragment of right-of-way proposed for abandonment serves no current of future purpose for public streets.

Abandonment

Section 8334 of the State Streets and Highways Code provides that the City Council may "summarily" vacate a right-of-way of a street not required for street purposes and/or a portion of a street that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

The proposed abandonment complies with all of the above terms.

Utilities

There are no City water or sewer facilities affected by the proposed abandonment. However, the area proposed for abandonment is occupied by wire utilities including PG&E and AT&T. Additionally the area accepts surface drainage from the neighboring streets. Therefore, the area proposed for abandonment must be retained as a Public Utility and Drainage Easement.

Policy

Reference: City of Paso Robles Municipal Code; California Government and Streets and Highways Codes.

Fiscal

Impact: None identified.

Options:

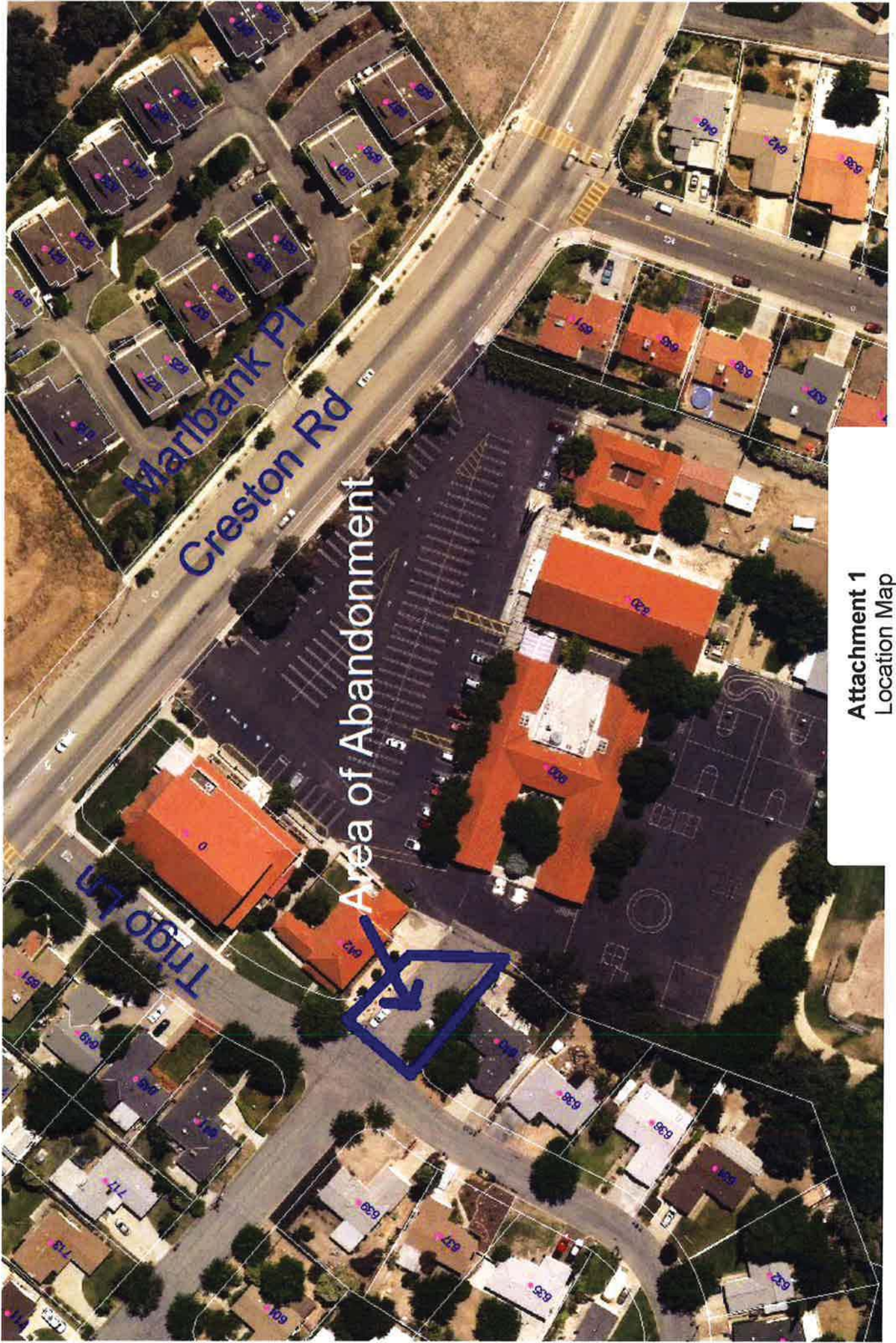
That the Planning Commission make the following recommendations to the City Council regarding the proposed abandonment:

- a. That the City Council adopt the attached resolution approving the abandonment of the fragment of right-of-way of Tucker Avenue east of Trigo Lane;
- b. Amend, modify, or reject the above option.

Prepared by: John Falkenstien, City Engineer

Attachments:

1. Location Map
2. Resolution Recommending that the City Council Approve Street Vacation



Attachment 1
Location Map
SA 15-001 - Tucker Ave.
(St. Rose)

RESOLUTION NO. 16-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO ROBLES
RECOMMENDING THAT THE CITY COUNCIL APPROVE
VACATING A PORTION OF UNUSED RIGHT-OF-WAY OF TUCKER AVENUE

WHEREAS, Tucker Avenue, east of Trigo Lane is bordered by properties owned by the Diocese of Monterey on both sides and at its eastern terminus; and

WHEREAS, said portion of Tucker Avenue, used exclusively by the Diocese of Monterey, is 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, the Tucker Avenue right-of-way east of Trigo Lane is an excess right-of-way not required for street purposes; and

WHEREAS, the Tucker Avenue right-of-way east of Trigo Lane lies within property of one ownership and does not continue through such ownership or end touching property of another; and

WHEREAS, pursuant to Streets and Highways Code 8334, this portion of street 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 Planning Commission recommends that the City Council of the City of El Paso de Robles make the necessary findings that the portion of street right-of-way described in Exhibits "A" and "B" attached to this Resolution, is unnecessary for present or prospective public use, and take the necessary steps to approve the summary vacation.

PASSED AND ADOPTED THIS 23rd day of February 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

VINCE VANDERLIP, CHAIRMAN

ATTEST:

WARREN FRACE, PLANNING COMMISSION SECRETARY

EXHIBIT A
LEGAL DESCRIPTION

That portion of Tucker Avenue, a sixty (60) foot wide road in Tract 68, in the City of Paso Robles, County of San Luis Obispo, State of California, according to the map filed in Book 5 of Maps at page 87, in the office of the County Recorder of said County, described as follows:

Commencing at the most easterly centerline intersection of Tucker Avenue and Trigo Lane of said map as evidenced by a spike as shown on the Record of Survey filed in Book 9 of Licensed Surveys at page 12, Records of said County; thence South 50°30'00" East, along the centerline of said Tucker Avenue, 25.00 feet to the **true point of beginning**;

1. Thence N 28° 32' 30" E 63.45 feet to a point on a non-tangent curve concave northeasterly having a radius of 45.00 feet, a radial line to said point bears N66°34'00"W;
2. Thence southerly along the arc of said curve through a central angle of 73°36'00", an arc distance of 57.81 feet;
3. Thence parallel with said centerline of said Tucker Avenue, South 50°30'00" East, 24.90 feet to the southerly most corner of Lot 2 of Block 9 of said Tract 68;
4. Thence South 02°28'47" East, along the easterly end of said Tucker Avenue and the easterly line of Said Tract 68, a distance of 80.72 feet to the easterly most corner of Lot 1 of Block 6 of said Tract 68;
5. Thence parallel with said centerline of said Tucker Avenue, North 50°30'00" West, along the northeasterly line of said Lot 1 a distance of 90.00 feet to the beginning of a tangent curve concave southerly having a radius of 20.00 feet;
6. Thence northwesterly along the arc of said curve through a central angle of 90°00'00", an arc distance of 31.42 feet; to a point on the southeasterly right-of-way line of Trigo Lane (50 foot wide -25 foot half width) of said Tract 68;
7. Thence parallel with said centerline of said Trigo Lane, North 39°30'00" East, 50.00 feet to the **true point of beginning**.

The above described land, containing 5,420 square feet, more or less, is graphically shown on Exhibit "B" attached hereto and made a part hereof.

* * *

END DESCRIPTION

SURVEYOR'S STATEMENT

This legal description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.



Wm. E. Touchon, P.L.S. 4845

November 13, 2015

Date

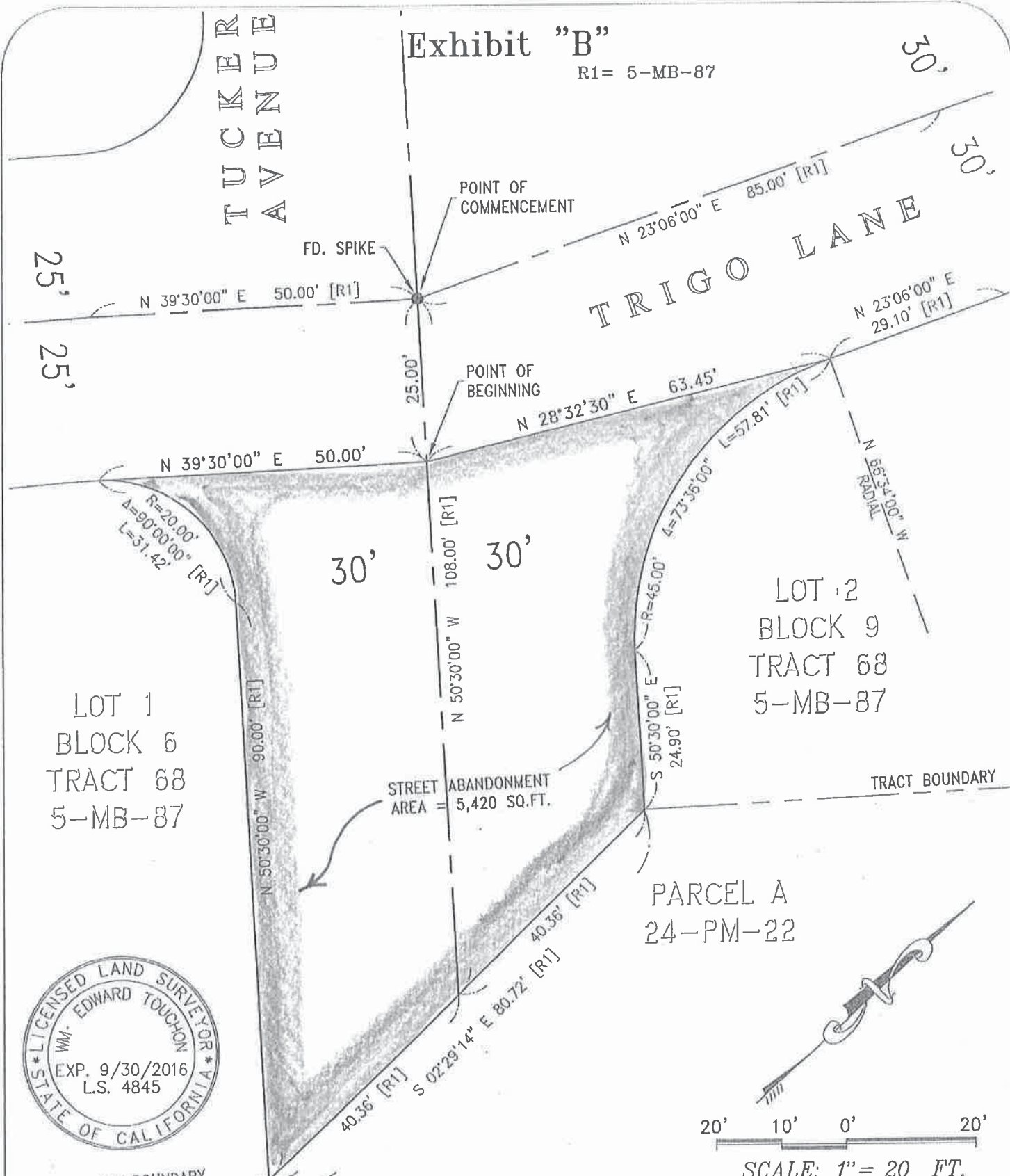


Exhibit "B"

R1= 5-MB-87

TUCKER AVENUE

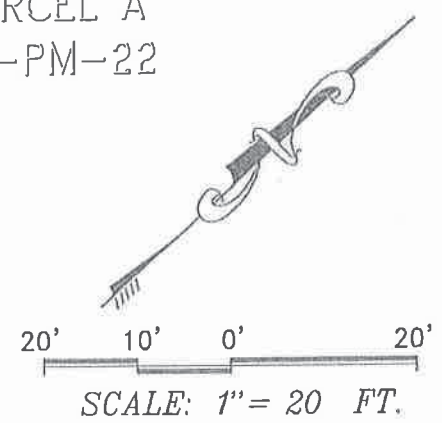
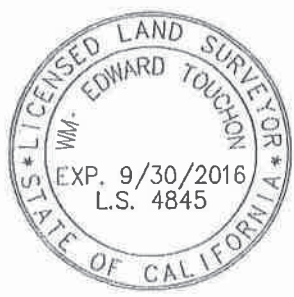
TRIGO LANE



LOT 1
BLOCK 6
TRACT 68
5-MB-87

LOT 2
BLOCK 9
TRACT 68
5-MB-87

PARCEL A
24-PM-22



Wm. E. Touchon 11-13-2015
 WM. E. TOUCHON L.S. 4845 DATE
 (LICENSE EXPIRES 09/30/2016)

TWIN CITIES SURVEYING INC.
 TEMPLETON, CALIFORNIA
 JN 00000



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

AFFIDAVIT OF MAIL NOTICES PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Monica Hollenbeck, 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 15-001, on this 11th day of February, 2016.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: *Monica C Hollenbeck*
Monica Hollenbeck

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION
PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: 02/13/16

Meeting Date: 02/23/16
Planning Commission

Project: Street Abandonment 15-001 – ST. ROSE CATHOLIC SCHOOL

I, Monica C Hollenbeck, employee of the Community Development Department, Engineering Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: Monica C Hollenbeck
Monica C Hollenbeck

CITY OF EL PASO DE ROBLES

NOTICE OF PUBLIC HEARING

NOTICE OF INTENT TO ABANDON PORTION OF TUCKER AVENUE STREET ABANDONMENT 15-001

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider making a recommendation to the City Council to approve the following Street Abandonment request:

Street Abandonment 15-001: a request filed by St. Rose Catholic Church, for a summary vacation of the portion of Tucker Avenue east of Trigo Lane, in the City of Paso Robles.

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 6:30 PM on Tuesday, February 23, 2016, at which time all interested parties may appear and be heard.

The application and staff report may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the abandonment request may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Darren Nash at (805) 237-3970 or by email at dnash@prcity.com.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

Darren R. Nash, Associate Planner
February 13, 2016 2267773