

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Street Abandonment 03-003 (Leland Street, Bernstein)
DATE: March 16, 2004

Needs: For the City Council to hold a public hearing to consider adopting a Resolution, with conditions, to abandon a portion of Leland Street, a 40-foot wide street, as shown on the attached exhibits.

- Facts:**
1. The portion of Leland Street between Blackburn Street and 150 feet southwest of Blackburn Street is being considered for abandonment. Leland Street currently ends 150 feet southwest of Blackburn Street. Due to topographic conditions, there is no public through traffic.
 2. The abandonment request was submitted by Mel Bernstein and Robert Bell. The purpose of the request is to accommodate the applicant's desire to develop the adjacent parcel with a single family residence.
 3. The Planning Commission at their meeting of January 13, 2004 recommended approval of the abandonment request.
 4. The City Council, at their meeting on February 3, 2004, adopted "Resolution of Intent to Abandon" No. 04-20 which set a public hearing date of March 2, 2004, to abandon this right-of-way.
 5. Pursuant to Streets and Highways Code §8323, Notice of this Hearing was duly published in the Telegram Tribune, a newspaper published and circulated within the City of El Paso de Robles.
 6. Pursuant to Streets and Highways Code §8323, two (2) weeks before the date set for hearing Notice of Vacation was posted along the line of Leland Street.
 7. At their meeting of March 2, 2004, the City Council opened and continued discussion of Street Abandonment 03-003 to the City Council meeting of March 16, 2004.

**Analysis
and**

Conclusion The request would appear to be consistent with the Streets and Highway Code, the City's General Plan and the Blackburn Study Area Master Plan. Emergency Services staff has not raised any concerns regarding the proposed abandonment.

It is recommended that a public drainage easement be retained within the southwesterly 50 feet of the right-of-way proposed to be abandoned.

Policy

Reference: Streets and Highways Code

Fiscal

Impact: None

Options:

- a. Adopt Resolution No. 04-xx to abandon a portion of Leland Street, a 40-foot right-of-way from Blackburn Street to 150 feet southwest of Blackburn Street and retain a public drainage easement over the southwesterly 50 feet of the right-of-way as shown on the Exhibit "A" and as requested by the adjacent property owners.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Exhibit "A"
2. Resolution

RESOLUTION NO. 04-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING A PORTION OF LELAND STREET, A 40-FOOT RIGHT-OF-WAY
SOUTHWEST OF BLACKBURN STREET (BERNSTEIN-BELL)

WHEREAS, the Planning Commission at their meeting of January 13, 2004, recommended approval of the abandonment request; and

WHEREAS, the City Council of the City of Paso Robles, at their meeting of February 3, 2004, adopted a Resolution of Intention No. 04-20 to close and vacate a portion of Leland Street, a 40-foot public right-of-way, from Blackburn Street to 150 feet southwest of Blackburn Street in the City of Paso Robles, County of San Luis Obispo, State of California, and more particularly described as follows:

SEE ATTACHMENT EXHIBIT "A"

WHEREAS, at their meeting of March 2, 2004, the City Council opened and continued a public hearing for the abandonment of a portion of Leland Street; 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:

- A. That pursuant to Streets and Highways Code §8322 a Notice of this Hearing has been appropriately published in a newspaper of general circulation within the City of El Paso de Robles; and
- B. That pursuant to Streets and Highways Code §8323 a Notice of Vacation has been appropriately posted along the line of the street to be vacated; and
- C. That Leland Street from Blackburn Street to 150 feet southwest of Blackburn Street, a forty (40) foot right of way as described in 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:

1. Subject to the condition set forth in Sections 2 below, Leland Street, as herein before described and as shown on Exhibit "A" be vacated for public purposes.
2. That the City retain an easement for drainage over the southwesterly 50 feet of the right-of-way to be abandoned, as described in Exhibit "A".
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.
4. The above Recitals are incorporated into this Order.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 16th day of March 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

Wilson Land Surveys

7600 Morro Road, Atascadero, CA 93422

Phone: (805) 466-2445 • Fax: (805) 466-0812 • Email: kenw@rtcengineering.com

Exhibit "A" Sheet 1 of 2

That portion of Leland Street in the City of El Paso de Robles, County of San Luis Obispo, State of California according to the Map of the Resubdivisions of Villa Lot Number Ten of the Town of El Paso de Robles filed April 25, 1889 in Book B of Maps at Page 23 in the Recorder's Office of said County and State, described as follows:

Beginning at the most westerly corner of Parcel 1 of Parcel Map PRAL-89-261 according to the map filed October 31, 1991 in Book 48 of Parcel Maps at Page 87 said point being on the easterly right-of-way of said Leland Street;

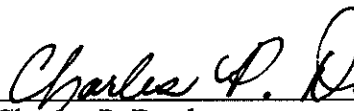
thence along said easterly right-of-way North 23°17'12" East (North 23°10'00" East, Record) a distance of 144.43 feet to the most northerly corner of said Parcel 1 said point being on the southerly line of the five foot wide Offer of Dedication as shown on said map;

thence leaving said right-of-way North 66°50'21" West a distance of 40.00 feet to the westerly right-of-way of said Leland Street;

thence along said westerly right-of-way South 23°17'12" West a distance of 144.35 feet to the most southerly corner of Parcel 'C' of Parcel Map PR 89-232 according to the map filed March 22, 1985 in Book 37 of Parcel Maps at Page 8 in said Recorder's Office;

thence South 66°42'48" East a distance of 40.00 feet to the point of beginning.

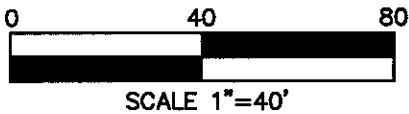
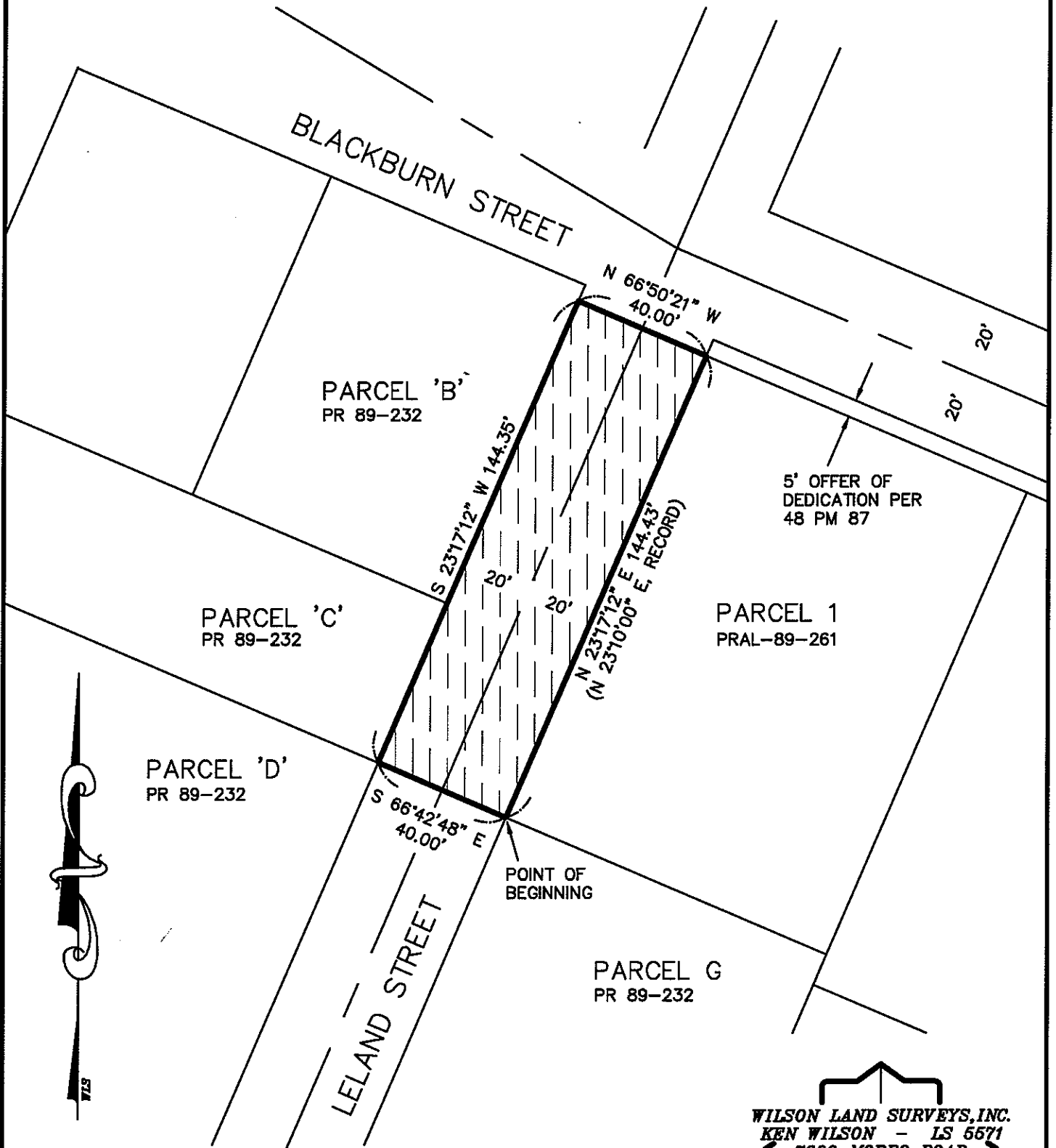
This description is based on a survey by Wilson Land Surveys. The attached Exhibit "A" Sheet 2 of 2 should be used to assist in retracing the lines of this description.


Charles P. Dunham
Professional Land Surveyor
Lic. No. 6492
Exp. 6-30-2007



A MAP OF A PORTION OF LELAND STREET IN THE CITY OF EL PASO DE ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA PER B MB 23

EXHIBIT "A"
SHEET 2 OF 2



WILSON LAND SURVEYS, INC.
KEN WILSON - LS 5571
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