

TO: James L. App, City Manager
FROM: Robert A. Lata, Community Development Director
SUBJECT: Street Abandonment 04-003 (Oak Street, Morris-Cardinale)
DATE: July 19, 2005

Needs: For the City Council to hold a public hearing to consider adopting a Resolution to abandon a portion of Oak Street from 3rd Street to 4th Street, an 80-foot wide street, as shown on the attached Exhibit "A".

- Facts:**
1. The portion of Oak Street being considered for abandonment lies between 3rd Street and 4th Street. Oak Street is undeveloped at this location. The topography includes steep slopes and a significant drainage course.
 2. The abandonment request was submitted by Richard Morris and Joe Cardinale. The purpose of the request is to allow for residential uses.
 3. The Planning Commission at their meeting of May 24, 2004 recommended approval of the abandonment request in a unanimous decision.
 4. The City Council, at their meeting on June 7, 2005, adopted "Resolution of Intent to Abandon" No. 05-117 which set a public hearing 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 this hearing, Notice of Vacation was posted along the line of 19th Street.
 7. At the July 5, 2005 Council meeting, the request for continuance was made on behalf of the City Engineer so that he would be available to attend the public hearing.

**Analysis
and
Conclusion**

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

It is necessary that private access and utility easements be recorded prior to or simultaneously with the street abandonment to maintain access to two existing parcels along this section of Oak Street.

The City will abandon the existing 4-inch water line that currently exists in the subject right-of-way.

Policy

Reference: Streets and Highways Code

Fiscal

Impact: None

Options:

- a. Adopt Resolution No. 05-xx to abandon a portion of Oak Street, an 80-foot right-of-way from 3rd Street to 4th Street as requested by the applicants, subject to the provision of private access and utility easements for certain adjacent properties and subject to conditions set forth.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Exhibit "A"
2. Resolution

THE Newspaper of the Central Coast
TRIBUNE

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

RESOLUTION NO. 05-117

In The Superior Court of The State of California
In and for the County of San Luis Obispo

AFFIDAVIT OF PUBLICATION

AD #6200344
CITY OF PASO ROBLES
COMMUNITY DEVELOPMENT DEPT.

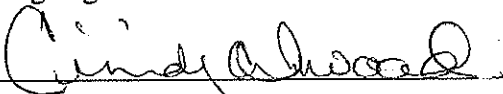
STATE OF CALIFORNIA,

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof - on the following date, to-wit JUNE 18, 2005 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATE: JUNE 18, 2005
AD COST: \$98.34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES PROVIDING NOTICE OF INTENTION TO CONSIDER VACATING AN UNIMPROVED PORTION OF OAK STREET AND GIVING NOTICE OF A TIME AND PLACE FOR A PUBLIC HEARING (MORRIS-CARDINALE)

WHEREAS, the abandonment request was submitted by the applicant to expand the residential uses of the adjacent properties; and

WHEREAS, the Planning Commission at their meeting of May 24, 2005 recommended approval of the abandonment request.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above findings are true and correct.
2. That it is the intention of the City Council of the City of Paso Robles to consider closing and vacating an 80-foot wide portion of Oak Street right-of-way from 3rd Street to 4th Street more particularly described as:
SEE EXHIBIT "A"
3. For further particulars as to the proposed vacation, reference is thereby made to a map and plan now on file in the office of the City Clerk of the City of Paso Robles.
4. That July 5, 2005, at the hour of 7:30 P. M., on said date in the Paso Robles City Hall, 1000 Spring Street, Paso Robles, California, is the time and place set forth for hearing all persons interested or having objection to the proposed closing.
5. That the City Engineer of the City of Paso Robles be and is hereby directed to cause a copy of this Resolution of Intention to be published fifteen (15) days prior to the date set herein for hearing in a newspaper of general circulation, published and circulated in the City of Paso Robles, California.
6. The City Engineer of the City of Paso Robles be and is hereby directed to cause a notice of the passage of this Resolution of Intention and the time and place for hearing hereon by conspicuously posting notices thereof along the line of the right-of-way to be vacated.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 7th day of June 2005 by the following vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk
June 18, 2005



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

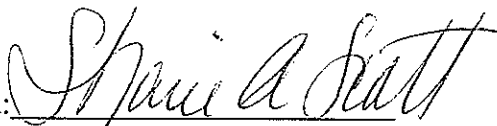
AFFIDAVIT

OF MAIL NOTICES / CITY COUNCIL PROJECT NOTICING

I, Sharie A. Scott, 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 SA 04-003 Cardinale & Morris on this 15th day of June 2005.

City of El Paso de Robles
Community Development Department
Engineering Division

Signed:


Sharie A. Scott

RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING OAK STREET, AN 80-FOOT RIGHT-OF-WAY BETWEEN
3RD STREET AND 4TH STREET (MORRIS-CARDINALE)

WHEREAS, the City Council of the City of Paso Robles, at their meeting of June 7, 2005, adopted a Resolution of Intention to close and vacate Oak Street, an 80-foot public right-of-way, from 3rd Street to 4th 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, 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 Oak Street from 3rd Street to 4th Street, an eighty (80) 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:

SECTION 1. Subject to the conditions set forth in Section 2 below, Oak Street, from 3rd Street to 4th Street, as herein before described, be vacated for public purposes Exhibit "A."

SECTION 2. That the applicant shall abandon the existing water main in 4th Street in accordance with plans approved by the City Engineer

SECTION 3. That the applicant record all necessary easements for access to properties along the subject portion of Oak Street.

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 Order.

ADOPTED by the City Council of the City of El Paso de Robles at a regular meeting of said Council held on the 19th day of July 2005 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

