

**TO:** James L. App, City Manager  
**FROM:** Robert A. Lata, Community Development Director  
**SUBJECT:** Notice of Intention to Consider Abandoning a Portion of Oak Street  
SA 04-003 (Morris-Cardinale)  
**DATE:** June 7, 2005

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**Needs:** For the City Council to approve a resolution providing "Notice of Intention" to consider abandoning an unimproved 80-foot wide portion of Oak Street right-of-way between 3<sup>rd</sup> Street and 4<sup>th</sup> Street as shown on the attached exhibit "A".

**Facts:**

1. The abandonment request was submitted by Dick Morris and Joe Cardinale. The purpose of the request is to expand residential use of the parcels adjacent to the abandoned area.
2. The Planning Commission at their meeting of May 24, 2005, in a unanimous decision (one abstain), recommended approval of the abandonment request.
3. Oak Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets is partially developed as a rough driveway. The existing topography of the right-of-way does not lend itself to the practical extension of Oak Street.
4. A City Standard Road could not be built in the existing right-of-way without significant alteration of the existing terrain.

**Analysis  
and  
Conclusion**

The subject request was found 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.

The existing terrain in the Oak Street right-of-way drops off of the edge of paving on 4<sup>th</sup> Street at a sharp slope. Substantial alteration of existing grades, including fill in a floodway would be necessary to bring Oak Street into conformance with City Standards.

**Policy  
Reference:** Streets and Highway Code

**Fiscal  
Impact:** None

- Options:**
- a. Adopt Resolution of Intent No. 05-xx to consider abandoning the 80-foot wide right-of-way of Oak Street from 3<sup>rd</sup> Street to 4<sup>th</sup> Street as shown on Exhibit "A" and setting July 5, 2005, in the Paso Robles City Hall, 1000 Spring Street, for public hearing for all persons interested or having objection to the proposed closing.
  - b. Amend, modify or reject the above option.

Attachments: (3)

1. Resolution of Intent
2. Exhibit "A"
3. Mail and News Noticing Affidavits

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

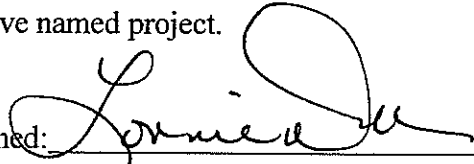
Newspaper: Tribune

Date of Publication: May 11, 2005

Meeting Date: May 24, 2005  
(Planning Commission)

Project: Street Abandonment 04-003  
(Morris/Cardinale)

I, Lonnie Dolan, employee of the Community Development Department, Planning 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:   
Lonnie Dolan

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider approving the following Street Abandonment application:

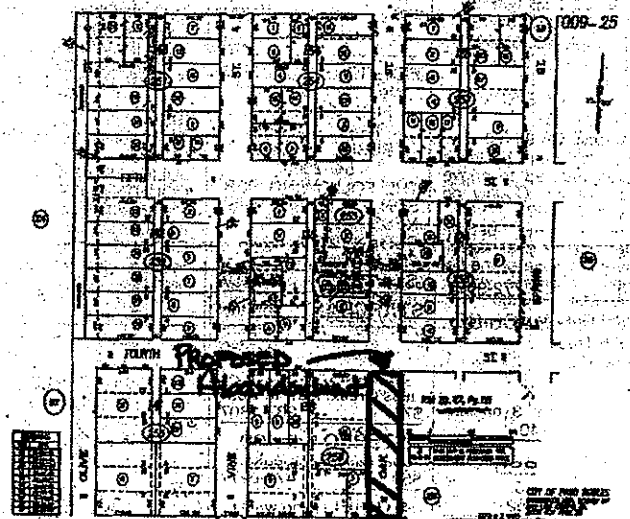
**Street Abandonment 04-003:** a request filed by John McCarthy of McCarthy Engineering on behalf of Dick Morris and Joe Cardinale to abandon a portion of Oak Street between 3rd and 4th Streets, an existing "paper" street, in the City of Paso Robles (see attached vicinity map).

The Planning Commission hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, May 24, 2005, at which time all interested parties may appear and be heard.

Comments on the proposed street abandonment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing.

If you challenge the street abandonment applications in court, you may be limited to raising only those issues you or someone else raised at the public hearings 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



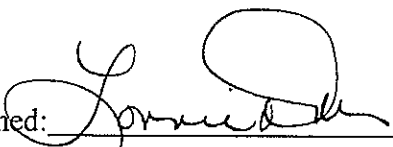
VICINITY MAP  
Street Abandonment 04-003  
(Cardinale/Morris)

**AFFIDAVIT  
OF MAIL NOTICES**

**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Lonnie Dolan, 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 04-003 (Morris & Cardinale) on this 12th day of May 2005.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Lonnie Dolan

RESOLUTION NO. 05-

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)

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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 3<sup>rd</sup> Street to 4<sup>th</sup> 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.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 7th day of June 2005 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

