

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Street Abandonment 06-002 (James Street, Boyd)
DATE: December 5, 2006

Needs: For the City Council to consider adopting a resolution for a summary vacation of an unimproved variable width portion of James Street right-of-way west of Cherry Street as shown on the attached exhibit "A".

- Facts:**
1. The abandonment request was submitted by John and Vaughn Boyd. The purpose of the request is to expand residential use of the adjacent parcel to the abandoned area.
 2. The Planning Commission at their meeting of August 8, 2006, in a unanimous decision found that the proposed street abandonment is consistent with the General Plan and recommended approval of the request.
 3. The portion of James Street considered for abandonment was originally dedicated as a condition of a building permit on the property.
 4. The City Council adopted the Blackburn Area Study by Resolution 03-160 on August 19, 2003. The Blackburn Area Study indicates that the area considered for abandonment is not needed for a future street.
 5. The area considered for abandonment is not shown in the City's Circulation Element of the General Plan as being needed for street purposes.
 6. The portion of James Street considered for abandonment has been impassable for vehicle travel for more than five years.
 7. No public money has been expended for maintenance on the portion of James Street considered for abandonment.
 8. Pursuant to Streets and Highways Code 8331, this portion of James Street may be considered for summary vacation.

**Analysis
and**

Conclusion: The subject request was presented to the Planning Commission on August 8, 2006. The Planning Commission found the request to be consistent with the Streets and Highway Code, the City's General Plan and the Blackburn Area Study. The Planning Commission recommended approval of the proposed street abandonment on a unanimous vote.

The existing terrain in the area of the proposed street abandonment has never been graded or developed for use as a road and therefore can be considered for a summary vacation (abandonment) in accordance with the Streets and Highways Code.

Policy

Reference: Section 8331 of the Streets and Highway Code.

Fiscal

Impact: None.

Options:

- a. Adopt Resolution No. 06-xxx to approve the request of the applicant to abandon a portion of James Street right-of-way west of Cherry Street.
- b. Amend, modify or reject the above option.

Attachments: (2)

1. Resolution
2. Exhibit "A"

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. 06-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
VACATING A PORTION OF JAMES STREET, A VARIABLE WIDTH RIGHT-OF-WAY
(BOYD)

WHEREAS, the Planning Commission at their meeting of August 8, 2006, found the abandonment consistent with the General Plan and recommended approval of the request; and

WHEREAS, the City Council adopted the Blackburn Area Study by Resolution 03-160 on August 19, 2003; and

WHEREAS, the Blackburn Area Study indicates that the portion of James Street considered for abandonment is not needed for the future extension of James Street; and

WHEREAS, the portion of James Street 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 James Street considered for abandonment; and

WHEREAS, pursuant to Streets and Highways Code 8331, this portion of James Street 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 James Street as described in Exhibit "A" and 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:

1. The subject portion of James Street, as herein before described be vacated for public purposes as shown on Exhibit "A".
2. 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.
3. The above Recitals are incorporated into this Resolution.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 5th day of December, 2006 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Deborah D. Robinson, Deputy City Clerk

Exhibit "A"

LEGAL DESCRIPTION

A portion of Lot 1 of Knox's Resubdivision of Villa Lot 10 of the Town of El Paso de Robles in the City of Paso Robles, County of San Luis Obispo, State of California, according to the map filed for record April 25, 1889 in Book B, Page 23, of Maps in the office of the County Recorder of said County and State; and more particularly all that property described in "Exhibit A" attached to and made a part of the Offer of Dedication of a public right of way for road purposes accepted by the City Council of Said City in Resolution No. 92-105 recorded August 25, 1992 as Document No. 1992-058315 in Volume 3942, Page 388, of Official Records of said County and State, lying northeasterly, northerly, and northwesterly of the following three described lines, respectively:

Beginning at point C, which is located at the intersection of the westerly line of said Lot 1 with the northerly line of James Street as shown on the aforementioned map; thence easterly along the northerly line of James Street, S 66°51'06" E (S 66°50' E per B-Maps-23), 149.14 feet; thence N 89°44'32" E, 74.32 feet; thence N 54°33'17" E, 26.18 feet, more or less, to the easterly line of said Lot 1.

The above described property is shown graphically on Exhibit "A-2" 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 November 13, 2006
Wm. E. Touchon Date
L.S. 4845 Expires: 9/30/2008



Exhibit "A-2"

HILLTOP
DRIVE

CHERRY STREET



LOT 2
B MB 23

PTN LOT 1
884 OR 586

PTN LOT 1
KNOX RESUBDIVISION
VILLA LOT 10

POINT OF
BEGINNING
[PT "C" PER
DOC. No.
1992-058315]

AREA PER
DOC. No.
1992-058315

AREA PER
EXHIBIT "A"
ATTACHED HERETO
(CROSS-HATCH)

N 66°51'06" W 149.14'

JAMES

N 89°44'32" E
74.32'

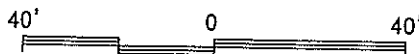
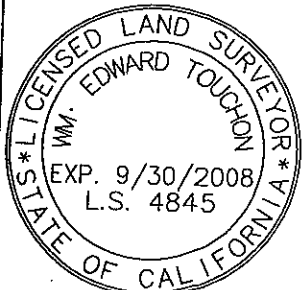
N54°33'17"E
26.18'±

LOT 5
B MB 23

STREET

LOT 6
B MB 23

LOT 7
B MB 23



SCALE: 1"=40'

Wm. E. Touchon 11-13-2006

WM. E. TOUCHON L.S. 4845
(LICENSE EXPIRES 09/30/2008)

DATE

JN 05193

TWIN CITIES SURVEYING INC.
TEMPLETON, CALIFORNIA