

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF EL PASO DE ROBLES
PLANNING DIVISION
1000 SPRING STREET
PASO ROBLES, CA 93446

ATTN: D. NASH, ASSOCIATE PLANNER

FOR RECORDERS USE ONLY

RESOLUTION NO. 02-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
APPROVING ABANDONMENT OF A PORTION OF A PUBLIC LANDSCAPE
EASEMENT (BRUCE WHITE) - APN: 008-091-039

WHEREAS, the City Council of the City of El Paso de Robles is authorized under the provisions of Chapter 4 (Summary Vacation) of the State of California Streets and Highways Code to consider and act upon public service easement abandonment requests, and

WHEREAS, Bruce White has filed a request (Easement Abandonment 01-005) to abandon a 10-foot portion of an existing 25-foot wide landscape easement on the slope of Lot 1 along 24th Street (as shown on the attached Exhibit A), and

WHEREAS, this subject property is also known as Lot 1 of Tract 2352 that is a recorded subdivision within the City of Paso Robles, and

WHEREAS, the 25-foot wide landscape easement was created at the time of recordation of the Final Tract Map 2352 on January 18, 2001, and

WHEREAS, the 25-foot landscape easement would extend 10-feet beyond the top of the slope, which exceeds the City's requirement that the landscape easement extend to the top of the slope, and

WHEREAS, this easement abandonment (vacation) was reviewed by the City Council at their hearing on November 6, 2001, where the public had questions regarding the easement meeting Section 8333 of the Streets and Highways Code, and

WHEREAS, the City Attorney according to Section 8333 of the Streets and Highways Code verified that the easement must be established for at least one year before it can be vacated, and

WHEREAS, at that time the easement had not been established for a year and the item was tabled until after January 18, 2002, and

WHEREAS, as of January 18, 2002 the easement has been established for one year, and

WHEREAS, this easement abandonment (vacation) request was placed on the City Council's agenda on February 19, 2002 and a staff report and resolution were part of the materials prepared for and considered by the City Council on that meeting date.

NOW, THEREFORE, BE IT RESOLVED, that based upon the facts and analysis presented in the staff report and statements of findings within this resolutions, the City Council of the City of El Paso de Robles does hereby approve the summary vacation as described below:

1. This summary vacation is being made pursuant to the provisions set forth in section 8333 et seq. of the Streets and Highways Code.
2. The vacation of public easement shall be the most northerly 10-foot portion of the existing 25-foot wide landscape easement along 24th Street side of lot 1 of Tract 2352 in the City of Paso Robles, County of San Luis Obispo, State of California, as recorded on January 18, 2001 in book 19, Page 50 of Maps, in the office of the County Recorder of San Luis Obispo County. The remaining 15-foot landscape easement is retained. A map of the portion of the easement being vacated is attached hereto as Exhibit A and incorporated herein by reference.
3. The signatory authority on the recording document is hereby delegated to the City Manager, as a means of carrying out policy adopted by the City Council via this resolution.
4. The City Clerk is hereby authorized to have this resolution recorded in the Office of the County Recorder of San Luis Obispo County.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 19th day of February 2002 by the following vote:

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

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk