

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION VACATING PAPER ROADS AND ROADS SUPERSEDED BY
RELOCATION IN THE VICINITY OF TRUESDALE ROAD, CLARK ROAD,
AND SAN JUAN ROAD BY SUMMARY VACATION,
SOUTH OF THE COMMUNITY OF SHANDON,
SUPERVISORIAL DISTRICT NO. 1**

The following resolution is now offered and read:

WHEREAS, certain roadways were identified by "Map of the Subdivisions of the California Rancho, being parts of T. 26 S, R. 14 E; T. 26 S, R. 15 E; T. 27 S, R. 16 E; T. 28 S, R. 15 E; T. 28 S, R. 16 E, M.D.M., San Luis Obispo County, California, the Property of the West Coast Land Company showing the Town of Shandon and the adjoining Subdivisions, surveyed by R.R. Harris, C.E., July, 1890" recorded in Map Book A, Page 163, in the office of the County Recorder of said County and State in the vicinity of Truesdale Road, Clark Road, and San Juan Road south of the unincorporated area of Shandon in the County of San Luis Obispo, more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the roadways described in the attached Exhibit A (hereafter, the "Mapped Roads") are not identified in the County Maintained Road System and are unnecessary for present or prospective public use; and

WHEREAS, Truesdale Road, Clark Road, San Juan-Shandon Road and Cammatti-Shandon Road, as presently maintained by the County, have superseded the need for the Mapped Roads; and

WHEREAS, California Streets and Highways Code Sections 8330 – 8334.5 provide that the Board of Supervisors may summarily vacate a road or public service easement for many reasons including, but not limited to: a road that has been superseded by relocation; a road that has been impassable for a period of five (5) consecutive years; a road that has received no expenditure of public money for maintenance for a period of five (5) consecutive years; and

WHEREAS, pursuant to California Government Code Section 65402(a), the Mapped Roads are appropriate for Summary Vacation without a general plan conformity report by the Planning Commission, because the mapped roads were superseded by relocation, are minor in nature, and in no way affect circulation; and

WHEREAS, the County Director of Public Works has recommended abandonment by Summary Vacation; and

WHEREAS, the abandonment is not subject to the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. Seq.) because it is not a "Project" as defined by Section 15378 of the State CEQA Guidelines; and

WHEREAS, it is in the public interest that the described Mapped Roads be vacated.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Supervisors of the County of San Luis Obispo, State of California, finds, declares and determines as follows:

1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that the Mapped Roads, more particularly described in Exhibit "A" attached hereto and made a part hereof, are unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 892, that the Mapped Roads are not useful as non-motorized transportation facilities, as defined in Streets and Highways Code Section 887.
4. That it be and hereby is ordered that said Mapped Roads in the vicinity of Truesdale Road, Clark Road, and San Juan Road south of the unincorporated area of Shandon in the County of San Luis Obispo, more particularly described in Exhibit "A," attached hereto and made a part hereof, are vacated.
5. That in support of this Board's decision to summarily vacate said Mapped Roads, this Board makes the following findings:
 - a. Vacation of subject Mapped Roads will not impair public or private access.
 - b. Vacation of subject Mapped Roads will not affect existing traffic circulation.
 - c. No public funds have been used in maintaining subject Mapped Roads for at least five (5) years.
 - d. No public facilities are located within the Mapped Roads.

- e. That prior to adopting this Resolution, this Board, pursuant to California Government Code Section 65402(a)(3), determined that the Mapped Roads are appropriate for summary vacation without a general plan conformity report by the Planning Commission because the Mapped Roads were superseded by relocation or are minor in nature, contain no public facilities, and in no way affect circulation.
- 6. That the County Clerk of the County of San Luis Obispo be and hereby is ordered and directed to record a certified copy of this Resolution, attested by the Clerk under seal, in the Office of the County Recorder of the County of San Luis Obispo, State of California.
- 7. That upon such recordation, the vacation is complete.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted on the ____ day of _____, 20__.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 

Deputy County Counsel

Dated: October 31, 2013

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20_____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

By _____
Deputy Clerk.

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Exhibit A

Road Abandonment Description

Being all those portions of roads shown on the “Map of the Subdivisions of the California Rancho, being parts of T.26N; R.14E; T.26S; R.15E; T.27S; R.14E; T.27S; R.15E; T.27S; R.16E; T.28S; R.15E; T.28S; R.16E; M.D.M. San Luis Obispo County, California, the Property of the West Coast Land Company showing the Town of Shandon and the adjoining Subdivisions, surveyed by R. R. Harris, C.E., July, 1890” recorded in Map Book A, Page 163, in the office of the County Recorder of said County and State, described as follows:

Area A

All of that portion of the 60 foot wide road shown on the common line between Section 32 and Section 33 of Township 26 South, Range 15 East, and shown on the common line between Section 4 and Section 5 of Township 27 South, Range 15 East, Mount Diablo Meridian, bounded on the north by the southerly line of the denoted “60 ft wide County Road” running along the northerly line of said Sections 32 and 33, and bounded on the south by the southerly line of the Northeast one-quarter of the Northeast one-quarter of said Section 5, and by the southerly line of the Northwest one-quarter of the Northwest one-quarter of said Section 4, all as shown on said map recorded in Map Book A, Page 163.

Area B

All that portion of the 60 foot wide road denoted as “Present Traveled Public Road to San Juan” traversing southeasterly through Section 28, Section 33 and Section 34 of Township 26 South, Range 15 East, and Section 4, Section 3, Section 2, Section 11, Section 12 and Section 13 of Township 27 South, Range 15 East, Mount Diablo Meridian, bounded on the east by the easterly line of said Section 12 as shown on said map recorded in Map Book A, Page 163 and bounded on the west by the westerly line of Parcel 1 of Parcel Map CO 05-0372 recorded in Parcel Map Book 73, Pages 26 – 29 inclusive, in the office of the County Recorder of said County and State, and by a line projected northerly from the Northwest corner of said Parcel 1, as shown on said Parcel Map CO 05-0372, **EXCEPTING THEREFROM** all that portion of said road lying contiguous with and 30.00 feet northerly and southerly of the line common to said Sections 28 and 33, lying westerly of the southwesterly line of the Shandon-San Juan Road, County Road No. 4412 (formerly County Road No. 98), 60 feet wide, as described in the deed recorded November 30, 1956 in Book 871 of Official Records, Page 395, in the office of the County Recorder of said County and State.

Area C

All that 50 foot wide road traversing southerly and easterly through Section 3, Section 10, Section 15, Section 14, Section 22, Section 23, Section 26 and Section 27 of Township 27 South, Range 15 East, Mount Diablo Meridian, bounded on the north by the southerly line of the 60 foot wide road labeled “Present Traveled Public Road to San Juan” as shown on said map recorded in Map Book A, Page 163 and bounded on the east by the westerly line of Shell Creek Road, County

Road No. 4066, 50.00 feet wide as shown on Parcel Map CO 79-138 recorded in Parcel Map Book 32, Page 71, in the office of the County Recorder of said County and State.

Area D

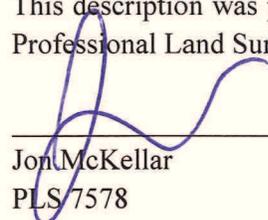
All that portion of the 60 foot wide road traversing north and south through the center of Section 28, Township 26 South, Range 15 East, Mount Diablo Meridian, bounded on the north by the East/West centerline of said Section 28 as shown on said map recorded in Map Book A, Page 163.

Area E

All that portion of the road traversing through the East one-half of the West one-half and the West one-half of the East one-half of the Northeast one-quarter of Section 29, Township 26 South, Range 15 East, Mount Diablo Meridian, bounded on the south by the south line of North one-half of said Northeast one-quarter and bounded on the north by the southerly line of the denoted 60' wide County Road running along the north line of said Section 29 and the easterly projection thereof from the point designated as 467, all as shown on said map recorded in Map Book A, Page 163.

EXCEPTING THEREFROM all areas described above any portions of said roads lying within the Shandon-San Juan Road, County Road No. 4412; Shell Creek Road, County Road No. 4413; Truesdale Road, County Road No. 5516; Camatti-San Juan Road, County Road No. 5219; and Clark Road, County Road No. 5225.

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act this 19th day of December, 2013.



Jon McKellar
PLS 7578



APPROVED COUNTY SURVEYOR

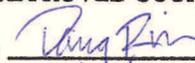
By: 
Date: 12/20/13
San Luis Obispo County Dept. of Public Works

Exhibit A

Utility Reservation

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew and enlarge lines of pipes, conduits, cables, wires, poles, electrical conductors, and other equipment, fixtures and appurtenances for the operation of electric, gas, and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind.