

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works	(2) MEETING DATE 1/28/2014	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution vacating paper roads and roads superseded by relocation in the vicinity of Truesdale Road, Clark Road, and San Juan Road by summary vacation, and determination that the proposed action is exempt from CEQA, south of the community of Shandon. District 1.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the attached resolution vacating certain mapped roads in the vicinity of Truesdale Road, Clark Road, and San Juan Road, south of Shandon, by summary vacation, as they have been determined to be unnecessary for present or prospective use; and 2. Find that the project is exempt from Section 21000 et. Seq. of the California Public Resources Code (CEQA). 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT N/A	(8) ANNUAL FINANCIAL IMPACT N/A	(9) BUDGETED? N/A
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Nikki J. Schmidt			
(18) SUPERVISOR DISTRICT(S) District 1 -			

Reference: 14JAN28-C-6

County of San Luis Obispo



TO: Board of Supervisors
FROM: Public Works
Phil Acosta, Right of Way Agent
VIA: Dave Flynn, Deputy Director of Public Works
DATE: 1/28/2014

SUBJECT: Submittal of a resolution vacating paper roads and roads superseded by relocation in the vicinity of Truesdale Road, Clark Road, and San Juan Road by summary vacation, and determination that the proposed action is exempt from CEQA, south of the community of Shandon. District 1.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the attached resolution vacating certain mapped roads in the vicinity of Truesdale Road, Clark Road, and San Juan Road, south of Shandon, by summary vacation, as they have been determined to be unnecessary for present or prospective use; and
2. Find that the project is exempt from Section 21000 et. Seq. of the California Public Resources Code (CEQA).

DISCUSSION

Shandon farming operator Brodiaea, Inc., initiated a request to vacate certain portions of the mapped roads within the boundaries of their ownership that are either non existing streets or not maintained by the County. The mapped roads proposed for vacation (hereinafter referred to as Mapped Roads) were initially platted and recorded July 1890, under Map Book A, Page 163 in Official County records. The Mapped Roads have been superseded for public vehicular travel by portions of Starkey Road, Clark Road, Truesdale Road, San Juan Road, and Shell Creek Road, as further depicted on Attachment A – Segments A through C.

The County Surveyor subsequently requested summary vacation of additional portions of said Mapped Roads (Segments D and E) that are not used or maintained by the County. Brodiaea, Inc. is amendable to these additional segments.

The proposed vacation of Mapped Roads has been reviewed by staff at Public Works, General Services and the Planning and Building Department. The described areas have been determined to be unnecessary for present or prospective County use. PG&E has also requested the Utility Reservation described on page three (3) of Exhibit "A." Moreover, the areas to be vacated are not

feasible for any future non-motorized facility and they are not part of any planned trails or bicycle facilities, pursuant to Streets and Highways Code, Section 892 and as defined in Streets and Highways Code Section 887.

Your approval of the recommended action will extinguish implied rights that may have been created in favor of the County by the aforementioned July 1890 map filing. The Mapped Roads have been impassable for vehicular travel for more than five (5) years and no public funds have been expended in maintaining said Mapped Roads during this period. Streets and Highways Code Section 8330-8334.5 allows for Summary Vacation under these circumstances.

Adoption of the resolution and vacation does not require a public hearing.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel has reviewed and approved the attached resolution as to legal form and effect.

A General Plan Conformity Report is not required as the paper streets have been superseded by relocation and no finding is warranted pursuant to Government Code 65402(a).

The Shandon Advisory Council has been made aware of this proposed action by email dated November 7, 2013 and December 30, 2013.

The County Environmental Coordinator has reviewed the project and determined that it is exempt from the requirements of the California Environmental Quality Act.

FINANCIAL CONSIDERATIONS

No direct financial impact is expected to result from the recommended Board action.

The Applicant has entered into a reimbursement agreement with the Department to cover staff costs related to the processing of their request.

RESULTS

The recommended action will clarify real property rights to the properties encumbered by these mapped roads that have been superseded by relocation leading to a better governed community.

File: R/W file 405R970138 (Brodiaea)

Reference: 14JAN28-C-6

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ATTACHMENTS

1. Vicinity Map
2. Attachment A - Exhibit Sketch
3. California Environmental Quality Act Notice of Exemptions
4. 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 1