

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 10/7/2014	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution vacating an offer to dedicate a drainage easement at 1180 La Loma Drive, Nipomo, by Summary Vacation, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: 1) Adopt the attached resolution vacating the described Offer to Dedicate a drainage easement located at 1180 La Loma Drive in the community of Nipomo, by Summary Vacation, as it has 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 N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4			

Reference: 14OCT07-C-1

County of San Luis Obispo



TO: Board of Supervisors
FROM: Public Works
Phil Acosta, Right of Way Agent
VIA: Dave Flynn, Interim Director of Public Works
DATE: 10/7/2014

SUBJECT: Submittal of a resolution vacating an offer to dedicate a drainage easement at 1180 La Loma Drive, Nipomo, by Summary Vacation, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 4.

RECOMMENDATION

It is recommended that the Board:

- 1) Adopt the attached resolution vacating the described Offer to Dedicate a drainage easement located at 1180 La Loma Drive in the community of Nipomo, by Summary Vacation, as it has 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

In Nipomo at 1180 La Loma Drive (APN 092-521-007), the property owners have sought relief on a significant portion of their property being burdened with two offers of dedication for drainage easements.

The La Loma property was encumbered by a single Offer to Dedicate a drainage easement upon creation of Tract 626 in 1979. A second Offer to Dedicate a drainage easement was created on this property by Document No. 10618, recorded February 29, 1988 in the office of the County Recorder as a condition of development. Neither Offer to Dedicate has been accepted for use to date by the County.

The owner of the La Loma property has asked the County to vacate at least one of the Offers to Dedicate in order to clarify their property rights. They have also indicated a discrepancy in the creation of the 1988 Offer to Dedicate.

The 1988 'Offer to Dedicate' was recorded February 29, 1988 after the granting party had conveyed the property title into a new personal entity and then to a buyer on February 1, 1988. The validity of the originating Offer to Dedicate is, therefore, subject to challenge due to being recorded after the 'Offeror' had released title to the property. The proposed vacation will eliminate the incomplete or "clouded" 1988 encumbrance from the owners' title. This 1988 Offer to Dedicate, as further described in Attachment "A" to the Resolution has never been accepted by the County and has been determined to be unnecessary for present or future use.

Your approval of the recommended action will extinguish the noted encumbrance. The Streets and Highways code allows for Summary Vacation under these circumstances.

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 vacation is minor in nature and in no way affects traffic circulation pursuant to Government Code 65402. The validity of the underlying Offer to Dedicate is also in question.

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. The amount billed and reimbursed to the County for processing to date is \$1,500.00.

RESULTS

The recommended action will clarify real property rights by eliminating unnecessary County encumbrances leading to a better governed community.

File: R/W file 405R970151 (Nipomo Offer-to-Dedicate - Langley)

Reference: 14OCT07-C-1

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ATTACHMENTS

1. Vicinity Map
2. Resolution Vacating an Offer to Dedicate a Drainage Easement at 1180 La Loma Drive by Summary Vacation in the Unincorporated Community of Nipomo
3. Notice of Exemption (CEQA)