

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 12/9/2014	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution vacating a portion of Public Utility Easement (P.U.E.) and offer of road dedication for Tract 1939 as created by Tract 2221 by Summary Vacation, and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated area southeasterly of the City of Arroyo Grande. District 4.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1) Adopt the attached resolution vacating the described portion of Public Utility Easement and offer of road dedication in the unincorporated area southeasterly of the City of Arroyo Grande, 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) Reimbursement Agreement	(7) CURRENT YEAR FINANCIAL IMPACT \$2,200	(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 <i>Nikki J. Schmidt</i>			
(18) SUPERVISOR DISTRICT(S) District 4			

Reference: 14DEC09-C-4

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: 12/9/2014

SUBJECT: Submittal of a resolution vacating a portion of Public Utility Easement (P.U.E.) and offer of road dedication for Tract 1939 as created by Tract 2221 by Summary Vacation, and find that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated area southeasterly of the City of Arroyo Grande. District 4.

RECOMMENDATION

It is recommended that the Board:

- 1) Adopt the attached resolution vacating the described portion of Public Utility Easement and offer of road dedication in the unincorporated area southeasterly of the City of Arroyo Grande, 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

Tract 2221 was created by Map recorded July 17, 2000 in Book 19 of Maps, Page 27, in the office of the Clerk-Recorder. Sheet 3 of 4 sheets of this filing depicts a "50 foot wide Public Utility Easement (P.U.E.) and a 50 foot wide offer of road dedication for Tract 1939," hereafter (PUE and Offer).

A portion of the PUE and Offer, as further described in Attachment "A" of the resolution (hereafter, the "Subject Area"), was created to serve as a fire and emergency turn-around. This Subject Area has been superseded by relocation due to the realignment created by an additional 50 foot wide Public Utility Easement (P.U.E.) and the 50 foot wide offer of road dedication created by Tract No. 1939, "West Hampton Estates," recorded March 11, 2002, Document No. 2002-019208, in Book 19 of Maps, Page 97, in the office of the Clerk-Recorder.

Lot 5 of Tract 2221 (APN 075-351-042) is the only property encumbered by the superseded fire and emergency turn-around and the owner has requested the vacation of this encumbrance as further described in the Resolution.

It has been determined that the Subject Area has never been entered into the County Maintained Road System and is otherwise unnecessary for present or prospective use by the County.

Your approval of the recommended action will extinguish rights that may have been created by the mapping of the Subject Area. No public funds have been used in maintaining said street. 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 County Environmental Coordinator has reviewed the project and determined that it is exempt from the requirements of the California Public Resource Code Section 21000 et seq. (CEQA).

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 \$2,200.00

RESULTS

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

File: R/W file 405R970152 (Terra Vista – Belli-Mojica)

Reference: 14DEC09-C-4

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ATTACHMENTS

1. Vicinity Map
2. Resolution Vacating a Portion of Public Utility Easement (P.U.E.) and Offer of Road Dedication for Tract No. 1939 as Created by Tract 2221 by Summary Vacation
3. Notice of Exemption (CEQA)