

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

**RESOLUTION VACATING A MAPPED PORTION OF AVOCADO AVENUE
(FORMERLY ASH STREET) BETWEEN TEFFT AND DANA STREET BY
SUMMARY VACATION IN THE UNINCORPORATED
COMMUNITY OF NIPOMO, SUPERVISORIAL DISTRICT NO. 4**

The following resolution is now offered and read:

WHEREAS, certain roads and streets, including Ash Street, hereinafter Avocado Avenue, were identified and established by map of the Fairview Tract filed September 19, 1887 in Book A of Maps at page 88 in the official records of the County of San Luis Obispo, State of California; and

WHEREAS, a portion of Avocado Avenue, more particularly described in Exhibit “A,” attached hereto and made a part hereof (hereinafter ‘Subject Area’) has: a) been impassable for vehicular travel for a period exceeding five consecutive years; and b) no public money was expended for maintenance thereof during said period; and

WHEREAS, the County of San Luis Obispo has determined the Subject Area to be unnecessary for present or prospective public use; and

WHEREAS, this vacation is made pursuant to California Streets and Highways Code Section 8331; and

WHEREAS, the Planning Commission considered the vacation and reported on February 26, 2015, that said vacation is in conformity with the County General Plan; and

WHEREAS, the owners of the affected property have requested vacation of the Subject Area to clarify title to their land; and

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

WHEREAS, the Summary Vacation 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 Subject Area 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 Subject Area, more particularly described in Exhibit "A" attached hereto and made a part hereof, is unnecessary for present or prospective public road use.
3. That this Board has considered Streets and Highways Code, Section 892 and has determined that a portion of the Subject Area may be appropriate for use as a non-motorized transportation facility, as defined in Streets and Highways Code Section 887, and a reservation therefor has been included in the Legal Description of the Subject Area.
4. That it be and hereby is ordered that said Subject Area in the unincorporated community of Nipomo, and more particularly described in Exhibit "A" attached hereto and made a part hereof, is vacated.
5. That in support of this Board's decision to summarily vacate said Subject Area, this Board makes the following findings:
 - a. Vacation of Subject Area will not impair public or private access.
 - b. Vacation of Subject Area will not affect existing traffic circulation.
 - c. For a period exceeding five consecutive years, the street has been impassable for vehicle travel.
 - d. No public money was expended for maintenance of the street during said period exceeding five years.
6. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Commission that said vacation is in conformity with the General Plan.
7. 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.
8. 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: March 27, 2015

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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)

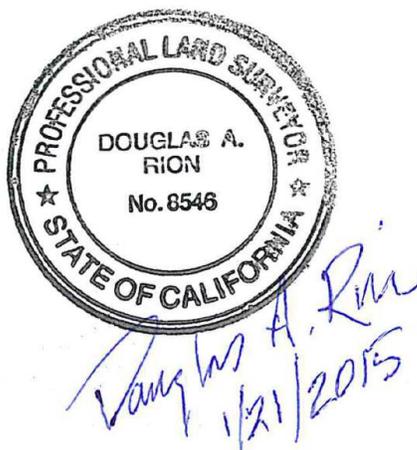
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____
Deputy Clerk.

EXHIBIT "A"

All that portion of Avocado Avenue, formerly known as Ash Street as shown on the map of the Fairview Tract filed September 19, 1887 in Book A of Maps at Page 88 in the County Recorder's Office, County of San Luis Obispo, State of California, being more particularly described as follows:

All that portion of the 60 foot wide road shown as Ash Street bounded on the southwest by Block 1, bounded on the northeast by Block 7, bounded on the southeast by the northwesterly line of Dana Street and bounded on the northwest by the northeasterly projection of the southeasterly line of the 20 foot strip within said Block 1 as shown on said map.



RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of the Nipomo Community Services District the easement and 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 utility facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the utility facilities; said area shall be kept open and free of buildings, structures and wells of any kind.

AND RESERVING, unto the County of San Luis Obispo, for pedestrian, utility, and drainage purposes, an easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge said uses within the twenty foot wide strip lying ten (10) feet on either side of the centerline of the above described 60 foot wide roadway.