

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 7/21/2015	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution vacating the remaining portion of K Street between Margarita Avenue and Encina Avenue and the east half of the alley way in Block 154 (paper streets) by Summary Vacation, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated community of Santa Margarita. District 5.			
(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 K Street and the east half of the alley way in Block 154 in the unincorporated community of Santa Margarita, 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 \$1,174.00	(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 David E. Grim			
(18) SUPERVISOR DISTRICT(S) District 5			

Reference: 15JUL21-C-2

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: 7/21/2015

SUBJECT: Submittal of a resolution vacating the remaining portion of K Street between Margarita Avenue and Encina Avenue and the east half of the alley way in Block 154 (paper streets) by Summary Vacation, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA), in the unincorporated community of Santa Margarita. District 5.

RECOMMENDATION

It is recommended that the Board:

- 1) Adopt the attached resolution vacating the described portion of K Street and the east half of the alley way in Block 154 in the unincorporated community of Santa Margarita, 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

The portion of K Street between Margarita Avenue and Encina Avenue is a mapped right of way established by the Map of the Town of Santa Margarita filed in Map Book A, Pages 120-121 in Official County Records in 1889. The road currently acts as a private drive to the existing residences and is not in the County maintained system. There are no County road improvements contained in this segment; only private driveway improvements are contained therein. The southwesterly portion of this segment of K Street and the westerly half of the alley way in Block 154 were previously vacated pursuant to County Board of Supervisors Resolution 2003-283.

A property owner adjoining the current proposal initiated a request for vacation in order to clarify real property rights and future building requirements to their property. Staff have determined that the described portions of K Street and the alley way in Block 154 have never been improved as County roadways nor entered into the County Maintained Road System, nor are they required for future trail use.

Existing utility companies will retain the right to use and maintain the vacated area as provided for in the attached legal description adopted under the resolution. Public Works staff recommends the described vacation as the areas are unnecessary for present or prospective use.

Attachment "A" to the proposed Resolution provides the complete legal description of the portion of K Street and the east half of the Alley #154 proposed to be vacated.

Your approval of the recommended action will extinguish the described portions of K Street and the described portion of alley way in Block 154 and the implied public rights that may have been created by the mapping of the described streets. No public funds have been used in maintaining said streets or alleys, and no public access has occurred over said property in over 5 years. 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 pertaining to the vacation was received and filed by the Planning Commission at its regular meeting of June 11, 2015.

Existing and future utility access to construct and maintain facilities are retained for PG&E, Charter Communication, County Service Area 23 and Southern California Gas Company under the attached legal description.

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

In the event the Vacation is approved, the cloud of title will be removed from the parent properties. Therefore, 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 \$1,174.00.

RESULTS

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

File: R/W file 405R970153 (K Street, Santa Margarita - Muhly)

Reference: 15JUL21-C-2

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ATTACHMENTS

1. Vicinity Maps
2. Notice of Exemption
3. Resolution vacating a portion of K Street by Summary Vacation in Santa Margarita, Supervisorial District No. 5