

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION CONDITIONALLY VACATING PORTION OF K STREET, COUNTY ROAD NO. 6023, BETWEEN 12TH STREET AND 13TH STREET IN THE COMMUNITY OF SAN MIGUEL, SUPERVISORIAL DISTRICT NO. 1

The following resolution is now offered and read:

WHEREAS, pursuant to Chapter 3, Part 3, Division 9 of the Streets and Highways Code, this Board of Supervisors is authorized to conduct a hearing on the proposed vacation of a portion of K Street, County Road No. 6023, in the Community of San Miguel; and

WHEREAS, the notice to conduct this hearing was posted and published as required by Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and

WHEREAS, the San Luis Obispo County Parks and Recreation Department (Parks) has initiated the San Miguel Park Expansion Project (the Project) in the community of San Miguel, California. This Board has previously adopted Resolution No. 2014-15, Resolution No. 2012-54 and Resolution No. 2012-260 in support of the Project; and

WHEREAS, the Project relies upon the vacation of a portion of 'K' Street as described in the attached Exhibit 'A' (hereafter, "K Street Area"); and

WHEREAS, the San Luis Obispo County Department of Public Works (Public Works) has conditioned its support of the proposed vacation of the K Street Area upon the satisfaction of the Conditions listed in Exhibit B, including but not limited to the completion or preservation of certain road improvements, preservation of a portion of class 2 bike facility within the K Street Area, and construction of road improvements to certain superseding portions of L Street; and

WHEREAS, pursuant to California Government Code Section 65402(a), a General Plan Conformity Report has been completed and filed with the Planning Commission on November 6, 2014; and

WHEREAS, the abandonment 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 as further indicated in the Notice of Exemption/Categorical Exemption filed by the County Environmental

Coordinator with the State Clearing House as Document No. 2014038081, dated March 10, 2014; and

WHEREAS, it is in the public interest that the described K Street Area be vacated upon satisfaction of the conditions described in Exhibit B attached hereto (Conditions).

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 K Street Area, more particularly described in Exhibit "A" attached hereto and made a part hereof, is unnecessary for present or prospective public road use upon satisfaction of the Conditions listed in Exhibit "B".
3. That this Board has determined, pursuant to Streets and Highways Code, Section 892, that the existing non-motorized transportation facility, as defined in Streets and Highways Code Section 887, and lying within the K Street Area shall be reserved from this vacation and shall be controlled and operated by Parks.
4. That it be and hereby is ordered that said K Street Area in the community of San Miguel in the County of San Luis Obispo, more particularly described in Exhibit "A," attached hereto and made a part hereof, is conditionally vacated.
5. 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 upon satisfaction of the Conditions listed in Exhibit B. The satisfaction of these Conditions shall be evidenced by a written recommendation from the Public Works Director and approved by this Board by consent and attached hereto prior to the recording of this Resolution.
6. 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: September 3, 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)

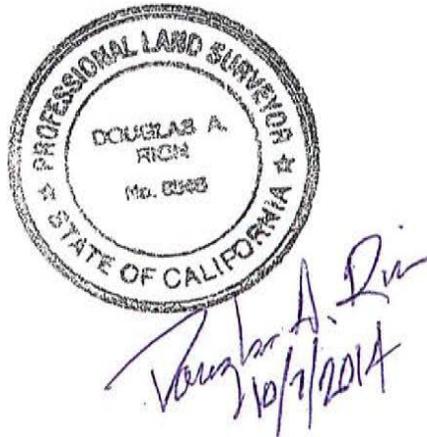
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____
Deputy Clerk.

Exhibit A

That portion of K Street, 80 feet in width, as shown on the map of the Town of San Miguel filed April 4, 1889 in Book B of Maps at Page 53 in the Office of the Recorder of the County of San Luis Obispo, State of California being more particularly described as follows;

Bounded on the north by the southerly line of 13th Street and bounded on the south by the northerly line of 12th Street all as shown on said Map of the Town of San Miguel.



Utility Reservation

RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, Charter Communications, Verizon, and the San Miguel 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 electric, gas, water, sewer, lighting, and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind.

EXHIBIT B

CONDITIONS FOR VACATING K STREET

Prior to vacating K Street, the Parks and Recreation Department (Parks) shall widen and improve L Street between 13th and 14th Streets and shall widen 12th and 13th Streets fronting the San Miguel Park in order to accommodate diagonal parking.

The Department of Public Works (Public Works) shall review the construction plans, provide inspection, and accept the improvements for maintenance as further indicated below.

1. **Prior to advertising for construction**, Parks shall submit plans prepared by a Registered Civil Engineer to Public Works and secure an Encroachment Permit, as needed, to install the following improvements within the public right-of-way. All improvements within the public right-of-way shall be constructed in accordance with County Public Improvement Standards unless design exceptions are approved by Public Works in accordance with Section 1.2 of the Public Improvement Standards. The plans are to include:
 - a. Street plan and profile for widening L Street to complete a modified A-2 urban street section between 13th Street and 14th Street. All existing and proposed driveways along this segment of L Street shall be constructed or reconstructed as required.
 - b. Retaining wall plan and profile for any retaining walls constructed within the public road rights-of-way.
 - c. Street plan and profile for widening 13th Street to provide diagonal parking and pedestrian walks along the park frontage.
 - d. Street plan and profile for widening 12th Street to provide diagonal parking and pedestrian walks along the park frontage.
 - e. Drainage ditches, culverts, and other structures as required.
 - f. Public utility plan, showing all existing utilities and modifications to the utilities within the above project sites. This plan shall also be approved by the affected utility providers.
2. **At the time of application for encroachment permits**, Parks shall enter into an agreement with Public Works to reimburse the cost of checking the improvement plans and the cost of inspection of any such improvements by Public Works or its designated representative.
3. **At the time of application for encroachment permits**, Parks shall demonstrate whether the project is subject to Stormwater Management. If applicable, Parks shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to Public Works for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. Parks shall submit complete drainage calculations for review and approval.
4. **Prior to final inspection**, Parks shall retain a Registered Civil Engineer to furnish construction phase services, to provide Record Drawings and to certify the final product to the Department of Public Works.

5. **On-going condition**, Parks shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, and pedestrian amenities, adjacent to San Miguel Park, in a viable condition and on a continuing basis into perpetuity unless specifically accepted for maintenance by Public Works.
6. **On-going condition**, Parks shall be responsible for the design, construction; and ongoing operation and maintenance, in perpetuity, of the class 1 bike and pedestrian path, through San Miguel Park, that approximately follows the current alignment of K Street.