

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 1/5/2016	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution vacating a portion of Whitby Street between Langton Street and Romney Drive 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 Cambria. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the attached resolution vacating a portion of Whitby Street in the unincorporated community of Cambria, 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 \$1,226.00	(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 2			

Reference: 16JAN05-C-3

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: 1/5/2016

SUBJECT: Submittal of a resolution vacating a portion of Whitby Street between Langton Street and Romney Drive 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 Cambria. District 2.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the attached resolution vacating a portion of Whitby Street in the unincorporated community of Cambria, 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 Whitby Street between Langton Street and Romney Drive is a mapped right of way established by the Map of Cambria Pines Manor Unit No. 2, Record Map Book 05, Page 10 (1930) in Official County Records. The road has never been improved nor has it ever been in the County maintained system.

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 portion of Whitby Street has never been improved as a County roadway, was never entered into the County Maintained Road System, and is not required for future trail use.

Attachment "A" to the proposed Resolution provides the complete legal description of the area proposed to be vacated. Existing utility companies will retain certain rights in the vacated area as reserved in Attachment "A". Public Works staff recommends the described vacation as the area is unnecessary for present or prospective use.

Your approval of the recommended action will extinguish the described portion of Whitby Street. No public funds have been used in maintaining said street, and no public access has occurred over said property in more than 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 November 12, 2015.

Existing and future utility access to construct and maintain facilities are retained for PG&E and for Charter Communication 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 \$1,226.00.

RESULTS

The recommended action will clarify real property rights by eliminating an unnecessary public encumbrance, leading to a well governed community.

ATTACHMENTS

1. Vicinity Map
2. Notice of Exemption
3. Resolution Vacating a Portion of Whitby Street by Summary Vacation in Cambria

File: R/W file 405R970157 (Whitby Street, Cambria – Moon)

Reference: 16JAN05-C-3

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