

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

(1) DEPARTMENT Public Works	(2) MEETING DATE 9/20/2016	(3) CONTACT/PHONE Phil Acosta, Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a resolution vacating portions of Circle Lane and Circle 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 Cayucos. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the attached resolution vacating the described portions of Circle Lane and Circle Drive in the unincorporated community of Cayucos, 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 (\$1,500.00)	(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: 16SEP20-C-6

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: 9/20/2016

SUBJECT: Submittal of a resolution vacating portions of Circle Lane and Circle 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 Cayucos. District 2.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the attached resolution vacating the described portions of Circle Lane and Circle Drive in the unincorporated community of Cayucos, 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

Circle Lane and Circle Drive, Cayucos, were created by map of Paso Robles Beach Subdivision No. 3, filed on February 7, 1929, in Map Book 3, Page 115 of Official County Records. The State Division of Highways constructed the current Highway 1 alignment in the 1960s making Circle Drive an incomplete loop and creating the present “stub” between Circle Lane and Highway 1. The portions of Circle Lane and Circle Drive proposed to be vacated (Subject Area) are depicted on the attached Vicinity Map and further described in Attachment “A” of the resolution.

The request for a partial road abandonment of portions of Circle Lane and Circle Drive was submitted on behalf of adjoining owner Don Cummings (1893 Circle Lane) dated March 10, 2016.

The described portion of Circle Drive has never been entered into the County Maintained Road System, and is therefore excess to the County. The south half of this Circle Drive “stub” was abandoned in 2000 (Resolution No. 2000-298).

The described portion of Circle Lane lies outside of the identified County Maintained Road System and is not required for road purposes. This area is therefore excess to the County.

The Subject Area is otherwise unnecessary for present or prospective use by the County as it does not serve a public road circulation function or any other public purpose.

The Subject area has further been reviewed for use as a non-motorized transportation facility and found to be un-useful for this purpose. It is not located within or adjacent to any such non-motorized facilities nor any such planned facilities.

The Department of Public Works submitted a letter of support for the applicant's request for the partial road vacation on June 14, 2016. The Department of Public Works also submitted a letter notifying the remaining adjacent property owner, Susan Scott (1895 Circle Lane) of the proposed vacation. Ms. Scott indicated her support for the proposal. Additional referrals were also sent out to the Cayucos Fire Department, the Cayucos Land Use Committee (Cayucos Citizens Advisory Council); no concerns were identified.

Public Utility facilities within the Subject Area were identified and the following Utility Owners have requested reservations (exclusions) from the proposed vacation:

- Paso Robles Beach Water Association
- Pacific Gas and Electric Company
- AT&T
- Southern California Gas Company
- Charter Communications
- Cayucos Sanitation District

The Legal Description (Attachment "A") attached to the resolution includes the necessary Reservations and Exceptions. Accordingly, there are no other public facilities located within the Subject Area proposed for vacation.

Your approval of the recommended action will extinguish public interest in the described portions of Circle Lane and Circle Drive. No public funds have been used in maintaining the described areas for a period exceeding 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.

The Director of Planning and Building has made a determination of conformity with the General Plan for the proposed road vacation. A General Plan Conformity Report was received and filed by the Planning Commission on July 28, 2016.

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

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 reimbursed to date is approximately \$1,500.00.

RESULTS

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

ATTACHMENTS

1. Vicinity Map
2. Notice of Exemption
3. Resolution Vacating Portions of Circle Lane and Circle Drive by Summary Vacation in Cayucos

File: R/W 405R970161 (Circle Lane and Circle Drive Road Vacation)

Reference: 16SEP20-C-6

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