

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

(1) DEPARTMENT Public Works		(2) MEETING DATE May 23, 2006		(3) CONTACT/PHONE Timothy J. Smith, County Right of Way Agent (805) 781-5290	
(4) SUBJECT Submittal of a Resolution Vacating a Temporary Easement and Offer of Dedication for Quicksilver Way, a Purported Public Road in the Town of Templeton, Supervisorial District 1					
(5) SUMMARY OF REQUEST This vacation will remove the public interest in a portion of Quicksilver Way and is requested by the property owners to facilitate consolidation of excess right of way into their parcel.					
(6) RECOMMENDED ACTION It is recommended that your Board conduct the public hearing and adopt the attached Resolution Vacating a temporary easement and offer of dedication for Quicksilver Way.					
(7) FUNDING SOURCE(S) Public Works		(8) CURRENT YEAR COST Undetermined (County may avoid future maintenance liability)		(9) ANNUAL COST Undetermined-minimal, if anything at all	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Templeton Advisory Group, CDF/County Fire, Department of Planning and Building County Counsel, County Parks Division					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input checked="" type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A
(16) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. <u>10min</u>) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) <u>N/A</u>			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date <u>April 25, 2006</u>
(23) ADMINISTRATIVE OFFICE REVIEW <p align="center"><i>Ok Leslie Bizer</i></p>					

Reference: 06MAY23-H-2

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C. J. Smith



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors

FROM: Timothy J. Smith, Right of Way Agent 

VIA: Glen L. Priddy, Deputy Director of Public Works - Engineering Services 

DATE: May 23, 2006

SUBJECT: Submittal of a Resolution Vacating a Temporary Easement and Offer of Dedication for Quicksilver Way, a Purported Public Road in the Town of Templeton, Supervisorial District 1

Recommendation

It is recommended that your Board conduct the public hearing and adopt the attached Resolution Vacating a temporary easement, and a portion of Quicksilver Way offer to dedicate.

Discussion

The Quicksilver Way vacation has been requested by the owners of adjacent properties to officially extinguish a temporary road easement and offer to dedicate, which were created by a previous tract map. The proper procedure to terminate the two real property interests is by the road vacation process. The County Planning Commission on March 23, 2006 concurred with the County staff, that the request is in conformity with the County General Plan.

Other Agency Involvement/Impact

The County Planning Department prepared the necessary conformity report. The neighborhood advisory council, Templeton Advisory Group, County Parks and CDF/County Fire have reviewed the proposed request. The resolution has been reviewed and approved by the Office of County Counsel.

Financial Considerations

In the event the vacation is approved at the forthcoming hearing, the excess right of way would be absorbed into the adjoining properties. There is no direct financial impact expected to result from the recommended Board action.



Results

Approval of the recommended action will extinguish the offer to dedicate and temporary easement, and it will permit the consolidation of property interests, leading to the ultimate community-wide result of a more well governed community.

Attachments: Vicinity Map
 Resolution to Vacate

File: R/W Parcel No. 05-07

Reference: 06MAY23-H-2

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IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

**RESOLUTION VACATING A TEMPORARY EASEMENT AND
OFFER OF DEDICATION FOR QUICKSILVER WAY, A PURPORTED PUBLIC ROAD
IN THE TOWN OF TEMPLETON, 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 duly adopted a resolution and notice of intention to vacate a temporary easement and offer of dedication over a portion of Quicksilver Way, a purported public road, in the Town of Templeton; and

WHEREAS, in said resolution and notice, the date of hearing on the resolution of vacation was set for the 23rd day of May 2006, at 9:00 o'clock a.m. in the Supervisors Chambers; and

WHEREAS, said notice of intention to vacate was posted and published as required by Chapter 3, Part 3, Division 9 of the Streets and Highways Code; and

WHEREAS, said hearing was duly held and opportunity was given to all interested persons to present evidence for and against said vacation; and

WHEREAS, the Planning Commission considered the proposed vacation and reported on March 23, 2006, that said vacation is not in conformity with the General Plan; and

WHEREAS, it is in the public interest that the hereinafter described County road 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 that temporary easement and offer of dedication of a portion of Quicksilver Way, a purported public road, in the Town of Templeton, and more particularly described in Exhibit A and shown on Exhibit B (map), each attached hereto and made a part hereof, is unnecessary for present or prospective public use.
3. That this Board has determined, pursuant to Streets and Highways Code, Section 2381, that said temporary easement and offer of dedication of a portion of Quicksilver Way, a purported public road, in the Town of Templeton, is not useful as a non-motorized transportation facility, as defined in Streets and Highways Code Section 156.
4. That it be and hereby is ordered that said temporary easement and offer of dedication of a portion of Quicksilver Way, in the Town of Templeton, and more particularly described in Exhibit A, and shown on Exhibit B (map), each attached hereto and made a part hereof, are vacated as a County Road of the County of San Luis Obispo, State of California.
5. That in support of this Board's decision to vacate said road, this Board makes the following findings:
 - a. Vacation of subject portion of road will not impair public or private access.
 - b. Vacation of subject portion of road will not affect existing traffic circulation.
 - c. Subject portion of road has been impassable to public travel, and no public funds have been expended on said portion of road.
 - d. This vacation is in the public interest, in that the County will extinguish roadway interests and allow consolidation of property rights.
6. That the public convenience and necessity require the reservation and exception of certain easement and rights-of-way for works enumerated in Streets and Highways Code Section 8340. Said easements and rights-of-way reserved and excepted from this vacation are more particularly described in Exhibit A, attached hereto and made a part hereof.
7. That prior to adopting this resolution, this Board considered the General Plan and the recommendation of the Planning Commission that said vacation of temporary easement and offer of dedication over a portion of Quicksilver Way, a purported public road, is not in conformity with the General Plan.
8. 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.
9. That upon such recordation, the vacation is complete.

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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.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL EFFECT:
JAMES B. LINDHOLM, JR.,
COUNTY COUNSEL

By: *James B. Lindholm, Jr.*
Deputy County Counsel

Dated: 5/4/06

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RECOMMENDED FOR APPROVAL
RIGHT OF WAY AGENT

Timothy J. Smith
Timothy J. Smith

RECOMMENDED FOR APPROVAL
DIRECTOR OF PUBLIC WORKS

Noel King
Noel King

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 _____.

[Signature]

(SEAL)

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

By _____
Deputy Clerk.

EXHIBIT "A"
AREAS OF ABANDONMENT
PARCEL 4 CO 89-291
(50 PM 17)

Those portions of Parcel 4 of Parcel Map CO 89-291 recorded April 29, 1993 in Book 50, Page 17 of Parcel Maps, in the office of the County Recorder, County of San Luis Obispo, State of California, said portions being described as follows:

AREA ONE

That area shown on said Parcel Map and designated as "TEMPORARY EMERGENCY VEHICLE TURNAROUND ESMNT., TO BE ABANDONED WHEN QUICKSILVER WAY IS EXTENDED" being described as follows:

Beginning at the Southerly terminus of the Right-of-way line of Quicksilver Way being the East line of said Parcel 4, said Right-of-way line bearing $N00^{\circ}06'41''E$ with a distance of 162.67 feet; thence along the boundary lines of said Temporary Easement area $S89^{\circ}53'19''E$ 27.00 feet; $N00^{\circ}06'41''E$ 35.00 feet; $N89^{\circ}53'19''W$ 27.00 feet to a point on said Right-of-way line; thence along said Right-of-way line $S00^{\circ}06'41''W$ 35.00 feet to the Point of Beginning.

AREA TWO

That area shown on said Parcel Map being an area within the Right-of-way lines of said Quicksilver Way lying Southerly of said Parcel 4 and Northerly of the Parcels shown on Parcel Map CO 01-0352 recorded November 7, 2003 in Book 59, Page 89 of Parcel Maps, in the office of the County Recorder, County of San Luis Obispo, State of California, said area being described as follows:

Beginning at the Southerly terminus of the Right-of-way line of Quicksilver Way being the East line of said Parcel 4, said Right-of-way line bearing $N00^{\circ}06'41''E$ with a distance of 162.67 feet; thence along a curve to the left tangent to said Right-of-way line with a radius of 20.00 feet, a central angle of $82^{\circ}54'08''$ and an arc length of 28.94 feet; thence continuing Southeasterly along said Right-of-way line $S82^{\circ}47'27''E$ 187.79 feet; thence Westerly along the North line of Parcel 2 of said Parcel Map CO 01-0352

N89°46'50"W, 192.89 feet; thence leaving said north line along a non-tangent curve to the right with a radial bearing of N50°18'36"E, a radius of 50.00 feet, a central angle of 39°48'05" and an arc length of 34.73 feet; thence N00°06'41"E, 10.68 feet to the Point of Beginning.

See Exhibit "B" attached.

RESERVING, unto Pacific Gas and Electric Company, any existing easement and/or franchise right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge the existing public utility facilities, and all facilities incidental thereto, including access to protect the property from hazards, in, upon and over the road herewith vacated.

EXHIBIT "A"

EXHIBIT A

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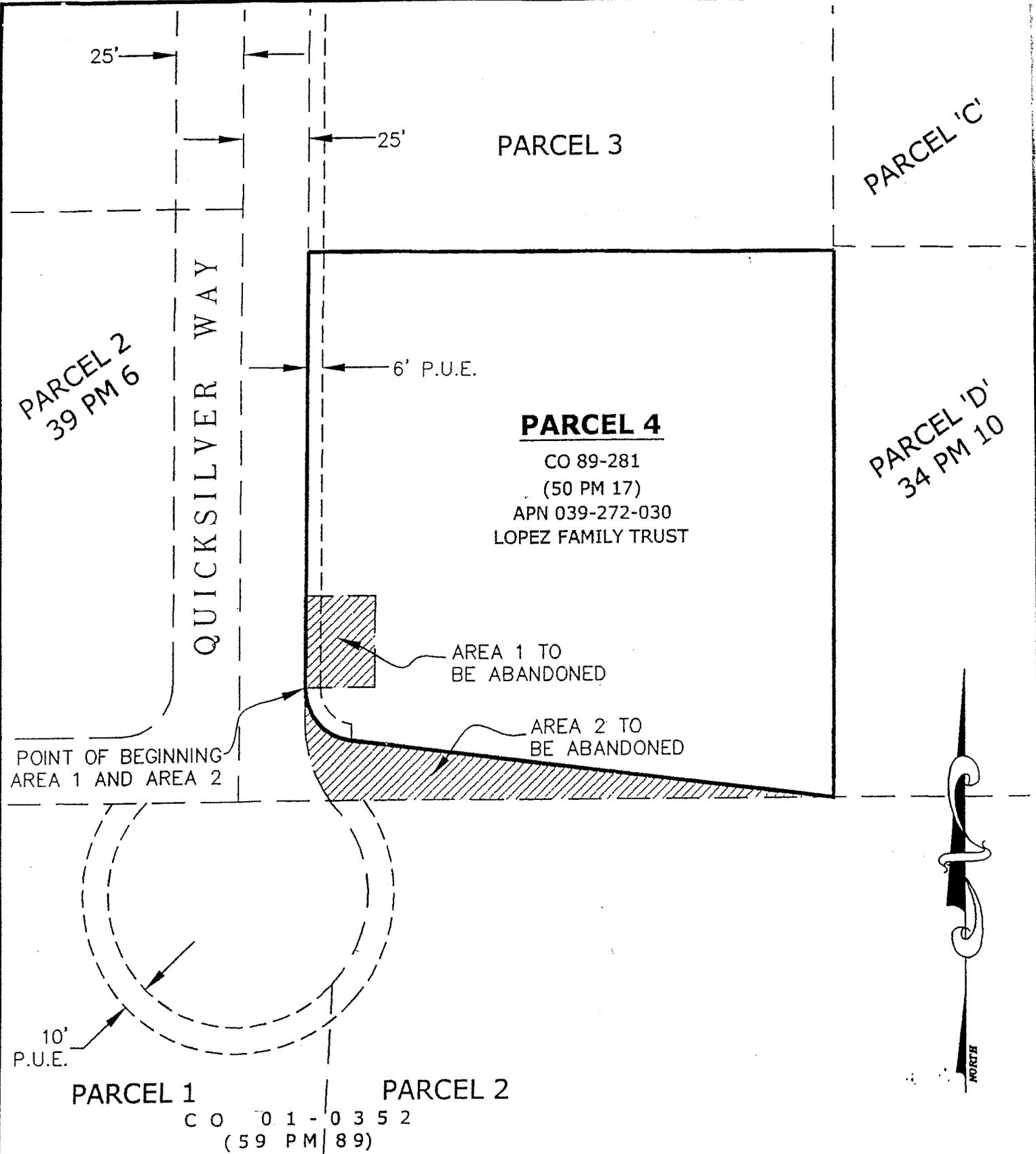


EXHIBIT " B "

NOT TO SCALE

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PREPARED FOR: JUAN LOPEZ
 PREPARED BY: EMK & ASSOCIATES, INC.
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 PASO ROBLES, CA 93446
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