

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

(1) DEPARTMENT Public Works	(2) MEETING DATE August 15, 2006	(3) CONTACT/PHONE Timothy J. Smith, County Right of Way Agent (805) 781-5290	
(4) SUBJECT Hearing to Consider a Resolution Vacating a portion of Vineyard Drive, County Road No. 5156, near the Town of Templeton, Supervisorial District 1			
(5) SUMMARY OF REQUEST This vacation is requested by the property owners to remedy an existing building encroachment situation.			
(6) RECOMMENDED ACTION It is recommended that your Board conduct the public hearing and adopt the attached Resolution vacating a portion of Vineyard Drive.			
(7) FUNDING SOURCE(S) Road Fund	(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. 5 min.) <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) BUDGET ADJUSTMENT 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) _____	(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History July 18, 2006 Resolution of Intention adopted (2006-238)	
(23) ADMINISTRATIVE OFFICE REVIEW  <div style="text-align: right; font-family: cursive; font-size: 1.2em;">OK Leslie Horn 8-15-06</div>			

Reference: 06AUG15-C-2

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# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

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

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email address: [pwd@co.slo.ca.us](mailto: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:** August 15, 2006

**SUBJECT:** Hearing to Consider a Resolution Vacating a Portion of Vineyard Drive, County Road No. 5156, near 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 portion of Vineyard Drive.

## Discussion

The owners of adjacent properties along Vineyard Drive, northwest of its intersection with Winery Road, request this road vacation to correct a building setback concern. This matter was discovered in the related lot line adjustment process. The area being considered for road vacation is a minor portion, which will not affect existing traffic circulation. The Public Works Department supports the request. This matter requires a public hearing, which was approved by your Board Resolution of July 18, 2006, setting this date for hearing.

The County Planning Department conformity report recommended that the vacation of the subject portion of road is consistent with the County General Plan, received by the County Planning Commission on April 27, 2006 and approved by your Board on July 18, 2006.

## Other Agency Involvement/Impact

The County Planning Department prepared the necessary conformity report. The Templeton Area Advisory Group supports the proposed request. Resolution was reviewed and approved by the Office of County Counsel. County General Services Parks Division has also reviewed and approved subject request.

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## **Financial Considerations**

In the event the vacation is approved, the excess right of way would be absorbed into the adjoining property and remedy the setback infraction. There is no direct financial impact expected to result from the recommended Board action.

## **Results**

Approval of the recommended action will result in the setting of formal hearing date in compliance with appropriate statutes, and will permit the future consolidation of property interests, leading to the ultimate community-wide result of a better governed community.

Attachments:       Vicinity Map  
                          Resolution Vacating a portion of Vineyard Drive

File: TJS

Reference: 06AUG15-C-5

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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 PORTION OF  
VINEYARD DRIVE, COUNTY ROAD NO. 5156,  
NEAR 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 portion of Vineyard Drive, County Road No. 5156, near the Town of Templeton; and

**WHEREAS**, in said resolution and notice, the date of hearing on the resolution of vacation was set for the 15<sup>th</sup> day of August 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 April 26, 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:

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1. That the recitals set forth above are true and correct.
2. That this Board finds, from all of the evidence submitted, that that portion of Vineyard Drive, County Road No. 5156, near 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 portion of Vineyard Drive, County Road No. 5156, near 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 portion of Vineyard Drive, near 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 a portion of Vineyard Drive, County Road No. 5156, is 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: \_\_\_\_\_  
Deputy County Counsel

Dated: 8/3/66

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RECOMMENDED FOR APPROVAL  
RIGHT OF WAY AGENT

\_\_\_\_\_  
Timothy J. Smith

RECOMMENDED FOR APPROVAL  
DIRECTOR OF PUBLIC WORKS

\_\_\_\_\_  
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 \_\_\_\_\_.

(SEAL)

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

By \_\_\_\_\_  
Deputy Clerk.

## LEGAL DESCRIPTION FOR VACATION OF PORTION OF VINEYARD DRIVE

That portion of road right of way referred to as Vineyard Drive, County Road No. 5156, being a strip of land ten feet (10') in width, lying northwest of its intersection with Winery Road, as shown on the Map of the Rancho Paso de Robles in the County of San Luis Obispo, State of California, according to a map recorded December 13, 1889 in Book A, Page 137 of Maps, in the Office of the County Recorder of said County, said strip of road right of way, whose northeasterly line lies on the northerly line of Vineyard Drive, more described as follows:

Beginning at the point lying on the northerly line of Vineyard Drive and being the westerly terminus of that real property described in an Irrevocable and Perpetual Offer to Dedicate, recorded January 4, 2005 as Instrument No. 2005-000690 of Official Records, records of said County; thence proceeding northwesterly along said northerly line, North 65°58'59" West at distance of 330 feet to a point, said point being the terminus of said northeasterly line of ten foot (10') wide strip of road right of way.

**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.

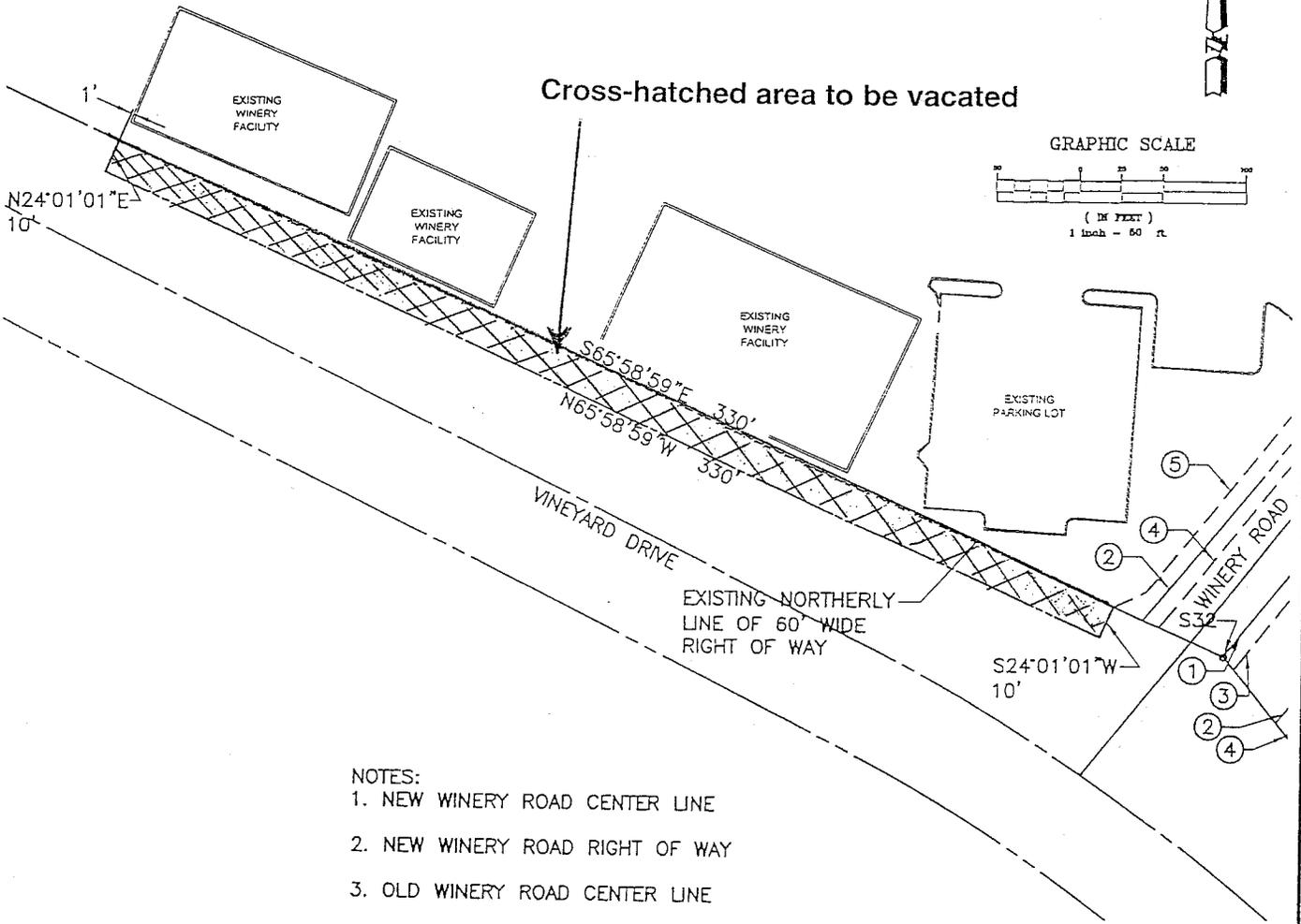
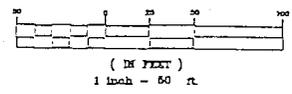
### EXHIBIT "A"

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Cross-hatched area to be vacated

GRAPHIC SCALE



- NOTES:
- 1. NEW WINERY ROAD CENTER LINE
  - 2. NEW WINERY ROAD RIGHT OF WAY
  - 3. OLD WINERY ROAD CENTER LINE
  - 4. OLD WINERY ROAD RIGHT OF WAY
  - 5. NEW DRAINAGE EASEMENT

EXHIBIT "B"

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