



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** July 17, 2019

FROM: Matthew Bronson, City Manager

PREPARED BY: Greg Ray, Public Works Director/City Engineer

SUBJECT: Approval to Vacate a Portion of Highland Way Right-of-Way
(1053 Highland Way)

RECOMMENDATION

Conduct a public hearing to hear all persons interested in the proposed vacation and adopt the Resolution approving the vacation of the northernmost seven feet (7') portion of right-of-way on Highland Way along the property frontage of 1053 Highland Way and authorize the City Clerk to file the Grant Deed with the County Clerk Recorder.

BACKGROUND

On March 5, 2018 the Council adopted Resolution No. 18-20 approving a Development Application for a Use Permit located at 1053 Highland Way and Resolution 18-21 approving a Commercial Cannabis Permit for 805 Beach Breaks located at 1053 Highland Way. At that meeting, the Council provided direction to staff to complete the vacation of a portion of excess right-of-way located along the frontage of 1053 Highland Way.

Staff has determined that the northerly seven feet (7') of right-of-way on portions of Highland Way is excess and unnecessary for street purposes as identified in the City's adopted Circulation Element of the General Plan. In order to vacate the excess right-of-way, the City must follow the procedures outlined in the California Streets and Highways Code, Section 8320. Section 8320 requires the City to publish two consecutive notices and post notices along the right-of-way at least fifteen days prior to conducting a public hearing to approve the vacation. Staff has met the requirements and Attachment 2 is a copy of the notice that was published and posted.

Attachment 3 is a copy of the Grant Deed and Exhibit "A" identifying the portion of right-of-way to be vacated to the property owner of 1053 Highland Way. Note that all underlying utility easements will be reserved for the use of the existing and future public utilities that serve the area.

FISCAL IMPACT

Per Council direction, the cost of preparing the Grant Deed and exhibit and all other costs to publish, record and fully vacate the easement will be borne by the applicant and therefore there is no fiscal impact to the City.

ALTERNATIVES

The Council has the following alternatives to consider:

1. Adopt the Resolution vacating the northernmost seven feet (7') portion of right-of-way on Highland Way along the property frontage of 1053 Highland Way and authorize the City Clerk to file the Grant Deed with the County Clerk Recorder; or

2. Provide alternate direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act. Two consecutive public notices were posted in the *New Times* and copy of the notice was posted along the proposed right-of-way vacation on Highland Way.

ATTACHMENTS

1. Resolution to Vacate a Portion of Right-of-Way Along Highland Way
2. Notice of Public Hearing
3. Grant Deed and Exhibit "A" to the Grant Deed

RESOLUTION NO. 19-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA TO VACATE A PORTION OF RIGHT-OF-WAY ALONG HIGHLAND WAY PURSUANT TO SECTION 8320 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE (1053 HIGHLAND WAY)

WHEREAS, an application has been received from 805 Beach Breaks, Inc. (applicant) and Hass-Touey, LLC (property owner) to consider Development Application 17-21, requesting vacation of a portion of right-of-way, which is approximately 682 square feet, or 0.016 acres of Highland Way, being a portion of Parcel B, of Parcel Map Book 26, Page 82, County of San Luis Obispo, State of California filed for recordation on September 28, 1978 and accepted through an offer of dedication per 1783 O.R. 186, recorded at the San Luis Obispo County Recorder's Office; and

WHEREAS, the current General Plan Designation and Zoning for Highland Way is currently right-of-way; and,

WHEREAS, the proposed vacation portion of the right-of-way for Highland Way is shown on a portion of Parcel B, of Parcel Map Book 26, Page 82, County of San Luis Obispo, State of California filed for recordation on September 28, 1978 and accepted through an offer of dedication per 1783 O.R. 186, recorded at the San Luis Obispo County Recorder's Office, approximately 682 square feet, will become a part of the adjacent property currently zoned Industrial and its corresponding General Plan designation; and,

WHEREAS, the project is in conformance with the Circulation Element of the General Plan and all other applicable General Plan policies; and,

WHEREAS, the notice of Public Hearings for the City Council was posted at the property frontage and advertised in the manner required by law, including the State of California Streets and Highways Code; and

WHEREAS, the Planning Commission of the City of Grover Beach has reviewed and considered a recommendation for right-of-way vacation at a Public Hearing on February 14, 2018 and recommended the City Council approve the proposed right-of-way abandonment; and

WHEREAS, the City Council of the City of Grover Beach has reviewed and considered vacating a portion of right-of-way along Highland Way at a Public Hearing on March 5, 2018; and

WHEREAS, the project qualifies for a Class 1 Existing Facilities Categorical Exemption (Section 15301) and Class 3 New Construction or Conversion of Small Structures Exemption (Section 15303) in compliance with the California Environmental Quality Act based on the project occupying an existing facility where the construction is limited to interior and exterior alterations that involves negligible expansion of an industrial type use with ancillary retail, installation of new equipment within a small structure, street improvements along the frontage of the proposed project, and installation of new sewage main, that is reasonable in length, that will not have significant cumulative impacts and there is no reasonable possibility that a significant environmental effect occurs based on the project record;

WHEREAS, the City Council of the City of Grover Beach makes the following findings in

accordance with excess roadway abonnement pursuant to §8320 of the California Streets and Highways Code contained herein:

1. *At the hearing, the legislative body shall hear the evidence offered by persons interested. Fact.* The City Council received oral testimony by the project applicant, project representative, and interested persons prior to making a recommendation for vacation of public easements and roadway abandonment.
2. *The street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use.*

Fact. The City Council, after hearing public testimony by persons interested in the vacation of a portion of right-of-way along Highland Way directly adjacent to the proposed project that these portions of right-of-way are unnecessary for the present or prospective use of the public and therefore should be vacated through recordation of the proper instrument as determined by the City Engineer that is consistent with the California Subdivision Map Act and the California Streets and Highways Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach **HEREBY** take the following actions with respect to vacating the roadway pursuant to §8320 and partial vehicular closure pursuant §1920 to of the California Streets and Highways Code:

Vacating a portion of the right-of-way of Highland Way shown as a portion of Parcel B, of Parcel Map Book 26, Page 82, County of San Luis Obispo, State of California filed for recordation on September 28, 1978 and accepted through an offer of dedication per 1783 O.R. 186, recorded at the San Luis Obispo County Recorder’s Office, approximately 682 square feet, converting this portion of property to a General Plan Land Use Designation of Industrial (I), and a Zoning of Industrial (I);

Upon motion by Council Member _____, second by Council Member _____, and on the following roll call vote:

AYES:	Council Members
NOES:	Council Members –
ABSENT:	Council Members –
ABSTAIN:	Council Members –

the foregoing RESOLUTION NO. 19-__ was **PASSED, APPROVED,** and **ADOPTED** at a Regular Meeting of the City Council of the City of Grover Beach California this 17th day of June 2019.

****DRAFT****

JEFF LEE, MAYOR

Attest:

WENDI SIMS, CITY CLERK



NOTICE OF PUBLIC HEARING BEFORE THE GROVER BEACH CITY COUNCIL

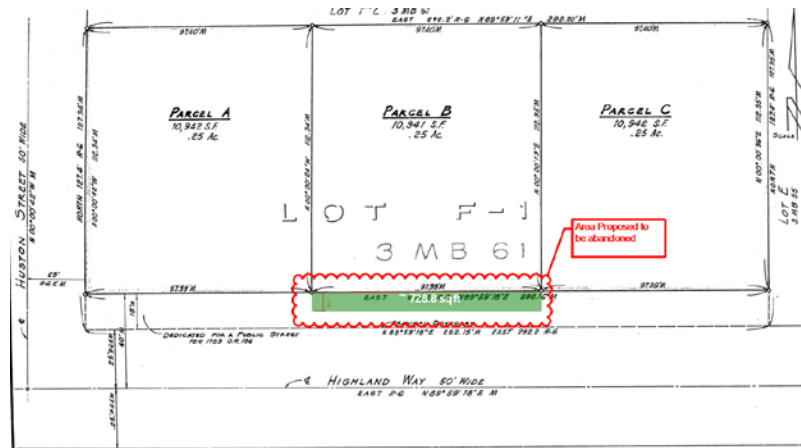
NOTICE IS HEREBY GIVEN that the City Council of the City of Grover Beach will conduct a Public Hearing at **6:00 p.m.**, or soon thereafter, on **Monday, June 17, 2019** in City Hall, Council Chambers, 154 South Eighth Street, Grover Beach, CA to consider the following item:

SUBJECT: PROPOSED HIGHLAND WAY VACATION

The vacation of a portion of the existing right-of-way at the frontage of 1053 Highland Way:

The northerly 7 feet of Highland Way at the frontage of 1053 Highland Way.

Said vacation proceeding is being conducted under the provisions of Section 8320 et. seq. of the State of California Streets and Highways Code. The intent of this action is to vacate the northern 7 foot portion of this right-of-way.



Where You Come In: Any member of the public may appear at the meeting and be heard on the item described in this notice or submit written comments to the City Clerk prior to the meeting by personal delivery or by mail to: City Clerk's Office, 154 South Eighth Street, Grover Beach, CA 93433.

For More Information: If you have any questions or would like additional information regarding the item described in this notice, please contact: the Grover Beach City Engineer Greg Ray at (805) 473-4530 or by e-mail at publicworks@groverbeach.org.

The complete meeting agenda and copies of the staff report on the above item will be available to the public at the City Clerk's Office by Friday, June 14, 2019 no later than 12 Noon. Live broadcasts of City Council meetings may be seen on the City's Government Cable Access Channel 20 with re-broadcasts periodically throughout the week. *Note: If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing(s) described in this notice, or in written correspondence delivered to the City at, or prior to, the Public Hearing (Govt. Code Sec. 65009).*

/s/ Wendi Sims, City Clerk

Dated: Thursday, May 30, 2019

Publish: 2x – New Times on Thurs, May 30 & June 6, 2019

Post: Grover Beach City Hall, Post Office, and Train Station

GRANT DEED

Recording Requested by:

City of Grover Beach
And When Recorded
Return to:

Matthew Bronson, City Manager
City of Grover Beach
154 S. Eighth Street
Grover Beach, CA. 93433

For valuable consideration, receipt of which is acknowledged, the City of Grover Beach, a California municipal corporation, (Grantor), grants to Haas-Touey Llc (Grantee) the real property in the City of Grover Beach, California, described hereafter:

That real property in the City of Grover Beach, County of San Luis Obispo, State of California being a portion of Highland Way right-of-way as shown on the map filed September 25, 1978 in Book 26 of Parcel Maps at Page 82 in the office of the County Recorder of said County more particularly described as follows:

Bounded on the south by a line parallel with and 33.00 feet northerly of and measured perpendicular to the centerline of said Highland Way per said Parcel Map.

Bounded on the north by the southerly line of Parcel B of said Parcel Map.

Bounded on the west by the southerly projection of the westerly line of said Parcel B.

Bounded on the east by the southerly projection of the easterly line of said Parcel B.

The above described property contains 682 square feet, more or less, and is shown graphically on Exhibit "A" attached hereto and incorporated herein.

The City shall reserve any existing utility easement in, upon, along, across, under or over the real property described herein and said existing easement shall remain in effect.

* * *



Michael B. Stanton, PLS5702

Date

EXHIBIT "A"

PARCEL F-2
3/MB/61

S89°58'57"W 97.40'R

1053 HIGHLAND WAY

PARCEL B
26/PM/82

PARCEL A
26/PM/82

N0°00'24"W 112.34'R

N0°00'13"E 112.35'R

PARCEL C
26/PM/82

N89°59'18"E 97.38'R

STREET CONVEYANCE

7.00'

NEW RIGHT-OF-WAY LINE

40.00'R

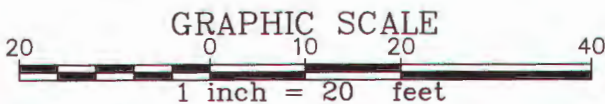
HIGHLAND WAY

33.00'

N89°59'18"E 292.15'R

LEGEND:

R = 26/PM/82



MBS
LAND SURVEYS

MICHAEL B. STANTON, PLS 5702
3559 SOUTH HIGUERA ST.
SAN LUIS OBISPO, CA 93401
805-594-1960

May 9, 2019

JOB #17-214