

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY AT 11285 SAN MARCOS ROAD

WHEREAS, the subdivision map recorded in San Luis Obispo County Book of Maps 3AC, Page 86 dedicated San Marcos Road as a 40-foot-wide public right-of-way, which right-of-way was assumed by the City of Atascadero upon incorporation; and

WHEREAS, since the dedication of San Marcos Road, geologic conditions have necessitated a realignment of a portion of the roadway; and

WHEREAS, to complete the realignment, the City will obtain an easement for public right-of-way from a private property owner comprising approximately 1,190 square feet in exchange for the City's vacation of a portion of its right-of-way comprising approximately 1,265 square feet; and

WHEREAS, pursuant to Streets and Highways Code Sections 8320 et seq., the City of Atascadero may initiate proceedings to vacate excess right-of-way; and

WHEREAS, the proposed vacated area is legally described in Exhibit A and is shown on Exhibit B, attached hereto and incorporated herein by reference, and is on file in the Department of Public Works; and

WHEREAS, City staff have confirmed no City utility facilities currently exist within the portion of San Marcos Road to be vacated; and

WHEREAS, the vacation proceeding for said proposed vacated area is and will be conducted pursuant to the requirements of Streets and Highways Code Sections 8320, et seq.; and

WHEREAS, the proposed vacation is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, pursuant to Government Code Section 65402(a), the vacation of the proposed vacated area is required to facilitate a realignment of San Marcos Road that is minor in nature, and as such, referral of the vacation to the City's planning commission pursuant to Section 65402(a) shall not be required, as the proposed vacation is consistent with the City's general plan; and

WHEREAS, the area proposed for vacation is no longer needed for public right-of-way purposes, and the vacation is in the public interest.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council hereby declares its intention to vacate the above proposed area.

SECTION 3. The City Council sets November 12, 2025 as the date of the public hearing on the proposed street vacation. The public hearing will be held at 6:00 p.m. or as soon thereafter as practicable, in the City of Atascadero Council Chambers, 6500 Palma Ave., Atascadero, California 93422. All persons interested in the vacation are invited to attend and give testimony if desired. After the close of the public hearing, the Council will consider the adoption of a resolution that declares the portion of San Marcos Road to be unnecessary for present or prospective public street purposes and orders the vacation. Said resolution shall provide that the vacation is subject to recordation of a right-of-way easement in favor of the City for the approximate 1,190 square foot area shown on Exhibit B.

SECTION 4. The City Clerk is directed to give notice of the public hearing as required by Streets and Highways Code Section 8322.

SECTION 5. The Director of Public Works is directed to conspicuously post not less than three notices of vacation along San Marcos Road at the location proposed to be vacated pursuant to Streets and Highways Code Section 8323. The notices shall be posted not more than 300 feet apart.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ____ day of _____, 2025.

On motion by Council Member _____ and seconded by Council Member _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

Charles Bourbeau, Mayor

ATTEST:

Lara K. Christensen, City Clerk