



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: April 17, 2007
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Phillip M. Demery, Public Works Director, 568-3010
Director(s)
Contact Info: Scott McGolpin, Deputy Director, Transportation Division, 568-3064
Michael B. Emmons, Deputy Director, Surveyor's Division, 568-3020

SUBJECT: S. Broadway Road Vacation (portion), Orcutt
4th Supervisorial District

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

As to form:

Recommended Actions:

Authorize the Chair of the Board to:

- (a) Approve the attached Notice of Exemption pursuant to California Environmental Quality Act (CEQA) guidelines regarding the subject vacation of County road easement and right-of-way along a portion of S. Broadway in the Town of Orcutt.
- (b) Adopt the attached "Resolution of Summary Order to Vacate" a portion of County road easement and right-of-way along a portion of S. Broadway in the Town of Orcutt.

Summary Text:

A portion of South Broadway (the "Excess Portion") encumbering 156 S. Broadway, also known as Assessor's Parcel Number 105-092-013 (hereinafter the "Property") is excess right-of-way currently used for outdoor dining at Jack's Restaurant and is unnecessary for sidewalk purposes.

The owners of the Property, Donald L. McLean and Nual McLean, Trustees of the McLean Family Trust dated September 15, 2005, have petitioned the County to abandon the Excess Portion so they may install permanent columns and structural supports in the Excess Portion in connection with a remodel project for Jack's Restaurant.

The abandonment of the Excess Portion will still leave ten feet (10') of public right-of-way for sidewalk purposes and ninety-six feet (96') of right-of-way for roadway purposes.

At the Planning Commission hearing of June 14, 2006, the Planning Commission found the abandonment of the County's right-of-way to be in conformity with the County's General Plan and the Orcutt Community Plan pursuant to Government Code Section 65402.

In the event the owner of the Property encloses the Excess Portion, the County may preclude outdoor dining in the public right-of-way adjacent to the Excess Portion in order to preserve the remaining clear sidewalk for the use of the traveling public.

It has been determined by County's Public Works Department that, in accordance with Section 892(a) of the California Streets and Highways Code, the Excess Portion is not useful as a nonmotorized transportation facility.

In accordance with Section 8334(a) of the California Streets and Highways Code, the Excess Portion is excess right-of-way not required for street or highway purposes, is unnecessary for present or prospective public use, and is therefore eligible for summary vacation.

In accordance with Section 8334.5 of the California Streets and Highways Code, there are no in-place public utility facilities within the Excess Portion which are in use and would be affected by the vacation.

The vacation of the Excess Portion will not impair public or private access, nor will it affect existing or future traffic circulation. The vacation of the Excess Portion is in the public interest, in that the County will be relieved of liability for the Excess Portion to be vacated.

Background:

The County acquired the easement and right-of-way for this area of South Broadway pursuant to the "Map Showing Town of Orcutt" recorded in Book 3, Page 67 of Maps in the County Recorder's Office.

A five-foot (5') wide portion of Union Avenue abutting the Property was previously vacated pursuant to Document No. 17693 dated May 19, 1961 in Book 1848, Page 441 of Official Records. This area of abandoned right-of-way along Union Avenue is occupied by structural supports similar to those proposed for the subject area of S. Broadway to be vacated.

Performance Measure:

N/A

Fiscal and Facilities Impacts:

None.

Fiscal Analysis:

Narrative: There is no monetary consideration in exchange for the vacation of the subject easement. The property owner owns the underlying fee interest, and the County is merely removing the right-of-way from encumbering the Property. However, the applicant has paid for all staff time and processing fees necessary to complete the project.

Staffing Impacts:

<u>Legal Positions:</u>	<u>FTEs:</u>
N/A	N/A

Special Instructions:

After Board action, distribute as follows:

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| 1. Copy of Summary Order to Vacate | Clerk of Board Files |
| 2. Original Summary Order to Vacate | Surveyor's Division, Attn: Harrison Heyl |
| 3. Original Notice of Exemption | Clerk of Board Files |
| 4. Copy of Notice of Exemption | Surveyor's Division, Attn: Harrison Heyl |
| 5. Minute Order | Surveyor's Division, Attn: Harrison Heyl |

The Real Property Section will record the Order to Vacate at the Office of the County Recorder's Office. Upon recordation, Real Property will return the original Order to Vacate to the Clerk of the Board.

Attachments:

- (a) Summary Order to Vacate.
- (b) Notice of Exemption.

Authored by:

Harrison Heyl, Public Works Department, Surveyor's Division, Real Property Section, 568-3072

cc: