

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



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

Agenda Number:
Prepared on: June 1, 2005
Department: Public Works
Department No.: 054
Agenda Date: June 21, 2005
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF Bret Stewart: 568-3232
CONTACT: Harrison Heyl: 568-3072

SUBJECT: Summary Order to Vacate – Portion of Shaw Street, Los Alamos
Third Supervisorial District

Recommendation(s):

Adopt the attached Resolution, Summary Order to Vacate, vacating a portion of Shaw Street, Los Alamos, Third District.

Alignment with Board Strategic Plan:

The recommendation(s) are primarily aligned with actions required by law or by routine business necessity.

Executive Summary and Discussion:

A portion of Shaw Street in the town of Los Alamos encumbers Assessor's Parcel Number 101-253-007. The property owners, Donald R. Galassi and Aurora A. Fox, petitioned the Public Works Department to vacate a portion of Shaw Street encumbering the parcel in connection with the Planning Commission's consideration of Tentative Parcel Map No. 14,639.

In accordance with Section 8334 of the California Streets and Highways Code, the subject portion of Shaw Street 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. The existing width of the right-of-way over the subject portion of Shaw Street is eighty feet (80'). However, a maximum of only sixty feet (60') of right-of-way is necessary in Los Alamos, making ten feet (10') of right-of-way available for vacation on each side of the centerline of the street. By vacating the surplus right-of-way, greater use of the property can be made by the property owner.

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Additionally, in accordance with Streets and Highways Code Section 892(a), the subject portion of Shaw Street is not useful as a nonmotorized transportation facility. Vacation of the subject portion of Shaw Street will not impair public or private access, nor will it affect existing traffic circulation.

On October 13, 2004, the Planning Commission issued its conditional approval of the Tentative Parcel Map and found the map, project and proposed road vacation in compliance with CEQA. The Planning Commission also determined that the proposed road vacation was in conformity with the County's Comprehensive Plan and the Los Alamos Community Plan in accordance with Government Code Section 65402.

In accordance with Section 8331(a) of the California Streets and Highways Code, the subject portion of Shaw Street has been unimproved and has been impassable for vehicular travel for a period of five consecutive years. In accordance with Section 8331(b) of the California Streets and Highways Code, no public money was expended for maintenance of the subject portion of Shaw Street for a period of five consecutive years.

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

Finally, vacation of the subject portion of Shaw Street is in the public interest, in that the County will be relieved of liability for the subject portion of Shaw Street to be vacated.

Mandates and Service Levels:

No change in programs or service levels.

Fiscal and Facilities Impacts:

There are no County structures or facilities on the subject portion of Shaw Street. There are no Fiscal or Facilities impacts.

Special Instructions:

After Board action, please distribute as follows:

- | | | |
|----|--------------------------|-----------------------------------|
| 1. | Original Order to Vacate | Public Works, Attn: Harrison Heyl |
| 2. | Copy of Order to Vacate | Clerk of the Board Files |
| 3. | Minute Order | Public Works, Attn: Harrison Heyl |

NOTE: After adoption by the Board, Real Property will deliver the original, executed Summary Order to Vacate to the Office of the County Recorder for recordation. After recordation the original recorded Summary Order to Vacate will be filed with the Clerk of the Board. A certified copy will

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be mailed to the petitioner and copies will be retained by the Real Property Section of the Public Works Department.

Concurrence: