



## MEMORANDUM

**TO:** City Council

**FROM:** Brian Pedrotti, Director of Community Development

**BY:** Andrew Perez, Planning Manager

**SUBJECT:** Summary Vacation of a Public Equestrian Easement on Ridgeview Way

**DATE:** February 11, 2025

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### **RECOMMENDATION:**

- 1) Adopt a Resolution summarily vacating the public equestrian easement pursuant to summary vacation procedures set forth in Streets and Highways Code Section 8330 et seq; and
- 2) Find that the action is not a project under CEQA or, alternatively, that it is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) (“common sense exemption”).

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

There is no financial impact associated with summarily vacating the public equestrian easement.

### **BACKGROUND:**

A condition of approval associated with approved Parcel Map AG87-240 was imposed to establish an equestrian trail network within the City, consistent with an objective in the 1988 Parks and Recreation Element of the General Plan, which stated that the network would link “horse-populated areas of the City along the following routes: James Way, Ridgeview Way, Tally Ho Road, and Gularte Road.” No other equestrian easements have been established on the other streets previously listed, and therefore the network that was envisioned in the 1980s is unlikely to materialize.

The City’s current Conservation and Open Space Element includes Policy C/OS3-1, which states “in Residential Rural and Suburban County areas and developments in the unincorporated portions of the planning area, and in all urban land use developments adjoining possible trail alignments within the City, provide for equestrian, hiking and biking trails, particularly those providing access to schools, parks and community facility activity areas.” The subject equestrian easement begins at 250 Ridgeview Way, terminates at 151 Ridgeview Way and does not connect to any other existing trails.

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The City's [Bicycle and Trails Master Plan](#)<sup>1</sup>, adopted in 2012, does not identify the subject equestrian easement as part of an existing or proposed bicycle or trail network, nor is a path shown in the adopted 2021 Circulation Element. Additionally, the City's Active Transportation Plan, which will supersede the Bicycle and Trails Master Plan, does not include the equestrian easement as an active transportation facility.

**ANALYSIS OF ISSUES:**

The 14' wide public equestrian easement encumbers four properties with frontage on Ridgeview Lane: 151 Ridgeview Way, 710 White Court, 711 White Court, and 250 Ridgeview Way. The easement was initially established with the recordation of Parcel Map AG 87-240. This map established the easement on 710 White Court. The recordation of Parcel Map AG 14-0029 on July 7, 2015, established the easement across 151 Ridgeview Way, and finally, the recordation of Parcel Map AG 11-004 established the easement across 711 White Court and 250 Ridgeview Way. The equestrian easement is no longer necessary due to the lack of equestrian-centric development in the area and the limited opportunities to connect to the existing trail network. Properties located to the north of the easement are rural properties, some of which are located outside city limits, that are unlikely to subdivide and provide an opportunity for the City to obtain a public easement.

As discussed above, the City's Bicycle and Trails Master Plan did not include the subject equestrian easement, indicating that it is excess and no longer necessary for the City's purposes. Further, the path is not shown as part of the 2021 Circulation Element, further indicating that trail went into disuse and is no longer necessary to the City's transportation network. Finally, the City's Active Transportation plan also does not contemplate the need for the equestrian easement. For those reasons, the equestrian easement is excess, and the City may summarily vacate the easement, provided that it meets all the criteria in Streets and Highways Code Section 8333.

The owners of the properties encumbered by the subject easement requested the City vacate the easement due its lack of utility and hindrance on development potential of the properties. During the City's review of the request, it was determined the easement is no longer needed for the City's purposes for the reasons described above. California Streets and Highways Code Section 8333 et seq. authorizes the city to summarily vacate an excess public easement under certain circumstances.

Specifically, Section 8333 provides that the City Council may summarily vacate a public service easement in any of the below situations:

- a. The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

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<sup>1</sup> <https://www.arroyogrande.org/DocumentCenter/View/276/Bicycle-and-Trails-Master-Plan>

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- b. The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.
- c. The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

In this case, the City is summarily vacating the equestrian easement which has been determined to be excess by the easement holders, there are no other public facilities located within the easement area, and the requirements of the Streets and Highways code are satisfied. Therefore, the City may vacate the PUE under the authority provided by Streets and Highways Code Section 8333(c).

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

1. Adopt a Resolution summarily vacating a public equestrian easement at 151 Ridgeview Way, 710 White Court, 711 White Court, and 250 Ridgeview Way pursuant to Streets and Highway Code Section 8330 et seq;
2. Do not adopt a Resolution to vacate the public equestrian easement; or
3. Provide other direction to staff.

**ADVANTAGES:**

Abandonment of the easement will remove an encumbrance on private properties that is not currently in use by the City, and has not been used by the City since the easement was granted.

**DISADVANTAGES:**

Abandonment will eliminate the possibility of expanding the trail network between Tally Ho Road and the rural areas to the north. However, pending development of 151 Ridgeview Way will result in the construction of new City standard curb, gutter, and sidewalk within the public right-of-way, outside of the easement area. This sidewalk will connect to the existing sidewalk on White Court without the need for the easement.

**ENVIRONMENTAL REVIEW:**

The proposed summary vacation of the easement is not a project subject to the California Environmental Quality Act (CEQA) because it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment. (State Guidelines, Section 15060, subd. (b)(2)-(3), 15378.) Alternatively, the summary vacation of the easement is exempt from CEQA on the basis that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State Guidelines Section 15061, subd. (b)(3).)

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**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

**ATTACHMENTS:**

1. Proposed Resolution