

COUNCIL AGENDA: FEBRUARY 5, 2013

SUBJECT: INTENT TO VACATE EASEMENTS FOR INGRESS, EGRESS, STORM DRAIN PIPELINE AND STORM WATER RETENTION RELATED TO SIERRA MEADOWS SUBDIVISION (Nicholson & Smee, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City is pursuing easement vacations for ingress, egress, storm drain pipeline and storm water retention. These easements are generally located between Indiana Street and State Highway 65, north of Gibbons Avenue. The easements were necessary for the orderly development of the first phase of the Sierra Meadows Subdivision. Construction of the recently completed storm drain pipeline along Indiana Street and the diversion of storm water flow north to a larger basin, ends the need for these easements. The City has authority to vacate these easements under Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

Staff believes there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Abandonment of these easements does not affect other agencies or other utility companies.

RECOMMENDATION: That the City Council:

1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville by document numbers 2004-0134038 and 2004-0134039, recorded December 28, 2004 in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of March 5, 2013, or as soon thereafter, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Recorded Documents
Easement Vacation Legal Descriptions
Locator Map

P:\PUBWORKS\GENERAL\COUNCIL\INTENT TO VACATE EASEMENTS RELATED TO SIERRA MEADOWS-NICHOLSON SMEE - 2013-02-5.DOC

Dir: BS Appropriated/Funded N/A CM J

Item No. 5

RESOLUTION NO. _____-2013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, EASEMENTS
FOR INGRESS, EGRESS, STORM DRAIN PIPELINE
AND STORM WATER RETENTION

SECTION 1: The Council of the City of Porterville, California, pursuant to Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to vacate, abandon, and close to public use those certain easements for ingress, egress, storm drain pipeline and storm water retention in the City of Porterville, County of Tulare, State of California, and known as easements no longer necessary due to the completion of storm drain piping and diversion of storm water flow northerly along Indiana Street to a larger basin.

SECTION 2: A map or plan and legal descriptions of said public easements intended to be vacated, abandoned and closed to public use is on file in the office of the City Clerk of the City of Porterville, reference to which is hereby made.

SECTION 3: That the public convenience and necessity requires the reservation of easements and rights of way for structures enumerated, if any, in Section 8340 of the California Streets and Highways Code.

SECTION 4: Notice is further given that on Tuesday, the 5th day of March, 2013 at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby fixed for the time and place for hearing any objections to the vacation, abandonment and closing to public use of said easements way.

PASSED, APPROVED AND ADOPTED this 5th day of January, 2013.

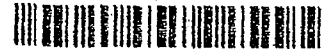
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:

City of Porterville
291 N. Main St.
Porterville, CA 93258



2004-0134038

Recorded
Official Records
County Of
Tulare
GREGORY B. HARDCASTLE
Recorder

REC FEE
CONFORM .00
.00

11:26AM 28-Dec-2004 | nc
Page 1 of 2

Space above this line for Recorder's Use

EASEMENT DEED

Atlas Sheet	Section	Township	Range	Street/Avenue
1-6	3	22S	27E	

Nicholson-Smee LLC GRANT to the CITY OF PORTERVILLE, a Municipal Corporation an EASEMENT for storm water retention upon, over, across and within that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

That portion of the Northeast quarter of the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California, described as follows:

Commencing at a point in the East line of the Northeast quarter of said Southeast quarter said point being South 00°38'54" West, 546.19 feet of the Northeast corner of said Southeast quarter;

Thence, North 89°21'06" West, 249.22 feet to the True Point of Beginning of the easement to be described;

Thence, South 00°37'59" West, 416.28 feet;

Thence, South 71°51'12" West, 258.91 feet;

Thence, North 20°27'36" West, 93.56 feet;

Thence, North 02°01'40" West, 220.15 feet;

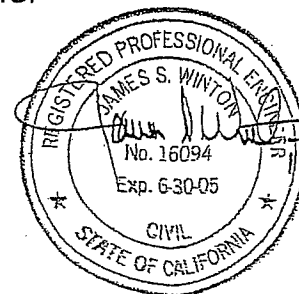
Thence, North 24°38'21" West, 84.44 feet;

Thence, North 01°11'08" East, 262.39 feet;

Thence, North 89°09'06" East, 273.73 feet;

Thence, South 40°56'02" East, 73.70 feet;

Thence, South 00°37'59" West, 98.23 feet to the TRUE POINT OF BEGINNING.



Number

Dated this 14 day of December, 2004

Nicholson-Smee LLC

Gary M. Smee
Gary M. Smee, Managing Partner

STATE OF CALIFORNIA }
County of Tulare } SS

PERSONAL ACKNOWLEDGMENT

On this the 14 day of Dec, 2004, before me, Cindy Tiernan
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared Gary M Smee
Name(s) of Signer(s)

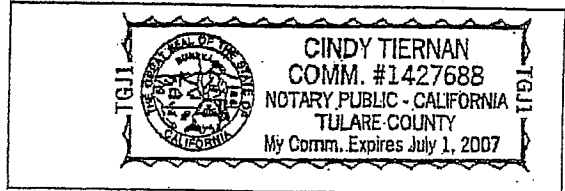
personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cindy Tiernan

(Notary Public's signature in and for said County and State)



(for notary seal or stamp)

THIS IS TO CERTIFY, That pursuant to the authority conferred by City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the public and City Council of the City of Porterville consents to the acceptance for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this 16th day of December, 2004

Michael K. Reed
Michael K. Reed, PLS #7514, City Engineer

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
DEED AND TAX STATEMENTS TO:**

City of Porterville
291 N. Main St.
Porterville, CA 93258



2004-0134039

Recorded
Official Records
County Of
Tulare
GREGORY B. HARDCASTLE
Recorder

REC FEE .00
CONFORM .00

11:26AM 28-Dec-2004
nc
Page 1 of 2

Space above this line for Recorder's Use

EASEMENT DEED

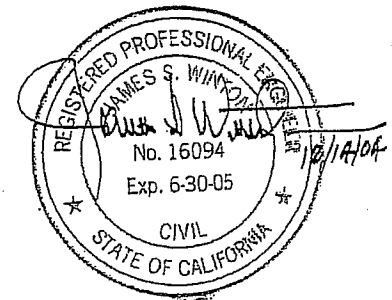
Atlas Sheet	Section	Township	Range	Street/Avenue
1-6	3	22S	27E	

Nicholson-Smee LLC GRANT to the CITY OF PORTERVILLE, a Municipal Corporation an EASEMENT for
ingress, egress and storm drain upon, over, across and within that certain real property in the City of Porterville,
County of Tulare, State of California, described as follows:

An easement 20 feet in width for ingress, egress and for the operation, maintenance, repair and replacement of a storm drain pipeline and necessary or convenient appurtenances over, across, through and within a portion of the Northeast quarter of the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, County of Tulare, State of California, the center line of said 20 foot wide easement being described as follows:

Beginning at a point in the East line of the Northeast quarter of said Southeast quarter said point being South 00°38'54" West, 546.19feet of the Northeast corner of said Southeast quarter;

Thence, North 89°21'06" West, 300.00 feet to the terminus of the center line being described.



Number

Dated this 14 day of December, 2004

Nicholson-Smee LLC

Gary M. Smee
Gary M. Smee, Managing Partner

STATE OF CALIFORNIA }
County of Tulare } ss

PERSONAL ACKNOWLEDGMENT

On this the 14 day of Dec, 2004, before me, Cindy Tiernan
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

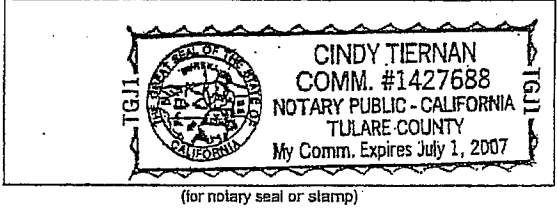
personally appeared Gary M. Smee
Name(s) of Signer(s)

personally known to me
proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cindy Tiernan
(Notary Public's signature in and for said County and State)



THIS IS TO CERTIFY, That pursuant to the authority conferred by City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the public and City Council of the City of Porterville consents to the acceptance for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this 16th day of December, 2004

Michael K. Reed
Michael K. Reed, PLS #7514, City Engineer

LEGAL DESCRIPTION

Easement Vacation

Parcel 1 – Storm Water Retention

That portion of the Northeast quarter of the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, more particularly described as follows:

COMMENCING AT a point in the East line of the Northeast quarter of said Southeast quarter, said point being South 00°38'54" West, 546.19 feet of the Northeast corner of said Southeast quarter;

THENCE, North 89°21'06" West, 249.22 feet, to the **POINT OF BEGINNING**;

THENCE, South 00°37'59" West, 416.28 feet;

THENCE, South 71°51'12" West, 258.91 feet;

THENCE, North 20°27'36" West, 93.56 feet;

THENCE, North 02°01'40" West, 220.15 feet;

THENCE, North 24°38'21" West, 84.44 feet;

THENCE, North 01°11'08" East, 262.39 feet;

THENCE, North 89°09'06" East, 273.73 feet;

THENCE, South 40°56'02" East, 73.70 feet;

THENCE, South 00°37'59" West, 98.23 feet, to the **POINT OF BEGINNING**.

Parcel 2 – Ingress, Egress and Storm Drain

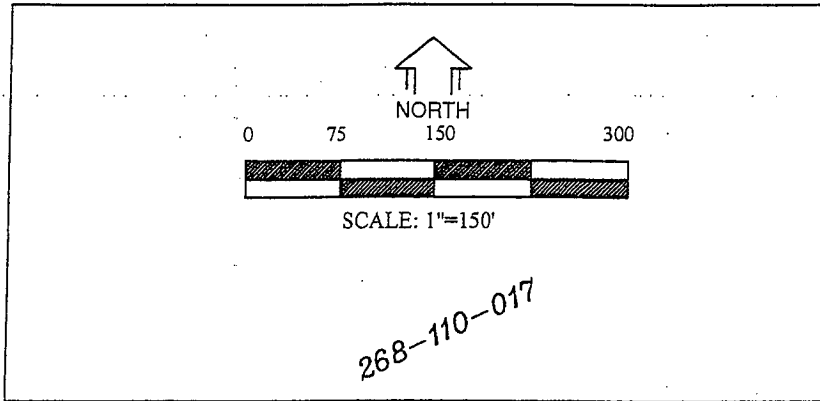
An easement 20 feet in width, the center line of said easement being described as follows:

BEGINNING AT a point in the East line of the Northeast quarter of said Southeast quarter, said point being South 00°38'54" West, 546.19 feet of the Northeast corner of said Southeast quarter;

THENCE, North 89°21'06" West, 300.00 feet to the terminus of the center line being described.

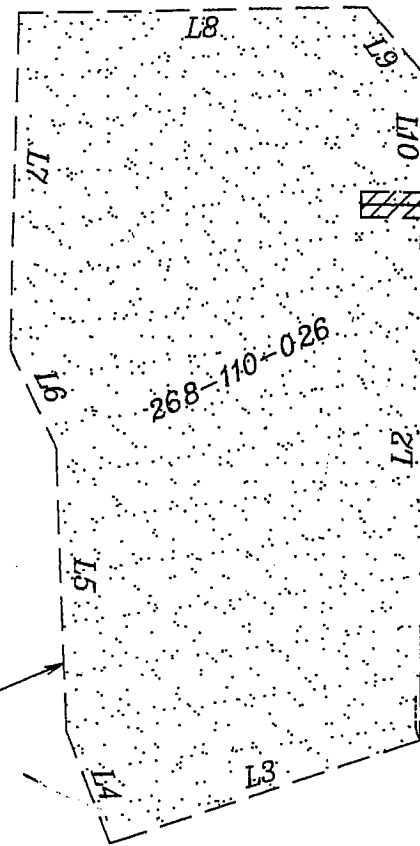
END OF DESCRIPTION

Line Table		
Line #	Length	Bearing
L1	249.22	N89° 21' 06"W
L2	416.28	S00° 37' 59"W
L3	258.91	S71° 51' 12"W
L4	93.56	N20° 27' 36"W
L5	220.15	N02° 01' 40"W
L6	84.44	N24° 38' 21"W
L7	262.39	N01° 11' 08"E
L8	273.73	N89° 09' 06"E
L9	73.70	S40° 56' 02"E
L10	98.23	S00° 37' 59"W



268-110-025

Parcel 1
Easement For Storm Water
Retention Recorded Dec. 28,
2004 As Instrument No.
2004-0134038



Parcel 2
20' Wide Easement For
Ingress, Egress and Storm
Drain Pipeline Recorded
Dec. 28, 2004 As
Instrument No.
2004-0134039



Ingress, Egress and S.D. Pipeline



Storm Water Retention

546.19'

Indiana Street

E/4, Sec. 3., T.22 S., R.27 E.

E/4, SE/4 Sec. 3., T.22 S., R.27 E.

Gibbons
Ave.

MAP OF EASEMENT VACATION

CITY OF PORTERVILLE
ENGINEERING DIVISION
291 N. MAIN ST.
PORTERVILLE, CALIFORNIA 93257
559 782-7462

A PORTION OF THE NORTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION
3, TOWNSHIP 22 SOUTH, RANGE 27 EAST,
MOUNT DIABLO BASE AND MERIDIAN, IN THE
CITY OF PORTERVILLE, COUNTY OF TULARE,
STATE OF CALIFORNIA, ACCORDING TO THE
OFFICIAL PLAT THEREOF.

OWNER: NICHOLSON & SNEE, LLC
APNs. 268-110-025
268-110-026
DRAWN BY: Baw
CHK'D BY: DB