

PUBLIC HEARING

SUBJECT: VACATION OF EASEMENTS FOR TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR RELATED TO SUMMIT HERITAGE VILLAS SUBDIVISION (Nicholson & Smee)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of easements for temporary turn around and temporary drainage reservoir related to the development of Summit Heritage Villas Subdivision. These easements are generally located west of Mathew Street and south of Olive Avenue along Clare Avenue and the future Lombardi Street alignment, respectively. The easements were necessary for the orderly development of the Nazarene Church at the southwest corner of Mathew Street and Olive Avenue. Construction of Clare Avenue during the development of the church property and the dedication of Clare Avenue to the City for public streets and underground utilities ends the need for these easements. With the required enlargement of the temporary drainage reservoir, a new easement will be dedicated to the City of Porterville with the processing of the Summit Heritage Villas Subdivision map. 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 that 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. Conduct a Public Hearing;
2. Adopt the Resolution of Vacation for the easements described in the attached legal description; and
3. Authorize the City Clerk to record the Resolution of Vacation.

ATTACHMENTS: Resolution
Easements Legal Description
Map of Easement Vacation

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Dir B82 Appropriated/Funded N/A CM J

Item No. 17

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE VACATION AND CLOSING TO PUBLIC USE EASEMENTS FOR
TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR
RELATED TO SUMMIT HERITAGE VILLAS SUBDIVISION

WHEREAS, by Resolution No. 19-2013, passed on April 2, 2013, the City Council of the City of Porterville declared its intention to vacate easements for temporary turn around and temporary drainage reservoir located west of Mathew Street and south of Olive Avenue along Clare Avenue and the future Lombardi Street alignment, respectively, hereinafter more particularly described, and set the hour of 6:30 p.m. on the 7th day of May, 2013, or as soon thereafter as the matter can be heard, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed vacation; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such vacation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

SECTION 1: The Council hereby finds, from all the evidence submitted, that the easements hereinafter described are unnecessary for present or prospective use, and the City Council hereby makes its order vacating said easements west of Mathew Street and south of Olive Avenue along Clare Avenue and the future Lombardi Street alignment, respectively, which are described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The City Clerk shall cause a copy of this resolution to be recorded in the office of the Clerk-Recorder of Tulare County, California.

SECTION 3: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, APPROVED AND ADOPTED this 7th day of May, 2013.

Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

Easement Vacation

Parcel 1 - Temporary Turn Around

That portion of the East half of the Northwest quarter of Section 33, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

COMMENCING AT a point in the East line of said Northwest quarter, said point being South 00°32'34" West, 805.39 feet of the Northeast corner of said Northwest quarter;

THENCE, North 89°27'26" West, 678.00 feet, to the Southwest corner of Parcel B per deed recorded April 21, 2006 as Document No. 2006-0042455 of Official Records and the **POINT OF BEGINNING** of the parcel to be described;

THENCE, South 00°32'34" West, 15.00 feet;

THENCE, North 89°27'26" West, 79.64 feet;

THENCE, North 00°32'34" East, 90.00 feet;

THENCE, South 89°27'26" East, 79.64 feet;

THENCE, South 00°32'34" West, 75.00 feet, to the **POINT OF BEGINNING**.

Parcel 2 - Temporary Drainage Reservoir

That portion of the East half of the Northwest quarter of Section 33, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California also being a portion of Parcel 2 and of Parcel 3 of Lot Line Adjustment 20-2007 per Resolution No. 559 recorded December 10, 2007 as Document No. 2007-0106407, Tulare County Records, described as follows:

COMMENCING AT the Northeast corner of Lot 43 of Summit Estates, Phase One per map recorded in Book 42, page 48 of Maps in the Office of the County Recorder of said County;

THENCE, North 00°32'34" East, 11.58 feet;

THENCE, Northerly along a tangent 880.00 foot radius curve concave to the East, through a central angle of 13°02'29", an arc distance of 200.30 feet to the **POINT OF BEGINNING** of the parcel to be described;

THENCE, South $76^{\circ}24'57''$ East, 60.00 feet;

THENCE, North $14^{\circ}48'03''$ East, 125.00 feet;

THENCE, North $76^{\circ}24'57''$ West, 60.00 feet;

THENCE, South $14^{\circ}48'03''$ West, 125.00 feet, to the **POINT OF BEGINNING**.

END OF DESCRIPTION

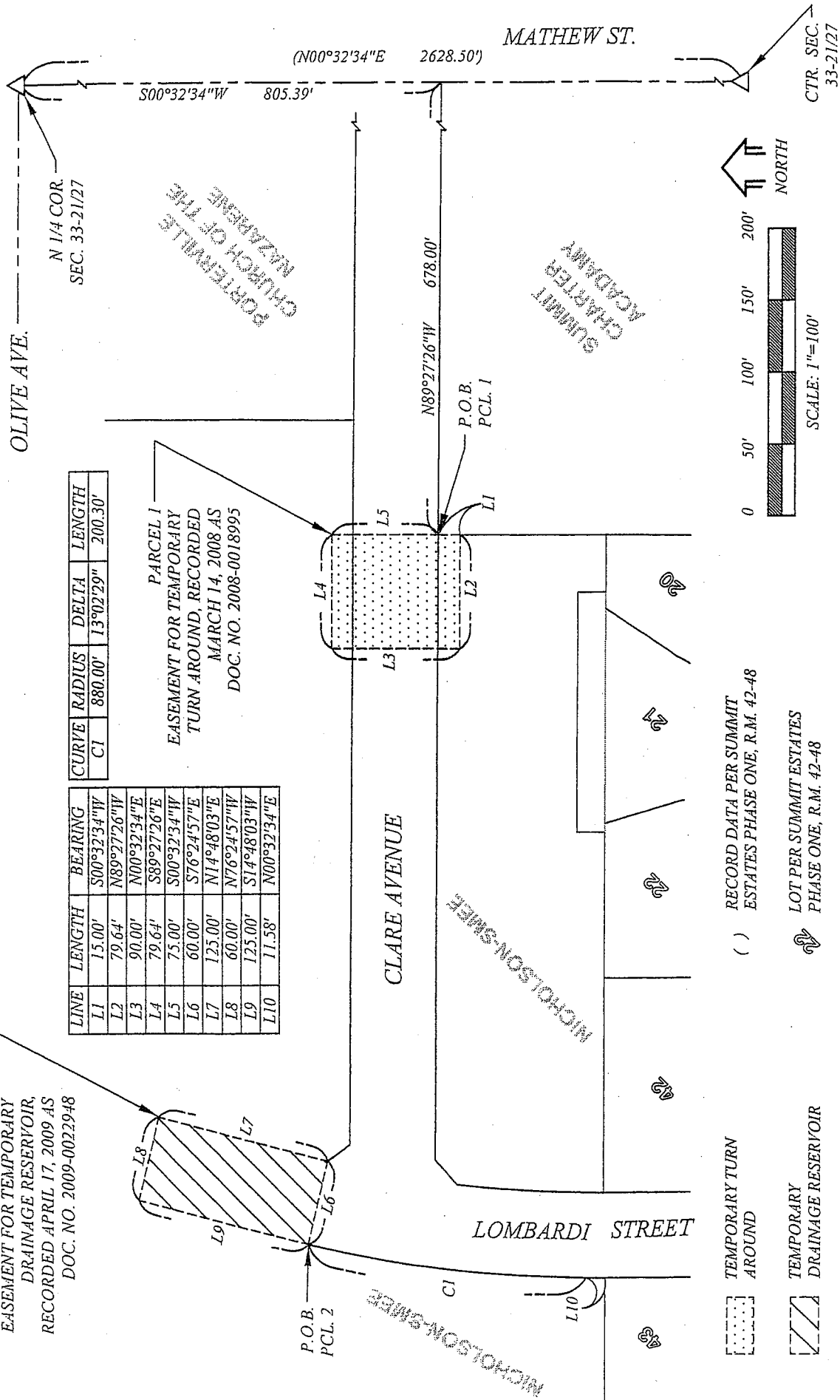
MAP OF EASEMENT VACATION

PARCEL 2
EASEMENT FOR TEMPORARY
DRAINAGE RESERVOIR,
RECORDED APRIL 17, 2009 AS
DOC. NO. 2009-0022948

LINE	LENGTH	BEARING
L1	15.00'	S00°32'34"W
L2	79.64'	N89°27'26"W
L3	90.00'	N00°32'34"E
L4	79.64'	S89°27'26"E
L5	75.00'	S00°32'34"W
L6	60.00'	S76°24'57"E
L7	125.00'	N14°48'03"E
L8	60.00'	N76°24'57"W
L9	125.00'	S14°48'03"W
L10	11.58'	N00°32'34"E

CURVE	RADIUS	DELTA	LENGTH
C1	880.00'	13°02'29"	200.30'

PARCEL 1
EASEMENT FOR TEMPORARY
TURN AROUND, RECORDED
MARCH 14, 2008 AS
DOC. NO. 2008-0018995



TEMPORARY TURN AROUND
TEMPORARY DRAINAGE RESERVOIR
() RECORD DATA PER SUMMIT ESTATES PHASE ONE, R.M. 42-48
LOT PER SUMMIT ESTATES PHASE ONE, R.M. 42-48

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

THAT PORTION OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 21 SOUTH, RANGE 27 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA.

OWNERS: NICHOLSON TRUST & MELMIKE, LP
APNS: 259-340-008 & 009
259-350-026
DRAWN BY: FM
CHK' BY: DB