

**PUBLIC HEARING**

**SUBJECT:** VACATION OF EASEMENTS FOR WATER LINE AND STORM DRAINAGE, TEMPORARY EMERGENCY INGRESS AND EGRESS AND TEMPORARY STORAGE OF STORM WATER RELATED TO RIVERVIEW ESTATES, PHASE FIVE SUBDIVISION (Smee Builders, Inc.)

**SOURCE:** Public Works Department – Engineering Division

**COMMENT:** This is the time and place set for the hearing on the proposed vacation of easements for water line and storm drainage, temporary emergency ingress and egress and temporary storage of storm water related to the development of Riverview Estates, Phase Five Subdivision. These easements are generally located east of Mathew Street and south of Orange Avenue. The easements were necessary for the orderly development of the prior phase(s) of Riverview Estates Subdivision. The developer has recently constructed a new drainage reservoir, which will be dedicated in easement form together with the construction of Parkwest Street, which will also be dedicated to the City. These developments terminate the need for the prior 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 that there are no problems with any reversionary rights since these easements are in favor of the City of Porterville. Vacation 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  
Legal Description of Easements  
Map of Easement Vacation

Dir 350 Appropriated/Funded N/A CM J

Item No. 9

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ORDERING THE VACATION AND CLOSING TO PUBLIC USE EASEMENTS FOR  
WATER LINE AND STORM DRAINAGE, TEMPORARY EMERGENCY INGRESS AND  
EGRESS AND TEMPORARY STORAGE OF STORM WATER RELATED TO  
RIVERVIEW ESTATES, PHASE FIVE SUBDIVISION

WHEREAS, by Resolution No. 50-2014, passed on August 5, 2014, the City Council of the City of Porterville declared its intention to vacate easements for water line and storm drainage, temporary emergency ingress and egress and temporary storage of storm water located east of Mathew Street, south of Orange Avenue, hereinafter more particularly described, and set the hour of 6:00 p.m. on the 2<sup>nd</sup> day of September, 2014, 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 east of Mathew Street, south of Orange Avenue, 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 2<sup>nd</sup> day of September, 2014.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

\_\_\_\_\_  
By: Patrice Hildreth, Chief Deputy City Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Easement Vacation**

**Parcel 1**

A temporary easement for ingress and egress and for the storage of storm water over, across, through and within that portion of Parcel 2 and of Parcel 4 of Parcel Map No. 4239 in the City of Porterville, County of Tulare, State of California, per map recorded in Book 43, page 43 of Parcel Maps in the Office of the County Recorder of said County, described as follows:

**COMMENCING AT** a point in the West line of said Parcel 2, said point being South 00°32'34" West, 300.09 feet of the Northwest corner of said Parcel 2;

**THENCE**, South 89°27'26" East, 84.00 feet to the **POINT OF BEGINNING** of the easement to be described;

**THENCE**, continuing South 89°27'26" East, 76.00 feet;

**THENCE**, North 00°32'34" East, 9.49 feet;

**THENCE**, North 89°51'04" East, 230.00 feet;

**THENCE**, South 00°08'56" East, 60.00 feet;

**THENCE**, South 89°51'04" West, 214.72 feet;

**THENCE**, South 00°32'34" West, 30.68 feet;

**THENCE**, North 89°27'26" West, 92.00 feet;

**THENCE**, North 00°32'34" East, 81.00 feet, to the **POINT OF BEGINNING**.

**Parcel 2**

A temporary easement, 20 feet in width, for ingress and egress and emergency access over, across, through and within that portion of the West half of the Southwest 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 and that portion of Parcel 2 of Parcel Map No. 4239, per map recorded in Book 43, page 43 of Parcel Maps in the Office of the County Recorder of said County, the centerline of said 20 foot strip being described as follows:

**COMMENCING AT** a point in the West line of said Parcel 2, said point being South 00°32'34" West, 381.09 feet of the Northwest corner of said Parcel 2;

**THENCE**, South 89°27'26" East, 130.00 feet to the **POINT OF BEGINNING** of the centerline to be described;

**THENCE**, South 00°32'34" West, 291.19 feet;

**THENCE**, South 31°30'24" West, 174.93 feet;

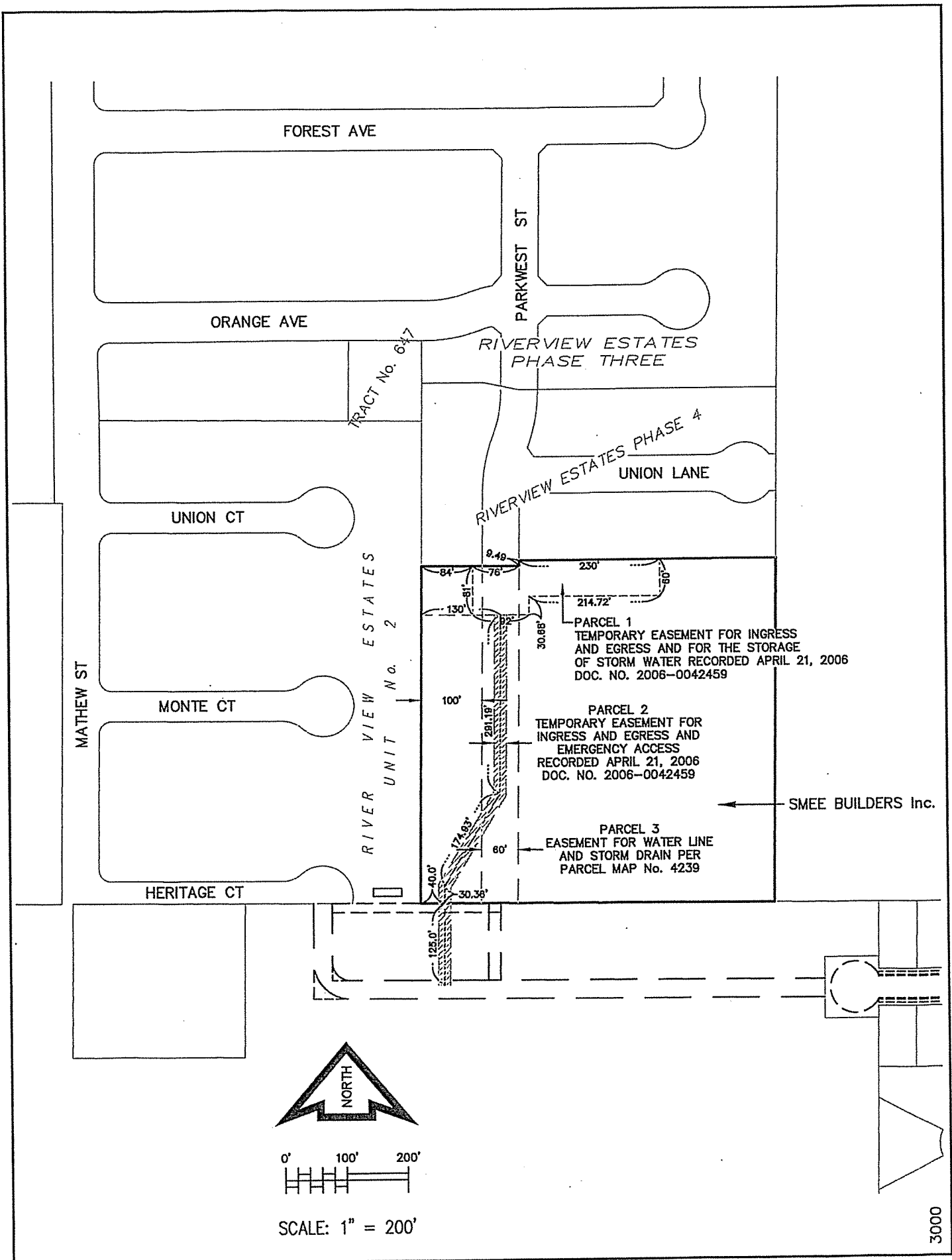
**THENCE**, South 00°32'34" West, 30.36 feet to a point in the South line of said Parcel 2, said point being South 89°44'32" East, 40.00 feet of the Southwest corner of said Parcel 2;

**THENCE**, continuing South 00°32'34" West, 125.00 feet to a point in the North line of a 30 foot wide easement for a vehicular access road conveyed to the City of Porterville, recorded February 18, 1992 as Instrument No. 92-011077 of Official Records, and the terminus of the centerline being described.

### **Parcel 3**

A 60 foot wide easement for water line and storm drainage over, across, through and within Parcel 2 of Parcel Map No. 4239, as shown on said map, recorded in Book 43, page 43 of Parcel Maps in the Office of the Tulare County Recorder.

**END OF DESCRIPTION**



FOREST AVE

ORANGE AVE

UNION CT

MONTE CT

HERITAGE CT

MATHEW ST

PARKWEST ST

TRACT No. 647

RIVER VIEW UNIT No. 2

RIVERVIEW ESTATES PHASE THREE

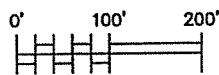
RIVERVIEW ESTATES PHASE 4  
UNION LANE

PARCEL 1  
TEMPORARY EASEMENT FOR INGRESS  
AND EGRESS AND FOR THE STORAGE  
OF STORM WATER RECORDED APRIL 21, 2006  
DOC. NO. 2006-0042459

PARCEL 2  
TEMPORARY EASEMENT FOR  
INGRESS AND EGRESS AND  
EMERGENCY ACCESS  
RECORDED APRIL 21, 2006  
DOC. NO. 2006-0042459

PARCEL 3  
EASEMENT FOR WATER LINE  
AND STORM DRAIN PER  
PARCEL MAP No. 4239

← SMEE BUILDERS Inc.



SCALE: 1" = 200'