

PUBLIC HEARING

SUBJECT: VACATION OF 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: This is the time and place set for the hearing on the proposed vacation of easements for ingress, egress, storm drain pipeline and storm water retention related to the development of Sierra Meadows Subdivision. These easements are generally located between Indiana Street and State Route 65, north of Gibbons Avenue. The easements were necessary for the orderly development of the first phase of this 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 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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ORDERING THE VACATION AND CLOSING TO PUBLIC USE EASEMENTS FOR
INGRESS, EGRESS, STORM DRAIN PIPELINE AND STORM WATER RETENTION
RELATED TO SIERRA MEADOWS SUBDIVISION

WHEREAS, by Resolution No. 02-2013, passed on February 5, 2013, the City Council of the City of Porterville declared its intention to vacate easements for ingress, egress, storm drain pipeline and storm water retention located between Indiana Street and State Route 65, north of Gibbons Avenue, hereinafter more particularly described, and set the hour of 6:00 p.m. on the 5th day of March, 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 between Indiana Street and State Route 65, north of Gibbons 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 5th day of March, 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 – 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

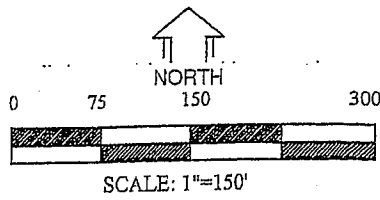
An easement 20 feet in width, the center line of said easement being described as follows:

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.

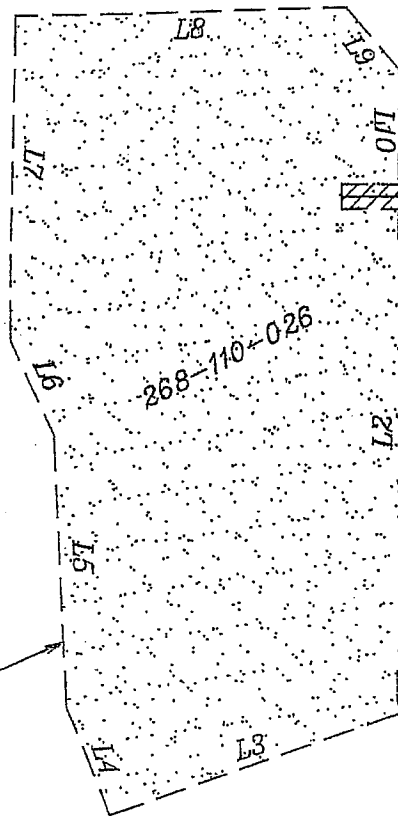
END OF DESCRIPTION

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



268-110-017

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

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

Indiana Street

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