

COUNCIL AGENDA: AUGUST 5, 2014

SUBJECT: INTENT TO VACATE 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 (Smee Builders, Inc.)

SOURCE: Public Works Department - Engineering Division

COMMENT: Smee Builders, Inc. is the developer of a new subdivision known as Riverview Estates, Phase Five Subdivision. The new single-family residential subdivision is generally located east of Mathew Street, south of Orange Avenue. The developer will be submitting the Final Map for this subdivision shortly and is now requesting that the City vacate easements that are no longer necessary and encumber the land currently being developed. The following is a list of easements subject to vacation:

- Easement for Temporary Ingress and Egress and for Storage of Storm Water – Parcel 1 of Document No. 2006-0042459.
- Easement for Temporary Emergency Access – Parcel 2 of Document No. 2006-0042459.
- Easement for Water Line and Storm Drain – Easement per Parcel Map 4239, PM 43/43.

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.

These easements are illustrated in Exhibit B, attached for City Council's reference. The three (3) stated easements were necessary for the orderly development of the prior phase(s) of Riverview Estates Subdivision, which is north of and contiguous to the subject development. The developer has recently constructed a new drainage reservoir, which will be dedicated in easement form and the construction of Parkwest Street, which will also be dedicated to the City, and these features terminate the need for these easements. Dedications are forthcoming by the normal processing of the Final Map.

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.

Dir. BSH Appropriated/Funded N/A CM J

Item No. 12

It is worth noting that the emergency access easement to and from Riverview Estates, Phase Five Subdivision was retained via a new easement, which was executed by the southerly adjacent land owner. The new easement connects to an existing easement that facilitates emergency access for several subdivisions north of the Tule River between Mathew Street and Newcomb Street. The southerly land owner also dedicated easements to the City of Porterville for off-site sewer and water mains necessary for the orderly development of this new phase of Riverview Estates Subdivision.

RECOMMENDATION: That the City Council:

1. Pass a Resolution of Intent to Vacate:
 - a) An Easement shown on Parcel Map 4239, recorded in Book 43, page 43 of Parcel Maps;
 - b) An Easement dedicated as Parcel 1 to the City of Porterville by Document No.2006-0042459 recorded April 21, 2006, in the Office of the Tulare County Recorder; and
 - c) An Easement dedicated as Parcel 2 to the City of Porterville by Document No. 2006-0042459, in the Office of the Tulare County Recorder.
2. Set the Council Meeting of September 2, 2014, or soon thereafter, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Recorded Documents
Easement Vacation Legal Descriptions
Locator Map

RESOLUTION NO. _____-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, EASEMENTS
FOR WATER LINE AND STORM DRAINAGE, TEMPORARY EMERGENCY INGRESS
AND EGRESS AND TEMPORARY STORAGE OF STORM WATER

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 water line and storm drainage, temporary emergency ingress and egress and temporary storage of storm water in the City of Porterville, County of Tulare, State of California, and known as easements no longer necessary due to the orderly development of Riverview Estates, Phase Five Subdivision, of which easements are generally located within the westerly portion of said proposed development.

SECTION 2: A map or plan 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 2nd day of September, 2014, at 6:30 p.m., or 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 August, 2014.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

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M

2006-0042459

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

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

Recorded | REC FEE | 0.00
Official Records |
County of | CONFORMED COPY N 0.00
Tulare |
GREGORY B. HARDCASTLE |
Clerk Recorder |
| MR
010:27AM 21-Apr-2006 | Page 1 of 3

*Free
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Space above this line for Recorder's Use

EASEMENT DEED

Atlas Sheet	Section	Township	Range	Street/Avenue
G4	33	21S	27E	PARKWEST ST

GREAT WESTERN LAND, LLC GRANT to the CITY OF PORTERVILLE, a Municipal Corporation an
EASEMENT for emergency ingress and egress and storage of storm water upon, over, across and within
that certain real property in the City of Porterville, County of Tulare, State of California, described as follows:

EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR REFERENCE

Number

Dated this 27 day of February, 2006

Greg Woodard
Greg Woodard, Managing Member

STATE OF CALIFORNIA

County of Tulare

} SS

PERSONAL ACKNOWLEDGMENT

On this the 27 day of February 20 06, before me, Linda S. Evers
Name, Title of Officer-E.G., "Jane Doe, Notary Public"

personally appeared Greg Woodard
Name(s) of Signer(s)

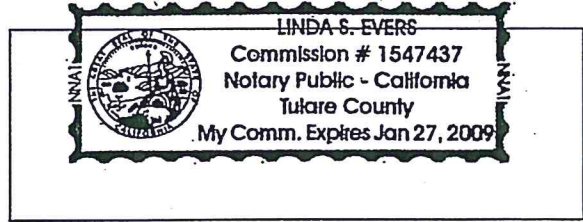
personally known to me

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.

Linda S. Evers
(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 27th day of February, 2006.

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

Exhibit 'A'

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 TRUE 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 TRUE 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 Southeast 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 TRUE 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.

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;

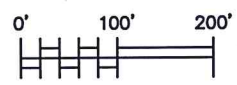
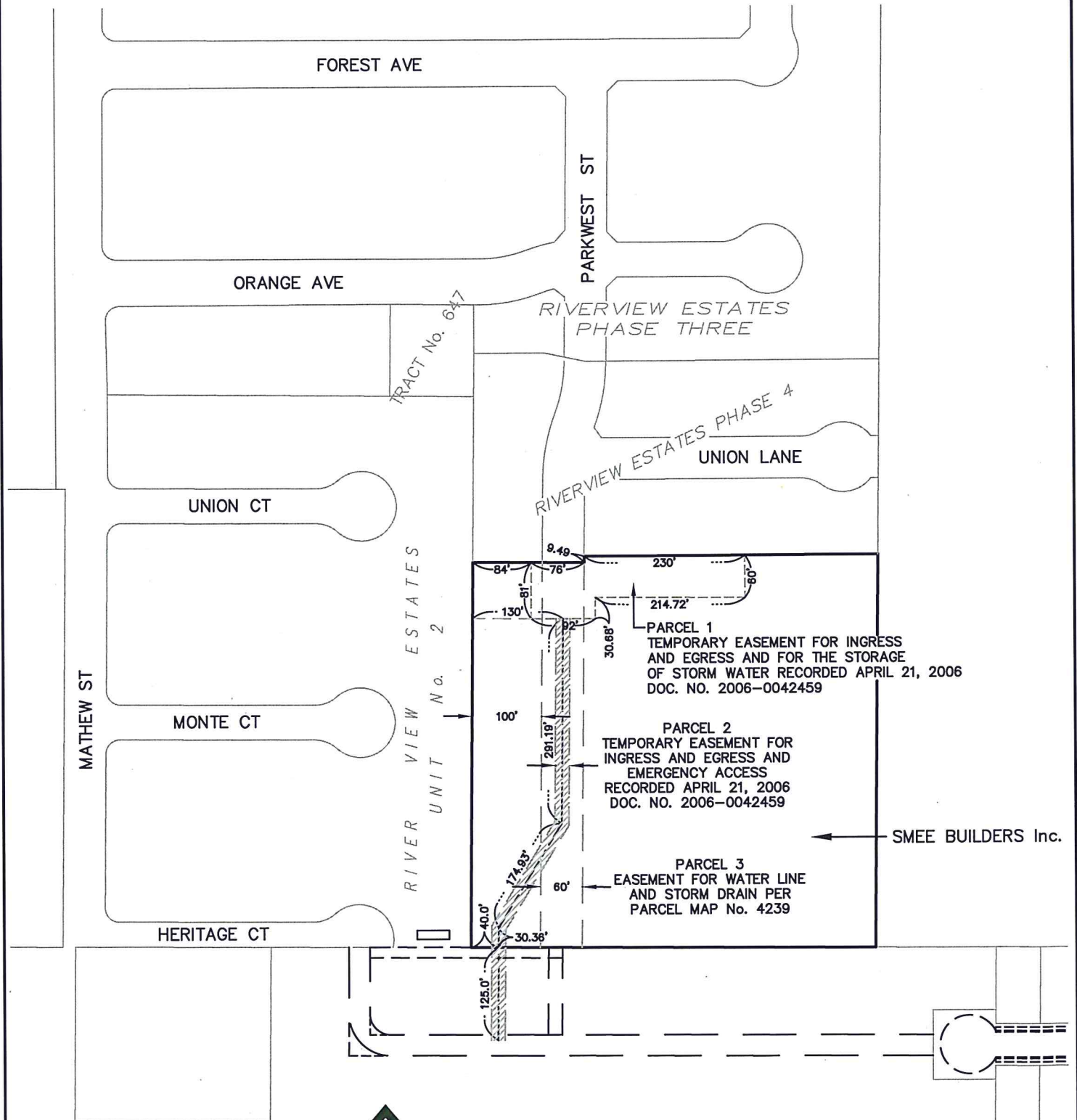
THENCE, continuing South 00°32'34" West, 125.00 feet to a point in the North line of a 30 foot wide easement for a vehicular access road conveyed to the City of Porterville, recorded February 18, 1992 as Instrument No. 92-011077 of Official Records, and the terminus of the centerline being described.

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

EXHIBIT "B"



SCALE: 1" = 200'