

PUBLIC HEARING

SUBJECT: VACATION OF A PORTION OF CLEVELAND AVENUE EAST OF VILLA STREET (Sequoia Medical Center)

SOURCE: Public Works Department – Engineering Division

COMMENT: This is the time and place set for the public hearing on the proposed vacation of a portion of Cleveland Avenue generally located from Villa Street to a point approximately 300 feet east of Villa Street. Putnam 590 L.L.C. represents the proprietary interest to the property fronting the proposed vacation and is hereby the requesting party.

The planned upgrade and expansion of the Sequoia Medical Center's parking lot is the driving force behind this request. The proposed vacation is consistent with a prior vacation of a portion of Cleveland Avenue west of Pearson Drive, which allowed for the orderly development of Sierra View District Hospital's Medical Complex.

Easements will be reserved for maintaining existing storm drain, sanitary sewer and water pipelines, all within this segment of Cleveland Avenue. It is the City's intent to retain maintenance rights on behalf of all utility companies. Exhibit "C" of the attached Resolution reserves these rights.

RECOMMENDATION: That the City Council:

1. Adopt the Resolution of Vacation, including reservations, for a portion of Cleveland Avenue from Villa Street to a point approximately 300 feet east of Villa Street; and
2. Authorize the City Clerk to record the Resolution of Vacation.

ATTACHMENTS: Resolution
Exhibit "A" - Legal Description
Exhibit "B" - Map of Right-of-Way Vacation
Exhibit "C" - Reservations and Exceptions

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Dir BSC Appropriated/Funded N/A CM J

Item No. 15

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE
ORDERING THE VACATION AND CLOSING TO PUBLIC USE OF
A PORTION OF CLEVELAND AVENUE EAST OF VILLA STREET

WHEREAS, by Resolution No. 04-2015, passed on January 20, 2015, the Council of the City of Porterville declared its intention to vacate a portion of Cleveland Avenue, generally located from Villa Street to a point approximately 300 feet east of Villa Street, hereinafter more particularly described, and set the hour of 6:30 p.m. on the 17th day of February, 2015, 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 street right-of-way hereinafter described is unnecessary for present or prospective right-of-way, and the City Council hereby makes its order vacating said portion of Cleveland Avenue east of Villa Street, which is described in the legal description attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The subject street vacation shall be subject to the reservations and exceptions set forth in Exhibit "C" which is attached hereto and by reference made a part hereof.

SECTION 3: The City Clerk shall cause a copy of this resolution to be recorded in the office of the County Recorder of Tulare County, California.

SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

PASSED, ADOPTED AND APPROVED this 17th day of February, 2015.

Milt Stowe, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

Exhibit "A"

Cleveland Ave Vacation Description

That portion of Lot 11, Williams & Premo Villa Tract per map recorded in Book 7, page 64 of Maps, in the Office of the County Recorder, County of Tulare, State of California, being a strip of land 25 feet wide, the North line of said strip being described as follows:

Beginning at a point on the West line of said Lot 11, which point being the Southwest corner of said land described in Parcel II of Deed to James E. Putnam, recorded March 31, 1960 as Instrument No. 10825, in Book 2186, page 409 of Official Records of said County;

Thence, Easterly, 305 feet, along the South line of said land described in Parcel II, to the East line of said Lot 11.

Excepting therefrom the West 10 feet thereof.

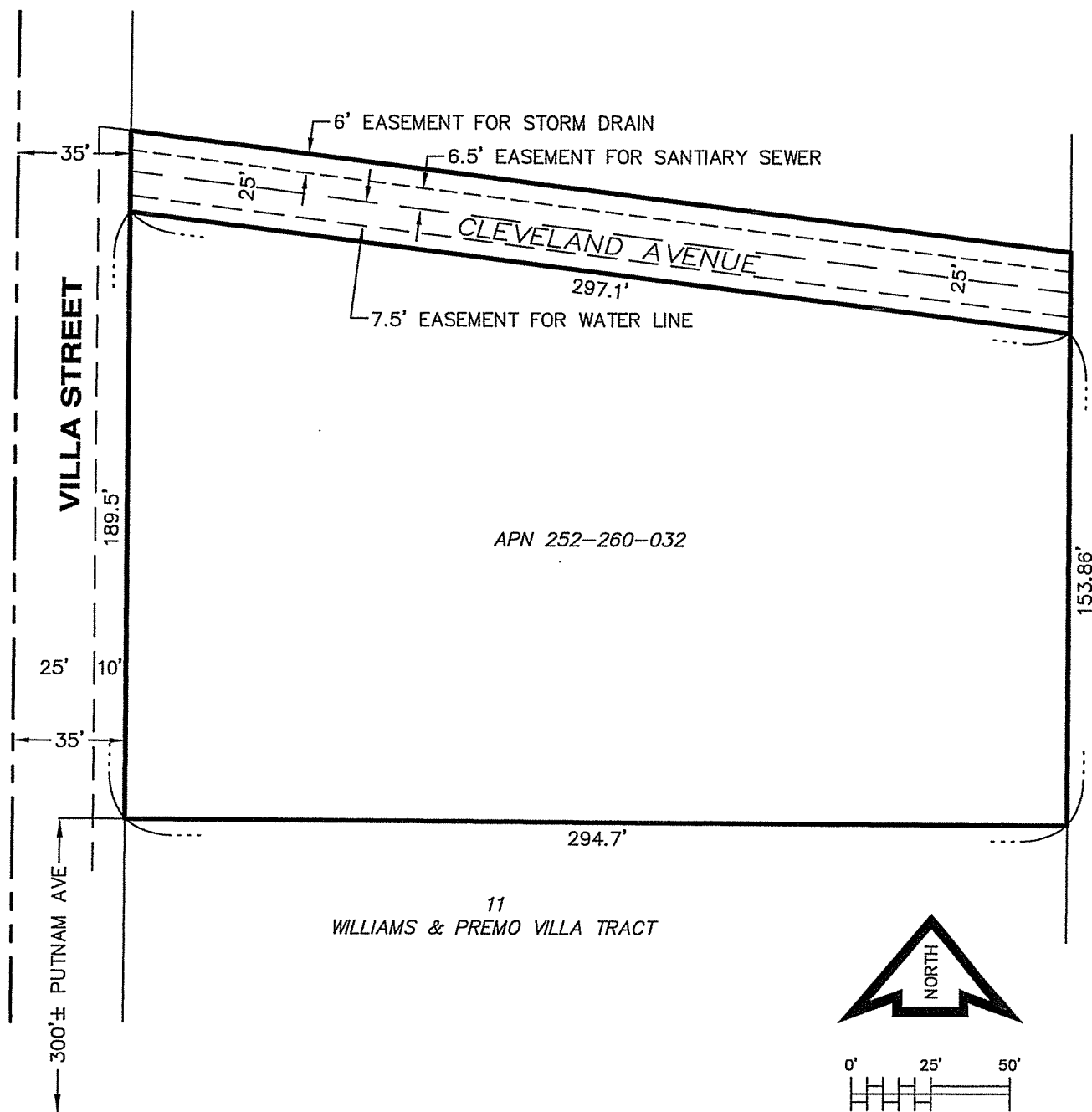
Reserving unto the City of Porterville, an easement for a storm drain line, over, across, through and within the North 6.00 feet thereof.

Also reserving unto the City of Porterville, an easement for a sanitary sewer line, over, across, through and within the South 6.50 feet of the North 12.50 feet thereof.

Also reserving unto the City of Porterville, an easement for a water line, over, across, through and within the South 7.50 feet of the North 20.00 feet thereof.



EXHIBIT "B"



SCALE: 1" = 50'

CLEVELAND AVENUE VACATION

FOR: DOUG KING
PO BOX 485
STRATHMORE, CALIFORNIA 93267

BY: **JAMES WINTON & ASSOCIATES**
150 WEST MORTON AVENUE
PORTERVILLE, CALIFORNIA 93257

JOB No. 3140

EXHIBIT "C"

RESOLUTION NO.: _____

Reservations and Exceptions:

The City reserves and excepts from the vacation the permanent easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, sanitary sewers, water lines and storm drains and appurtenant structures in, upon, over and across said avenue or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipe lines, telegraph and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from flammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the avenue or part thereof herein proposed to be vacated.