

COUNCIL AGENDA: JANUARY 20, 2015

SUBJECT: INTENT TO VACATE EASEMENT FOR TEMPORARY TURNAROUNDS RELATED TO THE DEVELOPMENT OF NADER HOMES SUBDIVISION (Nader Development, Inc.)

SOURCE: Public Works Department - Engineering Division

COMMENT: Nader Development, Inc., is the developer of the new single-family residential subdivision, which is generally located east of Prospect Street and south of Roby Avenue. The developer has submitted the Final Map for this subdivision and is now requesting that the City vacate an easement that is no longer necessary and encumbers the land currently being developed. This easement is generally located at the east end of Forest Avenue and Orange Avenue between Prospect Street and Cobb Street. The City has authority to vacate the easement under Section 8320, Part 3, Division 9, of the Streets and Highways Code of the State of California.

The easement was necessary for the orderly development of Sunrise Estates Six, Phase One Subdivision, which is west of and contiguous to the subject development. The recently constructed street improvements associated with Forest Avenue and Orange Avenue ends the need for the easement, and dedication of the public right-of-way is forthcoming with the normal processing of the Final Map.

Staff believes there are no problems with any reversionary rights since the easement is in favor of the City of Porterville. Vacation of the easement does not affect other agencies or other utility companies.

RECOMMENDATION: That the City Council:

1. Pass a Resolution of Intent to Vacate Easement dedicated to the City of Porterville by document number 95-053277 recorded August 17, 1995, in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of February 16, 2015, as the time and place for a public hearing.

ATTACHMENTS: Resolution
Recorded Document
Easement Vacation Legal Description
Locator Map

P:\PUBWORKS\GENERAL\COUNCIL\INTENT TO VACATE EASEMENTS FOR TEMPORARY TURNAROUNDS RELATED TO THE DEVELOPMENT OF NADER HOMES SUBDIVISION - 2015-01-20.DOC

Dir BSL Appropriated/Funded N/A CM J Item No. 14

RESOLUTION NO. _____-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE
AN EASEMENT FOR TEMPORARY TURNAROUNDS

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 that certain easement for temporary turnarounds in the city of Porterville, County of Tulare, State of California, and known as easement no longer necessary due to the orderly development of Nader Homes Subdivision, of which easement is generally located within the westerly portion of said proposed development.

SECTION 2: A map or plan of said public easement 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 16th day of February, 2015, at 6:30 p.m., or as 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 easement way.

PASSED, APPROVED AND ADOPTED this 20th day of January, 2015.

ATTEST:
John D. Lollis, City Clerk

Milt Stowe, Mayor

By: Patrice Hildreth, Chief Deputy City Clerk

Dir _____ Appropriated/Funded _____ CM _____

Item No. _____

RECORDING REQUESTED BY

City of Porterville

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

City of Porterville
ATTN: G. Hawley
P. O. Box 432
Porterville, CA 93258

95-053277

Rec Fee .00
Total .00

T215, R27E, SEC 34

Recorded
Official Records
County of
Tulare
Greg Hardcastle
Recorder
8:01am 17-Aug-95

JS 4

Title Order No. _____ Escrow No. _____

PLEASE ABOVE THIS LINE FOR RECORDER'S USE

Grant Deed

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX IS \$ _____

_____ unincorporated area City of _____

Parcel No. _____

computed on full value of interest or property conveyed, or

computed on full value less value of liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

NADER DEVELOPMENT, INC., A CALIFORNIA CORPORATION

hereby GRANT(S) to

CITY OF PORTERVILLE, A MUNICIPAL CORPORATION

the following described real property in the
county of TULARE, state of California:

REFER TO EXHIBIT "A" ATTACHED HERETO AND THEREBY MADE A PART HEREOF.

Dated July 19, 1995

STATE OF CALIFORNIA }
COUNTY OF Tulare } S.S.

On July 19, 1995 before me,

Suzanne S. Unser
a Notary Public in and for said County and State, personally appeared

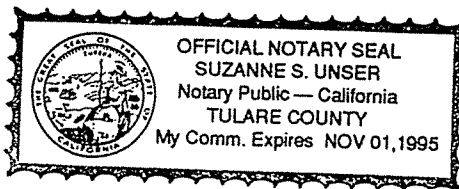
Mohamad Davarifar

personally known to me (or 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
Signature Suzanne S. Unser

NADER DEVELOPMENT, INC.

Mohamad Davarifar, President



CTC-1-101 (12-92)

EXHIBIT A

An easement for a temporary turnaround over and across those portions of the REMAINDER of Sunrise Estates Six, Phase One, in the City of Porterville, County of Tulare, State of California, per map recorded in Volume 37, page 7, of Maps Tulare County Records, described as follows:

Parcel A

Beginning at the Northwest corner of Lot 9 of said Sunrise Estates Six, Phase One;

Thence, South 0°12'49" West, 20.00 feet along the West line of said Lot 9;

Thence, North 89°37'44" East, 80.00 feet;

Thence, North 0°12'49" East, 90.00 feet;

Thence, South 89°37'44" West, 83.05 feet to a point in the West line of Lot 8 of said Sunrise Estates Six, Phase One;

Thence, South 0°12'49" West, 20.00 feet to the Southwest corner of said Lot 8;

Thence, South 03°16'42" East, 50.06 feet to the point of beginning.

Parcel B

Beginning at the Southwest corner of Lot 24 of said Sunrise Estates Six, Phase One;

Thence, North 0°12'49" East, 20.00 feet along the West line of said Lot 24;

Thence, North 89°37'44" East, 80.00 feet;

Thence, South 0°12'49" West, 90.00 feet;

Thence, South 89°37'44" West, 80.00 feet;

Thence, North 0°12'49" East, 20.00 feet to a point in the South line of Orange Ave., said point being North 89°37'44" East, 28.00 feet of the Northwest corner of Lot 25 of said Sunrise Estates Six, Phase One;

Thence, continuing North 0°12'49" East, 50.00 feet to the point of beginning.

RESOLUTION NO. 103-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE ACCEPTING A GRANT DEED OF EASEMENT
FROM NADER DEVELOPMENT, INC.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville,
that the City of Porterville hereby accepts a Grant Deed of easement from Nader
Development, Inc., a California Corporation, with foresaid property situate, lying and being
in the County of Tulare, State of California, to-wit:

Attached hereto as Exhibit "A"

BE IT FURTHER RESOLVED that said deed be recorded in the office of the Tulare
County Recorder. The foregoing has been accepted by the City Council for the City of
Porterville.

ATTEST:



William E. Clark, Mayor



C. G. Huffaker, City Clerk

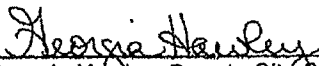
STATE OF CALIFORNIA)
 (SS
COUNTY OF TULARE)

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do
hereby certify and declare that the foregoing is a full, true and correct copy of a resolution
duly and regularly passed and adopted at a regular meeting of the Porterville City Council
regularly called and held on the 1st day of August, 1995.

THAT said resolution was duly passed and adopted by the following vote:

AYES: COUNCILMEN: Nicholson, Coleman, Clark
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Gibbons
ABSTAIN: COUNCILMEN: Gurrola

C. G. HUFFAKER, City Clerk

By 

Georgia Hawley, Deputy City Clerk

EXHIBIT A

An easement for a temporary turnaround over and across those portions of the REMAINDER of Sunrise Estates Six, Phase One, in the City of Porterville, County of Tulare, State of California, per map recorded in Volume , page , of Maps Tulare County Records, described as follows:

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Thence, South 0°12'49" West, 20.00 feet along the West line of said Lot 9;

Thence, North 89°37'44" East, 80.00 feet;

Thence, North 0°12'49" East, 90.00 feet;

Thence, South 89°37'44" West, 83.05 feet to a point in the West line of Lot 8 of said Sunrise Estates Six, Phase One;

Thence, South 0°12'49" West, 20.00 feet to the Southwest corner of said Lot 8;

Thence, South 03°16'42" East, 50.06 feet to the point of beginning.

Parcel B

Beginning at the Southwest corner of Lot 24 of said Sunrise Estates Six, Phase One;

Thence, North 0°12'49" East, 20.00 feet along the West line of said Lot 24;

Thence, North 89°37'44" East, 80.00 feet;

Thence, South 0°12'49" West, 90.00 feet;

Thence, South 89°37'44" West, 80.00 feet;

Thence, North 0°12'49" East, 20.00 feet to a point in the South line of Orange Ave., said point being North 89°37'44" East, 28.00 feet of the Northwest corner of Lot 25 of said Sunrise Estates Six, Phase One;

Thence, continuing North 0°12'49" East, 50.00 feet to the point of beginning.

EXHIBIT "A"
LEGAL DESCRIPTION

Easement Vacation

An easement for a temporary turnaround over and across those portions of the Remainder of Sunrise Estates Six, Phase One, in the City of Porterville, County of Tulare, State of California, per map recorded in Volume 37, page 7 of Maps, Tulare County Records, described as follows:

Parcel A

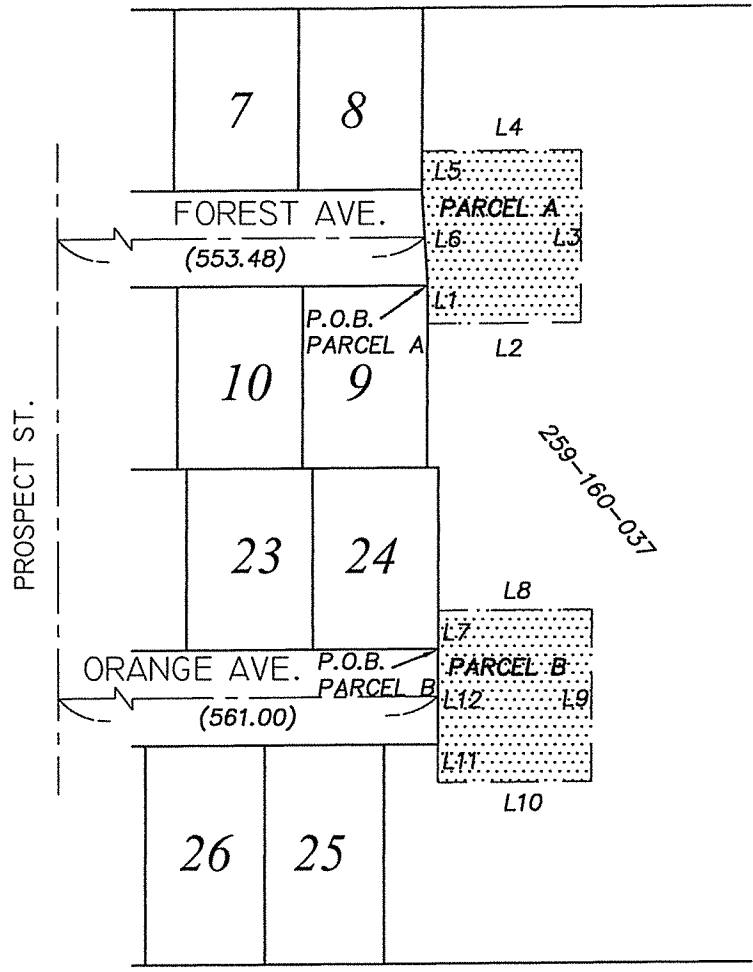
BEGINNING AT the Northwest corner of Lot 9 of said Sunrise Estates Six, Phase One;
THENCE, South 00°12'49" West, 20.00 feet along the West line of said Lot 9;
THENCE, North 89°37'44" East, 80.00 feet;
THENCE, North 00°12'49" East, 90.00 feet;
THENCE, South 89°37'44" West, 83.05 feet to a point in the West line of Lot 8 of said Sunrise Estates Six, Phase One;
THENCE, South 00°12'49" West, 20.00 feet to the Southwest corner of said Lot 8;
THENCE, South 03°16'42" East, 50.06 feet to the **POINT OF BEGINNING**.

Parcel B

BEGINNING AT the Southwest corner of Lot 24 of said Sunrise Estates Six, Phase One;
THENCE, North 00°12'49" East, 20.00 feet along the West line of said Lot 24;
THENCE, North 89°37'44" East, 80.00 feet;
THENCE, South 00°12'49" West, 90.00 feet;
THENCE, South 89°37'44" West, 80.00 feet;
THENCE, North 00°12'49" East, 20.00 feet to a point in the South line of Orange Avenue, said point being North 89°37'44" East, 28.00 feet of the Northwest corner of Lot 25 of said Sunrise Estates Six, Phase One;
THENCE, continuing North 00°12'49" East, 50.00 feet to the **POINT OF BEGINNING**.

END OF DESCRIPTION

EXHIBIT "B"
MAP OF EASEMENT VACATION

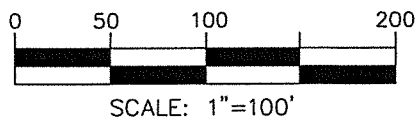


LINE	LENGTH	BEARING
L1	20.00	S 00°12'49" W
L2	80.00	N 89°37'44" E
L3	90.00	N 00°12'49" E
L4	83.05	S 89°37'44" W
L5	20.00	S 00°12'49" W
L6	50.06	S 03°16'42" E
L7	20.00	N 00°12'49" E
L8	80.00	N 89°37'44" E
L9	90.00	S 00°12'49" W
L10	80.00	S 89°37'44" W
L11	20.00	N 00°12'49" E
L12	50.00	N 00°12'49" E



TEMPORARY TURN AROUND ()
 8

RECORD DATA PER SUNRISE ESTATES SIX
 PHASE ONE, R.M. 37-7
 LOT PER SUNRISE ESTATES SIX,
 PHASE ONE, R.M. 37-7



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

THOSE PORTIONS OF THE REMAINDER
 OF SUNRISE ESTATES SIX, PHASE ONE,
 IN THE CITY OF PORTER VILLE, COUNTY
 OF TULARE, STATE OF CALIFORNIA, PER
 MAP RECORDED IN VOLUME 37, PAGE 7
 OF MAPS, T.C.R.

OWNERS NADAR DEVELOPMENT,
 INC.
 APN 259-160-037
 DRAWN BY CAL
 CHCK BY DB