

COUNCIL AGENDA: JANUARY 20, 2015

SUBJECT: INTENT TO VACATE A PORTION OF CLEVELAND AVENUE EAST OF VILLA STREET (Sequoia Medical Center)

SOURCE: Public Works Department – Engineering Division

COMMENT: The City has received a request to vacate a portion of Cleveland Avenue generally located from Villa Street to a point approximately 300 feet east of Villa Street. This portion of Cleveland Avenue has remained unimproved since it was deeded to the City as an easement for public road and highway purposes in 1965. The planned upgrade and expansion of the Sequoia Medical Center's parking lot south of and contiguous to the street is the driving force behind this request. Putnam 590 L.L.C. represents the proprietary interest to the property fronting the proposed avenue vacation and is hereby the requesting party.

The proposed plans for the parking lot will bring this area into compliance with the standards set forth in the Zoning Ordinance as well as provide additional off-street parking for the Medical Center. Staff believes that there are no problems with reversionary rights.

A legal description (Exhibit "A") and a plat (Exhibit "B") illustrating the proposed avenue vacation is attached for Council's reference. Easements will be reserved for maintaining existing storm drain, sanitary sewer and water pipelines within this segment of Cleveland Avenue. All fees have been paid and after Council takes action, the utility companies will be notified of the intent to vacate this portion of Cleveland Avenue.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to vacate a portion of Cleveland Avenue east of Villa Street; and
2. Set the Council meeting of February 17, 2015, as the time and place for a public hearing.

ATTACHMENTS: Resolution  
Cleveland Avenue  
Exhibit 'A' - Legal Description  
Exhibit 'B' - Map of Right of Way Vacation

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Dir BCC Appropriated/Funded N/A CM J

Item No. 15

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE A PORTION OF  
CLEVELAND AVENUE LOCATED EAST OF VILLA STREET

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 abandon and close to public use that certain public right of way located in the city of Porterville, County of Tulare, State of California, and known generally as Cleveland Avenue east of Villa Street.

SECTION 2: A map or plan of said public rights of way 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 in Section 8330 of the California Streets and Highways Code.

SECTION 4: The City of Porterville, in the abandonment of said public rights of way to public use, 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 and 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 pipes, 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 from the transportation or distribution of electric energy, petroleum and its products, ammonia, water and incidental purposes, including the 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.

SECTION 5: Notice is further given that on Tuesday, the 17th day of February, 2015, at 7:00 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 public rights of way.

**PASSED, ADOPTED AND APPROVED** this 20<sup>th</sup> day of January, 2015.

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Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

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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.

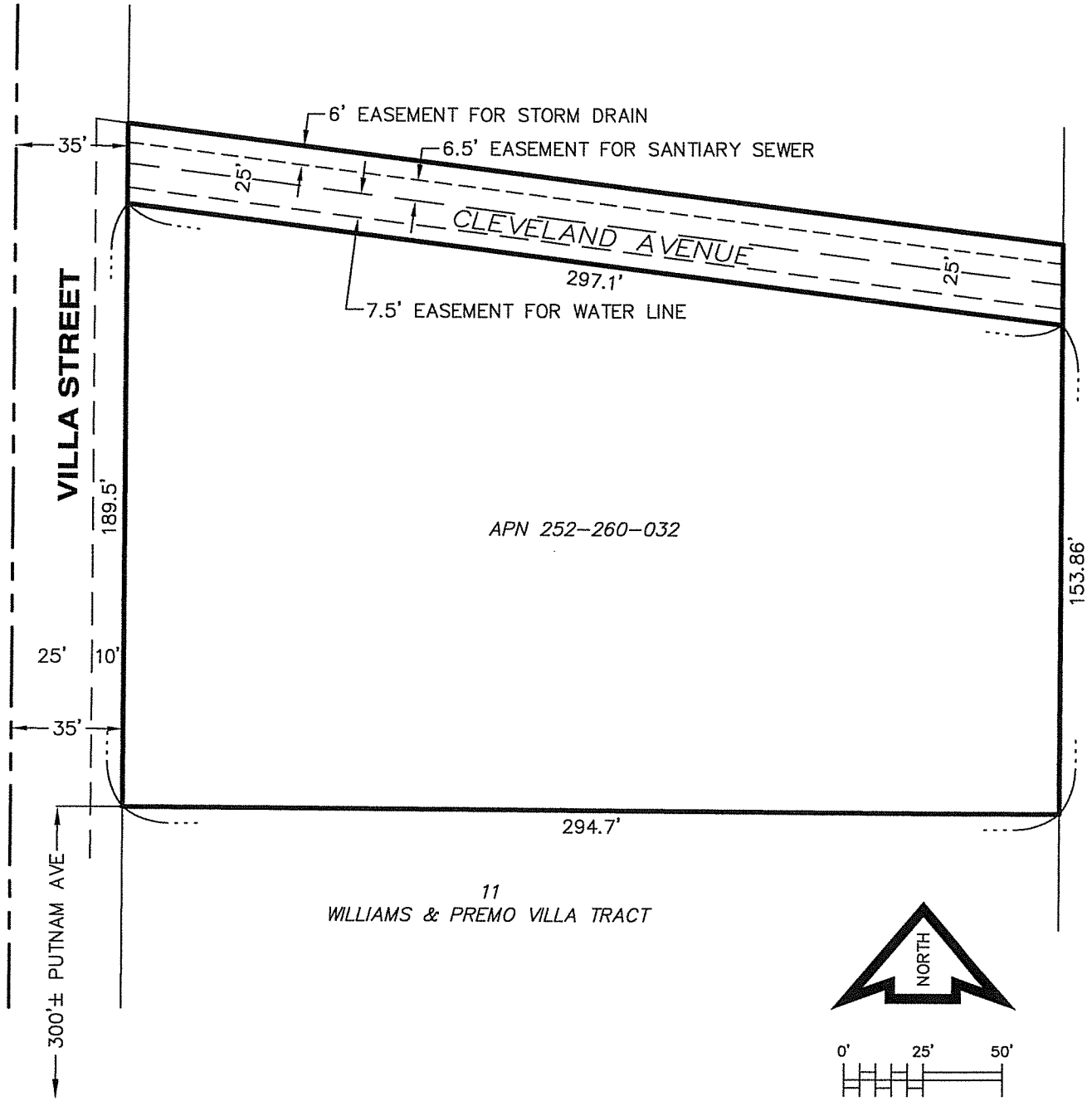
Reserving unto the City of Porterville, an easement for a storm drain line, over, across, through and within the North 6.00 feet thereof.

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.

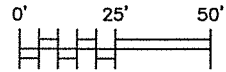
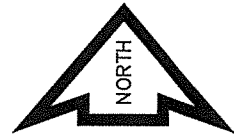


EXHIBIT "B"



APN 252-260-032

11  
WILLIAMS & PREMO VILLA TRACT



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