SUBJECT: INTENT TO ABANDON A PORTION OF CLEVELAND AVENUE AND AN ALLEY WITHIN THE MORTON GARDENS SUBDIVISION - SET FOR PUBLIC HEARING (Sierra View District Hospital)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate improved segments of Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa Street. Attached is a locator map that clearly illustrates the location of these public streets. Cleveland Avenue and the alley were dedicated for public highways as a part of the Morton Gardens Subdivision, recorded April 26, 1942. The City has authority to vacate these street segments under Section 8320 & Section 8331, Part 3, Division 9 of the Streets and Highways Code of the State of California.

Sierra View District Hospital has sole proprietary interest to the property fronting Cleveland Avenue and the alley, and they are also the requesting party. Staff believes that there are no problems with any other reversionary rights. The street vacations are necessary for the proposed orderly development of the proposed Dialysis Center and the existing Medical Complex at the intersection of Cleveland Avenue and Pearson Drive.

All fees have been paid, and after Council takes action, the utility companies will be notified of the intent to vacate the unimproved alley. An easement will be retained for utilities, if any, that may exist within the unimproved alley.

RECOMMENDATION: That City Council:

1. Pass a resolution of intent to abandon a portion of Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa Street; and

2. Set the Council meeting of July 19, 2005, as the time and place for the Public Hearing.

ATTACHMENT: Resolution
Locator Map

Dir _____ Appropriated/Funded _____ CM _____ Item No. 6
RESOLUTION NO. 2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE
AN IMPROVED SEGMENT OF CLEVELAND AVENUE AND A NORTHERLY
CONNECTING ALLEY BETWEEN PEARSON DRIVE AND 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 improved segments of
Cleveland Avenue and a northerly connecting alley between Pearson Drive and 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 street 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 street or part thereof herein proposed to be vacated.

SECTION 5: Notice is further given that on Tuesday, the 19th day of July, 2005, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers at 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.

______________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

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By: Georgia Hawley, Chief Deputy City Clerk