PUBLIC HEARING

SUBJECT: VACATE PUBLIC SANITARY SEWER PIPELINES, DOMESTIC WATER PIPELINES, STORM DRAIN PIPELINES AND PUBLIC STREET ACCESS EASEMENTS RELATED TO THE DEVELOPMENT OF MEADOW BREEZE, PHASE TWO SUBDIVISION (Nicholson & Smee, LLC)

SOURCE: Public Works Department - Engineering Division

COMMENT: This is the time and place set for the hearing on the proposed vacation of sanitary sewer pipeline, domestic water pipeline, storm drain pipeline and public street easements described in Document No. 2000-0037339, recorded June 14, 2000 and Document No. 2002-0069651, recorded September 13, 2002, in the Office of the Tulare County Recorder. These easements were necessary for the orderly development of Castle Wood, Phase 2 Subdivision and Orchard Ridge, Phase 9 Subdivision, which are next to the easterly and southerly boundary of the subject development. These easements are no longer needed due to the construction of the public improvements for Meadow Breeze, Phase Two Subdivision, currently under construction. 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 specifically in favor of the City of Porterville. Therefore, it is not necessary to notify the utility companies of the proposed easement vacations. Required utility company easements will be conveyed as a part of the Final Map for Meadow Breeze, Phase Two Subdivision. If there are no objections to the proposed vacation, Section 66434(g) of the Subdivision Map Act allows the City Clerk, as directed by City Council, to officially record the vacation by stating so on the Final Map. The Final Map recordation, in effect, eliminates the need to record a Resolution of Vacation. The developer is requesting acceptance of the Final Map during Scheduled Matters of this City Council Meeting, July 5, 2005.

RECOMMENDATION: That the City Council:

1. Conduct a Public Hearing; and


ATTACHMENT: Resolution
Document No. 2000-0037339
Document No. 2002-0069651 w/ Locator Map

Dir _____ Appropriated/Funded _____ CM _______ Item No. 12 ___
RESOLUTION NO. 78-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, EASEMENTS
DEDICATED AS PARCEL C OF DOCUMENT No. 2000-0037339 AND DOCUMENT
No. 2002-0069651

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 sanitary sewer pipelines, domestic water
pipelines, storm drain pipelines and public street easements in the City of Porterville,
County of Tulare, State of California, and known generally as easements no longer
necessary due to the orderly development Meadow Breeze, Phase Two Subdivision, of
which easements are generally located within the proposed Brian Avenue public right of
way between Salisbury Street and Mathew Street.

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 5th day of July, 2005,
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 easements way.

__________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Georgia Hawley, Chief Deputy City Clerk
I, JOHN LONGLEY, 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 a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 21st day of June, 2005.

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

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<tr>
<th>Council:</th>
<th>IRISH</th>
<th>MARTINEZ</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
<th>WEST</th>
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<td>ABSENT:</td>
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JOHN LONGLEY, City Clerk

[Signature]

by Patrice Hildreth, Deputy City Clerk
Grant of Easement

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 items or encumbrances remaining at time of sale, and

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

WALL FAMILY PROPERTIES, a California General Partnership

generally GRANTS to CITY OF PORTERVILLE, a Municipal Corporation

the following described real property in the City of Porterville

County of Tulare, State of California:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF.

Dated: May 25, 2000

STATE OF CALIFORNIA
COUNTY OF Tulare) S.S.

on May 25, 2000 before me,

[Name]
a Notary Public in and for said County and State, personally appeared

[Name] and acknowledged to me that he/her/they executed the
same in his/her/their authorized capacities 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]

Name: [Name]
City & State: [City & State]
Description: Tulare, CA Document-Year.DocID 2000.37339 Page: 1 of 8
Order: 3 Comment:
EXHIBIT “A”

PARCEL A

An easement, 10 feet in width, for the construction, use, maintenance, repair and replacement of a sanitary sewer pipeline and necessary or convenient appurtenances, over, across, through and within that portion of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the West and North lines of said 10-foot strip being described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, continuing South 00°12'46" East, 96.04 feet;

Thence, North 89°47'26" West, 37.95 feet;

Thence, Westerly along a curve concave to the North, having a radius of 290 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve concave to the South, having a radius of 310 feet, through a central angle of 20°12'56", an arc distance of 109.38 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1119.72 feet;

Thence, South 00°13'54" East, 140.00 feet to a point in the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, said point being South 89°43'50" East, 130.01 feet from the Northwest corner of the South half of the Northwest quarter of the Northeast quarter of said Section 21, and said point being the terminus of the line being described.

Said 10 foot strip being bounded on the South by the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21.
PARCEL B

A temporary easement for vehicular access and for storm water runoff over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, North 89°47'14" East, 60.00 feet;

Thence, South 00°12'46" East, 96.48 feet;

Thence, North 89°47'26" West, 97.95 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 290.00 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 310.00 feet, through a central angle of 06°41'04", an arc distance of 36.17 feet;

Thence, North 13°48'01" East, 20.00 feet to the beginning of a non-tangent curve, through which a radial line bears North 13°48'01" East;

Thence, Easterly along said curve, concave to the South, having a radius of 330.00 feet, through a central angle of 06°41'04", an arc distance of 38.50 feet;

Thence, Easterly along a reverse curve, concave to the North, having a radius of 270.00 feet, through a central angle of 15°33'31", an arc distance of 73.32 feet;

Thence, North 00°12'46" West, 75.00 feet;

Thence, South 89°36'32" East, 30.00 feet;

Thence, North 89°47'14" East, 30.00 feet to the TRUE POINT OF BEGINNING.
PARCEL C

A temporary easement, 60 feet wide, for storm water retention over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the center line of said easement being described as follows:

Commencing the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 560.72 feet;

Thence, North 89°47'26" West, 38.02 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 300.00 feet, through a central angle of 20°16'32"., an arc distance of 106.16 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 300.00 feet, through a central angle of 06°41'04"., an arc distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence, continuing Westerly along said curve, through a central angle of 13°31'51"., an arc distance of 70.85 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1080.00 feet to the terminus of the line being described.

Said 60 foot strip being bounded on the West by a line bearing North 00°16'10" East.
RESOLUTION NO. 57-2000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A GRANT DEED OF EASEMENT FROM WALL FAMILY PROPERTIES

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 Wall Family Properties, a California General Partnership, in the City of Porterville, County of Tulare, State of California, described as follows:

See Exhibit "A" Attached Hereto and Made a Part Thereof.

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:

[Signature]

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA
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 6th day of June, 2000.

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

AYES: COUNCILMEN: Irish, Wilson, Leavitt
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: Woods, Gurrola
ABSTAIN: COUNCILMEN: None

[Signature]

C. G. HUFFAKER, City Clerk

By: [Signature]

Georgia Hauler, Deputy City Clerk
EXHIBIT "A"

PARCEL A

An easement, 10 feet in width, for the construction, use, maintenance, repair and replacement of a sanitary sewer pipeline and necessary or convenient appurtenances, over, across, through and within that portion of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the West and North lines of said 10-foot strip being described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, continuing South 00°12'46" East, 96.04 feet;

Thence, North 89°47'26" West, 37.95 feet;

Thence, Westerly along a curve concave to the North, having a radius of 290 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve concave to the South, having a radius of 310 feet, through a central angle of 20°12'56", an arc distance of 109.38 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1119.72 feet;

Thence, South 00°13'54" East, 140.00 feet to a point in the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, said point being South 89°43'50" East, 130.01 feet from the Northwest corner of the South half of the Northwest quarter of the Northeast quarter of said Section 21, and said point being the terminus of the line being described.

Said 10 foot strip being bounded on the South by the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21.
PARCEL B

A temporary easement for vehicular access and for storm water runoff over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 454.69 feet to the TRUE POINT OF BEGINNING;

Thence, North 89°47'14" East, 60.00 feet;

Thence, South 00°12'46" East, 96.48 feet;

Thence, North 89°47'26" West, 97.95 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 290.00 feet, through a central angle of 20°16'32", an arc distance of 102.62 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 310.00 feet, through a central angle of 06°41'04", an arc distance of 36.17 feet;

Thence, North 13°48'01" East, 20.00 feet to the beginning of a non-tangent curve, through which a radial line bears North 13°48'01" East;

Thence, Easterly along said curve, concave to the South, having a radius of 330.00 feet, through a central angle of 06°41'04", an arc distance of 38.50 feet;

Thence, Easterly along a reverse curve, concave to the North, having a radius of 270.00 feet, through a central angle of 15°33'31", an arc distance of 73.32 feet;

Thence, North 00°12'46" West, 75.00 feet;

Thence, South 89°36'32" East, 30.00 feet;

Thence, North 89°47'14" East, 30.00 feet to the TRUE POINT OF BEGINNING.
PARCEL C

A temporary easement, 60 feet wide, for storm water retention over and across that portion of the North half of the Northeast quarter of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, the center line of said easement being described as follows:

Commencing the Northwest corner of Lot 30 of Castle Woods, Phase One, as recorded in Book 37 of Maps, page 42, in the office of the Recorder of said County;

Thence, North 01°49'31" West, along the Northerly prolongation of the West line of said Lot 30, a distance of 30.02 feet to a point in the North line of said Section 21;

Thence, North 89°36'32" West, along the North line of said Section 21, a distance of 359.15 feet;

Thence, South 00°12'46" East, 560.72 feet;

Thence, North 89°47'26" West, 38.02 feet;

Thence, Westerly along a curve, concave to the North, having a radius of 300.00 feet, through a central angle of 20°16'32", an arc distance of 106.16 feet;

Thence, Westerly along a reverse curve, concave to the South, having a radius of 300.00 feet, through a central angle of 06°41'04", an arc distance of 35.00 feet to the TRUE POINT OF BEGINNING;

Thence, continuing Westerly along said curve, through a central angle of 13°31'51", an arc distance of 70.83 feet;

Thence, North 89°43'50" West, parallel with the North line of the South half of the Northwest quarter of the Northeast quarter of said Section 21, a distance of 1080.00 feet to the terminus of the line being described.

Said 60 foot strip being bounded on the West by a line bearing North 00°16'10" East.
DEDICATION OF EASEMENT

APN 245-010-004

The undersigned grantor declares that the Documentary Transfer Tax is $None-easement only
X Incorporated Area of the City of Porterville
Computed on full value of the interest or property conveyed, or is
Computed on the full value less the value of liens or encumbrances remaining at the time of sale, and

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

WALL FAMILY PROPERTIES, a California general partnership

Hereby GRANT (S) to

CITY OF PORTERVILLE

The following described real property in the County of Tulare, State of California.

An easement as described in Exhibit "A" attached hereto and made a part hereof

Dated: July 8, 2002

STATE OF CALIFORNIA
COUNTY OF TULARE

On July 8, 2002, before me, The undersigned, a Notary Public in and for said County and State, Personally appeared

Jeff L. Wall and Fred L. Wall

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 of Notary

WALL FAMILY PROPERTIES, a California general partnership

By: [Signature]

By: [Signature]
EXHIBIT “A”

An easement for the construction, installation, operation, maintenance, repair and replacement of a public street, sanitary sewer pipe line, domestic water pipeline and stormdrain pipe line and necessary or convenient appurtenances, over, across, through and within that portion of the North ½ of the Northwest ¼ of the Northeast ¼ of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California described as follows.

Beginning at a point in the South line of the North ½ of the Northwest ¼ of the Northeast ¼ of said Section 21, said point being S 89°43'54" E 100.00 feet of the Southwest corner of said North ½;

Thence, N 00°14'31" W, 25.00 feet;

Thence, S 89°43'54" E, 60.00 feet;

Thence, S 00°14'31" E, 25.00 feet to a point in the South line of said North ½;

Thence, N 89°43'54" W, 60.00 feet to the point of beginning.
RESOLUTION NO. 143-2002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ACCEPTING A DEDICATION OF EASEMENT FROM WALL FAMILY PROPERTIES

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Dedication of Easement Deed from Wall Family Properties, a California general partnership, for real property located in the City of Porterville, County of Tulare, State of California, as described in Exhibit “A” attached hereto and made a part hereof.

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.

[Signature]
Gordon T. Woods, Mayor

ATTEST:

[Signature]
John Longley, City Clerk

STATE OF CALIFORNIA

(SS
COUNTY OF TULARE)

I, JOHN LONGLEY, 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 3rd day of September, 2002.

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

AYES: COUNCILMEN: West, Joyner, Gurrola, Hamilton, Woods
NOES: COUNCILMEN: None
ABSENT: COUNCILMEN: None
ABSTAIN: COUNCILMEN: None

JOHN LONGLEY, City Clerk

By: [Signature]
Georgia Hawley, Deputy City Clerk
EXHIBIT "A"

An easement for the construction, installation, operation, maintenance, repair and replacement of a public street, sanitary sewer pipe line, domestic water pipeline and storm drain pipe line and necessary or convenient appurtenances, over, across, through and within that portion of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 21, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California described as follows:

Beginning at a point in the South line of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of said Section 21, said point being S 89°43'54" E 100.00 feet of the Southwest corner of said North 1/2;

Thence, N 00°14'31" W, 25.00 feet;

Thence, S 89°43'54" E, 60.00 feet;

Thence, S 00°14'31" E, 25.00 feet to a point in the South line of said North 1/2;

Thence, N 89°43'54" W, 60.00 feet to the point of beginning