

Mayor
Tom Buford
Mayor Pro Tem
John Murray
Councilmembers
John Grego
Ed Martin
John Plourde



**Community
Development
Department**

210 Fox Street
Lemoore ♦ CA 93245
Phone ♦ (559) 924-6740
FAX ♦ (559) 924-6743

Staff Report

Item # 2

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: July 26, 2006
Subject: Vacating portions of old Highway 41 / 19½ Avenue

Discussion:

Tentative Subdivision Map 2005-01 was approved by the City Council on March 15, 2005 in conjunction with a Planned Unit Development for Silva 10 by Paul Daley. The site is located north of Silverado Drive between State Highway 41 adjacent to Acacia Drive. The original approval of the Map showed an abandonment of City right-of-way, which was previously relinquished by Caltrans, for all of lot 66 and a portion of lot 65 that would occur with the recordation of the Final Subdivision Map. Gas and water exist in the vicinity and are shown as easements once the Final Map records if the City abandons the property as shown on the attached map. The purpose of vacating the City right-of-way is to eliminate an area that is not useable by the City so that it does not become a blighted area.

In order to initiate the street abandonment process, the Council needs to pass a "Resolution of Intent" and set a public hearing date and ask the Planning Commission to make a determination that the proposed street abandonment is in compliance with the Lemoore General Plan. After such finding is made by the Commission, the Council will hold a public hearing and pass a Resolution to abandon the stated portions of Old Highway 41 / 19½ Avenue which will be recorded prior to or concurrently with the recording of the Final Subdivision Map.

The General Plan compliance can be discussed at the August 14, 2006 Planning Commission meeting.

Budget Impact:

None.

Recommendation:

The Council should pass the attached Resolution of Intent, which sets a public hearing date for August 15, 2006 and discusses the intent to vacate portions of old Highway 41 and 19½ Avenue right-of-way and refer the item to the Planning Commission for a determination of compliance with the Lemoore General Plan.

Lemoore...where CHARACTER COUNTS!_{sm}

RECORDING REQUESTED BY:

**City Clerk
City of Lemoore
119 Fox Street
Lemoore, CA 93245**

Per Government Code 6103 – No Fee

RESOLUTION NO. 2006-38

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE DECLARING ITS INTENTION TO ABANDON PORTIONS OF OLD STATE HIGHWAY 41 / 19½ AVENUE

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on August 1, 2006, at 7:30 p.m. on said day, it was moved by Councilmember _____, seconded by Councilmember _____ and carried that the following Resolution be adopted:

WHEREAS, Paul Daley, owners of Silva Estates Unit No. 10 have an approved Tentative Subdivision Map 2004-07 which delineated that a portion of the City of Lemoore right-of-way would be abandoned on all of lot 66 and a portion of lot 65 along old State Highway 41 / 19½ Avenue; and

WHEREAS, the City desires to initiate proceedings to abandon the above described sections as depicted on the attached Exhibit A; and

WHEREAS, the City has analyzed and examined the proposed abandonment and preliminarily finds that the proposed abandonments would not be detrimental to the public, health, safety and welfare as the street nor any improvements as a easement will be placed on the pertinent portion of the property to maintain a water and gas line easement; and

WHEREAS, the City Council of the City of Lemoore desires to initiate abandonment proceedings under Chapter 3 of Division 9 of the Streets and Highway Code commencing with Section 8320 et. seq.; and

WHEREAS, the areas proposed to be abandoned are shown on Exhibit "A" attached.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Lemoore as follows:

1. The intent to vacate portions of Old State Highway 41 / 19½ Avenue are hereby submitted to the Planning Commission to determine conformity with the Lemoore General Plan in accordance with Government Code Section 65402.
2. August 15, 2006, at 7:30 p.m. is hereby fixed as the time of public hearing before the City Council for all persons interested in the proposed vacations.
3. The City Clerk is directed to notify, in the manner prescribed by law, all affected persons of the proposed vacation and of the hearing thereon.
4. The City Clerk is directed to publish or post notice in the manner prescribed by law.

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Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 1st day of August, 2006 by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Thomas E. Buford, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, Nanci C.O. LIMA, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on August 1, 2006.

DATED: August 2, 2006

Nanci C.O. Lima, City Clerk