

Mayor
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Mayor Pro Tem
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John Plourde



**Community
Development
Department**

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Staff Report

Item # 4D

To: Lemoore City Council
From: Holly Smyth, Chief Planner
Meeting Date: February 2, 2006
Subject: Vacating portions of 19½ Avenue and Bush Street rights-of-way, and a City of Lemoore abandoned water easement

Discussion:

Tentative Parcel Map 2005-01 was approved by the Lemoore Planning Commission on February 28, 2005 in conjunction with a Site Plan for a Chevron station on the southwest corner of Bush Street and 19½ Avenue. In reviewing the Final Parcel Map there are portions of the 19½ Avenue and Bush Street rights-of-way that need to be vacated back to the adjacent property owner as well as a water easement that has been previously abandoned as shown on the attached map.

The vacating of the shown areas were requested by staff in order to accommodate City streets versus the old Highway 41 alignments previously used by Caltrans and eliminate a previously abandoned water easement. Notice will be sent to all utility companies to insure that the vacating will not adversely affect any infrastructure facilities.

In order to initiate the street and easement 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 19½ Avenue, Bush Street, and the water easement which will be recorded concurrently with or after the recording of the Parcel Map is done.

The General Plan compliance can be discussed at the February 13, 2006 Planning Commission meeting.

Budget Impact:

None.

Recommendation:

The Council should pass the attached Resolution of Intent, which sets a public hearing date for March 7, 2006 and discusses the intent to vacate portions of 19½ Avenue and Bush Street rights-of-way as well as a water easement and refer the item to the Planning Commission for a determination of compliance with the Lemoore General Plan.

RECORDING REQUESTED BY:

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

Per Government Code 6103 – No Fee

RESOLUTION NO. 2006-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE DECLARING ITS INTENTION TO ABANDON PORTIONS OF 19½ AVENUE, BUSH STREET, AND A WATER EASEMENT

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on February 7, 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, Robert & Mardell Pedersen Living Trust owners of APN# 023-480-002 have an approved Site Plan Review 2005-04 and an approved Tentative Parcel Map #2005-01 which required the reduction of the rights-of-way on 19½ Avenue and possibly Bush Street; and

WHEREAS, when City staff was reviewing the Final Map a water easement still exists for a previously abandoned City waterline, therefore staff requested that the water easement be vacated; 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; 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 19½ Avenue and Bush Street rights-of-way and a water easement are hereby submitted to the Planning Commission to determine conformity with the Lemoore General Plan in accordance with Government Code Section 65402.
2. March 7, 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.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 7th day of February, 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 February 7, 2006.

DATED: February 8, 2006

Nanci C.O. Lima, City Clerk