

Mayor
Tom Buford
Mayor Pro Tem
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**Community
Development
Department**
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Staff Report

Item # 5

To: Lemoore City Council
From: Holly Smyth, Chief Planner
Date: March 1, 2006
Subject: Vacating a portion of 19½ Avenue, Bush Street, and a City of Lemoore abandoned water easement

Discussion:

The City Council adopted Resolution 2006-03 declaring the intent to vacate portions of the rights-of-way on 19 ½ Avenue and Bush Street shown on Exhibit "A" and a water easement still existing for a previously abandoned waterline shown on Exhibit "B" and set March 7, 2006 as the date for public hearing on the proposed street and water easement abandonments.

Pursuant to statutory requirement, the Lemoore Planning Commission in its meeting of February 13, 2006 made a determination that the proposed abandonments are in compliance with the Lemoore General Plan as reflected in the attached Resolution 2006-02.

The portions of the streets to be abandoned and the water easement to be vacated have been posted and all proper notifications have been made about the public hearing to be held. The draft Resolution to vacate the cited portions of rights-of-way on 19 ½ Avenue and Bush Street and the water easement is attached. After adoption, the Resolution will be recorded with the Kings County Recorder concurrently with the Final Parcel Map 2005-01 (which is located on the southwest corner of Bush Street and 19 ½ Avenue) to complete the abandonment process.

Various utilities were informed in writing about the proposed street abandonments and asked if it would have any effect on their services. The abandonments do not affect any infrastructure facilities.

Budget Impact:

None.

Recommendation:

The Council should hold the scheduled public hearing and thereafter pass the attached Resolution 2006-09 abandoning portions of rights-of-way of 19 ½ Avenue, Bush Street and also vacating the water easement as shown on the attached map and legal descriptions.

RECORDING REQUESTED BY:

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

Per Government Code 6103 – No Fee

RESOLUTION NO. 2006-09

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
ABANDONING PORTIONS OF 19 ½ AVENUE AND BUSH STREET AND
ABANDONING AN OLD CITY OF LEMOORE WATER EASEMENT**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on March 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, the Council of the City of Lemoore adopted Resolution No. 2006-03 declaring the intention of the City Council to abandon portions of rights-of-way of 19 ½ Avenue, Bush Street, as well as a water easement that has been previously abandoned by the City shown on the attached legal descriptions and maps, at their Regular Meeting of January 17, 2006. Notices of said proposed street abandonments have been posted upon the said street right of way in accordance with Section 8320 et.seq. of Streets and Highway Code of the State of California, and publication of the said Resolution of Intention and of the time and place of the public hearing set therein having been published in the manner prescribed by law pursuant to the Public Streets, Highways and Service Easements Vacation Law (Streets and Highway Code Section 8300 et.seq.); and

WHEREAS, no public utilities are effected by the vacations, therefore no public utility easements will have to be reserved from the abandonment pursuant to Section 8340 of the Streets and Highway Code; and

WHEREAS, the proposed street abandonments and water easement affect and touch certain properties shown on the attached map; and

WHEREAS, on the March 7, 2006, the City Council of the City of Lemoore, after notice given by said posting and publishing as provided by law, held a public hearing of all persons interested in, or objection to, said proposed abandonment. The City Council of the City of Lemoore, from all evidence submitted at said public hearing, found that the abandonments as described in the Resolution of Intention (1) will not be detrimental to the public health, safety and welfare and (2) will adequately accommodate City arterial street standards in relation to the nearby State Highway 41.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore does hereby determine that portions of the 19 ½ Avenue, Bush Street, and the water easement as more particularly shown on the attached legal descriptions and maps, labeled Exhibits "A" and "B" are hereby ordered abandoned.

IT IS FURTHER RESOLVED that the City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk, under seal of the City, to be duly recorded in the County Recorder's office of the County of Kings, State of California, together with a true copy of the legal description and map attached hereto concurrently with Final Parcel Map 2005-01 in coordination with the Planning Department.

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

DATED:

Nanci C.O. Lima, City Clerk

