

RESOLUTION #2011-48

A RESOLUTION OF INTENT THE CITY COUNCIL OF THE CITY OF LEMOORE DECLARING ITS INTENTION TO ABANDON THE WESTERLY PORTION OF BUSH STREET WEST OF WEST HILLS COLLEGE AND THE MARSH DRIVE ALIGNMENT

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on December 20, 2011, at 7:30 p.m. on said day, it was moved by Council Member _____, seconded by Council Member _____ and carried that the following Resolution be adopted:

WHEREAS, Pharris is the owner of approximately 70 acres of unimproved land (the "Victory Village subdivision") located north and west of West Hills College (the "College"), in the City of Lemoore, California (the "City") containing existing Assessor's Parcel Numbers 023-510-034 and 023-510-036 and designated low-density single family residential (SF).

WHEREAS, Pharris has previously prepared and processed Vesting Tentative Tract Map #845 known as "Victory Village" through the City of Lemoore, which secured entitlements for 279 homes which is valid through August 2013.

WHEREAS, Pharris subsequently prepared all necessary civil plans and documentation to process and record a Final Map (the "Final Map") over a 13.32 +/- acre portion of Victory Village to accommodate 51 SF homes and a neighborhood park directly north of the College, east of the Marsh Drive alignment.

WHEREAS, Pharris intends to retain the portion of Victory Village located in the Final Map area of 13.32 +/- acres and is not part of any abandonment.

WHEREAS, the Department of the Navy ("Navy") is sponsoring a Readiness Environmental Preparedness Initiative (REPI) program, designed to preserve lands adjacent to naval installations, including lands near the Lemoore Naval Air Station ("LNAS"), as permanent open space.

WHEREAS, as part of the REPI program, the LNAS desires a Restrictive Use Easement ("Conservation Easement") over portions of the Victory Village to restrict future development including the abandonment of Bush Street in the middle of the proposed Conservation Easement areas.

WHEREAS, Pharris is negotiating with the Navy to commit the portions of Victory Village not included in the Final Map Area, specifically, 52.88 +/- acres directly west of the college (the "Dedication Parcel"), to the LNAS as part of the Navy's REPI program. This Dedication Parcel will include approximately 228 SF lots that were part of the originally approved Victory Village project (Lots #52 through #279 respectively) and needs to also include the adjacent portion of Bush Street west of the Marsh Drive alignment depicted in the attached Abandonment Exhibit.

WHEREAS, Bush Street was dedicated to the City of Lemoore via Parcel Map 2005-03 Book 18 Page 6 King County Book of Maps.

WHEREAS, if the Conservation Easement is executed, portions of Bush Street would no longer be required to ever be built west of West Hills College.

WHEREAS, the current General Plan designates the proposed abandonment area as an arterial street in the Circulation Element and the adjacent land uses proposed in the Conservation Easement as low-density residential.

WHEREAS, the City staff recommends vacating Bush Street right-of-way and unneeded adjacent public utility easements so long as the Conservation Easement is executed for the Dedication Parcel and a General Plan and Zoning Amendment are processed to remove the segment of Bush Street from the arterial street designation and the land use is changed to agriculture or another non-developable land use and zone designation.

WHEREAS, the City has had an initial discussion of the proposed Bush Street vacation at its Special meeting December 12, 2011 and preliminary finds that the proposed vacations should not be detrimental to the public, health, safety and welfare; and

WHEREAS, no public utility facilities or streets are located in the above listed abandonment areas allowing for the summary vacation of such right-of-way and public utility easement under California Streets and Highways Code Sections 8330-8336 and does not require noticed publication or postings; and

WHEREAS, the needed General Plan Amendment does require a public hearing before Planning Commission and City Council before City Council can consider final abandonment of the area shown on Exhibit A.

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

1. Initiates the abandonment process for the area shown on the attached "Abandonment Exhibit",
2. Directs the Planning Commission to determine General Plan conformity of the intent to vacate the westerly portion of Bush Street right-of-way and adjacent public utility easements west of the college and Marsh Drive alignment, shown in the attached "Abandonment Exhibit" in accordance with Government Code Section 65402 at their next regular meeting (anticipated to be January 9, 2012)
3. Will consider the Abandonment once they receive the Planning Commission's General Plan conformity determination after a General Plan Amendment is concurrently considered (anticipated to be February 7, 2012).

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 20th day of December, 2011, by the following vote:

AYES:

NOES:

ABSTAINING:

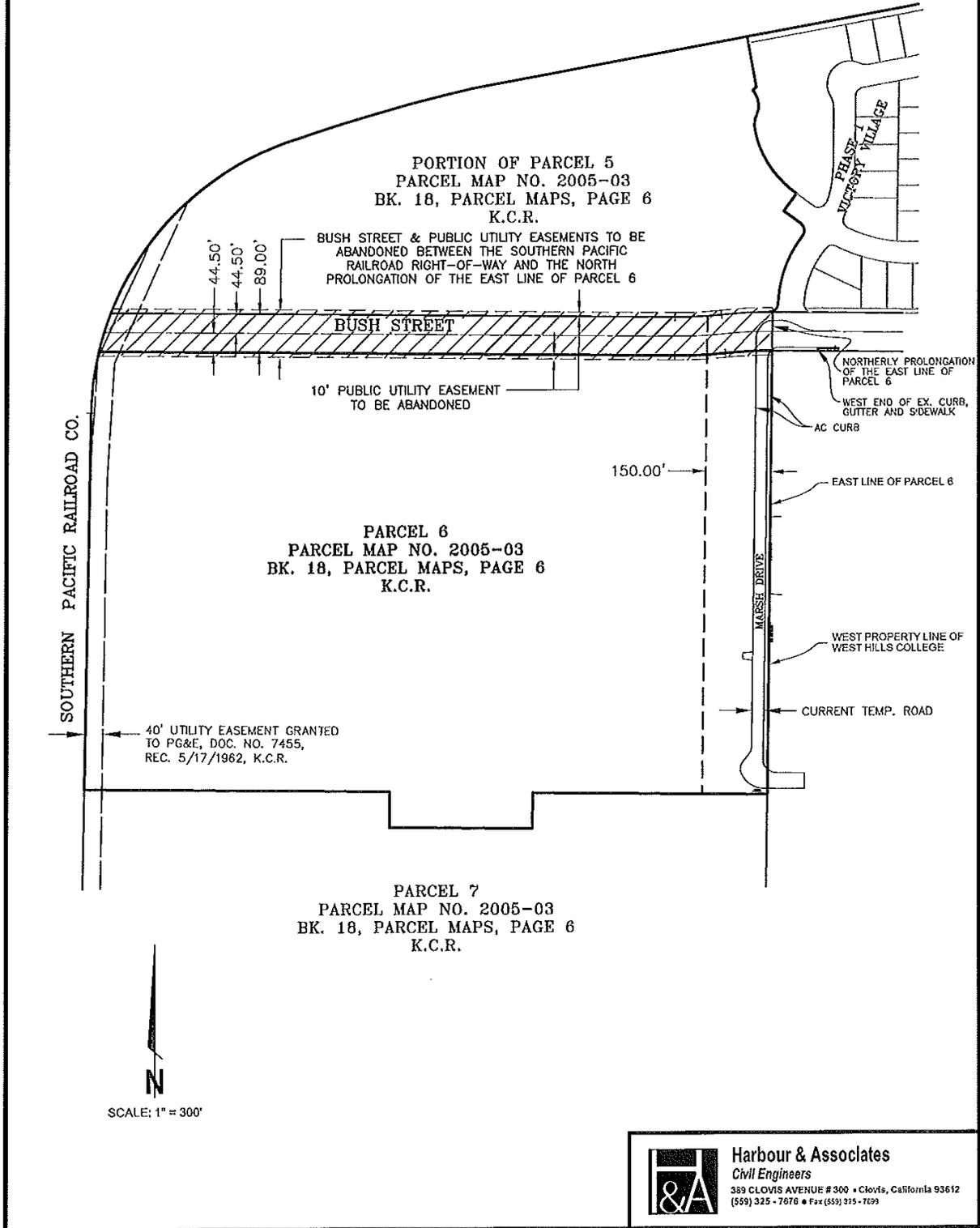
ABSENT:

APPROVED:

Willard Rodarmel, Mayor
ATTEST:

Nanci O. Lima, MMC City Clerk

ABANDONMENT EXHIBIT



CERTIFICATE

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

I, Nanci 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 December 20, 2011.

DATED: _____, 2011

Nanci O. Lima, MMC
City Clerk