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STAFF REPORT

Item # 5

To: Lemoore City Council
From: Holly Smyth, Planning Director
Date: November 28, 2011
Subject: Public Hearing on Vacation of the northerly portion of Heinlen Street and the entire alley east of the Heinlen Street abandonment area and associated deeds in abandonment area and adjacent triangular lot adjacent to Cinnamon Villas

Background:

At the October 18, 2011 City Council meeting, Resolution #2011-41 was adopted declaring Council's intent to abandon a portion of Heinlen Street and the entire adjacent easterly alley and set December 6, 2011 as the public hearing date. The abandonment was posted and all proper notification of the public hearing has been published. Abutting property owners were also notified.

Pursuant to statutory requirements, the Lemoore Planning Commission, at its meeting on October 24, 2011, passed Resolution #2011-11 determining that the abandonment of the proposed areas are in conformity with the General Plan.

Correspondence was sent to all the various utilities informing them of the proposed abandonment which the City received responses from AT&T and PG&E. The proposed abandonment area was slightly modified to reserve two 5' wide strip easements to cover two guy wires that extend northerly from the existing power poles located at the northeast and northwest corners of the intersection of Heinlen and the alley.

Draft Resolution #2011-43 to abandon a portion of Heinlen Street and the easterly alley have been prepared for Council's consideration and recordation with the Kings County Recorder. In order to avoid long term blight in the neighborhood, retain better long-term access to utilities, and allow a large portion of new fencing to enclose existing open backyards, the abandonments are being distributed differently than a traditional abandonment. The City Engineer has prepared four deeds that tie-in with this abandonment. The first deed gives ownership of the westerly half of Heinlen Street to Antonia P. Gomez. The second deed gives ownership of the easterly half of Heinlen Street and the entire easterly alley to Bryan Burnes. The third deed, signed by Mr. Burnes gives the City back a portion of his property and a portion of the simultaneously given alley. The fourth deed, to be approved by the City would deed the back half of the Burnes property given to the City over to Pacific West Communities. The end result will be the creation of a more useable lot at the north eastern portion of Heinlen Street and the incorporation of a currently unuseable back area to the Pacific West Communities senior apartment project. The Resolution of abandonment should be approved and the four grant deeds accepted and executed by the City to be recorded concurrently.

"In God We Trust"sm

Budget Impact:

None.

Recommendation:

The Council should hold the scheduled public hearing, take testimony, make any modifications if needed, and thereafter:

- 1) **Approve the attached Resolution #2011-43** abandoning the northerly portion of Heinlen Street and the easterly alley as delineated and described in the attached Exhibits A-1 and B-1 retaining the necessary public utility easements and accepting and executing the four attached grant deed documents which:
 - a. Deed the westerly half of the Heinlen Street abandonment area to the owner of APN# 020-014-006, Antonia P. Gomez as delineated and described in Exhibits A-2 and B-2
 - b. Deed the easterly half of Heinlen Street and the easterly abandonment area to the owner of APN# 020-021-001, Bryan Burns as delineated and described in Exhibits A-3 and B-3
 - c. Accepts Grant Deed from Bryan Burns to the City of Lemoore for the triangular shaped area in the back portion of Mr. Burnes property and alleyway abandonment area as delineated and described in Exhibits A-4 and B-4
 - d. Deeds the triangular shaped lot as delineated and described in Exhibits A-5 and B-5 to Pacific West Communities

and record the Resolution and attached four Grant Deed documents concurrently in the above listed order.