

Recording Requested by:

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

Per Government code 6103 – No Fee

RESOLUTION #2011-43

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
ABANDONING THE NORTHERLY PORTION OF HEINLEN STREET
AND THE ENTIRE ALLEY EAST OF THE HEINLEN STREET ABANDONMENT AREA
WHILE RETAINING NECESSARY PUBLIC UTILITY EASEMENTS AS DEPICTED**

At a Regular meeting of the City Council of the City of Lemoore duly called and held on December 6, 2011, at 7:00 p.m. on said day, it was moved by Council Member _____, seconded by Council Member _____ and carried that the following Resolution be adopted:

WHEREAS, the Council of the City of Lemoore on October 18, 2011 adopted Resolution 2011-41 declaring its intention to abandon the northerly portion of Heinlen Street and the entire easterly alley abandonment area while retaining necessary public utility easements in order to avoid long term blight in the neighborhood; and

WHEREAS, the City of Lemoore wishes to deed the entire easterly alley abandonment area to the northerly property owner with the intent to get back a portion of the alley and a part of the northerly property owner's parcel which the City then intends to deed over to Pacific West Communities for incorporation into a senior apartment project; and

WHEREAS, the Heinlen Street abandonment areas is proposed to be deeded equally between the property owners on the east and westerly halves of the street; and

WHEREAS, notices of said proposed abandonment were posted pursuant to statutory requirements and publication of the said resolution and the time and place of the public hearing set therein were published in the manner prescribed by law; and

WHEREAS pursuant to Government Code Section 65402, the Council submitted its intent to vacate a portion of Heinlen Street and the easterly alley to the Planning Commission to determine its conformity with the Lemoore General Plan; and

WHEREAS, utility companies have been contacted as part of the abandonment process to confirm if there are any other outstanding utility issues; and

WHEREAS, the Planning Commission reviewed the proposed abandonment, in its meeting on October 24, 2011, and determined that the abandonment does not conflict with General Plan policy and is therefore in conformity with the General Plan: and

WHEREAS, on December 6, 2011, 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 attached abandonment areas should be abandoned with adequate public utility easements being retained.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore does hereby order the abandonment of a portion of Heinlen Street and the easterly alley area, as shown in the attached legal description and map labeled as Exhibits A-1 and B-1; and

IT IS FURTHER RESOLVED that the four attached grant deeds should be accepted and executed by the City; 1) giving the westerly half of the Heinlen Street area from the City to Antonia P. Gomez, 2) giving the easterly half of Heinlen Street and the entire alleyway from the City to Bryan Burnes, 3) accepting the back portion of the triangular lot and a portion of the alleyway from Bryan Burnes to the City, and 4) giving excess triangular lot from the City to Pacific West Communities with City staff having all documents recorded concurrently with the abandonment in the office of the County of Kings, State of California.

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

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Willard J. Rodarmel, Mayor

ATTEST:

Nanci, C.O. Lima, MMC
City Clerk

"Exhibit A-1"

Parcel 1

That portion of Heinlen Street lying Northerly of the Westerly prolongation of the Southerly line of the alley running through Block 22, of the map of the City of Lemoore, per map recorded in Book 1 of Licensed Surveyors Plats, at Page 52, Kings County Records, situated in the Southeast quarter of Section 3, Township 19 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Lemoore, County of Kings, State of California, according to the official plat thereof, more particularly described as follows;

Beginning at the Northwesterly corner of Lot 1, of said Block 22;

Thence, South 79°02'31" West, along the Westerly prolongation of said Southerly line of the alley running through Block 22, a distance of 0.13 feet, to a point situated on a curve, concave Southerly, having a radius of 44.00 feet. A radial line from last said point to the center of said 44.00 foot radius curve bears, South 74°38'53" West;

Thence, Northwesterly, along said 44.00 foot radius curve, through a central angle of 118°04'27", an arc distance of 90.67 feet, to the beginning of a tangent curve, concave Northerly, having a radius of 24.00 feet;

Thence, Southwesterly, along said 24.00 foot radius curve, through a central angle of 31°12'21", an arc distance of 13.07 feet, to a point situated on the Easterly line of Lot 17, of Block 23, of said map of the City of Lemoore;

Thence, North 10°54'59" West, along said Easterly line, 52.26 feet, more or less, to the Northeasterly corner of said Lot 17, which point is also the Northwesterly corner of said Heinlen Street, and which point is situated on the North line of said Southeast quarter of Section 3;

Thence, South 89°58'08" East, along the North line of said Heinlen Street, and along said North line of the Southeast quarter, 81.48 feet, to the Northeasterly corner of said Heinlen Street and the Northwesterly corner of said Block 22;

Thence, South 10°54'59" East, along the Easterly line of said Heinlen Street, 66.74 feet, to the Point of Beginning.

RESERVING unto the CITY OF LEMOORE an easement for public utilities over and across the Southerly 20.00 feet thereof, situated and being within the Westerly prolongation of said 20.00 foot wide alley running through Block 22.

ALSO RESERVING unto the City of LEMOORE an easement for public utilities over and across the Westerly 5.00 feet, of the Easterly 10.50 feet of said Heinlen Street, extending 25.00 foot Northerly from the Northerly line of said 20.00 foot wide Alley running through Block 22.

ALSO RESERVING unto the City of LEMOORE an easement for public utilities over and across the Easterly 5.00 feet, of the Westerly 11.50 feet of said Heinlen Street, extending 17.00 foot Northerly from the Northerly line of the 20.00 foot wide Alley running through Block 23, of said map of the City of Lemoore.

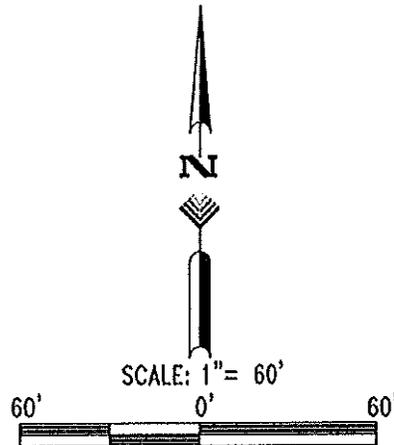
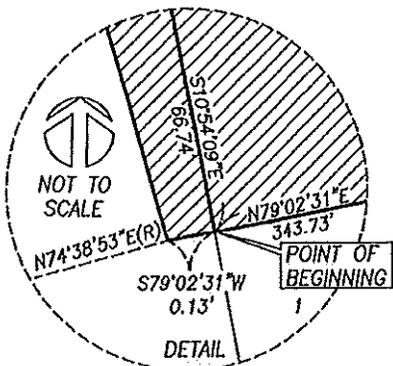
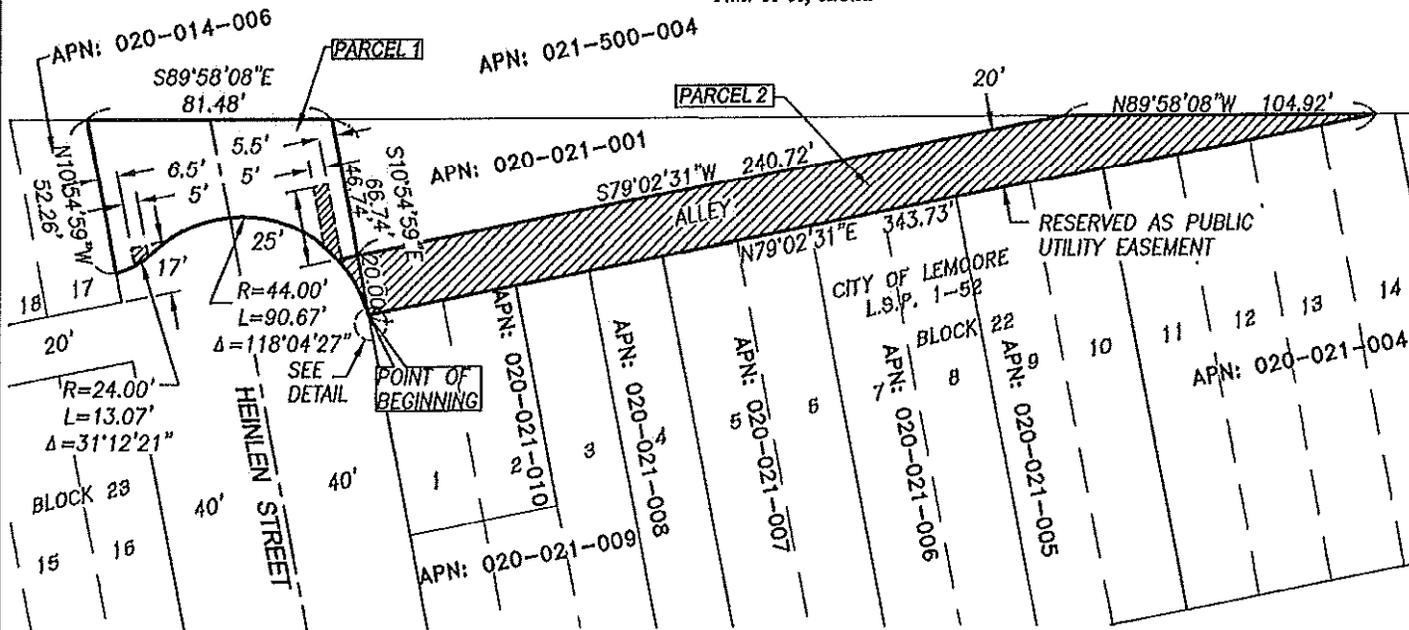


Parcel 2

The alley running through Block 22, of the map of the City of Lemoore, per map recorded in Book 1 of Licensed Surveyors Plats, at Page 52, Kings County Records, situated in the Southeast quarter of Section 3, Township 19 South, Range 20 East, Mount Diablo Base and Meridian, in the City of Lemoore, County of Kings, State of California, according to the official plat thereof, said alley extending from the Easterly line of Heinlen Street, to the North line of said Southeast quarter of Section 3, as shown upon said map of the City of Lemoore.

RESERVING unto the CITY OF LEMOORE an easement for public utilities over and across the 20.00 foot wide alley described above.

P.M. 11-61, K.C.R.



LEGEND

- LIMITS OF PUBLIC STREET TO BE ABANDONED ±9,138.51 SQ. FT.
- ▨ AREA TO BE RESERVED AS PUBLIC UTILITY EASEMENT



FILE NAME: L:\Projects\2009\LO90071\ACAD\Legals\LO90071-Exhibits.dwg -- LAST SAVE: 11/22/2011 4:15:12 PM PDT -- BY: Kenny Santiago

PLOT DATE:	
JOB NO.	LO90071
DWG. NAME:	ABANDONMENT
SCALE:	1" = 60'
SHEET NO.:	1 OF 1

EXHIBIT "B-1"
STREET ABANDONMENT
 A PORTION OF THE MAP OF THE CITY OF LEMOORE, RECORDED IN BOOK 1 OF LICENSED SURVEYORS PLATS AT PAGE 52, K.C.R.

PREPARED BY:		6110 W. CYPRESS AVE. P.O. BOX 9869 VISALIA, CA 93278 TEL: (559) 733-0440 FAX: (559) 733-7821
DRW BY:		CHK BY:

CERTIFICATE

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

I, Nanci C.O. Lima, MMC, 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 6, 2011.

DATED: _____, 2011

Nanci, C.O. Lima, MMC
City Clerk