

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO VACATE A PORTION OF
NORTH HAYES AVENUE, SOUTH OF WEST BULLARD
AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1152-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on August 10, 2023, at a regular meeting of the Council of the City of Fresno, California (City), at which time evidence was heard for and against the vacation of a portion of North Hayes Avenue, south of West Bullard Avenue; and

WHEREAS, the area proposed for vacation as described in Exhibit A and as shown on Exhibit B, which are attached and incorporated in this Resolution; and

WHEREAS, Butler Investment Group, LLC is requesting the proposed vacation; and

WHEREAS, the purpose of this proposed vacation is to eliminate excess right of way on North Hayes Avenue, and to accommodate site plan number P19-03659 for the construction of a 185 unit apartment complex; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public street right-of-way easement proposed for vacation as described in Exhibit A and as shown on Exhibit B is unnecessary for present or prospective public street purposes, subject to the reservation of a public utility easement over the entire area proposed to be vacated and conditions of approval as listed in attached Exhibit C, said exhibits are

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

incorporated herein by reference and on file in the Office of the City Clerk of the City at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds from all the evidence submitted that the vacation of a portion of North Hayes Avenue, south of West Bullard Avenue as described in Exhibit A and as shown on Exhibit B are unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of August 10, 2023 the public street easement as described in Exhibit A and as shown on Exhibit B be vacated.

3. The proceedings for the vacation of such right of way are intended to be and shall be taken subject to the reservation of a public utility easement over the entire area proposed to be vacated and conditions of approval as listed in attached Exhibit C, which is attached and incorporated herein. All work required by such conditions shall be completed in compliance with City Standard Specifications and approved by the Public Works Department.

4. The City Clerk shall certify to the passage of this Resolution and shall file a certified copy, attested by the City Clerk under the seal of the City, in the Office of the City Clerk.

5. The City Clerk shall file a certified copy of the resolution for recordation in the Office once all work associated with this requirement has been accepted by the City Engineer or the Public Works Director.

6. This vacation shall become effective on the date this resolution is recorded.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Kelsey Seib
Deputy City Attorney

Attachments:
Exhibit A – Street Easement Vacation Legal Description
Exhibit B – Street Easement Vacation Map
Exhibit C – Vacation Conditions of Approval

PW File No. 12937

EXHIBIT "A"
Legal Description

APN: 504-081-56S (portion)
Public Street Vacation

That portion of Adjusted Parcel A of Lot Line Adjustment No. 2018-21 as described in Grant Deed recorded February 28, 2019 as Document No. 2019-0020229, Official Records of Fresno County, described as follows:

PARCEL 1:

COMMENCING at the most Southerly Southeast corner of said Parcel A said point being on the West right-of-way line of North Hayes Avenue; thence North 00°33'04" West, along the East line of, and the Northerly prolongation of the East line of said Parcel A, along said West right-of-way line, a distance of 410.32 feet to the **TRUE POINT OF BEGINNING;**

Thence North 00°33'04" West, continuing along said West right-of-way line, a distance of 256.90 feet; thence South 39°54'43" East, a distance of 92.46 feet to a point on the East right-of-way line of said North Hayes Avenue; thence South 00°33'04" West, along said East right-of-way line, a distance of 43.66 feet to a point being 62.00 feet Northwesterly of the Southeasterly line of said Parcel A, said point being the beginning of a 282.00 foot radius non-tangent curve concave Southeasterly, a radial to said beginning bears North 50°43'20" West; thence Southwesterly, parallel with and 62.00 feet Northwesterly of the Southeasterly line of said Parcel A, along said curve, through a central angle of 31°53'55", an arc distance of 157.00 feet to the **TRUE POINT OF BEGINNING.**

Containing 7,891 square feet, more or less.



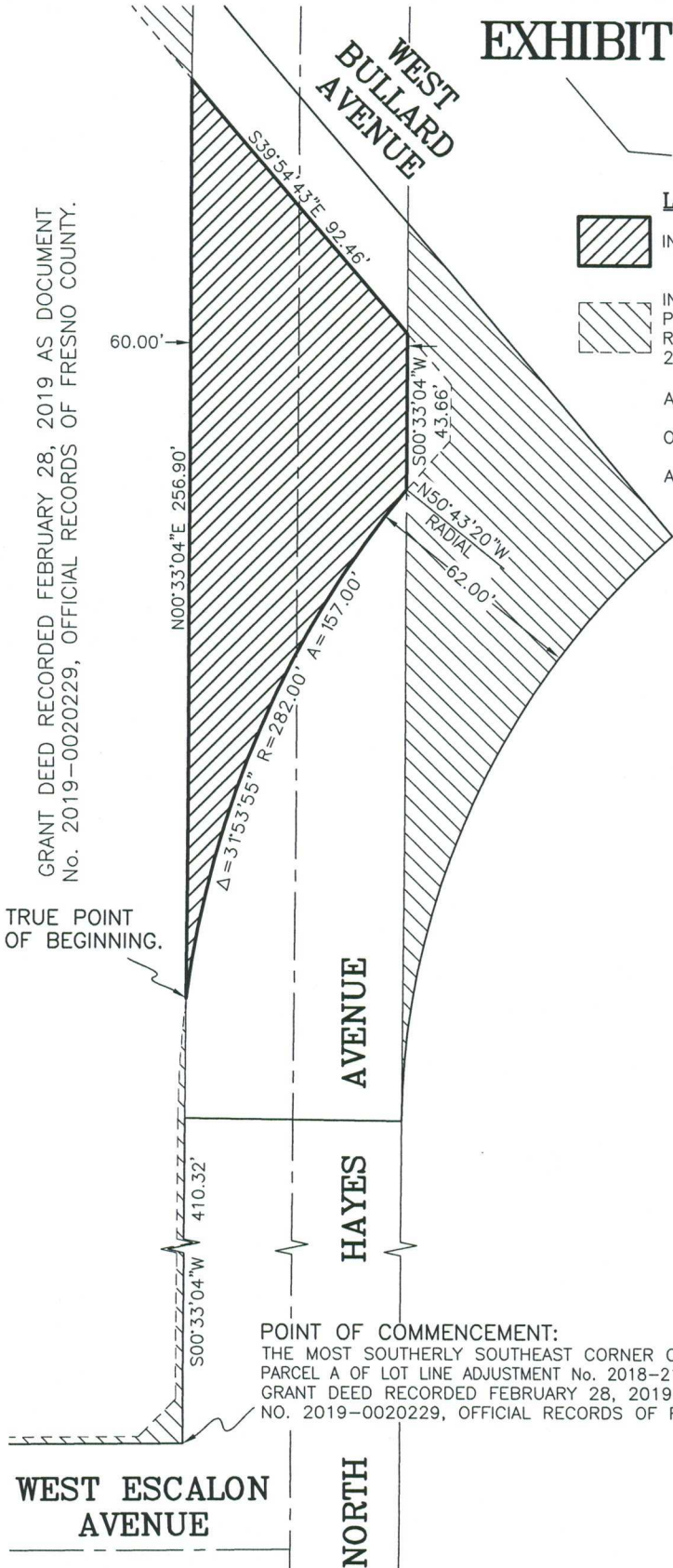
3-21-23

2021-_____
15-A-_____

EXHIBIT " B "

GRANT DEED RECORDED FEBRUARY 28, 2019 AS DOCUMENT No. 2019-0020229, OFFICIAL RECORDS OF FRESNO COUNTY.

TRUE POINT OF BEGINNING.



LEGEND



INDICATES AREA TO BE VACATED.



INDICATES AREA PREVIOUSLY DEEDED TO THE CITY OF FRESNO FOR PUBLIC STREET AND UTILITY EASEMENT PURPOSES PER DEED RECORDED _____, 2023 AS DOCUMENT No. 2023-_____, OFFICIAL RECORDS OF FRESNO COUNTY.

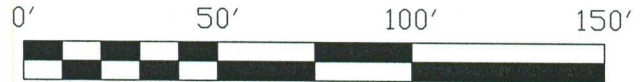
AREA: 7,891 SQUARE FEET, +/-

OWNER: BUTLER INVESTMENT GROUP, LLC

APN: 504-081-565



SCALE: 1" = 80'



POINT OF COMMENCEMENT:
THE MOST SOUTHERLY SOUTHEAST CORNER OF ADJUSTED PARCEL A OF LOT LINE ADJUSTMENT No. 2018-21 AS DESCRIBED IN GRANT DEED RECORDED FEBRUARY 28, 2019 AS DOCUMENT No. 2019-0020229, OFFICIAL RECORDS OF FRESNO COUNTY.



3-21-23

17-143

<p>Ref. & Rev.</p> <p>PW File No: _____</p> <p>Plot No: _____</p> <p>T - _____</p>	<p>CITY OF FRESNO</p> <p>DEPARTMENT OF PUBLIC WORKS</p> <p>A PORTION OF NORTH HAYES AVENUE PER MAP OF THE J.C. FORKNER FIG GARDENS SUBDIVISION No. 3, RECORDED IN VOLUME 8 OF PLATS AT PAGE 79, FRESNO COUNTY RECORDS, TO BE VACATED FOR PUBLIC STREET PURPOSES BY THE CITY OF FRESNO.</p>	<p>Proj. ID: -</p> <p>Fund No.: -</p> <p>Org. No.: -</p> <p>Dr. By: GMR</p> <p>Ck. By:</p> <p>Date: Jan. 12, 2021</p> <p>Scale: 1" = 50'</p>	<p>SHEET NO. 1</p> <p>OF 1 SHEETS</p> <p>15-A-_____</p>
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EXHIBIT “C”
VACATION CONDITION OF APPROVAL

1. The proposed vacation area lies within the Fresno Metropolitan Flood Control District’s Drainage Area “EH”. There are no existing or proposed Master Plan facilities within the proposed vacation area as detailed on the Exhibit “B” provided to the District.

The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area.

The District will need to review and approve any improvement plans associated with the project (i.e. grading plan and street plans), for conformance with the Master Plan drainage patterns prior to implementation.

Should you have any questions regarding this matter, please do not hesitate to contact us at (559) 456-3292.

FID previously reviewed Site Plan P21-00192 on March 9, 2021, those comments and conditions still apply. For more details, please contact and Chris Lundeen at (559) 233-7161.

2. Pacific Gas and Electric Company has existing land rights in this area and are requesting a public utility easement be reserved contiguous to the southerly right of way line of West Bullard Avenue and contiguous to the new westerly right of way line of North Hayes Avenue. If you have any question regarding this condition, please contact Salvador Graciliano at (661) 865-2319.