

RESOLUTION OF INTENT NUMBER 1154-D

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA OF INTENTION TO VACATE A PORTION OF EXCESS PUBLIC STREET RIGHT OF WAY ON THE NORTHEAST SIDE OF NORTH WEBER AVENUE, NORTHWEST OF WEST HERNDON AVENUE

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the City), to order the vacation of a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue; and

WHEREAS, the area proposed for vacation is as described in Exhibit A and as shown on Exhibit B, 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; and

WHEREAS, John Garabedian and Melanie D. Garabedian are requesting the proposed vacation; and

WHEREAS, the purpose of this proposed vacation is to accommodate improvements for a Cannabis Retail Business in an existing commercial building associated with Conditional Use Permit Number P22-00606; 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.

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

1 of 3

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval: KAS

Resolution of Intent Number 1154-D

follows:

1. The hour of 10:00 a.m. on January 11, 2024, in the Council Chambers in Fresno City Hall, 2600 Fresno Street, Fresno 93721, is hereby fixed as the time and place when and where all persons interested in or objecting to the proposed vacation may appear before the Council and be heard in relation thereto.

2. The Council elects to proceed under the provisions of Chapter 3, commencing with Section 8320, of the Public Streets, Highways, and Service Easements Vacation Law of the State of California (California Street and Highways Code Sections 8300 et seq.).

3. The Public Works Director of the City is directed to cause notices of the proposed vacation to be published and posted for the time and in the manner prescribed by the provisions of Sections 8322 and 8323 of the California Streets and Highways Code.

4. The Council preliminarily determines that the public street proposed to be vacated is not useful as a bicycle path or route under applicable general, specific, or community plans and policies. If the Council does not rescind such preliminary determination, based on evidence or public testimony presented to it, orally or in writing, at or before the January 11, 2024, hearing, the Council may proceed to make a final determination, at the public hearing, that the public street be vacated as provided herein.

* * * * *

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: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Date
Deputy City Attorney

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

PW File No. 13341

STREET VACATION

EXHIBIT "A"

LEGAL DESCRIPTION

APN 504-102-17

The land described herein-below is situated in the City of Fresno, County of Fresno, State of California, and is a portion of North Weber Avenue, formerly known as Judson Street, as shown on the map of the Town of Herndon, recorded in Book 1, at Page 27, of Miscellaneous Maps, Fresno County Records, described as follows:

A ten foot wide strip of land, the northeasterly line of which adjoins the southwesterly lines of Lots 25, 26, and 27 in Block 74 of said map of the Town of Herndon, said southwesterly lot lines adjoining the public street known as North Weber Avenue, formerly known as Judson Street.

Containing 750 square feet, more or less.

See Exhibit "B" attached hereto and made a part of this description.

End of Description

Taylor Elze

Taylor Elze, P.L.S. 9613

11/7/2023

Date



PWF# 13341

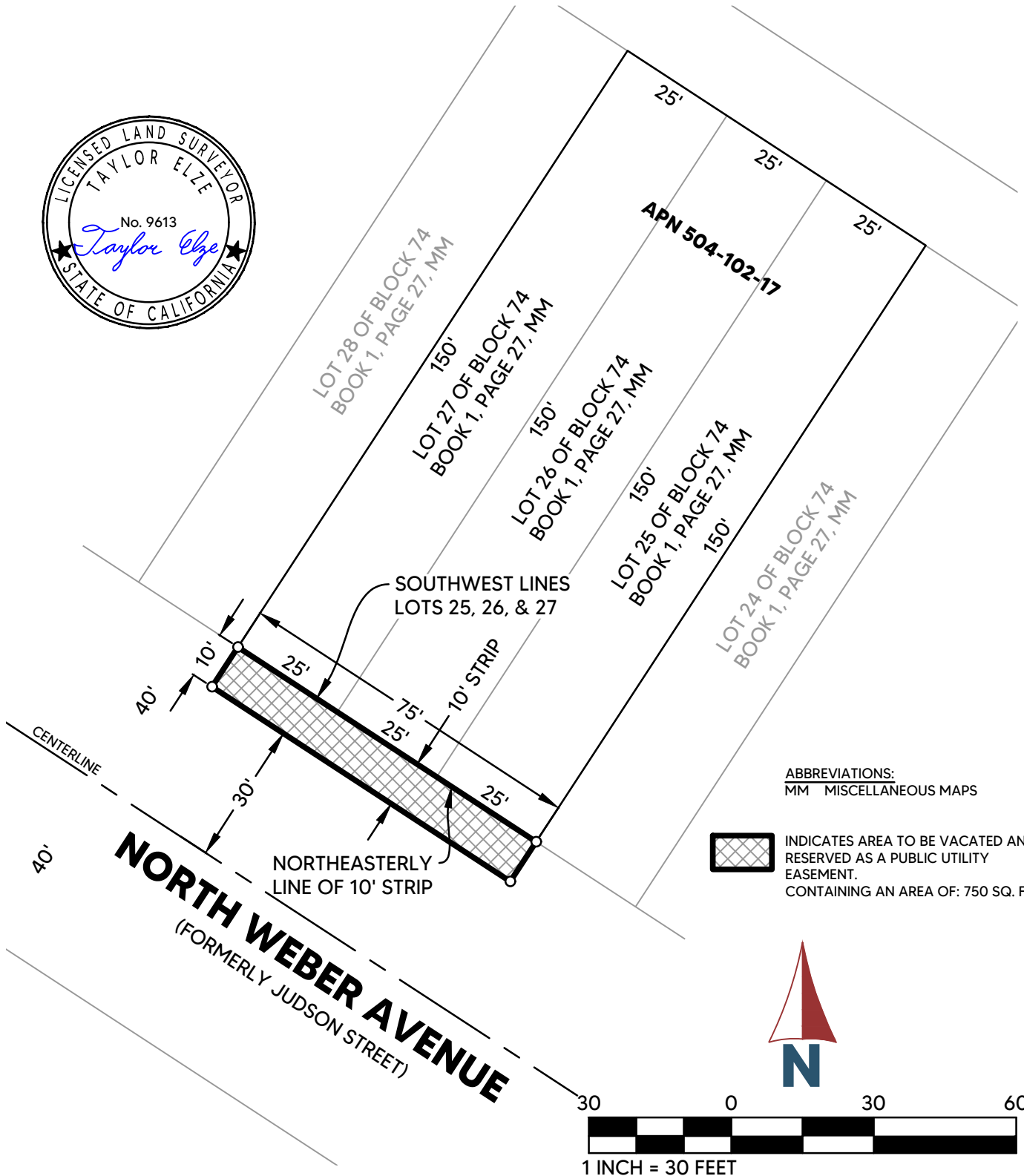
PLAT: 1341

EXHIBIT “C”
VACATION CONDITION OF APPROVAL


1. Fresno Metropolitan Flood Control District (FMFCD) has stated that the proposed vacation area lies within the 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 Gary Chapman at (559) 456-3292.

2. The City of Fresno Water Division has the condition:
 - a. Currently, there is an existing 1-inch water meter and 4-inch sewer connection located within the proposed vacation. Therefore, Public Utilities are in full support of the 10-foot PUE to be reserved.

EXHIBIT "B"



ABBREVIATIONS:
MM MISCELLANEOUS MAPS

 INDICATES AREA TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT. CONTAINING AN AREA OF: 750 SQ. FT.



REF. & REV. PWF# 13341 PLAT: 1341	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. I.D. _____ RES TYPE _____ FUND NO. _____ ORG. NO. _____
	PUBLIC STREET RIGHT-OF-WAY TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT BY THE CITY OF FRESNO	DR. BY <u>TEE</u> CH. BY <u>TEE</u> DATE <u>9/21/2023</u> SCALE <u>1" = 30'</u>
		SHEET NO. <u>1</u> OF <u>1</u> SHEET