

RESOLUTION OF INTENT NUMBER 1132-D

A RESOLUTION OF INTENT OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF EAST DIVISADERO AVENUE BETWEEN NORTH BLACKSTONE AVENUE AND NORTH ABBY STREET

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 East Divisadero Avenue between North Blackstone Avenue and North Abby Street; and

WHEREAS, the area proposed for vacation as shown in Exhibit "A", said exhibit is 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, McDonald's USA LLC is requesting the proposed vacation; and

WHEREAS, the purpose of this vacation is to satisfy a condition of approval for Development Permit Number P18-01459; and

WHEREAS, the Public Works Department, 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 shown in Exhibit "A" is unnecessary for present or prospective public street purposes subject to reserving a public utility easement over the entire area proposed for vacation.

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

1: The hour of 10:00 a.m. on September 19, 2019, 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

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

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 September 19, 2019, 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, YVONNE SPENCE, 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 \_\_\_\_\_, 2019.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, MMC, CRM  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
John Hastrup  
Deputy City Attorney

\_\_\_\_\_  
Date

Attachments:  
Exhibit "A"

PW File No. 12360

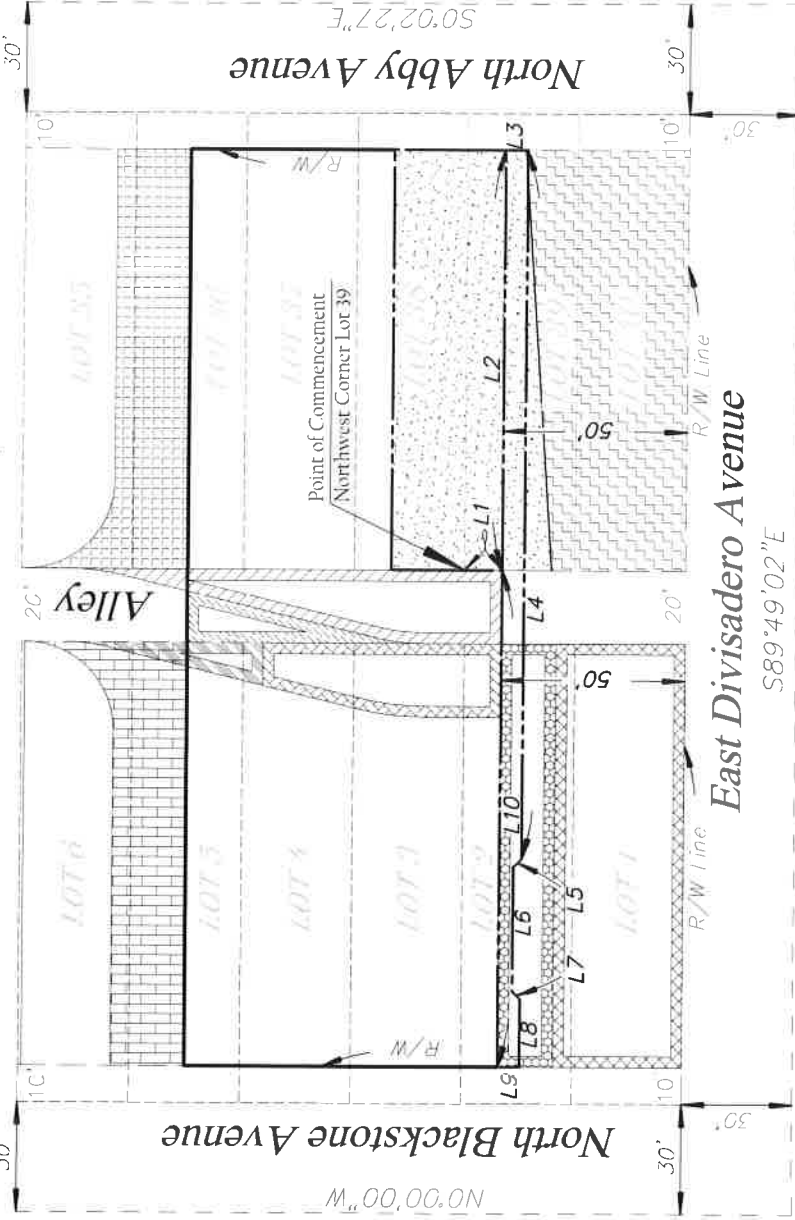
Parcel 2 of Vacation Resolution No. 98-134, Recorded on May 22, 1998 as Document No. 98071044, F.C.R.

Parcel 1 of Vacation Resolution No. 98-134, Recorded on May 22, 1998 as Document No. 98071044, F.C.R.

**LEGEND:**

- INDICATES LOT LINES
- INDICATES RIGHT OF WAY LINES
- - - CALCULATED CENTERLINE
- - - INDICATES NEW VACATION BOUNDARY.
- INDICATES SUBJECT PROPERTY BOUNDARY.

- Previously Deeded to the City of Fresno, O.R. Volume 1650, at Page 327, Dated August 6, 1938.
- Parcel 2 of the Alley Easement, Recorded on May 22, 1998 as Document No. 98071043, F.C.R.
- Parcel 1 of the Alley Easement, Recorded on May 22, 1998 as Document No. 98071042, F.C.R.
- Grant Deed Recorded January 14, 1972 in Volume 5977, at Page 655, Official Records Fresno County.
- Grant Deed Recorded October 4, 1938 in Volume 1704, at Page 182, Official Records Fresno County.
- Vacation Resolution No. 86-406, Recorded August 12, 1987 as Document No. 87098533, F.C.R.



LINE	BEARING	DISTANCE
L1	S07°1'34"E	10.20'
L2	S89°49'02"E	115.06'
L3	S07°02'27"E	6.00'
L4	N89°49'02"W	193.66'
L5	N44°49'02"W	3.00'
L6	N89°49'02"W	33.76'
L7	S45°10'58"W	3.00'
L8	N89°49'02"W	18.44'
L9	N07°00'00"W	6.00'
L10	S89°49'02"E	135.05'

SCALE: 1" = 50'

FEET 0 50' 100' 150'

**EXHIBIT A**

PREPARED BY:  
RUBEN APARICIO III, PLS 8026

DATE: APRIL 5, 2019  
SCALE: 1" = 50'  
CHECKED BY:  
DRAFTED BY: J. DAY  
DESIGNED BY: R. APARICIO

MOUA ENTERPRISE  
5699 N. 7th ST.  
FRESNO, CA. 93710  
(559) 288-3217  
PMOUA02@YAHOO.COM

IN THE COUNTY OF FRESNO,  
STATE OF CALIFORNIA  
BEING A PORTION OF BLOCK 1 OF THE  
'VILLA ADDITION' PER MAP RECORDED  
MARCH 23, 1884, IN VOLUME 1 OF PLATS,  
AT PAGE 6, F.C.R.

SHEET  
2  
OF  
2