

RESOLUTION OF INTENT NUMBER 1147-D

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA OF INTENTION TO VACATE A
PORTION OF EAST KAVILAND AVENUE AT SOUTH ROSE
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 East Kaviland Avenue at South Rose Avenue; and

WHEREAS, the area proposed for vacation as described in Exhibit A and as shown on Exhibit B, said exhibits are 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, Crosspoint Repair, Inc. is requesting the proposed vacation; and

WHEREAS, the purpose of this vacation is to accommodate Development Permit Application Number P21-00192; 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 are unnecessary for present or prospective public street and utility purposes, subject to conditions of approval as listed in attached Exhibit C.

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

1. The hour of 10:00 a.m. on February 17, 2022, in the Council Chambers in

1 of 3

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: AMK

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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 February 17, 2022, 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 _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Angela M. Karst
Deputy City Attorney

Date

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

PW File No. 12931

EXHIBIT "A"
LEGAL DESCRIPTION
STREET VACATION

APN 479-224-32

That portion of Parcel 2 granted by Deed, recorded December 4, 2018, as Document No. 2018-0144805, of Official Records of Fresno County, lying in the Southwest quarter of Section 15, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, more particularly described as follows:

BEGINNING at the Northwest corner of said Parcel 2, said point also being the South Right-of-Way line of Kaviland Avenue as shown on Tract No. 1027 – Edison Manor, according to the map thereof recorded in Book 13 at Page 97 and 98 of Plats;

thence North 7°42'29" West, a distance of 30.47 feet to the beginning of a non-tangent curve, concave southeasterly, from which point a radial line bears North 17°24'49" West, said point also being the centerline of said Kaviland Avenue;

thence northeasterly along the arc of said non-tangent curve and said centerline, with a radius of 455.00 feet, through a central angle of 1°07'49", an arc distance of 8.98 feet to the beginning of a non-tangent curve, concave northeasterly, from which point a radial line bears South 45°16'18" West;

thence southeasterly along the arc of last said non-tangent curve, with a radius of 73.00 feet, through a central angle of 36°22'38", an arc distance of 46.35 feet to the aforementioned South Right-of-Way line of Kaviland Avenue, said point also being the North line of said Parcel 2 and the beginning of a non-tangent curve, concave southeasterly, from which point a radial line bears North 11°48'44" West;

thence southwesterly along said South Right-of-Way line of Kaviland Avenue and the arc of last said non-tangent curve, with a radius of 425.00 feet through a central angle of 6°17'38", an arc distance of 46.69 feet to the **POINT OF BEGINNING**.

Containing an area of 716 square feet or 0.02 acres, more or less.

The above described easement is graphically depicted on the attached Exhibit "B" and made a part of this description by reference thereto.

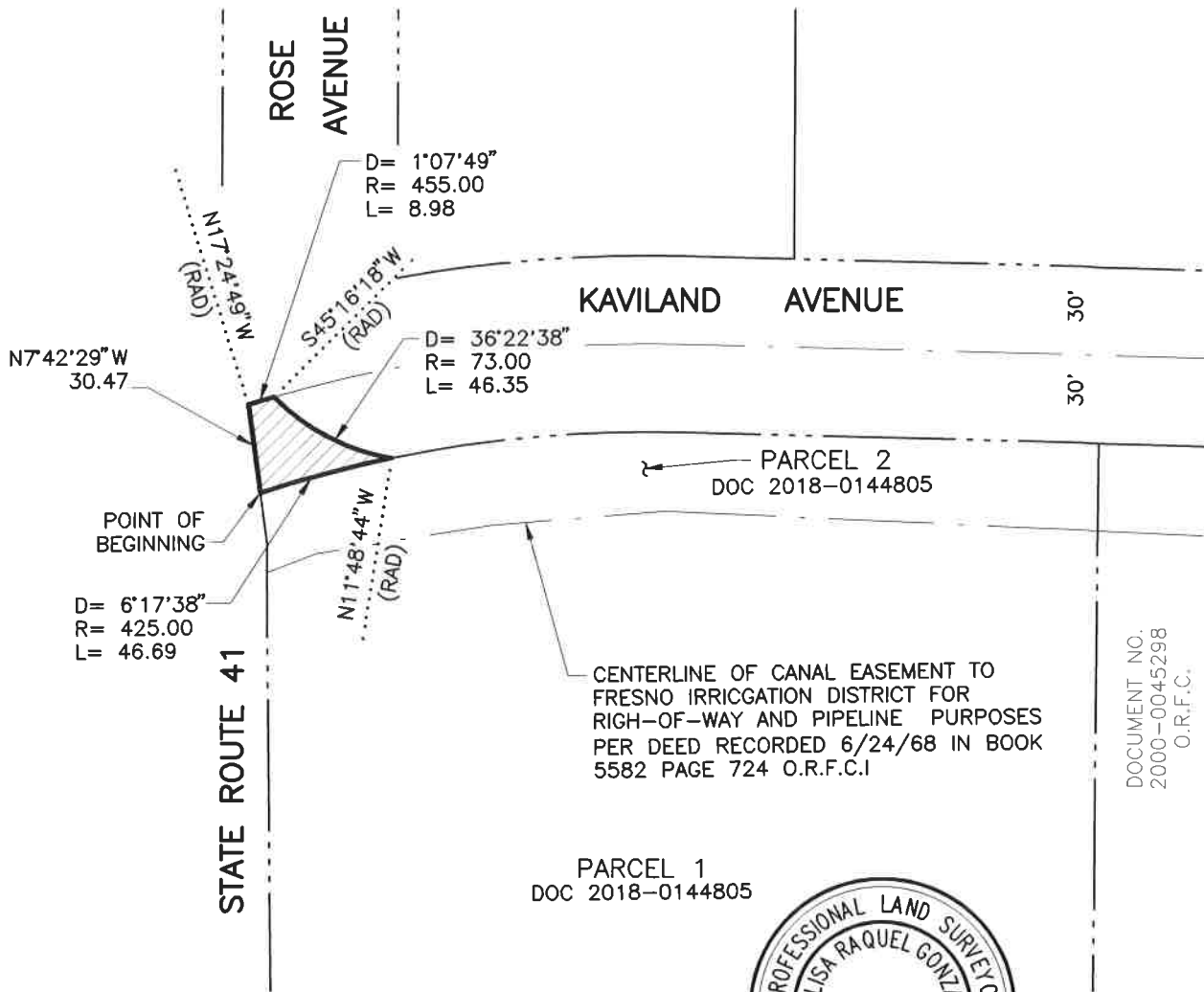
END DESCRIPTION

This legal description was prepared by me, or under my direction, in accordance with the Professional Land Surveyor's Act.

Date: July 23, 2021

Analisa Raquel Gonzales, PLS 9496
Blair, Church & Flynn





DOCUMENT NO.
2000-0045298
O.R.F.C.

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|---|--|--|--|
| REF. & REV. PW FILE NO. _____ PLAT NO. _____ | CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS | PROJ. ID. _____ FUND NO. _____ ORG. NO. _____ | SHEET NO. <u>1</u> OF <u>1</u> SHEETS |
| EXHIBIT "B" STREET VACATION APN 479-224-32 | | DRAWN BY: <u>RJR</u> CHECKED BY: <u>ARG</u> DATE: <u>7/23/21</u> SCALE: <u>1:60</u> | |

EXHIBIT "C"
VACATION CONDITION OF APPROVAL

1. Fresno Irrigation District's active Fresno Colony No. 24 runs westerly along the south side of Kaviland Avenue as shown on the attached FID exhibit map, within a 40-foot wide exclusive easement recorded March 21, 2002, as Doc. No. 2002-0046896 O.R.F.C. FID sees no adverse impact to the proposed vacation.

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

2. The City of Fresno Engineering Services Division shall be provided any plans for all improvements within the public right of way for review and approval. If you have any question regarding this condition, please contact Francisco V. Magos at (559) 621-8679.
3. Fresno Metropolitan Flood Control District has no existing or proposed Master Plan facilities within this Drainage Area "II". The District requires the Master Plan drainage patterns remain as designed for the proposed vacation area. Please contact Rick Lyons of FMFCD if you have any questions at (559) 456-3292.
4. Pacific Gas and Electric has an existing 6 inch gas distribution facilities and 12.75 inch transmission gas facilities within or near the proposed area to be vacated. PG&E requests a public utility easement be reserved over the entire area to be vacated. For any questions, please contact Sal Graciliano at (661) 865-2319.

PW File 12931