

RESOLUTION OF INTENT NUMBER 1152-D

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

1 of 3

Date Adopted:
Date Approved:

Effective Date:

City Attorney Approval:



Resolution of Intent Number 1152-D

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

1. The hour of 10:00 a.m. on August 10, 2023, 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 August 10, 2023, hearing, the Council may proceed to make a final determination, at the public hearing, that the public alley be vacated as provided herein.

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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: _____
Kelsey Seib 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. 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 $00^{\circ}33'04''$ 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 $00^{\circ}33'04''$ West, continuing along said West right-of-way line, a distance of 256.90 feet; thence South $39^{\circ}54'43''$ East, a distance of 92.46 feet to a point on the East right-of-way line of said North Hayes Avenue; thence South $00^{\circ}33'04''$ 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 $50^{\circ}43'20''$ 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 $31^{\circ}53'55''$, an arc distance of 157.00 feet to the **TRUE POINT OF BEGINNING.**

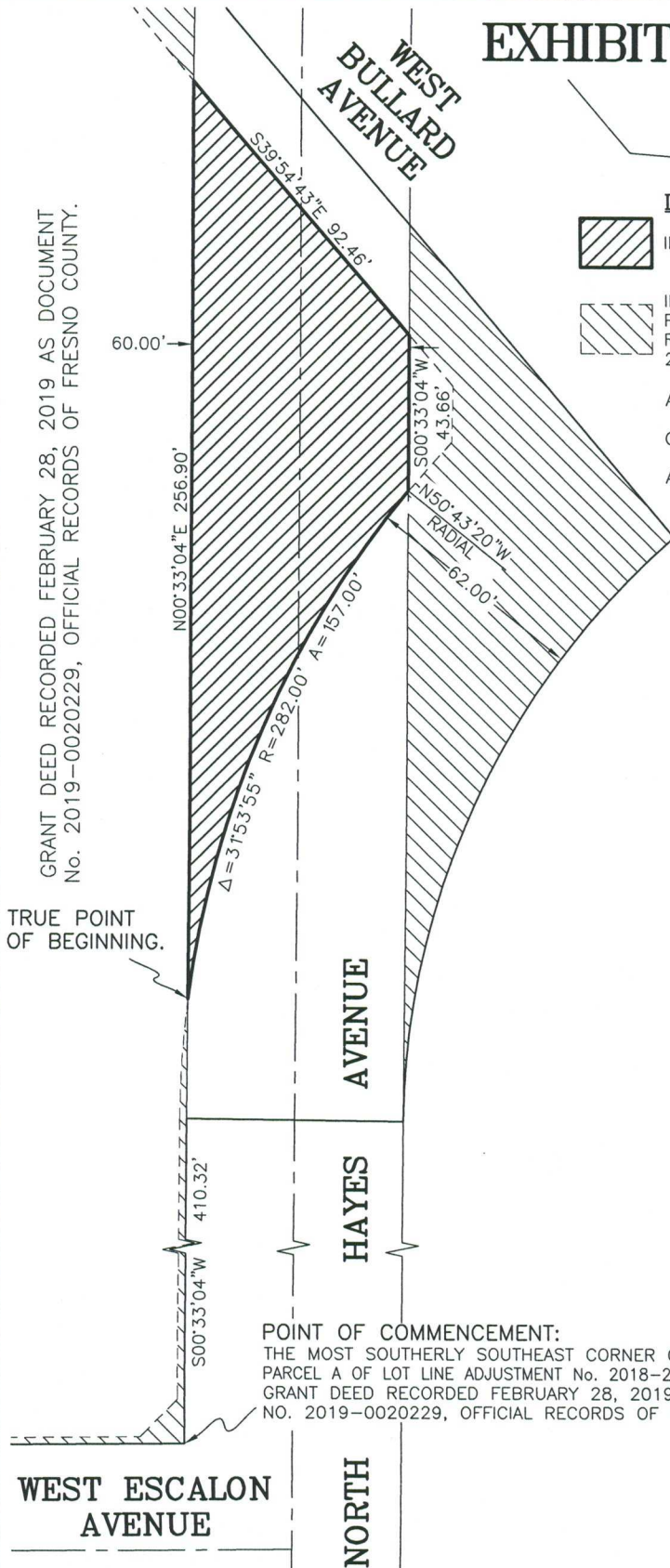
Containing 7,891 square feet, more or less.



3-21-23

2021-_____
15-A-_____

EXHIBIT "B"



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. 2023-0000000, OFFICIAL RECORDS OF FRESNO COUNTY.

AREA: 7,891 SQUARE FEET, +/-

OWNER: BUTLER INVESTMENT GROUP, LLC

APN: 504-081-56S



SCALE: 1" = 80'



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.