

RESOLUTION NUMBER _____

A RESOLUTION 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, pursuant to Resolution of Intent Number 1132-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on September 19, 2019, 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 East Divisadero Avenue between North Blackstone Avenue and North Abby Street, situated within the City; and

WHEREAS, McDonald's USA LLC is requesting the proposed vacation of a portion of East Divisadero Avenue between North Blackstone Avenue and North Abby Street, as described in Exhibit "A" and as shown in Exhibit "B" which is attached and incorporated in this Resolution; 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 proposed for vacation as described in Exhibit "A" and as shown in Exhibit "B" is unnecessary for present or prospective public street purposes subject to reserving a public utility easement over the entire area proposed for vacation; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Cal. Sts. & Hy. Code §§

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



Resolution No.

8300-8363).

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 East Divisadero Avenue between North Blackstone Avenue and North Abby Street, as described in Exhibit "A" and as shown in Exhibit "B" is unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of September 19, 2019, the public street easement as described in Exhibit "A" and as shown in Exhibit "B" be vacated.

3. All work required by such conditions shall be completed in compliance with City Standard Specifications.

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, 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 :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

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

Attachment:
Exhibits "A" and "B"
PW File No. 12360

Exhibit A

Legal Description of Property

That portion of Lots 2, 38, and 39 along with that portion of the 20' wide alley within Block 1 as shown on the 'Map of Villa Addition' in Volume 1 of Plats, at Page 6 recorded on March 23, 1884, Official Records of Fresno County, and more particularly described as follows:

Commencing at the northwest corner of said Lot 39; **Thence** South 0°01'34" East, a distance of 10.20 feet to the southeast corner of the land shown on 'Exhibit A' of Resolution No. 86-406 recorded on August 12, 1987 as document number 87098533, Official Records Fresno County and the **Point of Beginning**;

Thence South 89°49'02" East along a line that is 50.00 feet north of and parallel with the south line of Lot 40 of said Block 1, a distance of 115.06 feet to a point on a line that is 10.00 feet west and parallel with the east line of said Lot 39;

Thence South 0°02'27" East along last said parallel line, a distance of 6.00 feet;

Thence North 89°49'02" West along a line that is parallel with the south line of Lot 40 and Lot 1 of said Block 1, a distance of 193.66 feet;

Thence North 44°49'02" West, a distance of 3.00 feet;

Thence North 89°49'02" West and parallel with the south line of said Lot 1, a distance of 33.76 feet;

Thence South 45°10'58" West, a distance of 3.00 feet;

Thence North 89°49'02" West and parallel with the south line of said Lot 1, a distance of 18.44 feet to a point on a line that is 10.00 feet east of and parallel with the west line of Lot 2 of said Block 1;

Thence North 0°0'00" West along last said parallel line, a distance of 6.00 feet, to the northwest corner of the land described in the Grant Deed recorded on January 14, 1972 in Volume 5977, at Page 655, Official Records Fresno County;

Thence South 89°49'02" East along a line that is 50.00 feet north of and parallel with the south line of said Lot 1, a distance of 135.05 feet to the **Point of Beginning**;

Together With the north 10.00 feet of Lot 39, excepting the east 10.00 feet thereof **along with** the south 20.00 feet of Lot 38, excepting the east 10.00 feet thereof.

Area of above described land contains 1424.52 square feet or 0.033 acres, more or less.

This real property has been prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: _____

Ruben Aparicio III

Ruben Aparicio III, PLS 8026

04/06/2019

Date



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.

Previously Deeded to the City of Fresno, O.R. Volume 1650, at Page 327, Dated August 6, 1938.

LEGEND:

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

Vacation Resolution No. 86-406, Recorded August 12, 1987 as Document No. 87098533, F.C.R.

Parcel 2 of the Alley Easement, Recorded on May 22, 1998 as Document No. 98071043, F.C.R.

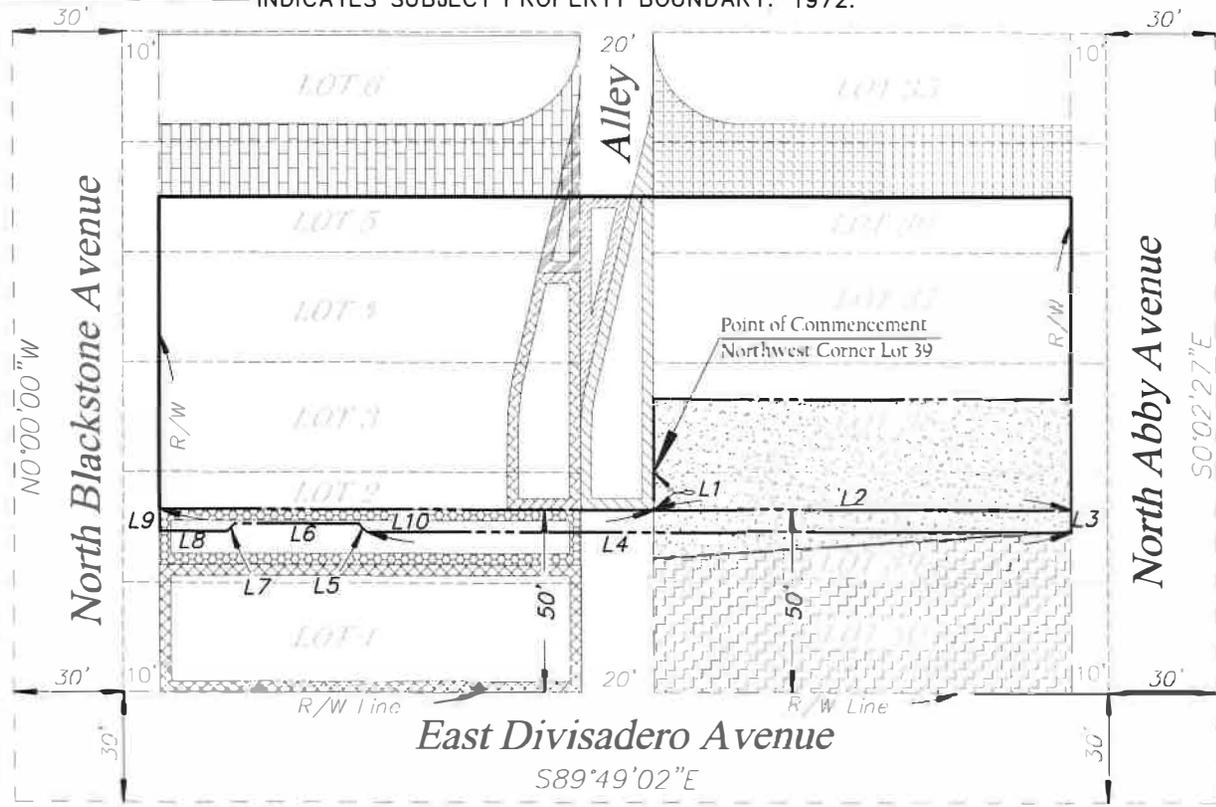
Previously Deeded to the City of Fresno O.R. Volume 5989, at Page 825, Dated February 15, 1972.

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 TABLE		
LINE	BEARING	DISTANCE
L1	S0°01'34"E	10.20'
L2	S89°49'02"E	115.06'
L3	S0°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	N0°00'00"W	6.00'
L10	S89°49'02"E	135.05'

SCALE: 1" = 50'



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

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

EXHIBIT B
PREPARED BY:
RUBEN APARICIO III, PLS 8026

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