

RESOLUTION NO. 1105-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF  
THE CITY OF FRESNO, CALIFORNIA, TO VACATE A  
PORTION OF NORTH NINTH STREET SOUTH OF EAST  
DAKOTA 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 Ninth Street south of East Dakota Avenue as shown on Exhibit "A", and described as a portion of a 30 foot wide easement for public street purposes as dedicated by Tract No. 1433 – Millbrook Estates in Volume 17 of Plats at Page 34, Fresno County Records, said exhibit 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, the City of Fresno Water Division is requesting the proposed vacation; and

WHEREAS, the purpose is to eliminate excess public street right-of-way to satisfy a condition of approval for Conditional Use Permit (CUP) No. C-12-176 for the City's Pump Station No. 52A.

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the right-of-way proposed for vacation is unnecessary for present or prospective public street purposes subject to the reservation of a public utility easement over the entire area being vacated, a reservation of a pedestrian walkway easement as shown in Exhibit "B" of attached resolution, and the removal of all existing street improvements

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: SM

Resolution No.

from the area proposed to be vacated.

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

1. The hour of 2:15 p.m. on May 19, 2016, 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 May 19, 2016, hearing, the Council may proceed to make a final determination, at the public hearing, that the public street be vacated as provided herein.

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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 \_\_\_\_\_, 2016.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

YVONNE SPENCE, CMC  
City Clerk

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

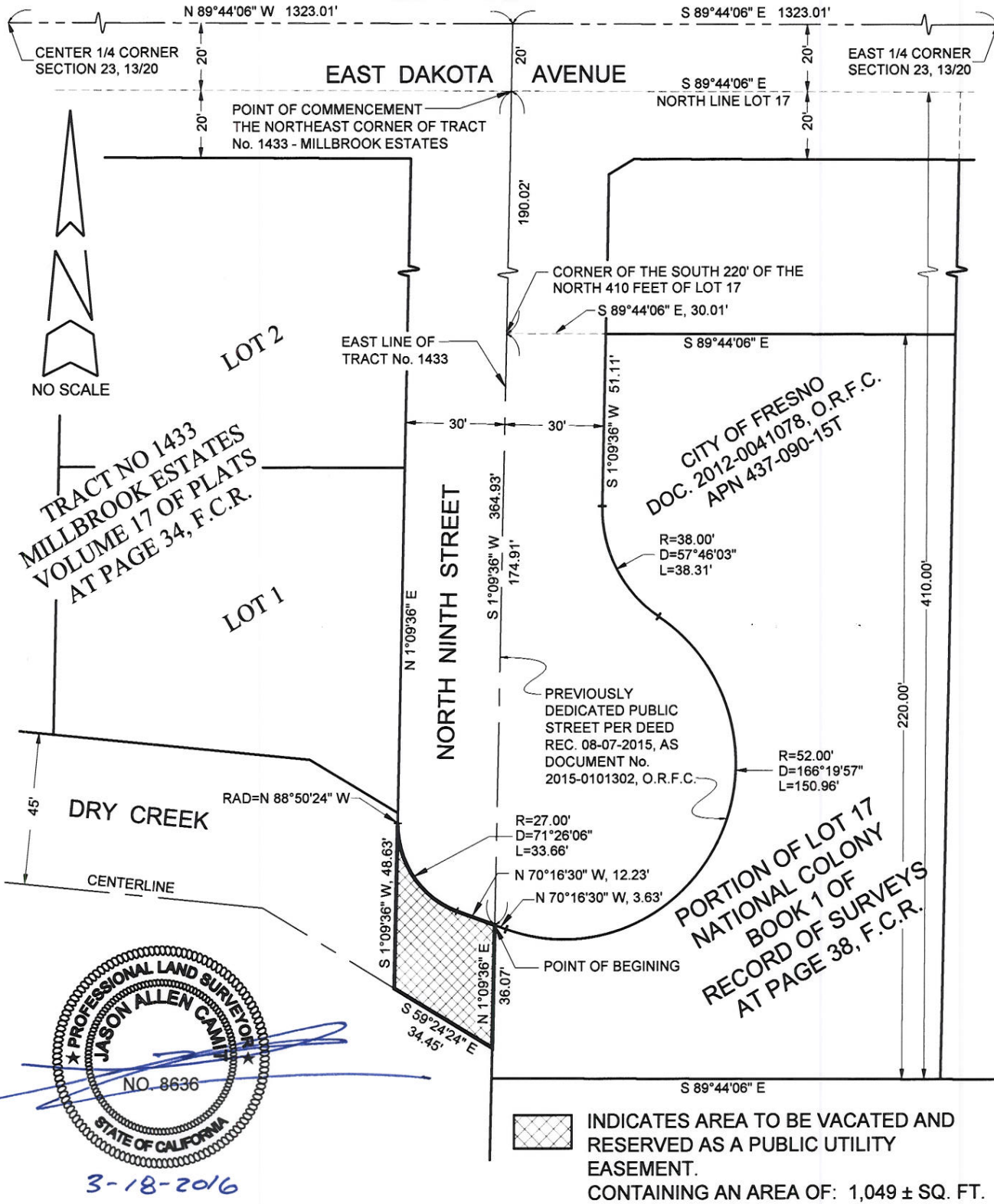
APPROVED AS TO FORM:

DOUGLAS T. SLOAN  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Seth Mehrten  
Deputy City Attorney

Attachment: Exhibits "A" and "B"  
PW File No. 11986

# EXHIBIT "A"



REF. & REV.

PLAT 2059

**CITY OF FRESNO**  
DEPARTMENT OF PUBLIC WORKS

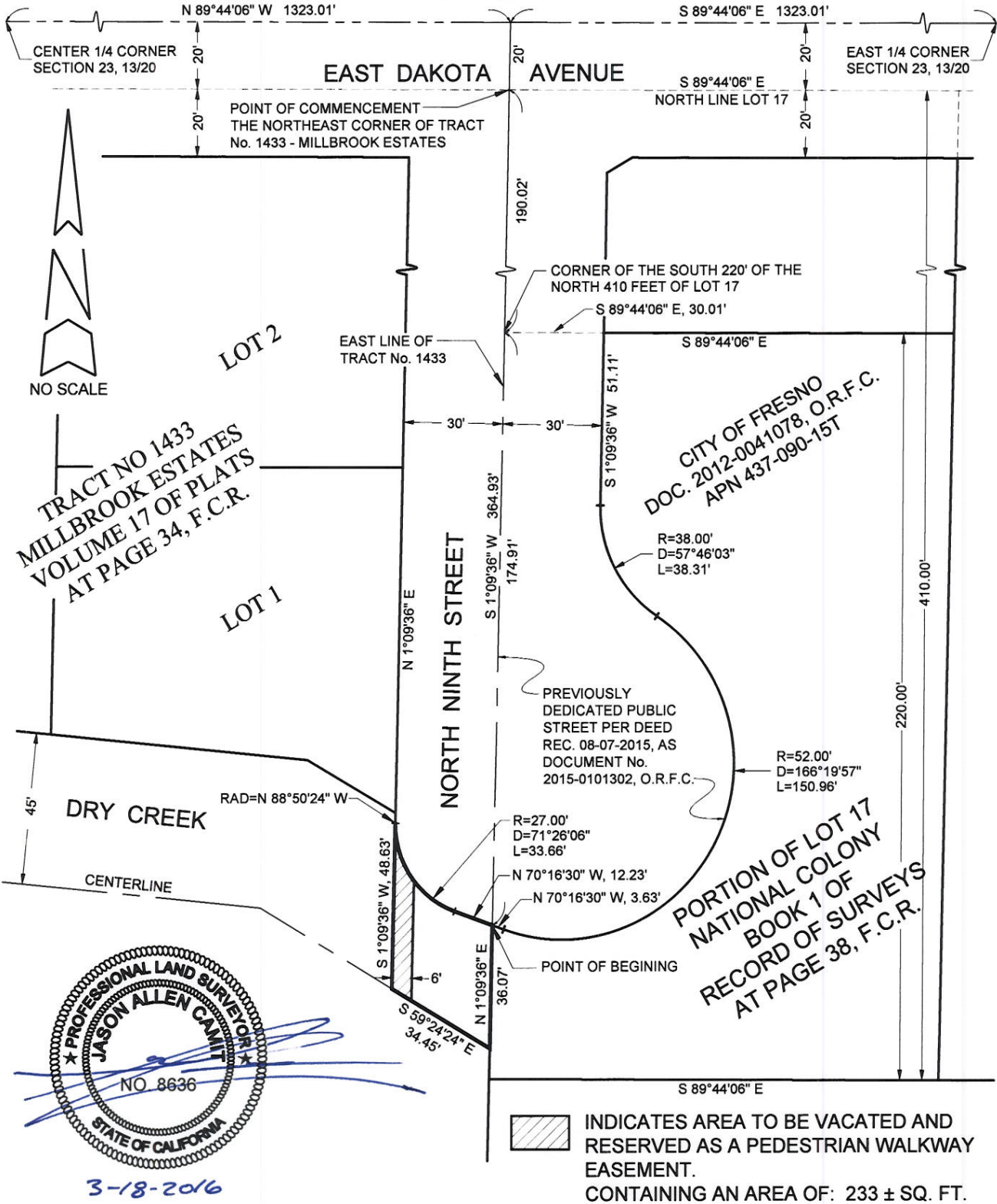
**PUBLIC STREET RIGHT-OF-WAY TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT BY THE CITY OF FRESNO**

PROJ. ID. WC00016 RES TYPE \_\_\_\_\_  
FUND NO. 40101  
ORG. NO. 411501

DR. BY A.J.  
CH. BY J.A.C.  
DATE MAR 3, 2016  
SCALE NO SCALE

SHEET NO. 1  
OF 1 SHEET

# EXHIBIT "B"



3-18-2016

REF. & REV.  PLAT 2059	<b>CITY OF FRESNO</b> DEPARTMENT OF PUBLIC WORKS	PROJ. ID. <u>WC00016</u> RES TYPE _____ FUND NO. <u>40101</u> ORG. NO. <u>411501</u>
	PUBLIC STREET RIGHT-OF-WAY TO BE RESERVED AS A PEDESTRIAN WALKWAY EASEMENT BY THE CITY OF FRESNO	DR. BY. <u>A.J.</u> SHEET NO. <u>1</u> CH. BY. <u>J.A.C.</u> OF <u>1</u> SHEET DATE <u>MAR 3, 2016</u> SCALE <u>NO SCALE</u>