

RESOLUTION OF INTENT NUMBER 1158-D

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA OF INTENTION TO VACATE A PORTION OF THE PUBLIC STREET EASEMENT ON THE NORTH SIDE OF WEST NEES AVENUE, EAST OF WEST AUDUBON DRIVE

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (City), to order the vacation of a portion of the public street easement on the north side of West Nees Avenue, east of West Audubon Drive; and

WHEREAS, the area proposed for vacation is described in Exhibit A and shown on Exhibit B, 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, Fresno Supreme, Inc., a California Corporation, is requesting the proposed vacation; and

WHEREAS, the purpose of this proposed vacation is to comply with the conditions of approval for the construction of new multi-family apartments and parking garage with Development Permit Application No. P19-04137; 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 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.

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

1 of 3

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

Resolution of Intent Number 1158-D

follows:

1. The hour of 10:00 a.m. on February 13, 2025 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 March 13, 2025 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 _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Kelsey A 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. 13480

EXHIBIT 'A'
LEGAL DESCRIPTION

APN 402-570-08,09
STREET VACATION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL "A" AND "B" OF PARCEL MAP NO. 2004-07, RECORDED IN BOOK 65 OF PARCEL MAPS, AT PAGES 88 AND 89, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 12 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN; THENCE, ALONG THE SOUTH LINE OF SAID SECTION 29, SOUTH 89°37'08" WEST, A DISTANCE OF 262.88 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH 00°22'52" WEST A DISTANCE OF 44.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NEES AVENUE, SAID POINT ALSO BEING THE **POINT OF BEGINNING**;

THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE OF SAID NEES AVENUE, SOUTH 89°37'08" WEST, A DISTANCE OF 78.24 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE, NORTH 44°37'08" EAST, A DISTANCE OF 16.43 FEET; THENCE NORTH 00°22'52" WEST, A DISTANCE OF 3.38 FEET; THENCE NORTH 89°37'08" EAST, A DISTANCE OF 55.00 FEET; THENCE SOUTH 00°22'52" EAST, A DISTANCE OF 3.38 FEET; THENCE SOUTH 45°22'52" EAST, A DISTANCE OF 16.43 FEET TO THE **TRUE POINT OF BEGINNING**.

RESERVING THEREFROM THE NORTH 3.38', TO BE RESERVED FOR PUBLIC UTILITY PURPOSES.

CONTAINS AN AREA OF 960 SQUARE FEET, MORE OR LESS.



09-24-2024

PWF# 13480
PLAT: 1054

OWNER INFO:

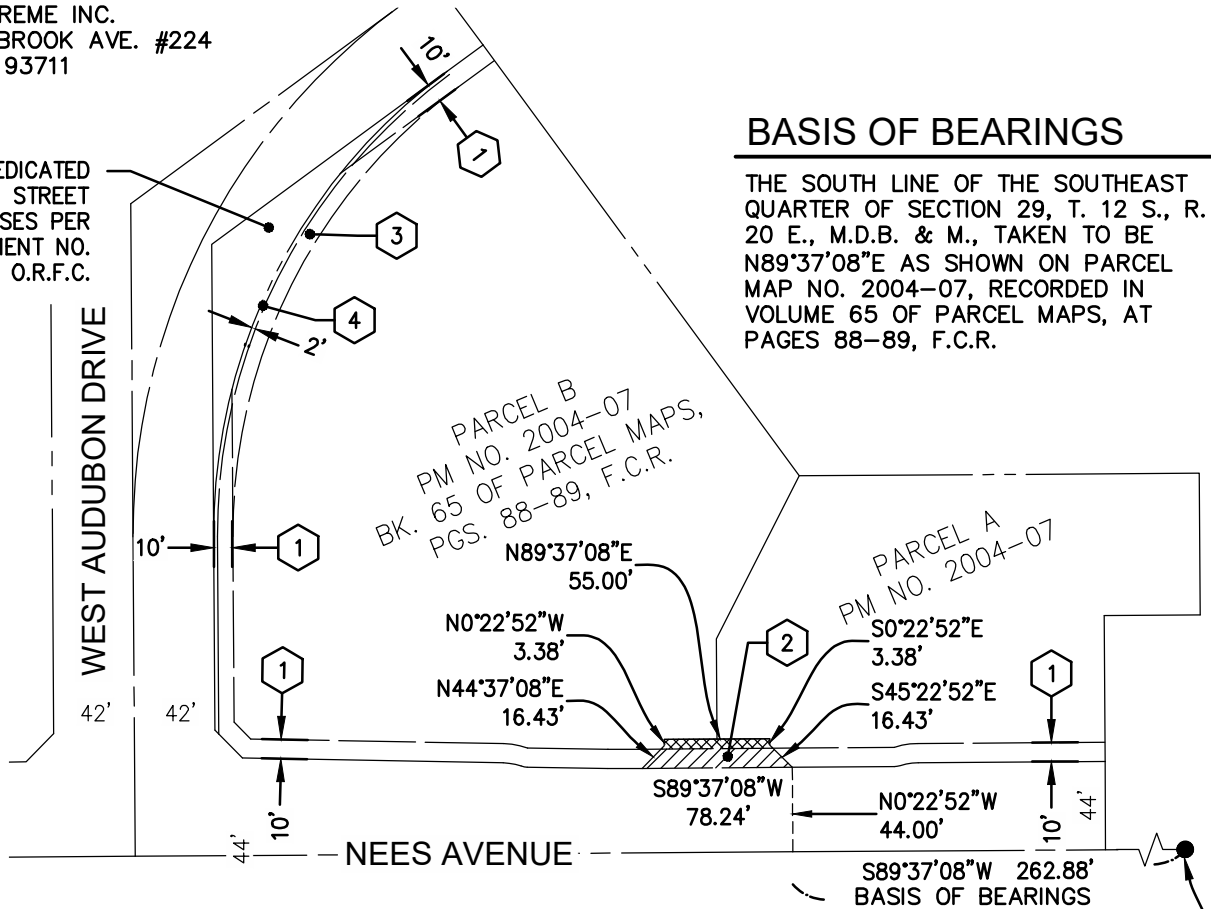
FRESNO SUPREME INC.
215 W. FALLBROOK AVE. #224
FRESNO, CA 93711

EXHIBIT "B"


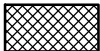
BASIS OF BEARINGS

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 29, T. 12 S., R. 20 E., M.D.B. & M., TAKEN TO BE N89°37'08"E AS SHOWN ON PARCEL MAP NO. 2004-07, RECORDED IN VOLUME 65 OF PARCEL MAPS, AT PAGES 88-89, F.C.R.





RIGHT OF WAY DEDICATED FOR PUBLIC STREET PURPOSES PER DOCUMENT NO. 2019-0077215, O.R.F.C.



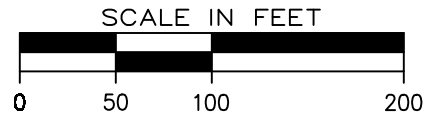
LEGEND:

- EXISTING PARCEL LINE
- EXISTING CENTERLINE
- EXISTING EASEMENT LINE
-  INDICATES ±960 S.F. RIGHT-OF-WAY TO BE VACATED
-  INDICATES ±186 S.F. RIGHT-OF-WAY TO BE RESERVED AS A PUBLIC UTILITY EASEMENT.

EXISTING EASEMENTS:

-  EXISTING 10' P.U.E. PREVIOUSLY DEDICATED TO CITY OF FRESNO PER PM NO. 2004-07 REC. IN BOOK 65, AT PAGES 88-89, F.C.R.
-  EASEMENT & RIGHT OF WAY FOR PUBLIC STREET PURPOSES DEEDED TO THE CITY OF FRESNO PER DOCUMENT NO. 2002-0157926, O.R.F.C.
-  EXISTING P.U.E. PREVIOUSLY DEDICATED TO CITY OF FRESNO PER DOCUMENT NO. 2019-0077215, O.R.F.C.
-  EXISTING PEDESTRIAN EASEMENT PREVIOUSLY DEDICATED TO CITY OF FRESNO PER DOCUMENT NO. 2024-0079431, O.R.F.C.

SOUTHEAST CORNER OF SECTION 29, T. 12 S., R. 20 E., M.D.B. & M.



09-24-2024

REF. & REV. PWF#13480 PLAT: 1054	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	AFFECTING PARCEL B OF PARCEL MAP NO. 2004-07 ACCORDING TO THE MAP THEREOF, RECORDED MARCH 1, 2006 IN BOOK 65 OF PARCEL MAPS, AT PAGES 88 THROUGH 89, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY	DR. BY: J.LOWRY CH. BY: C.LOWRY DATE: 04/25/2025 SCALE: 1" = 100'

EXHIBIT "C"

CONDITIONS OF APPROVAL OF THE STREET VACATION

1. RESERVING an easement and right-of-way for public utility purposes over, under, through, and across that Real Property situated in the City of Fresno, County of Fresno, State of California, more particularly described and shown as follows:

See Exhibits "A" and "B", which are attached hereto and incorporated herein;

TOGETHER WITH the right to enter upon said Real Property and to use equipment and materials thereon by agents and employees of said City and agents and employees of any public utility corporation as defined in Section 216 of the California Public Utilities Code whenever necessary for the purpose of constructing, reconstructing, enlarging, operating or repairing of public utilities and appurtenances thereto. Said easement shall be maintained by GRANTOR(S) free of any surface obstructions so that GRANTEE may have vehicular access at all times.