

RESOLUTION NO. _____

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

WHEREAS, pursuant to Resolution of Intention No. 1158-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on February 13, 2025, 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 the public street easement on the north side of West Nees Avenue, east of West Audubon Drive; and

WHEREAS, the area proposed for vacation as described in Exhibit A and as shown on Exhibit B, which are attached and incorporated in this Resolution; 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 a 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 excess public street right of way 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

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

Resolution No. _____

the reservation of a public utility easement over the portion without an existing public utility easement within the area proposed to be vacated and conditions of approval as listed in attached Exhibit C. Exhibits A, B, and C 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.

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 complies with the requirements of the conditions of approval for the construction of new multi-family apartments and a parking garage with Development Permit Application No. P19-04137 as described in Exhibit A and as shown on Exhibit B.

2. The Council finds that the public street easement for the public street right of way is unnecessary for present and prospective public street purposes.

3. The public interest and convenience require, and it is hereby ordered, that as of March 13, 2025, as described in Exhibit A and as shown on Exhibit B be vacated.

4. The proceedings for the vacation of such right of way are intended to be and shall be taken subject to the conditions of approval as listed in attached Exhibit C, which is attached and incorporated herein. All work required by such conditions shall be completed in compliance with City Standard Specifications and approved by the Public Works Department.

5. 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.

6. 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.

7. This vacation shall become effective on the date this resolution is recorded.

* * * * *

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 :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date 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

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:

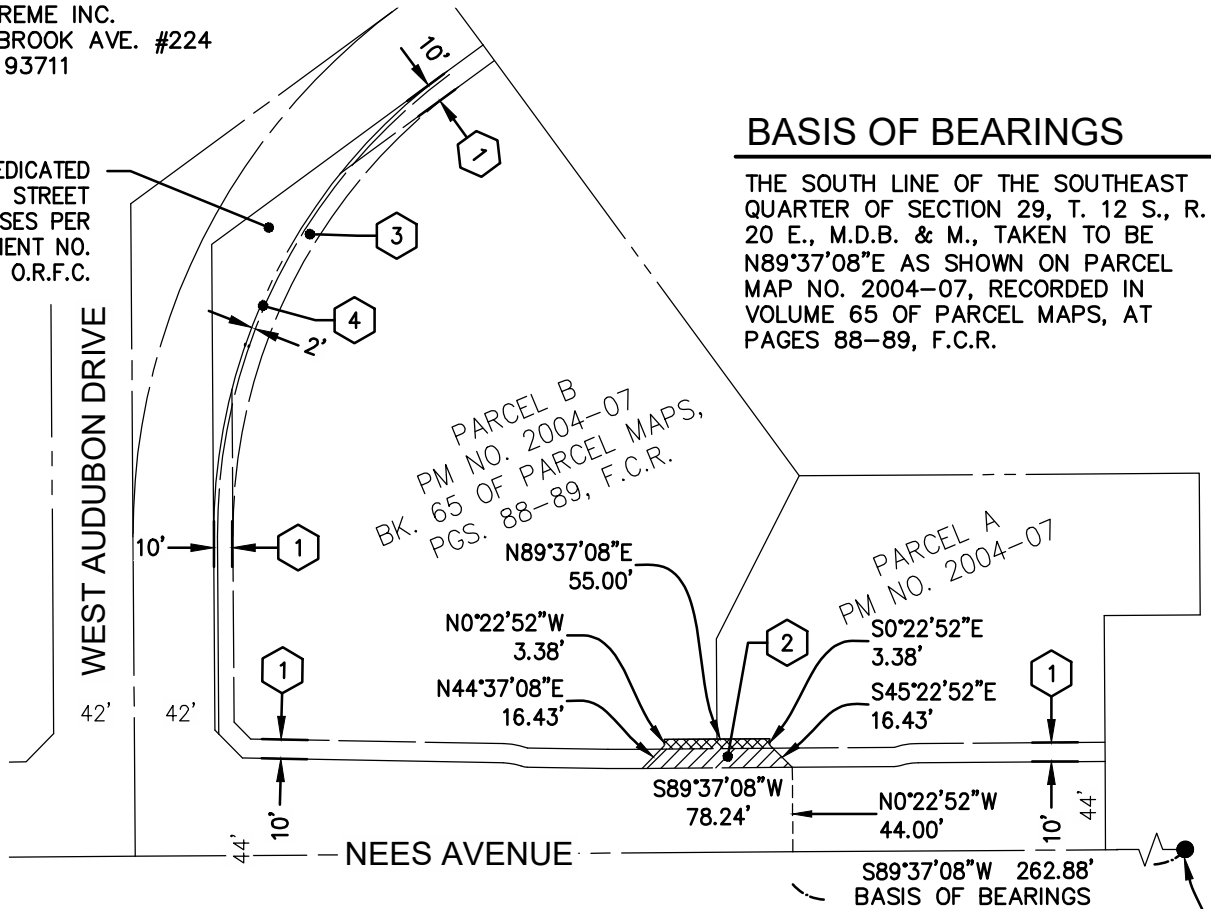
FRESNO SUPREME INC.
215 W. FALLBROOK AVE. #224
FRESNO, CA 93711

EXHIBIT "B"


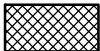
BASIS OF BEARINGS

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.