

RESOLUTION NO. 1098-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE PORTIONS OF PUBLIC STREET AND PEDESTRIAN WALKWAY RIGHTS-OF-WAY AT THE NORTHEAST CORNER OF NORTH BLACKSTONE AND EAST SHIELDS AVENUES

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 public street right-of-way at the northeast of North Blackstone and East Shields Avenues adjacent to Manchester Center as described in Exhibit "A" and shown on Exhibit "B", and a portion of public pedestrian walkway right-of-way on the north side of Shields east of Blackstone, as described in Exhibit "C" and shown on Exhibit "D", said exhibits 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 purpose of the vacation is to eliminate a dedicated right turn lane that is no longer needed in order to accommodate development at Manchester Center as proposed by Conditional Use Permit No. C-14-111, by incorporating the area being vacated into the Center's parking lot.

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

1. The hour of 10:00 a.m. on June 4, 2015, in the Council Chambers in Fresno City Hall, 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

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

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 or alley 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 June 4, 2015, hearing, the Council may proceed to make a final determination, at the public hearing, that the public street and public alley 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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
, Deputy

Dated:

Attachments: Exhibits "A" through "D"

EXHIBIT A
LEGAL DESCRIPTION
PUBLIC STREET RIGHT-OF-WAY
PROPOSED TO BE VACATED, SEE EXHIBIT B

THAT PORTION OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE & MERIDIAN, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS SHOWN ON PARCEL MAP NO. 2006-15, RECORDED MARCH 13, 2007 IN BOOK 67 OF PARCEL MAPS AT PAGES 23 & 24, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE, EAST ALONG THE SOUTH LINE OF SAID SECTION 22, EAST, A DISTANCE OF 226.79 FEET; THENCE, LEAVING SAID SOUTH LINE OF SAID SECTION 22, NORTH, A DISTANCE OF 109.00 FEET, TO A POINT ON A LINE PARALLEL WITH AND 109.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 22, BEING ALSO THE TRUE POINT OF BEGINNING; THENCE WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 93.03 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 90.00 FEET; THENCE, LEAVING SAID PARALLEL LINE, NORTHWEST ALONG SAID CURVE AN ARC DISTANCE OF 47.39 FEET THROUGH A CENTRAL ANGLE OF 30°10'01"; THENCE NORTH 59°49'59" WEST, A DISTANCE OF 25.62 FEET, TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 20.00 FEET; THENCE NORTHWEST ALONG SAID CURVE AN ARC DISTANCE OF 20.94 FEET THROUGH A CENTRAL ANGLE OF 60°00'02", TO A POINT ON A LINE PARALLEL WITH AND 56.00 FEET EAST OF THE WEST LINE OF SAID SECTION 22; THENCE NORTH, ALONG LAST SAID PARALLEL LINE, NORTH 00°10'03" EAST, A DISTANCE OF 297.48 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 110.00 FEET; THENCE NORTH ALONG SAID CURVE AN ARC DISTANCE OF 30.22 FEET THROUGH A CENTRAL ANGLE OF 15°44'26" TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 130.00 FEET; THENCE NORTH ALONG SAID CURVE AN ARC DISTANCE OF 35.71 FEET THROUGH A CENTRAL ANGLE OF 15°44'26", TO A POINT ON A LINE PARALLEL WITH AND 65.00 FEET EAST OF THE WEST LINE OF SAID SECTION 22; THENCE NORTH, ALONG LAST SAID PARALLEL LINE, NORTH 00°10'03" EAST, A DISTANCE OF 98.47 FEET; THENCE LEAVING SAID PARALLEL LINE, NORTH 30°07'13" EAST, A DISTANCE OF 14.02 FEET TO A POINT ON A LINE PARALLEL WITH AND 72.00 FEET EAST OF THE WEST LINE OF SAID SECTION 22, BEING ALSO A POINT ON THE WEST LINE OF PARCEL D OF SAID PARCEL MAP NO. 2006-15; THENCE SOUTH, ALONG SAID PARALLEL LINE, SOUTH 00°10'03" WEST, A DISTANCE OF 112.68 FEET; THENCE LEAVING LAST SAID PARALLEL LINE, SOUTH ALONG THE WEST LINE OF PARCEL D OF SAID PARCEL MAP NO. 2006-15, SOUTH 04°35'46" EAST, A DISTANCE OF 260.39 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 158.00 FEET; THENCE SOUTH ALONG SAID CURVE AN ARC DISTANCE OF 210.35 FEET THROUGH A CENTRAL ANGLE OF 76°16'40 TO THE TRUE POINT OF BEGINNING.

AREA CONTAINS 16,952.83 SQUARE FEET MORE OR LESS

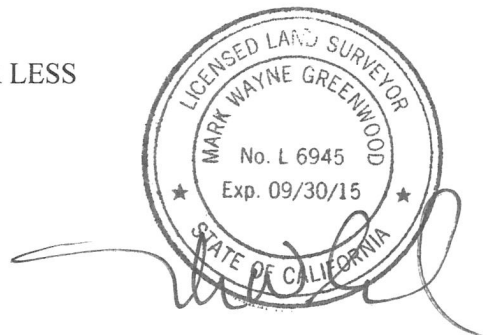
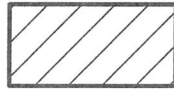


EXHIBIT B

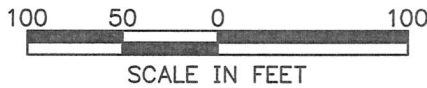


HATCHED AREA INDICATES STREET VACATION AND PUBLIC UTILITY EASEMENT RESERVATION, 16,952.83± SQUARE FEET

MANCHESTER SHOPPING MALL



SCALE: 1" = 100'



CURVE TABLE			
C#	LENGTH	RADIUS	DELTA (Δ)
1	47.39'	90.00'	30°10'01"
2	20.94'	20.00'	60°00'02"

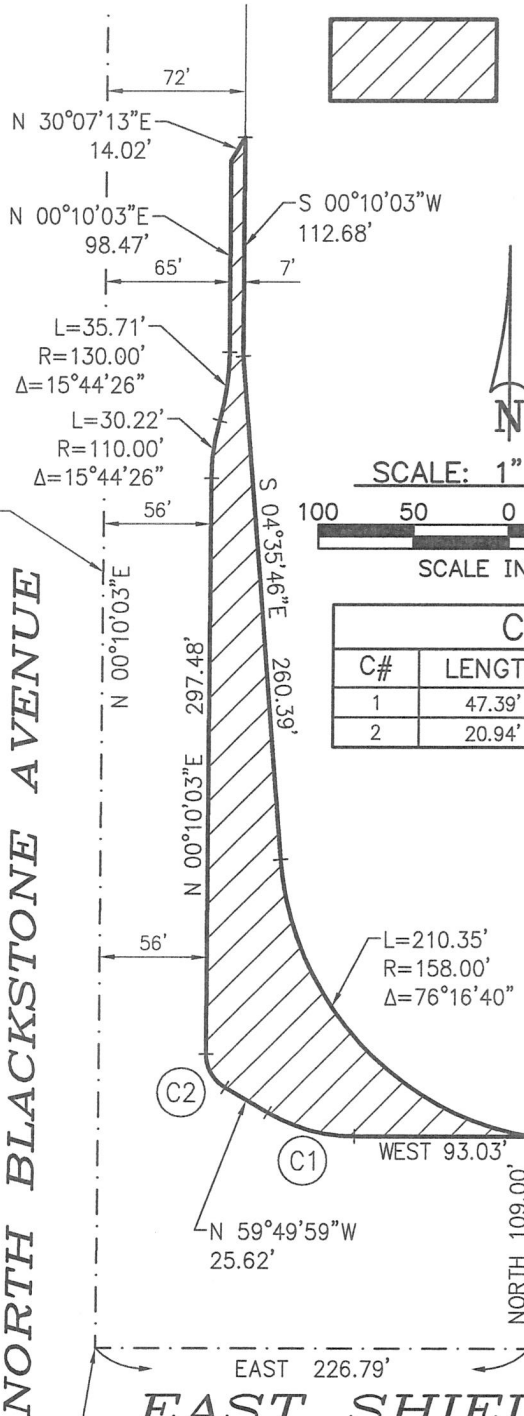
APN: 437-181-20

PARCEL D

OF PARCEL MAP No. 2006-15
RECORDED IN BOOK 67 OF PARCEL MAPS
AT PAGES 23 & 24, F.C.R.

WEST LINE OF THE
SOUTHWEST QUARTER OF
SECTION 22, 13/20

NORTH BLACKSTONE AVENUE



TRUE POINT OF BEGINNING



POINT OF COMMENCEMENT
SOUTHWEST CORNER OF SECTION 22,
TOWNSHIP 13 SOUTH, RANGE 20 EAST,
MOUNT DIABLO BASE & MERIDIAN.

REV. 02/25/15 PWL
PLOT VIEW: VAC 1
AUTOCAD ID: 12078DWG

REF. & REV. PLAT No. 2056 PW FILE 11801	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	STREET VACATION AND PUBLIC UTILITY EASEMENT RESERVATION OMNINET PROPERTIES MANCHESTER CENTER, LLC 9420 WILSHIRE BLVD., FOURTH FLOOR BEVERLY HILLS, CA 90212	DR. BY _____ PWL _____ CH. BY _____ DATE _____ SCALE AS SHOWN
		SHEET NO. <u>1</u> OF <u>1</u> SHEETS

EXHIBIT C
LEGAL DESCRIPTION
PEDESTRIAN EASEMENT
PROPOSED TO BE VACATED, SEE – EXHIBIT D

THAT PORTION OF AN EASEMENT FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES AS DEDICATED BY THAT DEED RECORDED FEBRUARY 22, 1995, AS DOCUMENT No. 95022600, OFFICIAL RECORDS OF FRESNO COUNTY, SAID EASEMENT BEING A PORTION OF THE VACATED ACCESS ROAD ADJACENT TO BLOCK 21 OF MANCHESTER PARK, RECORDED IN VOLUME 15 OF PLATS AT PAGES 90, 91 AND 92, OFFICIAL RECORDS OF FRESNO COUNTY, IN SECTION 22, TOWNSHIP 13 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE & MERIDIAN, IN THE CITY OF FRESNO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 21; THENCE SOUTH ALONG THE WEST LINE OF LOT 15 OF BLOCK 4 OF SAID MANCHESTER PARK, A DISTANCE OF 25.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 85.0 FEET; THENCE EASTERLY AND NORTHERLY, ALONG A TANGENT CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 15.0 FEET, AN ARC DISTANCE OF 23.56 FEET, TO ITS TANGENCY WITH THE EAST LINE OF SAID LOT 15; THENCE SOUTH, ALONG THE SOUTHERLY PRODUCTION OF THE EAST LINE OF SAID LOT 15, A DISTANCE OF 57.0 FEET TO THE INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND 67.0 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 21; THENCE WEST, ALONG A LINE WHICH IS PARALLEL WITH AND 67.0 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 21, A DISTANCE OF 956.36 FEET; THENCE NORTH A DISTANCE OF 11.50 FEET; THENCE WEST A DISTANCE OF 64.00 FEET; THENCE SOUTH A DISTANCE OF 10.65 FEET TO THE NORTHEAST CORNER OF SAID EASEMENT FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES, SAID CORNER BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH, ALONG THE EAST LINE OF SAID EASEMENT, A DISTANCE OF 0.85 FEET; THENCE WEST, PARALLEL WITH AND 2.00 FEET NORTH OF THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 112.18 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID EASEMENT, SAID POINT BEING THE BEGINNING OF A NONTANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 158.00 FEET, A RADIAL TO SAID POINT BEARS SOUTH 09°07'34" WEST; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY BOUNDARY AND ALONG SAID CURVE AN ARC DISTANCE OF 26.46 FEET, THROUGH A CENTRAL ANGLE OF 09°35'49" TO THE NORTH LINE OF SAID EASEMENT; THENCE SOUTH 87°42'34" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 137.95 FEET TO THE TRUE POINT OF BEGINNING.

AREA CONTAINS 424.99 SQUARE FEET MORE OR LESS

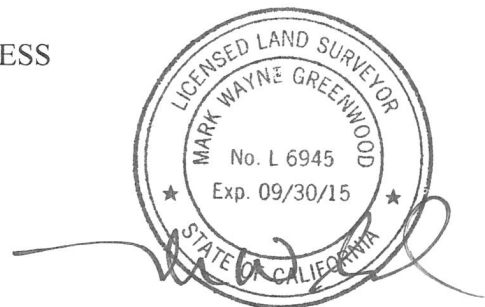


EXHIBIT D



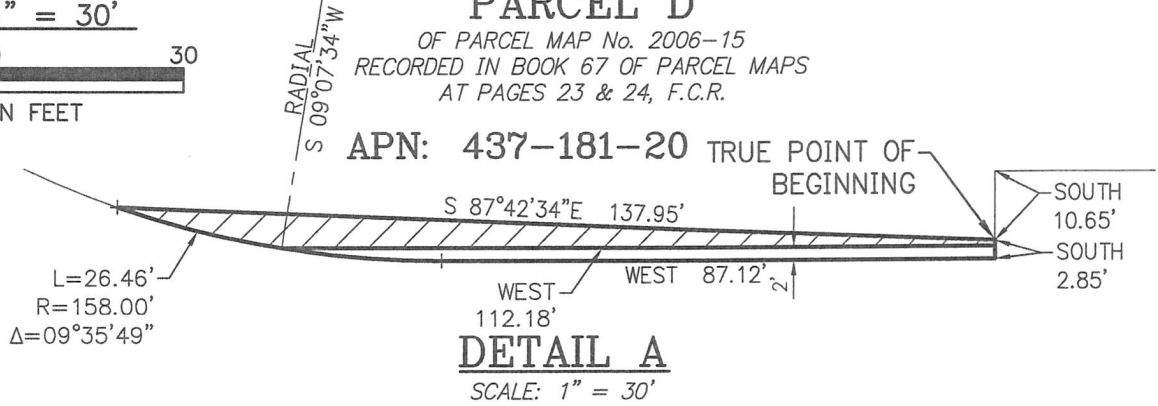
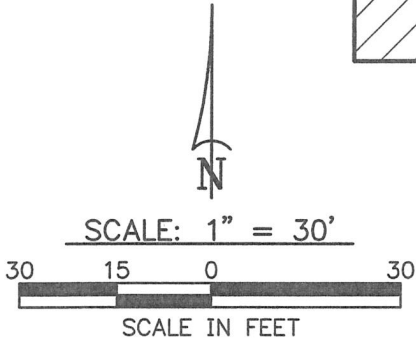
HATCHED AREA INDICATES PEDESTRIAN EASEMENT VACATION, 424.99± SQUARE FEET

MANCHESTER SHOPPING MALL

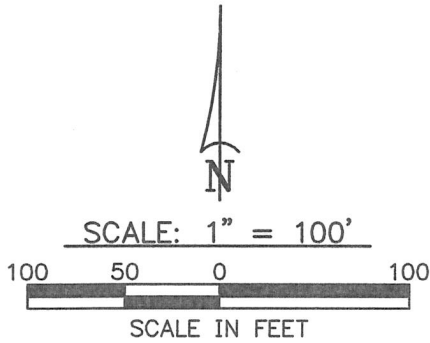
PARCEL D

OF PARCEL MAP No. 2006-15
RECORDED IN BOOK 67 OF PARCEL MAPS
AT PAGES 23 & 24, F.C.R.

APN: 437-181-20 TRUE POINT OF BEGINNING

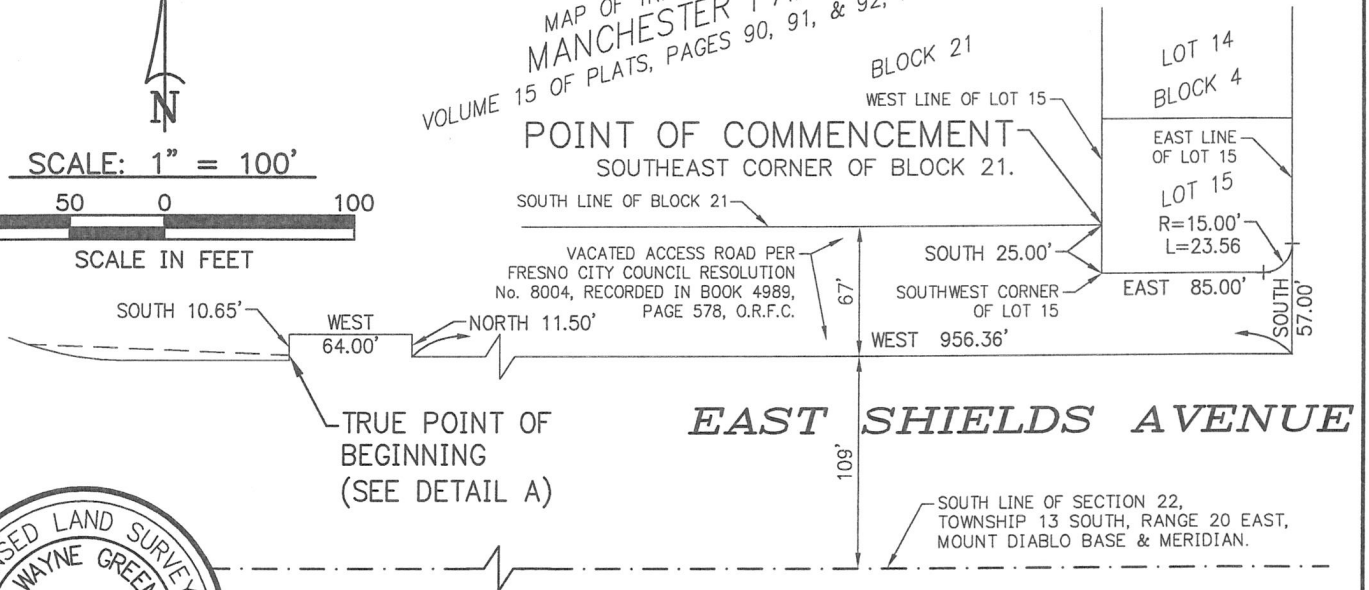


DETAIL A
SCALE: 1" = 30'



MAP OF TRACT No. 1251
MANCHESTER PARK
VOLUME 15 OF PLATS, PAGES 90, 91, & 92, F.C.R.

POINT OF COMMENCEMENT
SOUTHEAST CORNER OF BLOCK 21.



REV. 02/25/15 PWL
PLOT VIEW: VAC 4
AUTOCAD ID: 12078.DWG

REF. & REV. PLAT No. 2056 PW FILE 11801	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	PEDESTRIAN EASEMENT VACATION OMNIINET PROPERTIES MANCHESTER CENTER, LLC 9420 WILSHIRE BLVD., FOURTH FLOOR BEVERLY HILLS, CA 90212	DR. BY _____ PWL _____ CH. BY _____ DATE _____ SCALE AS SHOWN
		SHEET NO. <u>1</u> OF <u>1</u> SHEETS