



RESOLUTION NO. 2017-332

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF NORTH CARNEGIE AVENUE BETWEEN UNION PACIFIC RAILROAD AND WEST BULLARD AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1118-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on December 7, 2017, at a regular meeting of the Council of the City of Fresno, California (City), at which evidence was heard for and against the vacation of the hereinafter described public street right-of-way, situated within the City; and

WHEREAS, the City of Fresno is requesting the proposed vacation of a portion of North Carnegie Avenue between Union Pacific Railroad and West Bullard Avenue, as shown on Exhibit "A," which is attached and incorporated in this Resolution; and

WHEREAS the purpose of the vacation is accommodate street improvements for the Veterans Boulevard/State Route 99 Interchange project, as well as the construction of the California High Speed Rail project; and

WHEREAS, the right-of-way was acquired by three separate documents, the first being a deed recorded September 14, 1990, by Instrument No. 90110656, Official Records Fresno County. The second was Tract Map No. 4358, recorded August 11, 1997, in Volume 61 of Plats at Pages 9 through 11, Fresno County Records. Finally, the third was by deed recorded January 14, 2008, by Instrument No. 2008-0004194, Official Records Fresno County; and

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 as shown in Exhibit "A" is unnecessary for present or prospective public street purposes subject to the reservation of a public utility easement over the entire area being vacated as shown on said Exhibit "A"; 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 §§ 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 North Carnegie Avenue between Union Pacific Railroad and West Bullard Avenue, as shown in Exhibit "A" is unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1118-D adopted by the Council on November 9, 2017, the public street right-of-way as shown in Exhibit "A," be and are hereby vacated and abandoned.

3. The City reserves the entire area being vacated as a permanent easement, to be used any time, to construct, maintain, operate, replace, remove and renew sanitary sewers, water mains, storm drains, and appurtenant structures in, upon, and over the public road easement proposed to be vacated and, pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines,



telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia and water, and for incidental purposes, including access to protect such works from all hazards in, upon, and over the public street right-of-way to be vacated.

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. 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 7<sup>th</sup> day of December, 2017.

AYES : Baines, Brandau, Bredefeld, Caprioglio, Soria  
NOES : None  
ABSENT : Chavez, Olivier  
ABSTAIN : None

Mayor Approval: December 18<sup>th</sup>, 2017  
Mayor Approval/No Return: N/A, 2017  
Mayor Veto: N/A, 2017  
Council Override Vote: N/A, 2017

YVONNE SPENCE, CMC  
City Clerk

BY: Briana Pano  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
CITY ATTORNEY'S OFFICE

BY: Tracy N. Parvanian  
Tracy N. Parvanian      Date  
Deputy City Attorney      12-22-17

Attachments: Exhibits "A"

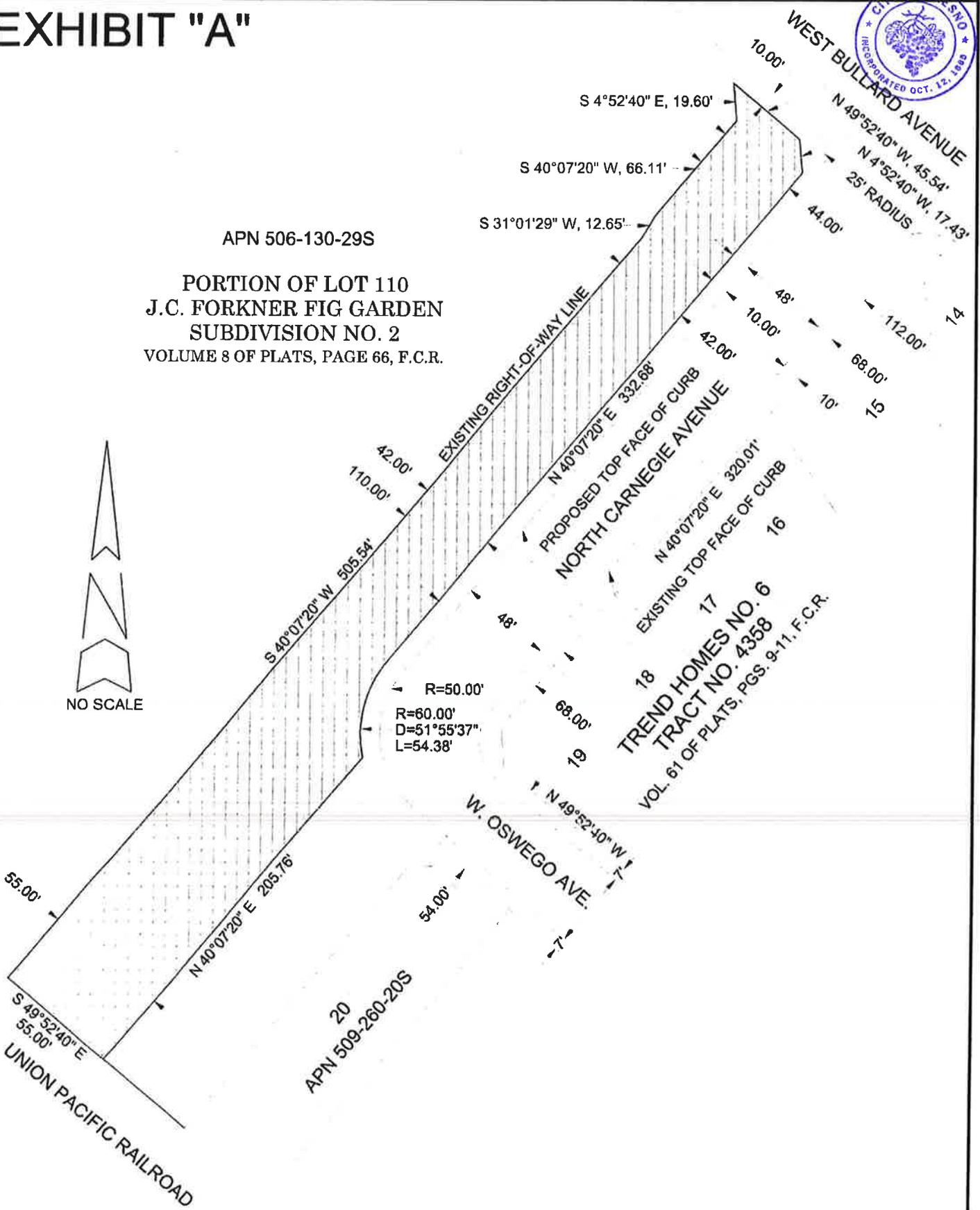
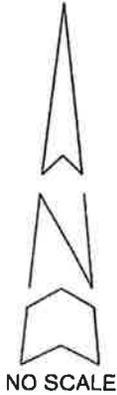
PW File 11844

# EXHIBIT "A"



APN 506-130-29S

PORTION OF LOT 110  
J.C. FORKNER FIG GARDEN  
SUBDIVISION NO. 2  
VOLUME 8 OF PLATS, PAGE 66, F.C.R.



 INDICATES PROPOSED AREA OF PUBLIC STREET EASEMENT TO BE VACATED

December 8, 2017



Council Adoption: 12/7/2017  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR LEE BRAND

FROM: BRIANA PARRA *Bp*  
Assistant City Clerk

REC'D DEC 18 '17 PM 2:51  
FRESNO CITY CLERK

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/7/2017, Council adopted the attached Resolution No. 2017-332 entitled **Resolution –Ordering the vacation of N. Carnegie Avenue between Union Pacific Railroad and W. Bullard Avenue, ID#17-1499** by the following vote:

Ayes	:	Baines, Brandau, Bredefeld, Caprioglio and Soria
Noes	:	None
Absent	:	Chavez and Olivier
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 18, 2017. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

\*\*\*\*\*

**APPROVED/NO RETURN:** \_\_\_\_\_

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_

\_\_\_\_\_

Lee Brand, Mayor

Date: 12-18-17

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	