

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ORDERING THE VACATION OF A
PORTION ARROYO AVENUE AND A PORTION OF AN
ALLEY NORTHEAST OF NORTH "H" STREET BETWEEN
FREEWAY 180 AND THE DRY CREEK CANAL

WHEREAS, pursuant to Resolution of Intention No. 1114-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on March 23, 2017, at a regular meeting of the Council of the City of Fresno, California (the City), at which evidence was heard for and against the vacation of the hereinafter described public alley rights-of-way, situated within the City; and

WHEREAS, John Valentino is requesting the vacation of a portion of Arroyo Avenue and an alley northeast of North "H" Street between Freeway 180 and the Dry Creek Canal 180 as described as shown on Exhibit "G", which is attached and incorporated in this Resolution; and

WHEREAS, John Valentino is requesting the proposed vacation and owns the adjacent parcel affected by it; and

WHEREAS, the purpose of the vacation is to eliminate the public rights-of-way to accommodate development as proposed by Development Plan D-16-046; and

WHEREAS, The portion of the alley which is 6 feet, more or less, as described in Exhibit "A" and as shown in Exhibit "B" is owned by the City of Fresno in fee simple title and is a portion of a parcel acquired in fee by the City of Fresno by Resolution 1029, recorded April 4, 1937 in Book 1585, at Page 237, Official Record Fresno County and made a remnant parcel by Deed recorded July 16, 1968 as Document No. 49742,

Official Records Fresno County. The westerly 14 feet of the alley proposed for vacation as described in Exhibit “C” and as shown in Exhibit “D” is a portion of an alley dedicated as an easement by Resolution No. 1176, recorded September 6, 1938, in Book 1716, at Page 203, Official Records Fresno Count. The portion of East Arroyo Avenue proposed for vacation as described in Exhibit “E” and as shown in Exhibit “F” was dedicated as an easement by the map of La Sierra Tract, recorded in Book 5 in Record of Surveys, at Page 49, Fresno County Records said exhibits 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; and

WHEREAS, a portion of the proposed alley to be vacated is owned in fee simple title as shown as Exhibit “A” and is to be sold to the applicant; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the rights-of-way proposed for vacation are unnecessary for present or prospective public alley purposes subject to the reservation of a public utility easement over the entire area to be vacated and the conditions listed on Exhibit “H”, which is attached and incorporated in this resolution; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 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 the alley northeast of North “H” Street between Freeway 180 and the Dry Creek Canal 180 as shown on Exhibit “G” is unnecessary for present and prospective public alley purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1114-D adopted by the Council on March 2, 2017, the public alley rights-of-way as shown on Exhibit “G”, which is attached and incorporated herein, be and is hereby vacated and abandoned.

3. The City reserves the entire area to be 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 alley easements 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 alley rights-of-way to be vacated.

4. A portion of the proposed alley to be vacated is owned in fee simple title as described in Exhibit “A” and as shown as Exhibit “B” and is to be sold to the applicant.

5. All proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the conditions listed in Exhibit “H”, 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.

6. 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.

7. The City Clerk shall file a certified copy of the resolution for recordation in the Office of the Recorder of Fresno County, but not until the City Engineer determines that the conditions listed in Exhibit "H", which is attached and incorporated herein, have been satisfied and the required conditions are accepted by the City.

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

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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 _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
Seth Mehrten
Deputy

Attachments: Exhibits "A" through "H"

PW File 11969

EXHIBIT "A"

LEGAL DESCRIPTION

That portion of Block 10 of the Map of the La Sierra Tract, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 5 of Record of Surveys at Page 49, Fresno County Records, described as follows:

BEGINNING at the most Westerly Northwest corner of Lot 23 of Block 10 of said Map; thence North $54^{\circ}39'29''$ East, along the Northwesterly line of said Block 10, a distance of 6.77 feet to a point on the most Easterly West line of that parcel described in Grant Deed recorded July 16, 1968 in Book 5591 Page 524 as Instrument No. 49742, Official Records of Fresno County; thence South $00^{\circ}23'25''$ West, along the most Easterly West line of said parcel, a distance of 106.57 feet to a point being perpendicular and lying Easterly of the most Northerly corner of that parcel described in Interspousal Transfer Deed recorded January 21, 2010 as Instrument No. 2010-0007547, Official Records of Fresno County; thence North $89^{\circ}47'34''$ West, a distance of 5.16 feet to a point on the West line of said Block 10; thence North $00^{\circ}12'26''$ East, along the West line of said Block 10, a distance of 102.63 feet to the **POINT OF BEGINNING**.

1-16-17

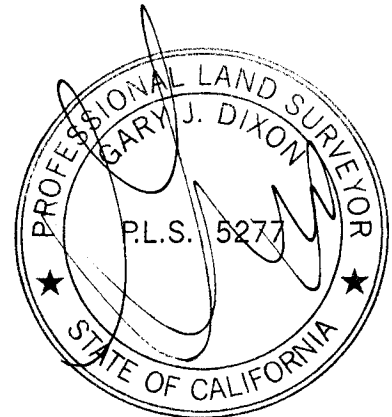
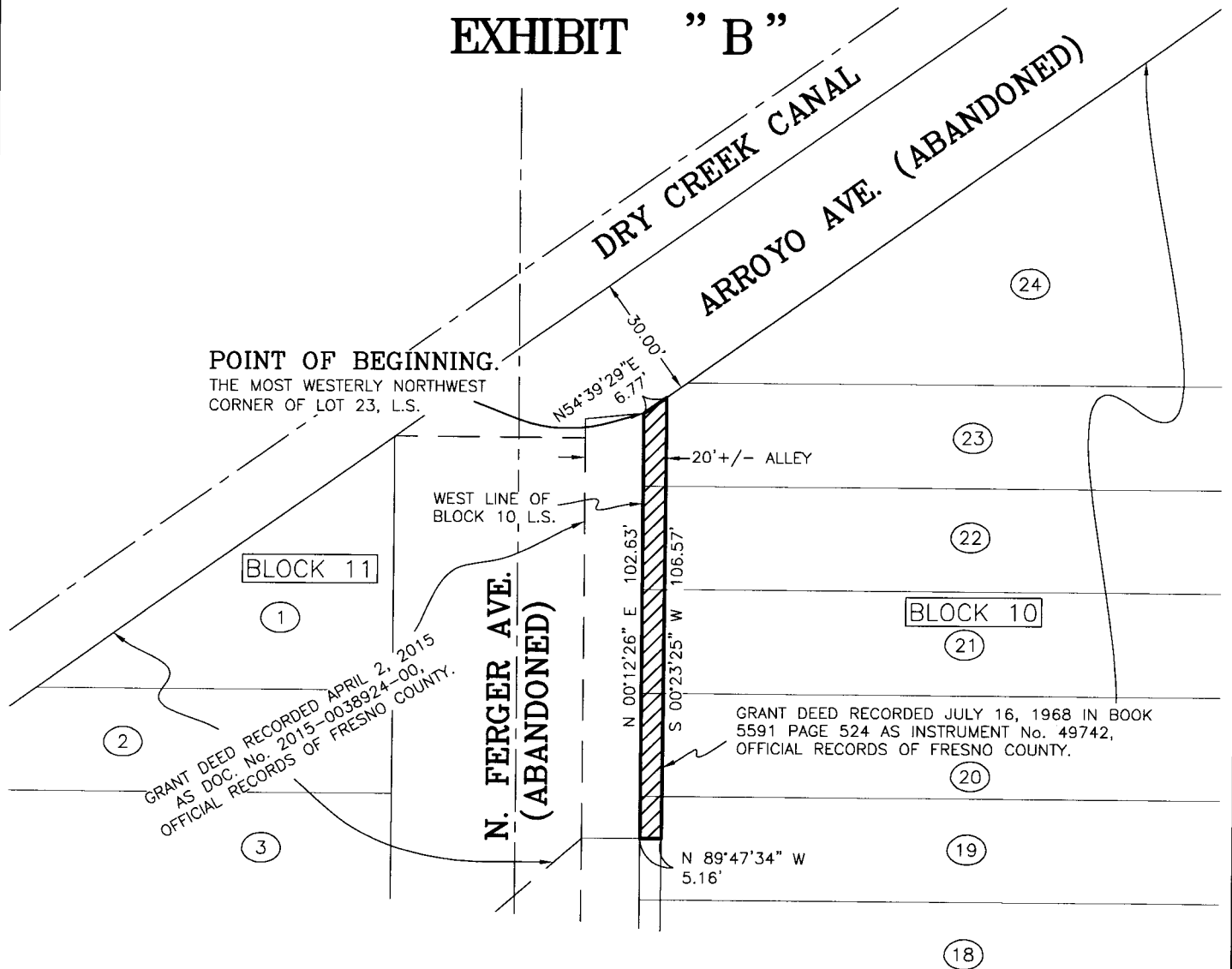


EXHIBIT " B "



LEGEND



INDICATES AREA TO BE VACATED.

(XX)

LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

L.S. MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.



SCALE: 1" = 40'



15-062

1-16-17

Ref. & Rev.

PW File No: 11969
Plat No: 2554

CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS

PORTIONS OF BLOCK 10 OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS, TO BE VACATED.

Proj. ID: -
Fund No.: -
Org. No.: -

Dr. By: GMR
Ck. By:
Date: Dec. 21, 2016
Scale: 1" = 40'

SHEET NO. 1
OF 1 SHEETS

EXHIBIT "C"

LEGAL DESCRIPTION

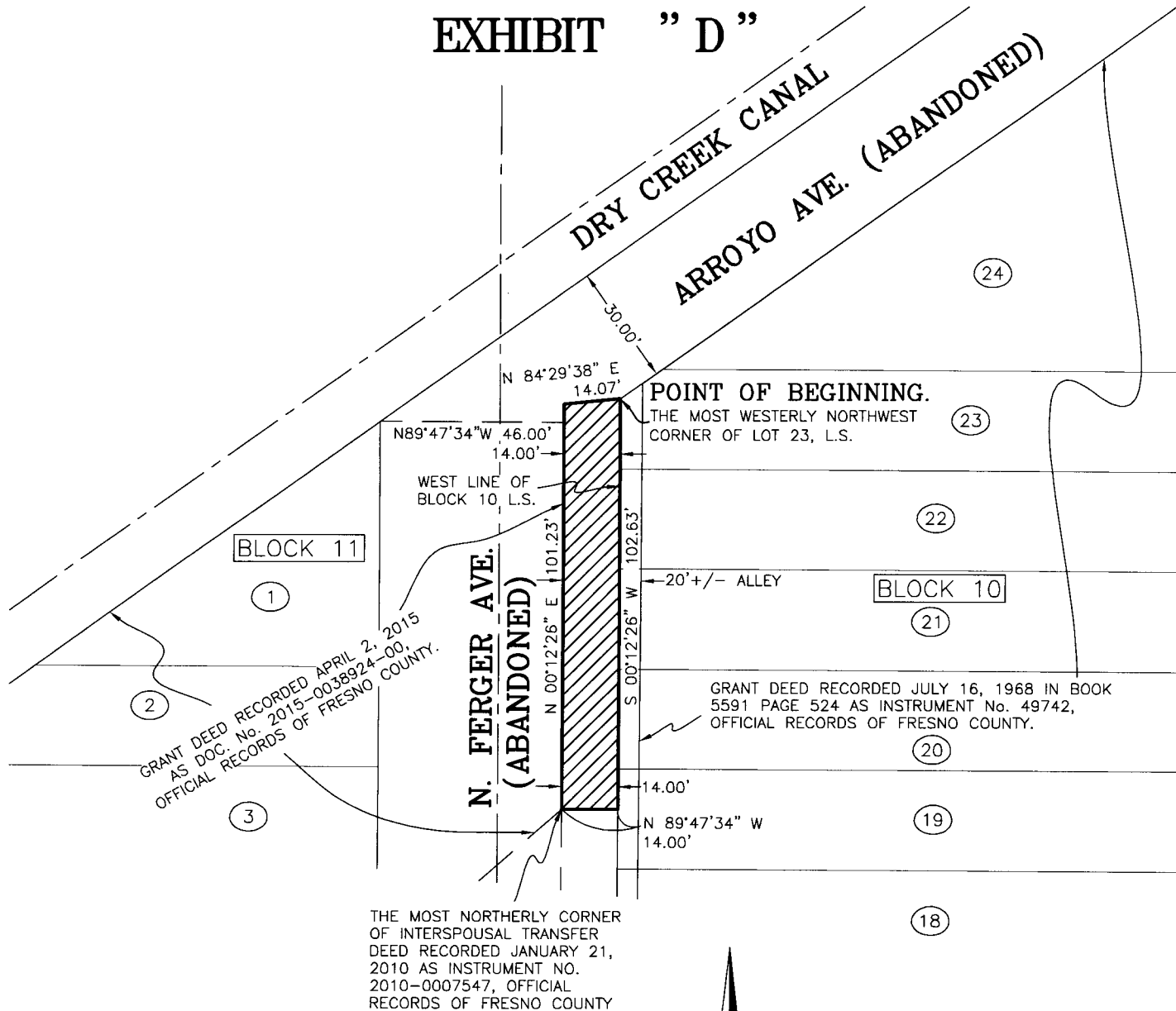
That portion of North Ferger Avenue (formerly known as Mc Kinley Avenue) as shown on the Map of the La Sierra Tract, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 5 of Record of Surveys at Page 49, Fresno County Records, described as follows:

BEGINNING at the most Westerly Northwest corner of Lot 23 of Block 10 of said Map; thence South $00^{\circ}12'26''$ West, along the West line of said Block 10, a distance of 102.63 feet to a point being perpendicular and lying Easterly of the most Northerly corner of that parcel described in Interspousal Transfer Deed recorded January 21, 2010 as Instrument No. 2010-0007547, Official Records of Fresno County; thence North $89^{\circ}47'34''$ West, a distance of 14.00 feet to the most Northerly corner of said parcel, said point being 14.00 feet West of the West line of said Block 10; thence North $00^{\circ}12'26''$ East, parallel with and 14.00 feet West of the West line of said Block 10, a distance of 101.23 feet to a point on a line directly between the North corner of Lot 1 of Block 11 of said Map to the most Westerly Northwest corner of said Lot 23; thence North $84^{\circ}29'38''$ East, a distance of 14.07 feet to the **POINT OF BEGINNING**.



EXHIBIT "D"

DRY CREEK CANAL
ARROYO AVE. (ABANDONED)



GRANT DEED RECORDED APRIL 2, 2015
AS DOC. No. 2015-0038924-00,
OFFICIAL RECORDS OF FRESNO COUNTY.

GRANT DEED RECORDED JULY 16, 1968 IN BOOK
5591 PAGE 524 AS INSTRUMENT No. 49742,
OFFICIAL RECORDS OF FRESNO COUNTY.

THE MOST NORTHERLY CORNER
OF INTERSPOUSAL TRANSFER
DEED RECORDED JANUARY 21,
2010 AS INSTRUMENT NO.
2010-0007547, OFFICIAL
RECORDS OF FRESNO COUNTY

LEGEND



INDICATES A PORTION OF ALLEY EASEMENT TO BE VACATED.

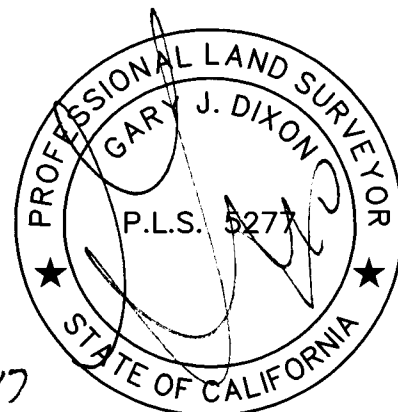
(XX)

LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN
BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY
RECORDS.

L.S. MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD
OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.



SCALE: 1" = 40'



15-062

Ref. & Rev.

PW File No: 11969
Plat No: 2554

CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS

PORTIONS OF BLOCK 10 OF THE MAP OF THE LA SIERRA
TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT
PAGE 49, FRESNO COUNTY RECORDS, TO BE VACATED.

Proj. ID: -
Fund No.: -
Org. No.: -

Dr. By: GMR
Ck. By:
Date: Dec. 21, 2016
Scale: 1" = 40'

SHEET NO. 1
OF 1 SHEETS

1-16-17

EXHIBIT "E"

LEGAL DESCRIPTION

That portion of Arroyo Avenue as shown on the Map of the La Sierra Tract, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Book 5 of Record of Surveys at Page 49, Fresno County Records, described as follows:

BEGINNING at the most Westerly Northwest corner of Lot 23 of Block 10 of said Map; thence North $54^{\circ}39'29''$ East, along the Northwesterly line of said Block 10, a distance of 18.30 feet to the most Southerly corner of that portion of Arroyo Avenue previously abandoned by Resolution No. 69-81 recorded April 25, 1969 in Book 5681, Page 951 as Instrument No. 28880, Official Records of Fresno County; thence North $35^{\circ}20'31''$ West, along the Southwesterly line of said abandoned portion of Arroyo Avenue, a distance of 30.00 feet to a point being 30.00 feet Northwesterly of the Northwesterly line of said Block 10; thence South $54^{\circ}39'29''$ West, parallel with and 30.00 feet Northwesterly of the Northwesterly line of said Block 10, a distance of 70.61 feet to the North corner of Lot 1 of Block 11 of said Map; thence North $84^{\circ}29'38''$ East, a distance of 60.30 feet to the **POINT OF BEGINNING**.

1-16-17

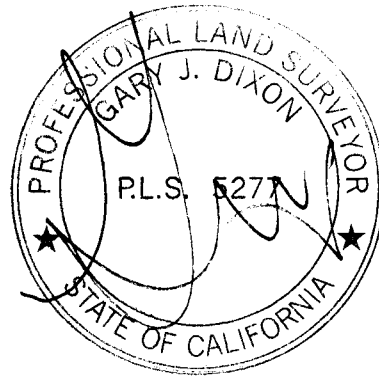
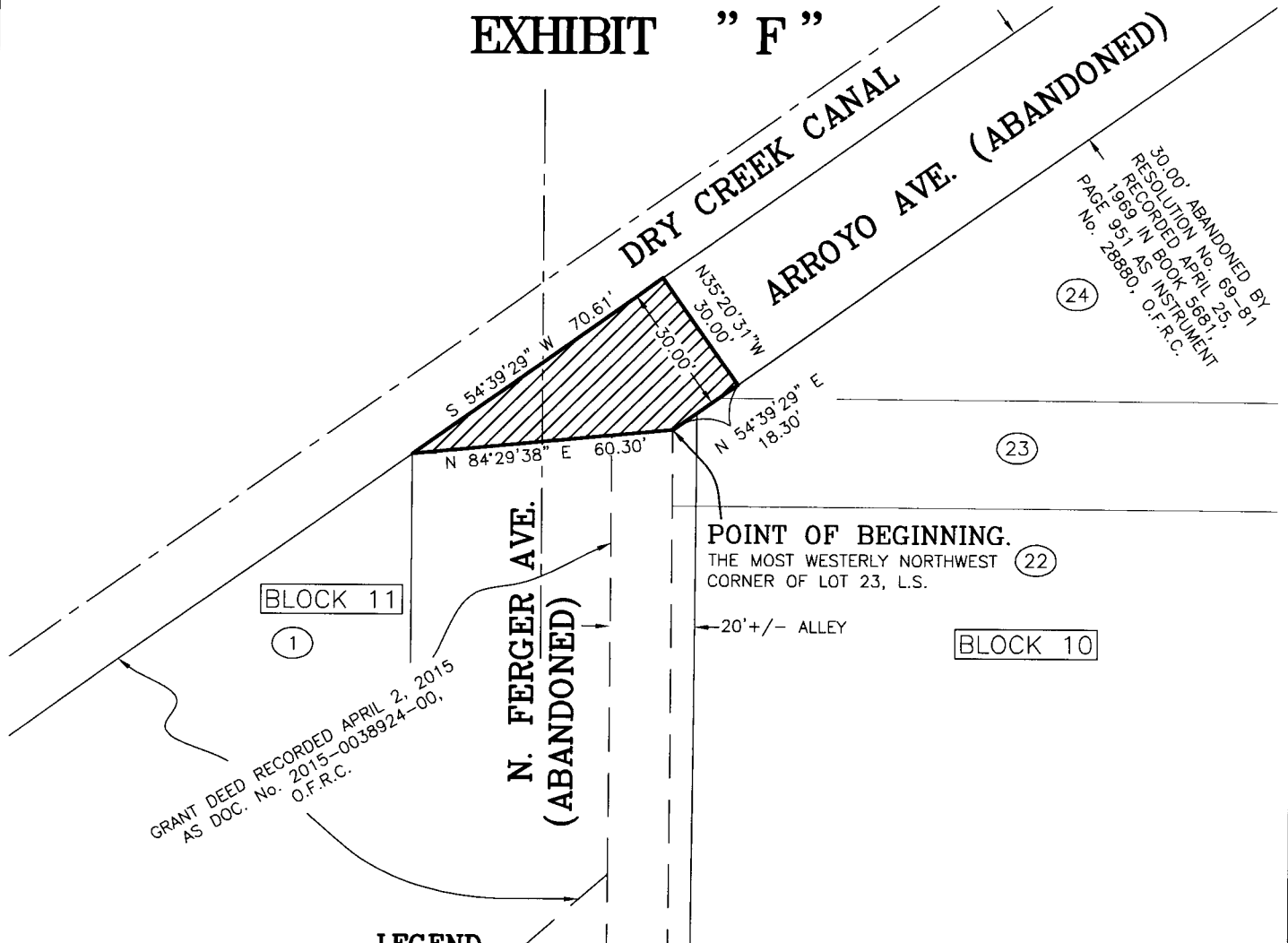
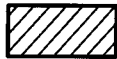


EXHIBIT " F "



LEGEND



INDICATES AREA TO BE VACATED.



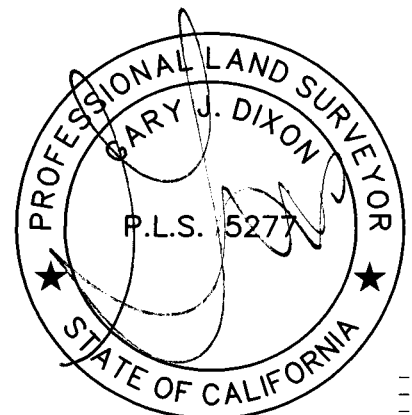
LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

L.S. MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY.



SCALE: 1" = 40'



15-062

Ref. & Rev.

PW File No: 11969
Plat No: 2554

CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS

PORTIONS OF BLOCK 63 OF THE MAP OF THE TOWN
(NOW CITY) OF FRESNO, RECORDED IN VOLUME 1 OF PLATS AT
PAGE 2, FRESNO COUNTY RECORDS, TO BE VACATED.

Proj. ID: -
Fund No.: -
Org. No.: -

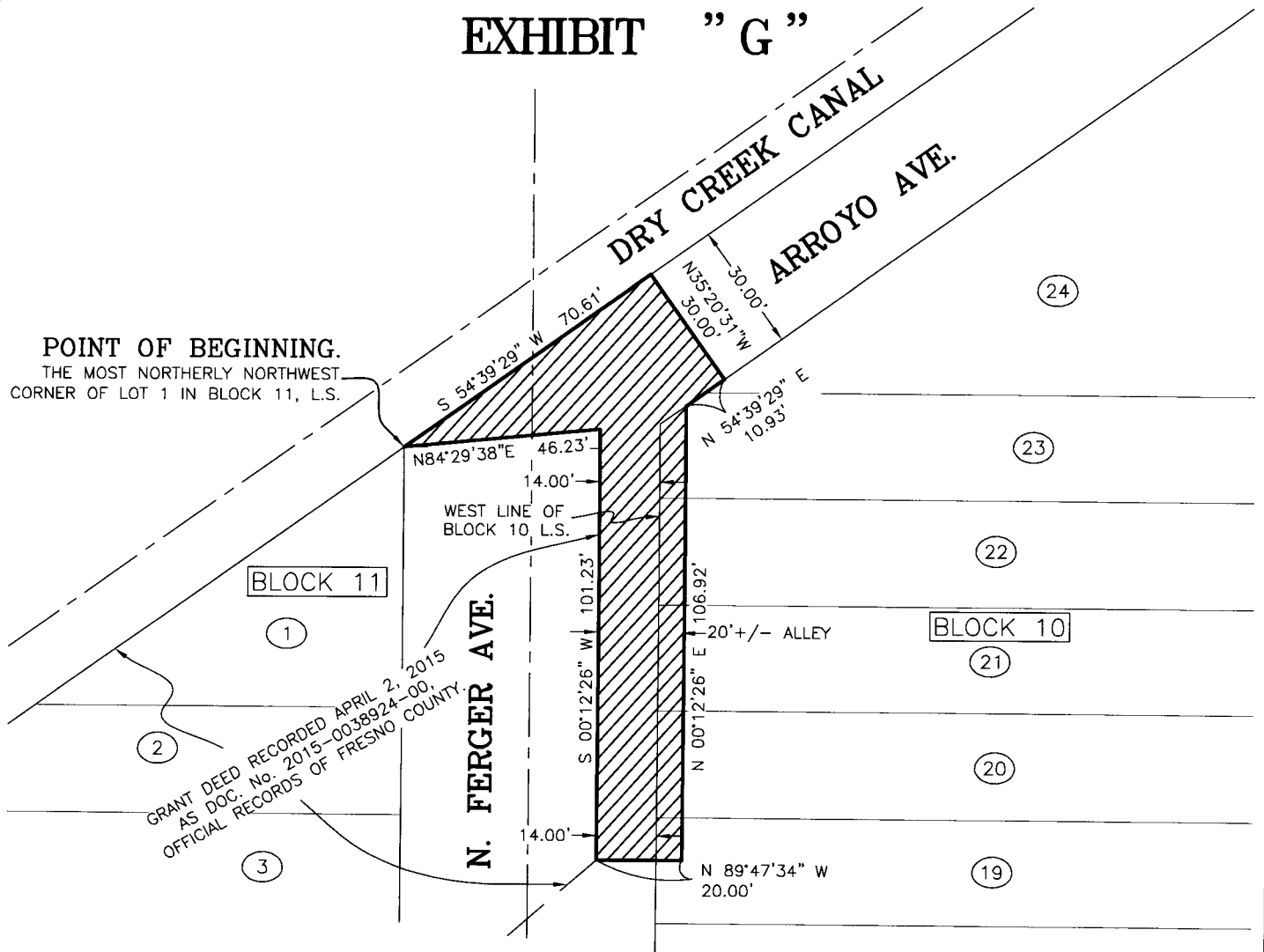
Dr. By: GMR
Ck. By:
Date: Dec. 21, 2016
Scale: 1" = 40'

SHEET NO. 1
OF 1 SHEETS

1-16-17

EXHIBIT "G"

POINT OF BEGINNING.
THE MOST NORTHERLY NORTHWEST
CORNER OF LOT 1 IN BLOCK 11, L.S.



LEGEND



INDICATES AREA TO BE VACATED.

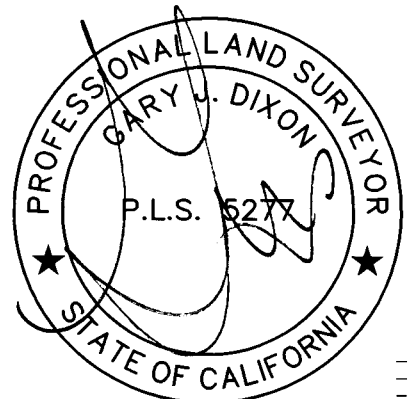
(XX)

LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

L.S. MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.



SCALE: 1" = 40'



15-062

Ref. & Rev.

PW File No:
Plat No:

CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS

PORTIONS OF BLOCK 10 OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS, TO BE VACATED.

Proj. ID: -
Fund No.: -
Org. No.: -

Dr. By: GMR
Ck. By:
Date: Dec. 21, 2016
Scale: 1" = 40'

SHEET NO. 1
OF 1 SHEETS

EXHIBIT "H"

VACATION CONDITIONS

The following conditions must be met before the vacation resolution can be recorded:

1. Record a grant deed transferring land from the City of Fresno to the applicant for the area described in Exhibit "A" and as shown in Exhibit "B".
2. Record a Quitclaim deed from the City of Fresno to the applicant for the area described in Exhibit "C" and as shown in Exhibit "D".
3. Several utility companies and the City of Fresno have facilities in the proposed area to be vacated, therefore it is a requirement that a public utility easement (PUE) be reserved over the entire area being vacated. This will occur through the vacation process and requires no separate action by the Applicant. No structures will be allowed in the PUE. The City's Department of Public Utilities requires unrestricted 24 hour access to the PUE by the City for maintenance of the existing water and sewer lines in the alley.