

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DECLARING TWO PORTIONS OF CITY-OWNED RIGHT OF WAY, TOTALING APPROXIMATELY 0.64-ACRE (27,900 SQUARE FEET), LOCATED AT THE EASTERN INTERSECTION OF TUOLUMNE STREET AND FULTON STREET, AND THE SOUTHERN INTERSECTION OF TUOLUMNE STREET AND VAN NESS AVENUE, TO BE EXEMPT SURPLUS LAND

WHEREAS, the City of Fresno currently owns approximately 27,900 square feet of public street right of way which is located at the eastern intersection of Tuolumne Street and Fulton Street, and the Southern intersection of Tuolumne Street and Van Ness Avenues, in Fresno, California, also known as the Tuolumne Diverter (Property), described and depicted on the attached exhibits hereto as Exhibits A and B; and

WHEREAS, the Surplus Land Act (California Government Code sections 54220 through 54236) is generally intended to make a local agency's surplus land (i.e., land not needed for the agency's use) available for potential acquisition by affordable housing sponsors for affordable housing purposes or by other local public entities; and

WHEREAS, California Government Code section 54221(b) and the August 2024 Surplus Land Act Guidelines (SLA Guidelines) published by the California Department of Housing and Community Development (HCD) require that prior to taking any action to dispose of land that is subject to the Surplus Land Act, the City Council must, at public meeting, declare the land either surplus land or exempt surplus land, as each are defined in California Government Code section 54221; and

WHEREAS, under the Surplus Land Act, land shall be declared either "surplus land" or "exempt surplus land" as supported by written findings, before a local agency

may take any action to dispose of it consistent with the agency's policies or procedures;  
and

WHEREAS, the City acquired fee title ownership of the Property by grant deed from the Redevelopment Agency of the City of Fresno on April 26, 1972; and

WHEREAS, City no longer intends to use the Property as a city street; and

WHEREAS, the City has sought concurrence with the State of California Housing and Community Development Department (HCD), and HCD has concurred that the Property located at the eastern intersection of Tuolumne Street and Fulton Street, and the Southern intersection of Tuolumne Street and Van Ness Avenues were determined to be exempt surplus land on July 23, 2025; and

WHEREAS, the Property is exempt surplus land pursuant to California Government Code section 54221(f)(1)(E) because the Property is a former street, right of way, or easement, and will be conveyed to the owner of an adjacent property; and

WHEREAS, in accordance with the Government Code Section 54221(b)(1), the land is owned in fee simple by the City for which the governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use; and

WHEREAS, the Property is not a property defined by California Government Code section 54221(f)(2), because the Property is not within a coastal zone, is not adjacent to a historical unit of the State Parks System, is not listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places, and is not located within the Lake Tahoe region as defined in Section 66905.5 of the Government Code.

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

1. The Property shall be declared exempt surplus land pursuant to California Government Code section 54221(f)(1)(E) as the Property is a former street, right of way, or easement, and will be conveyed to the owner of an adjacent property.
2. This resolution shall be effective upon final approval.

\* \* \* \* \*

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, MMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_  
Kelsey A Seib Date  
Deputy City Attorney

Attachments:

Exhibit "A" Legal Description  
Exhibit "B" Parcel Map

## EXHIBIT "A"

Sheet 1 of 1

### LEGAL DESCRIPTION

#### Tuolumne Diverter Vacation

Those portions of land granted to the City of Fresno per Grant Deeds recorded April 26, 1972 in Book 6016, Page 135 as Document Number 37305 and in Book 6016, Page 139 as Document Number 37306, Official Records of Fresno County, situated in Block 86 of the Town (now City) of Fresno, according to the map thereof recorded in Volume 1 of Plats at Page 2, Fresno County Records, described as follows:

##### Area 1

**BEGINNING** at the most Westerly corner of Lot 32 of said Block 86; thence along the Northwesternly line of said Lot 32, North 49°00'05" East, 149.94 feet to the most Northerly corner of said Lot 32; thence along the Northeasterly lines of Lots 32, 31, and the Southerly prolongation thereof, South 89°56'24" West, 91.69 feet to the beginning of a non-tangent curve concave to the Southeast having a radius of 204.00 feet and to which said beginning a radial line bears North 36°50'42" West; thence Southwesterly, 14.71 feet along said non-tangent curve through a central angle of 4°07'54"; thence South 48°00'05" West, 135.23 feet to the Southwesterly line of Lot 30; thence along the Southwesterly lines of Lots 32, 31, and Southerly prolongation thereof, North 40°59'09" West, 56.06 feet to the point of **BEGINNING**.

Containing an area of 8,413 square feet more or less

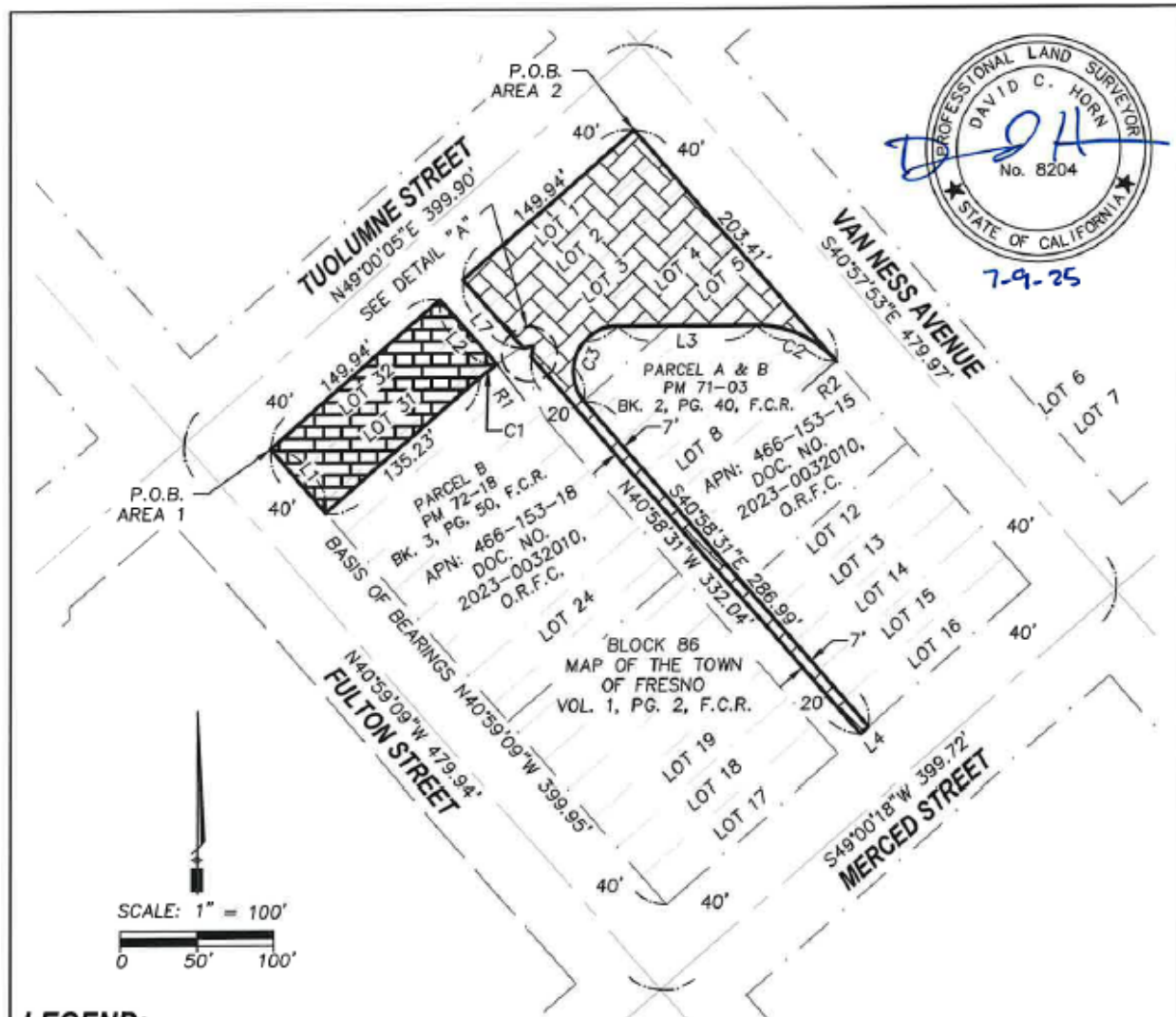
##### Area 2

**BEGINNING** at the most Northerly corner of Lot 1 of said Block 86; thence along the Northeasterly lines of Lots 1 through 8 and the Southerly prolongation thereof, South 40°57'53" East, 203.41 feet to the beginning of a non-tangent curve concave to the Southwest having a radius of 70.00 feet and to which said beginning a radial line bears North 49°02'07" East, thence Northwesternly, 59.83 feet along said non-tangent curve through a central angle of 48°58'30"; thence North 89°56'24" West, 91.69 feet to the beginning of a tangent curve concave to the Southeast having a radius of 30.00 feet; thence Westerly and Southwesterly, 68.61 feet along said tangent curve through a central angle of 131°02'08" to a point on a line parallel with and being 7.00 feet Northerly of the Southwesterly lines of Lots 16 through 6 and the Northerly prolongation thereof of said Block 86; thence South 40°58'31" East along said parallel line, 286.99 feet to the Southeasterly line of Lot 16 of said Block 86; thence South 49°00'18" West along said Southeasterly line of Lot 16, 7.00 feet to the Most Southerly corner of said Lot 16; thence North 40°58'31" West along the Southwesterly lines of Lots 16 through 4 and the Northerly prolongation thereof, 332.04 feet to the beginning of a non-tangent curve concave to the Southeast having a radius of 58.00 feet and to which said beginning a radial line bears North 81°54'29" West; thence Northeasterly, 6.61 feet along said non-tangent curve through a central angle of 6°31'46"; thence North 11°12'31" West, 0.79 feet; thence South 76°34'55" West, 6.34

feet to the Southwesterly line of Lot 3 of said Block 86; thence North 40°58'31" West along the Southwesterly lines of Lots 1, 2, and Southerly prolongation thereof, 60.26 feet to the Most Westerly corner of said Lot 1; thence North 49°00'05" East along the Northwesterly line of said Lot 1, 149.94 feet to the point of **BEGINNING**.

Containing an area of 19,487 square feet more or less.





### LEGEND:



AREA PREVIOUSLY GRANTED TO THE CITY OF FRESNO PER BOOK 6016, PAGE 135 OF DEEDS TO BE VACATED TO THE FRESNO CITY HOUSING AUTHORITY. AREA 1 = 8,413± S.F.



AREA PREVIOUSLY GRANTED TO THE CITY OF FRESNO PER BOOK 6016, PAGE 139 OF DEEDS TO BE VACATED TO THE FRESNO CITY HOUSING AUTHORITY. AREA 2 = 19,487± S.F.

- EXISTING CENTER LINE
- - - EXISTING RIGHT-OF-WAY/PROPERTY LINE
- F.C.R. FRESNO COUNTY RECORDS
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- P.O.B. POINT OF BEGINNING

### BASIS OF BEARINGS:

THE GEODETIC OBSERVATION OF THE SOUTHWEST LINE OF THE LOTS 17 THROUGH 32 IN BLOCK 86 OF THE MAP OF THE TOWN OF FRESNO, RECORDED IN VOL. 1 OF PLATS AT PAGE 2 FRESNO COUNTY RECORDS AND LOCATED IN SECTION 4, TOWNSHIP 14 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN.  
 TAKEN TO BE NORTH 40°59'09" WEST.

CITY OF FRESNO

DEPARTMENT OF PUBLIC WORKS AND PLANNING



**Yamabe & Horn**  
**Engineering, Inc.**

CIVIL ENGINEERS • LAND SURVEYORS

2005 N. BURL AVENUE SUITE 101 FRESNO, CA 93727  
 TEL: (559) 344-3122 WEBSITE: YAMABEANDHORN.COM

### EXHIBIT "B"

PUBLIC STREET RIGHT-OF-WAY TO BE VACATED AND GRANTED TO THE FRESNO CITY HOUSING AUTHORITY

Dr. By: JA

YH Job No. 22-339

Ch. By: RW

F.B. No.         

Date: 12/15/2023

Sheet No. 1

Scale: As Noted

of 2 Sheets