

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF EXCESS PUBLIC STREET RIGHT OF WAY ON THE NORTHEAST SIDE OF NORTH WEBER AVENUE, NORTHWEST OF WEST HERNDON AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1154-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on January 11, 2024, 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 excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue; 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, John Garabedian and Melanie D. Garabedian are requesting the proposed vacation; and

WHEREAS, the purpose of this proposed vacation is to comply with the conditions of approval for a Cannabis Retail Business in an existing commercial building associated with Conditional Use Permit Number P22-00606; 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 the reservation of a public utility easement over the entire area proposed to be vacated

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

Resolution No. _____

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 Conditional Use Permit Number P22-00606 to accommodate improvements for a Cannabis Retail Business in an existing commercial building 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 January 11, 2024 the public street easement 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 reservation of a public utility easement over the entire area proposed to be vacated and 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 _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Date
Deputy City Attorney

Attachments:
Exhibit A – Street Easement Vacation Legal Description
Exhibit B – Street Easement Vacation
Exhibit C – Vacation Conditions of Approval

PW File No. 13038

STREET VACATION

EXHIBIT "A"

LEGAL DESCRIPTION

APN 504-102-17

The land described herein-below is situated in the City of Fresno, County of Fresno, State of California, and is a portion of North Weber Avenue, formerly known as Judson Street, as shown on the map of the Town of Herndon, recorded in Book 1, at Page 27, of Miscellaneous Maps, Fresno County Records, described as follows:

A ten foot wide strip of land, the northeasterly line of which adjoins the southwesterly lines of Lots 25, 26, and 27 in Block 74 of said map of the Town of Herndon, said southwesterly lot lines adjoining the public street known as North Weber Avenue, formerly known as Judson Street.

Containing 750 square feet, more or less.

See Exhibit "B" attached hereto and made a part of this description.

End of Description

Taylor Elze

Taylor Elze, P.L.S. 9613

11/7/2023

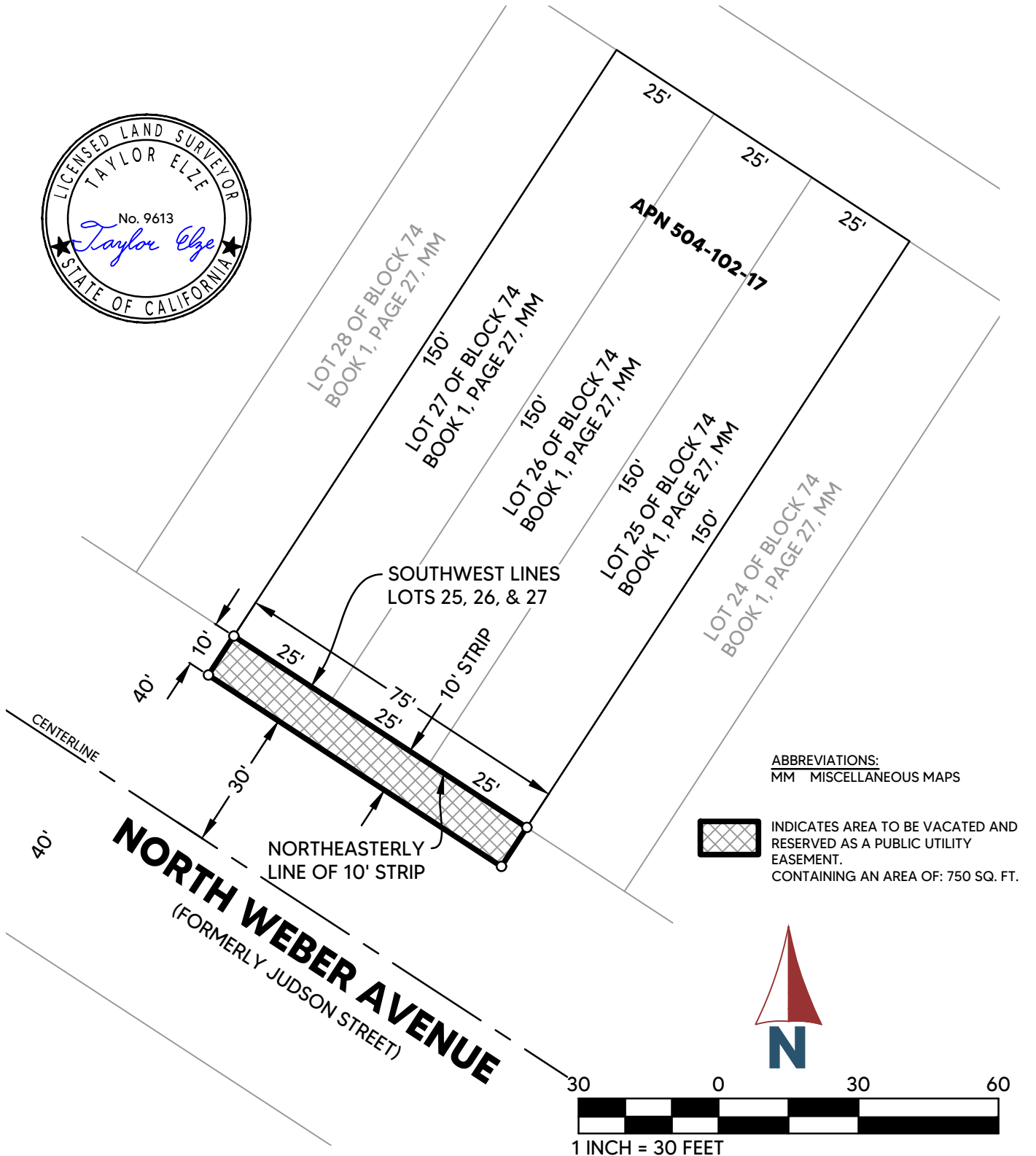
Date




PWF# 13341

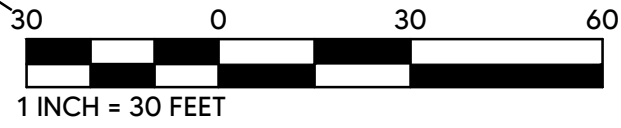
PLAT: 1341

EXHIBIT "B"



ABBREVIATIONS:
MM MISCELLANEOUS MAPS

 INDICATES AREA TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT. CONTAINING AN AREA OF: 750 SQ. FT.



REF. & REV. PWF# 13341 PLAT: 1341	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. I.D. _____ RES TYPE _____ FUND NO. _____ ORG. NO. _____
	PUBLIC STREET RIGHT-OF-WAY TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT BY THE CITY OF FRESNO	DR. BY <u>TEE</u> CH. BY <u>TEE</u> DATE <u>9/21/2023</u> SCALE <u>1" = 30'</u>
		SHEET NO. <u>1</u> OF <u>1</u> SHEET

EXHIBIT “C”
VACATION CONDITION OF APPROVAL

1. Fresno Metropolitan Flood Control District (FMFCD) has stated that the proposed vacation area lies within the District’s Drainage Area “EH”. There are no existing or proposed Master Plan facilities within the proposed vacation area as detailed on the Exhibit “B” provided to the District. The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area. The District will need to review and approve any improvement plans associated with the project (i.e. grading plan and street plans), for conformance with the Master Plan drainage patterns prior to implementation. Should you have any questions regarding this matter, please do not hesitate to contact Gary Chapman at (559) 456-3292.

2. The City of Fresno Water Division has the condition:
 - a. Currently, there is an existing 1-inch water meter and 4-inch sewer connection located within the proposed vacation. Therefore, Public Utilities are in full support of the 10-foot PUE to be reserved.