

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

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

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: TJP

Resolution No.

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 and also reserving a landscape easement over that portion 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 a portion of the area being vacated for landscape easement purposes and 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.

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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: \_\_\_\_\_  
Tracy N. Parvanian                      Date  
Deputy City Attorney

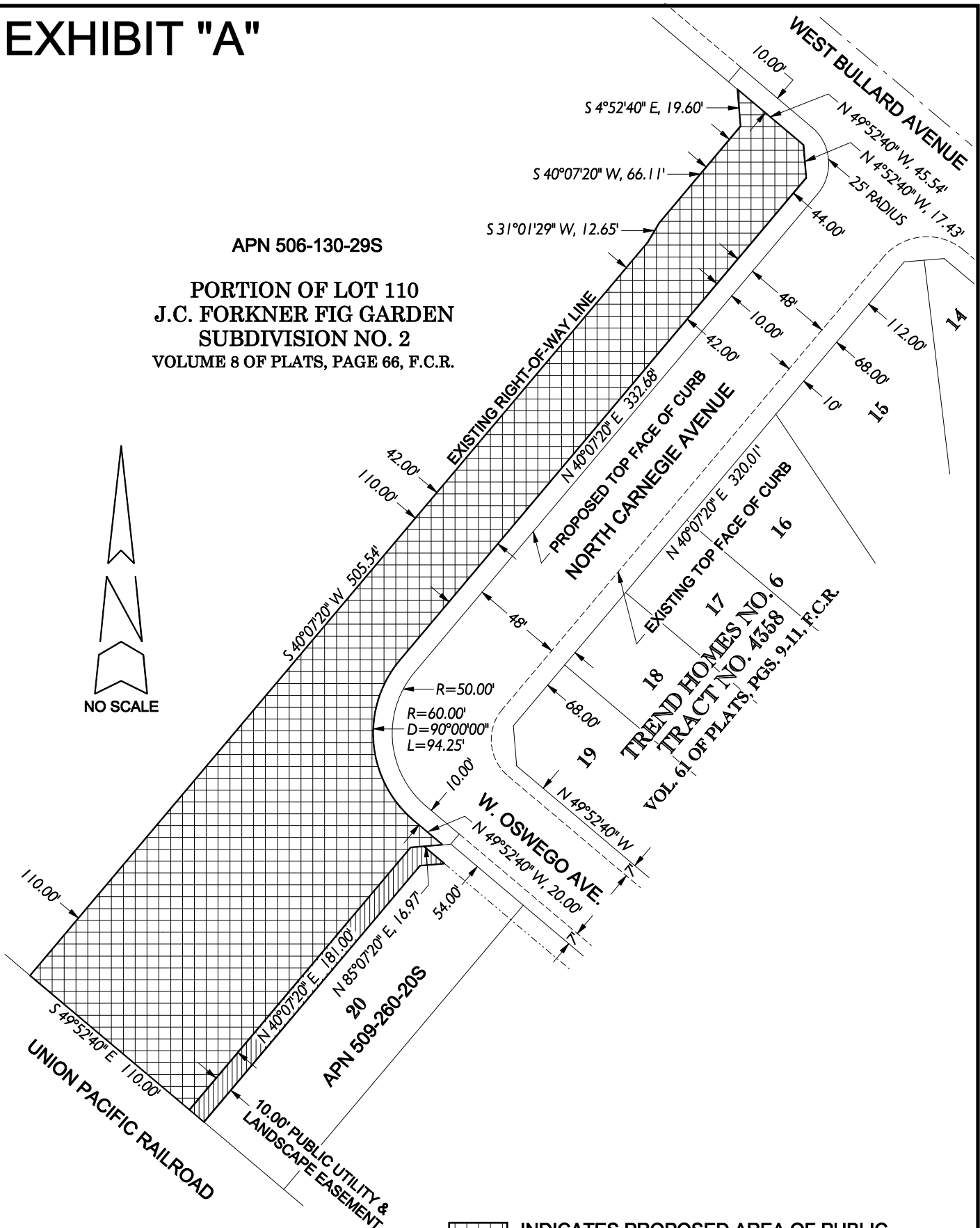
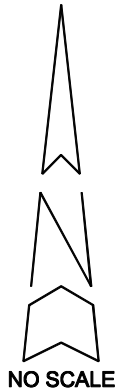
Attachments: Exhibits "A"

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



INDICATES PROPOSED AREA OF PUBLIC UTILITY AND LANDSCAPE EASEMENT TO BE VACATED