

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO VACATE A PORTION OF
WEST NIELSEN AVENUE AT THE SOUTHWEST CORNER
OF NIELSEN AND WEST AVENUES

WHEREAS, pursuant to Resolution of Intention No. 1124-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on June 14, 2018, 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 the hereinafter described public street right-of-way, situated within the City; and

WHEREAS, Don Pickett & Associates, Inc. is requesting the proposed vacation of a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue, as described in Exhibit "A" and as shown on Exhibit "B", which is attached and incorporated in this Resolution; and

WHEREAS the purpose of the vacation is to satisfy a condition of approval for Development Permit Application No. D-17-167 to eliminate excess public street right-of-way; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public right-of-way easement proposed for vacation as described in Exhibit "A" and as shown in 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 for vacation; and

WHEREAS, this action is being taken pursuant to the provisions of the Public

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

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 West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue, as described in Exhibit "A" and as shown in Exhibit "B" is unnecessary for present and prospective public street purpose.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1124-D adopted by the Council on May 24, 2018, the public street right-of-way easement as described in Exhibit "A" and as shown in Exhibit "B" be vacated.

3. The City further reserves a public utility easement over the entire proposed area to be vacated as described in Exhibit "A" and as shown in Exhibit "B" 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. 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.

6. 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 _____ day of _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC, CRM
City Clerk

BY: _____
Deputy

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

BY: _____
John Hastrup
Deputy City Attorney

Date

Attachment: Exhibits "A" and "B"
PW File No. 11213

EXHIBIT A

BEING A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 14 SOUTH, RANGE 20 EAST, M.D.B. AND M., LYING ADJACENT TO AND NORTHERLY OF THE NORTH LINE OF PARCEL 1 OF PARCEL MAP NO. 1332, RECORDED IN BOOK 6 OF PARCEL MAPS AT PAGE 96, FRESNO COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE NORTH $89^{\circ}56'02''$ EAST, ALONG THE NORTH LINE OF SAID PARCEL 1 A DISTANCE OF 387.30 FEET; THENCE CONTINUING ALONG THE BOUNDARY OF SAID PARCEL 1, THROUGH A TANGENT CURVE TO THE RIGHT, WITH RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF $60^{\circ}09'34''$, AN ARC LENGTH OF 15.75 FEET TO A POINT WHICH IS 2.00 FEET WESTERLY OF, MEASURED AT RIGHT ANGLES FROM, THE EAST LINE OF SAID PARCEL 1; THENCE NORTH $0^{\circ}01'11''$ EAST AND PARALLEL WITH THE EAST LINE OF SAID PARCEL 1 AS DESCRIBED IN DOCUMENT RECORDED AS DOCUMENT NO. 2006-0133475, OFFICIAL RECORDS OF FRESNO COUNTY, A DISTANCE OF 2.97 FEET; THENCE NORTH $45^{\circ}01'24''$ WEST, 20.58 FEET; THENCE SOUTH $89^{\circ}56'02''$ WEST AND PARALLEL WITH THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 385.76 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID PARCEL 1, SAID POINT BEING 40.00 FEET SOUTHERLY OF, MEASURED AT RIGHT ANGLES FROM, THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 6; THENCE SOUTH $0^{\circ}01'11''$ WEST ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

DATE:

11/14/2017

PREPARED BY:

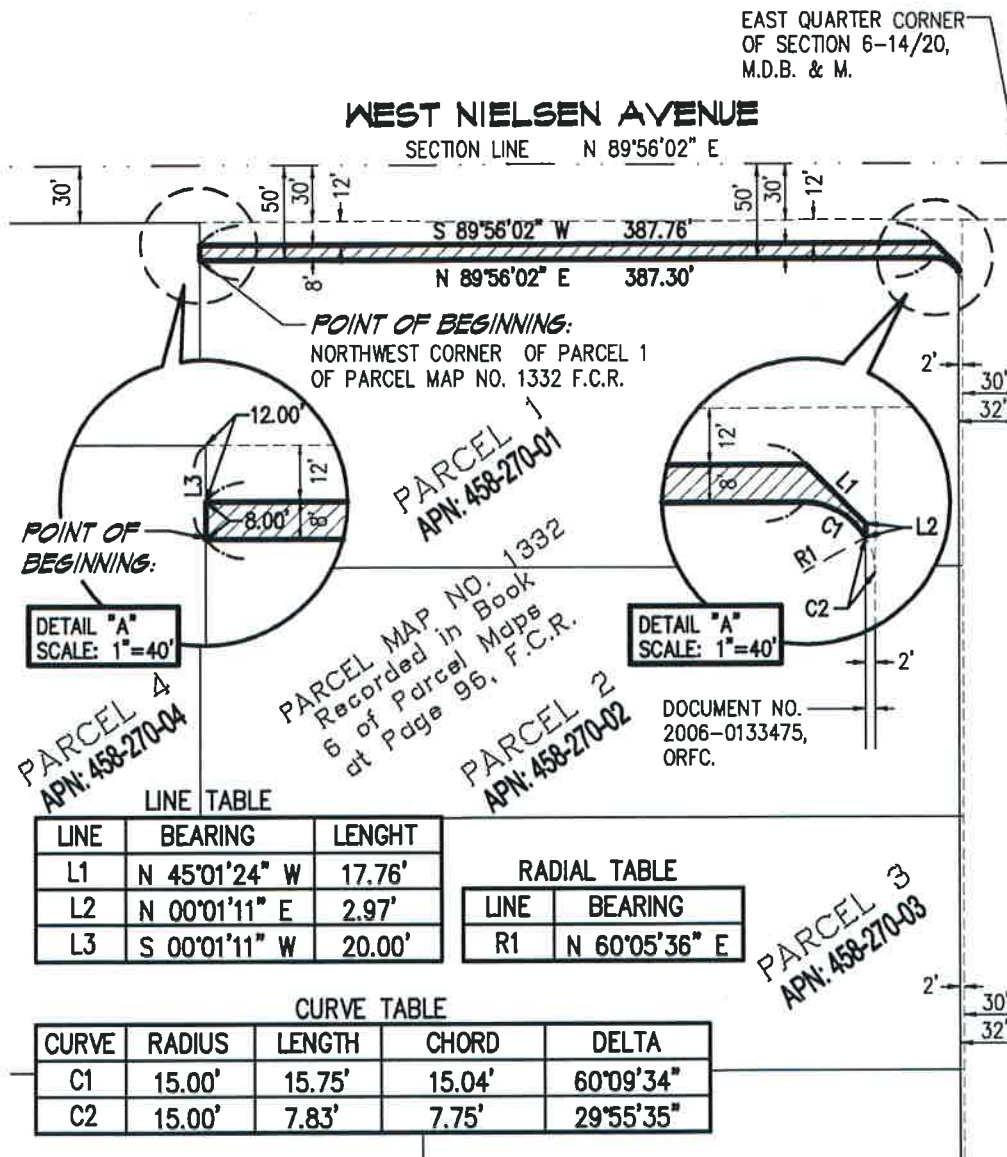
Robert K. Goodner

ROBERT K. GOODNER, PLS 4546

EXP. 9/30/2018



EXHIBIT B



RECORD OWNER:

MICHAEL RICHARDS
2837 EAST GARLAND AVENUE
FRESNO, CALIFORNIA 93726

APN: 458-270-01

SOURCE OF DATA:

BASIS OF BEARINGS IS THE EAST LINE OF PARCEL 1 OF PARCEL MAP NO. 1332, RECORDED IN BOOK 6 OF PARCEL MAPS AT PAGE 96, FRESNO COUNTY RECORDS AS DESCRIBED IN DOCUMENT RECORDED AS DOCUMENT NO. 2006-0133475, OFFICIAL RECORDS OF FRESNO COUNTY, TAKEN AS N 0°01'11" E.



INDICATES AREA OF RIGHT-OF-WAY TO BE VACATED

AREA : 3,152 S.F.

McPheeters & Associates Land Surveying

1486 TOLLHOUSE ROAD, SUITE 107
CLOVIS, CALIFORNIA 93611
PHONE: (559) 299-9098 FAX: (559) 299-9091
www.McPheeters.com



REF & REV

PW FILE 11213

S-

PM-

PLAT NO.

CITY OF FRESNO Department of Public Works

STREET VACATION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 6, T.14S., R.20E., M.D.B. & M., FRESNO COUNTY, CALIFORNIA.

PROJ. ID.: _____
FUND NO.: _____
ORG. NO.: _____

DRN. BY: **DP**
CHK. BY:
DATE : 09/21/16
SCALE : AS NOTED

SHEET NO. ONE (1)
OF ONE (1) SHEETS