

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ORDERING THE VACATION OF  
PORTIONS OF PUBLIC STREET AND PEDESTRIAN  
WALKWAY RIGHTS-OF-WAY AT THE NORTHEAST  
CORNER OF NORTH BLACKSTONE AND EAST SHIELDS  
AVENUES

WHEREAS, pursuant to Resolution of Intention No. 1098-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on June 4, 2015, 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 street and public pedestrian walkway rights-of-way, situated within the City; and

WHEREAS, Omninet Properties Manchester Center, LLC is requesting the vacation of a portion of public street right-of-way at the northeast of North Blackstone and East Shields Avenues adjacent to Manchester Center as described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated in this Resolution, and a portion of public pedestrian walkway right-of-way on the north side of Shields east of Blackstone, as described in Exhibit "C" and shown on Exhibit "D", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation is to eliminate a dedicated right turn lane that is no longer needed in order to accommodate development at Manchester Center as proposed by Conditional Use Permit No. C-14-111. The area being vacated will be

1 of 6

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

incorporated into the center's parking lot; 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 street or pedestrian walkway purposes subject to the following conditions: (1) the reservation of a public utility easement over the entire portion of the public street right-of-way being vacated, (2) the removal of public street improvements from the areas proposed to be vacated, and (3) the construction of curb, gutter, sidewalk, street lights and any other required improvements to City of Fresno Public Works Department Standards with street improvement plans approved by the City's Traffic and Engineering Services Division and other affected departments and agencies; and

WHEREAS, a portion of the public street right-of-way proposed to be vacated was acquired by the State of California for State Route 41 in fee simple title by an agreement recorded May 31, 1951, as Document No. 31571, in Book 3024 at Page 74, Official Records of Fresno County. The right-of-way was relinquished to the City of Fresno by Relinquishment No. 79910 recorded June 6, 1983, as Document No. 83049231, Official Records of Fresno County. The remaining portion of the public street right-of-way proposed to be vacated was dedicated as an easement by the map of Tract No. 1251, Manchester Park, recorded June 19, 1952, in Volume 15 of Plats at Pages 90 through 92, Fresno County Records. The public pedestrian walkway right-of-way was dedicated as an easement by a Deed of Easement recorded February 22, 1995, as Document No. 95022600, Official Records of Fresno County; and

WHEREAS, to assure that all of the fee simple title portion of the intersection originally acquired by the State by said Document No. 31571 shall pass to the adjacent owner, the City must execute a Quitclaim Deed in favor of Omninet Properties Manchester Center, LLC, a Delaware limited liability company, the current record owner of the adjacent property; and

WHEREAS, on April 25, 1985, the Council adopted a policy on fee-title vacations that requires the owner of the property adjacent to the area to be vacated to pay the City the same amount that was originally expended for the purchase of the area to be vacated. According to said policy, in the case where the original price paid for the right-of-way to be vacated cannot be determined, staff is to determine an appropriate value. The area being quitclaimed is 13,951 square feet, while 7,377 square feet will remain an easement for public street purposes, resulting in a net area of 6,574 square feet. City staff appraised the net area at \$30,240.00. In lieu of paying the City cash, the project's developer will be providing an equivalent value of improvements to the City in exchange for the area, per the terms of the purchase agreement. The developer will be depositing 10% at the time the purchase agreement is approved; 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 portion of public street right-of-way at the northeast of North Blackstone and East Shields Avenues

adjacent to Manchester Center as described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated in this Resolution, and a portion of public pedestrian walkway right-of-way on the north side of Shields east of Blackstone, as described in Exhibit "C" and shown on Exhibit "D", which are attached to and incorporated in this Resolution, are unnecessary for present and prospective public street or public pedestrian walkway purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1098-D adopted by the Council on May 14, 2015, the public street right-of-way as described in Exhibit "A" and shown on Exhibit "B", and the pedestrian walkway right-of-way as described in Exhibit "C" and shown on Exhibit "D", be and are 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 street 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. The area to be reserved pursuant to this paragraph is described in Exhibit "A" and shown on Exhibit "B", which are attached and

incorporated herein.

4. All proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the conditions listed herein. All work required by such conditions shall be completed in compliance with City Standard Specifications and will require engineered construction plans prepared by a registered civil engineer and approved by the Public Works Department.

5. The Public Works Director of the City of Fresno or designee is hereby authorized and directed to execute a quitclaim deed on behalf of the City in favor. The grant deed shall be recorded prior to the recordation of this Resolution.

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 specified herein have been satisfied and the required improvements 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 \_\_\_\_\_, 2015.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2015  
Mayor Approval/No Return: \_\_\_\_\_, 2015  
Mayor Veto: \_\_\_\_\_, 2015  
Council Override Vote: \_\_\_\_\_, 2015

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Katie Doerr, Assistant  
Dated:

Attachments: Exhibits "A" through "D"

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**PUBLIC STREET RIGHT-OF-WAY**  
**PROPOSED TO BE VACATED, SEE EXHIBIT B**

THAT PORTION OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE & MERIDIAN, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS SHOWN ON PARCEL MAP NO. 2006-15, RECORDED MARCH 13, 2007 IN BOOK 67 OF PARCEL MAPS AT PAGES 23 & 24, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 22; THENCE, EAST ALONG THE SOUTH LINE OF SAID SECTION 22, EAST, A DISTANCE OF 226.79 FEET; THENCE, LEAVING SAID SOUTH LINE OF SAID SECTION 22, NORTH, A DISTANCE OF 109.00 FEET, TO A POINT ON A LINE PARALLEL WITH AND 109.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 22, BEING ALSO THE TRUE POINT OF BEGINNING; THENCE WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 93.03 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 90.00 FEET; THENCE, LEAVING SAID PARALLEL LINE, NORTHWEST ALONG SAID CURVE AN ARC DISTANCE OF 47.39 FEET THROUGH A CENTRAL ANGLE OF 30°10'01"; THENCE NORTH 59°49'59" WEST, A DISTANCE OF 25.62 FEET, TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 20.00 FEET; THENCE NORTHWEST ALONG SAID CURVE AN ARC DISTANCE OF 20.94 FEET THROUGH A CENTRAL ANGLE OF 60°00'02", TO A POINT ON A LINE PARALLEL WITH AND 56.00 FEET EAST OF THE WEST LINE OF SAID SECTION 22; THENCE NORTH, ALONG LAST SAID PARALLEL LINE, NORTH 00°10'03" EAST, A DISTANCE OF 297.48 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEAST, HAVING A RADIUS OF 110.00 FEET; THENCE NORTH ALONG SAID CURVE AN ARC DISTANCE OF 30.22 FEET THROUGH A CENTRAL ANGLE OF 15°44'26" TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE NORTHWEST, HAVING A RADIUS OF 130.00 FEET; THENCE NORTH ALONG SAID CURVE AN ARC DISTANCE OF 35.71 FEET THROUGH A CENTRAL ANGLE OF 15°44'26", TO A POINT ON A LINE PARALLEL WITH AND 65.00 FEET EAST OF THE WEST LINE OF SAID SECTION 22; THENCE NORTH, ALONG LAST SAID PARALLEL LINE, NORTH 00°10'03" EAST, A DISTANCE OF 98.47 FEET; THENCE LEAVING SAID PARALLEL LINE, NORTH 30°07'13" EAST, A DISTANCE OF 14.02 FEET TO A POINT ON A LINE PARALLEL WITH AND 72.00 FEET EAST OF THE WEST LINE OF SAID SECTION 22, BEING ALSO A POINT ON THE WEST LINE OF PARCEL D OF SAID PARCEL MAP NO. 2006-15; THENCE SOUTH, ALONG SAID PARALLEL LINE, SOUTH 00°10'03" WEST, A DISTANCE OF 112.68 FEET; THENCE LEAVING LAST SAID PARALLEL LINE, SOUTH ALONG THE WEST LINE OF PARCEL D OF SAID PARCEL MAP NO. 2006-15, SOUTH 04°35'46" EAST, A DISTANCE OF 260.39 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEAST, HAVING A RADIUS OF 158.00 FEET; THENCE SOUTH ALONG SAID CURVE AN ARC DISTANCE OF 210.35 FEET THROUGH A CENTRAL ANGLE OF 76°16'40" TO THE TRUE POINT OF BEGINNING.

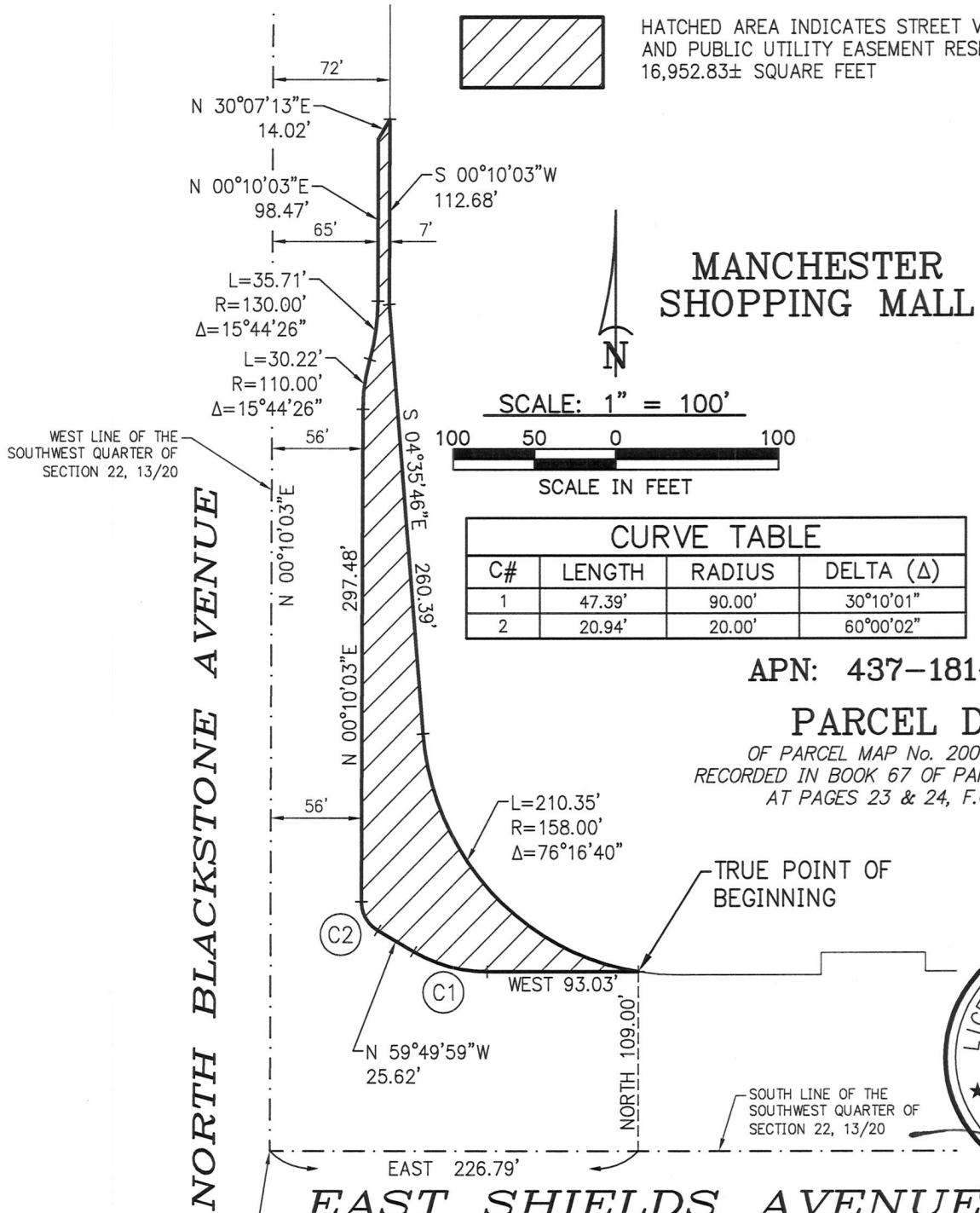
AREA CONTAINS 16,952.83 SQUARE FEET MORE OR LESS



# EXHIBIT B



HATCHED AREA INDICATES STREET VACATION AND PUBLIC UTILITY EASEMENT RESERVATION, 16,952.83± SQUARE FEET



POINT OF COMMENCEMENT  
SOUTHWEST CORNER OF SECTION 22,  
TOWNSHIP 13 SOUTH, RANGE 20 EAST,  
MOUNT DIABLO BASE & MERIDIAN.

REV. 02/25/15 PWL  
PLOT VIEW: VAC 1  
AUTOCAD ID: 12078DWG

REF. & REV.  PLAT No. 2056 PW FILE 11801	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	STREET VACATION AND PUBLIC UTILITY EASEMENT RESERVATION OMNINET PROPERTIES MANCHESTER CENTER, LLC 9420 WILSHIRE BLVD., FOURTH FLOOR BEVERLY HILLS, CA 90212	DR. BY _____ PWL _____ CH. BY _____ DATE _____ SCALE AS SHOWN
		SHEET NO. <u>1</u> OF <u>1</u> SHEETS

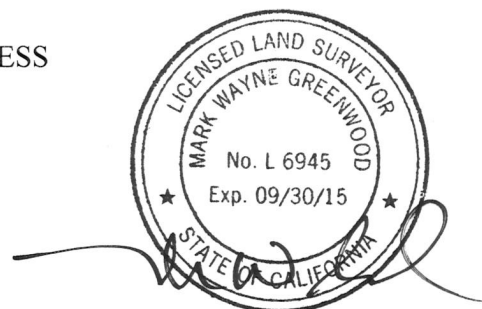


**EXHIBIT C**  
**LEGAL DESCRIPTION**  
**PEDESTRIAN EASEMENT**  
**PROPOSED TO BE VACATED, SEE – EXHIBIT D**

THAT PORTION OF AN EASEMENT FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES AS DEDICATED BY THAT DEED RECORDED FEBRUARY 22, 1995, AS DOCUMENT No. 95022600, OFFICIAL RECORDS OF FRESNO COUNTY, SAID EASEMENT BEING A PORTION OF THE VACATED ACCESS ROAD ADJACENT TO BLOCK 21 OF MANCHESTER PARK, RECORDED IN VOLUME 15 OF PLATS AT PAGES 90, 91 AND 92, OFFICIAL RECORDS OF FRESNO COUNTY, IN SECTION 22, TOWNSHIP 13 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE & MERIDIAN, IN THE CITY OF FRESNO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID BLOCK 21; THENCE SOUTH ALONG THE WEST LINE OF LOT 15 OF BLOCK 4 OF SAID MANCHESTER PARK, A DISTANCE OF 25.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 15, A DISTANCE OF 85.0 FEET; THENCE EASTERLY AND NORTHERLY, ALONG A TANGENT CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 15.0 FEET, AN ARC DISTANCE OF 23.56 FEET, TO ITS TANGENCY WITH THE EAST LINE OF SAID LOT 15; THENCE SOUTH, ALONG THE SOUTHERLY PRODUCTION OF THE EAST LINE OF SAID LOT 15, A DISTANCE OF 57.0 FEET TO THE INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND 67.0 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 21; THENCE WEST, ALONG A LINE WHICH IS PARALLEL WITH AND 67.0 FEET SOUTH OF THE SOUTH LINE OF SAID BLOCK 21, A DISTANCE OF 956.36 FEET; THENCE NORTH A DISTANCE OF 11.50 FEET; THENCE WEST A DISTANCE OF 64.00 FEET; THENCE SOUTH A DISTANCE OF 10.65 FEET TO THE NORTHEAST CORNER OF SAID EASEMENT FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES, SAID CORNER BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH, ALONG THE EAST LINE OF SAID EASEMENT, A DISTANCE OF 0.85 FEET; THENCE WEST, PARALLEL WITH AND 2.00 FEET NORTH OF THE SOUTH LINE OF SAID EASEMENT, A DISTANCE OF 112.18 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID EASEMENT, SAID POINT BEING THE BEGINNING OF A NONTANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 158.00 FEET, A RADIAL TO SAID POINT BEARS SOUTH 09°07'34" WEST; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY BOUNDARY AND ALONG SAID CURVE AN ARC DISTANCE OF 26.46 FEET, THROUGH A CENTRAL ANGLE OF 09°35'49" TO THE NORTH LINE OF SAID EASEMENT; THENCE SOUTH 87°42'34" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 137.95 FEET TO THE TRUE POINT OF BEGINNING.

AREA CONTAINS 424.99 SQUARE FEET MORE OR LESS



# EXHIBIT D



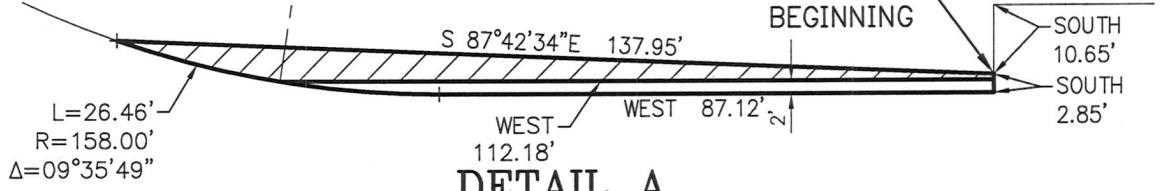
HATCHED AREA INDICATES PEDESTRIAN  
EASEMENT VACATION,  
424.99± SQUARE FEET

## MANCHESTER SHOPPING MALL

### PARCEL D

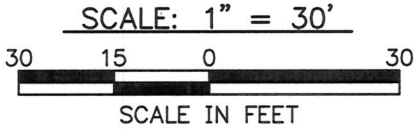
OF PARCEL MAP No. 2006-15  
RECORDED IN BOOK 67 OF PARCEL MAPS  
AT PAGES 23 & 24, F.C.R.

APN: 437-181-20 TRUE POINT OF BEGINNING



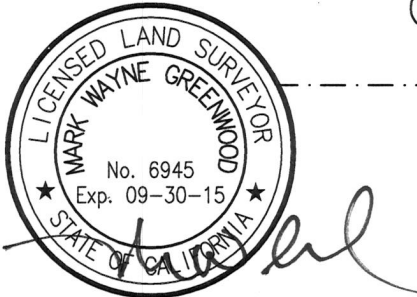
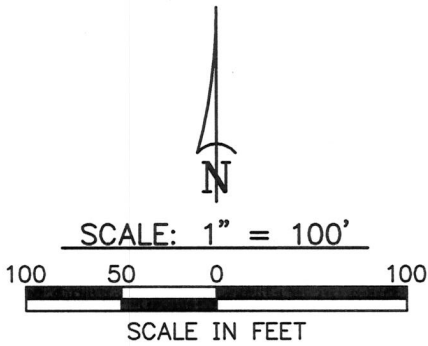
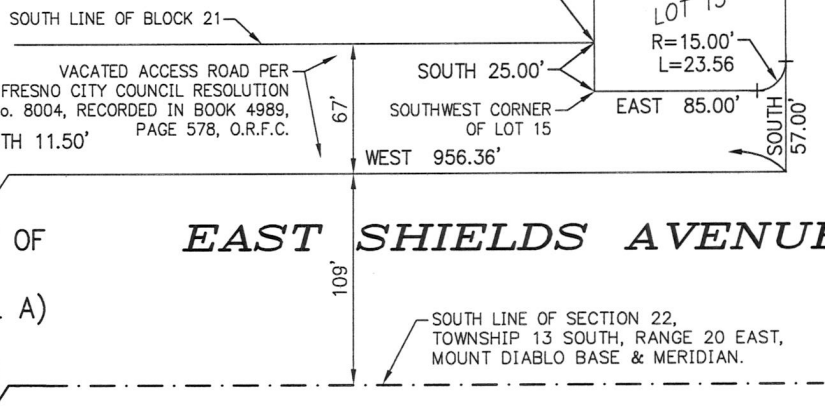
### DETAIL A

SCALE: 1" = 30'



MAP OF TRACT No. 1251  
MANCHESTER PARK  
VOLUME 15 OF PLATS, PAGES 90, 91, & 92, F.C.R.

### POINT OF COMMENCEMENT



REV. 02/25/15 PWL  
PLOT VIEW: VAC 4  
AUTOCAD ID: 12078.DWG

REF. & REV.  PLAT No. 2056 PW FILE 11801	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____	
	PEDESTRIAN EASEMENT VACATION OMNIINET PROPERTIES MANCHESTER CENTER, LLC 9420 WILSHIRE BLVD., FOURTH FLOOR BEVERLY HILLS, CA 90212	DR. BY _____ PWL _____ CH. BY _____ DATE _____ SCALE AS SHOWN	SHEET NO. <u>1</u> OF <u>1</u> SHEETS