

RESOLUTION NO. _____

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF WEST BULLARD AVENUE, WEST OF NORTH BRAWLEY AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1113-D, on file in the Office of the City Clerk of the City of Fresno (the "City Clerk"), a public hearing was held on December 15, 2016, 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 right-of-way, situated within the City; and

WHEREAS, Jordan Freeman is requesting the proposed vacation of a portion of West Bullard Avenue, west of North Brawley Avenue, as described on Exhibit "A" and as shown on Exhibit "B," which is attached and incorporated in this Resolution; and

WHEREAS, the proposed vacation is needed to satisfy a condition per CUP C-07-157.; and

WHEREAS, the right-of-way is described is a portion of a 80 foot wide public street dedicated by Figarden Subdivision No. 2 in Volume 9 of Plats, at Page 8, Fresno County Records; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the portion right-of-way easement proposed for vacation is unnecessary for present or prospective public street purposes as described in Exhibit "A," and as shown in Exhibit "B," attached and incorporated in this Resolution, subject to the reservation of a public utility easement, as described in exhibit "C" and shown on Exhibit "D" of the

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

attached resolution, and a pedestrian walkway easement, as described in Exhibit "E" and shown on Exhibit "F" of the attached resolution; 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 West Bullard Avenue west of North Brawley Avenue as described in exhibit "A" and shown on Exhibit "B" is unnecessary for present and prospective public street and public utility purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1113-D adopted by the Council on December 1, 2016, the public street right-of-way as described in Exhibit "A," and as shown in Exhibit "B," be and are hereby vacated and abandoned.

3. The City reserves a public utility easement, as described in exhibit "C" and shown on Exhibit "D" of the attached resolution, and a pedestrian walkway easement, as described in Exhibit "E" and shown on Exhibit "F" over a portion of the 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 _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
Seth Mehrten
Deputy City Attorney

Attachments: Exhibits "A" and "B"

PW File 11995

EXHIBIT "A"

DESCRIPTION FOR ABANDONMENT OF STREET RIGHT OF WAY

That portion of West Bullard Avenue as shown on the Map of Figarden Subdivision No. 2, filed in Volume 9 of Plats at Page 8, Fresno County Records, described as follows:

Beginning at the most southerly corner of Lot 333 of said Figarden Subdivision No. 2;

Thence along a line perpendicular with the centerline of said West Bullard Avenue,
South 03°14'09" East a distance of 8.00 feet;

Thence parallel with and 32.00 feet northerly of said centerline, South 86°45'51" West a distance of 44.68 feet;

Thence along a line perpendicular with said centerline, North 03°14'09" West a distance of 8.00 feet to the north line of said West Bullard Avenue;

Thence parallel with and 40.00 feet northerly of said centerline, North 86°45'51" East along said north line a distance of 44.68 feet to the **True Point of Beginning**.

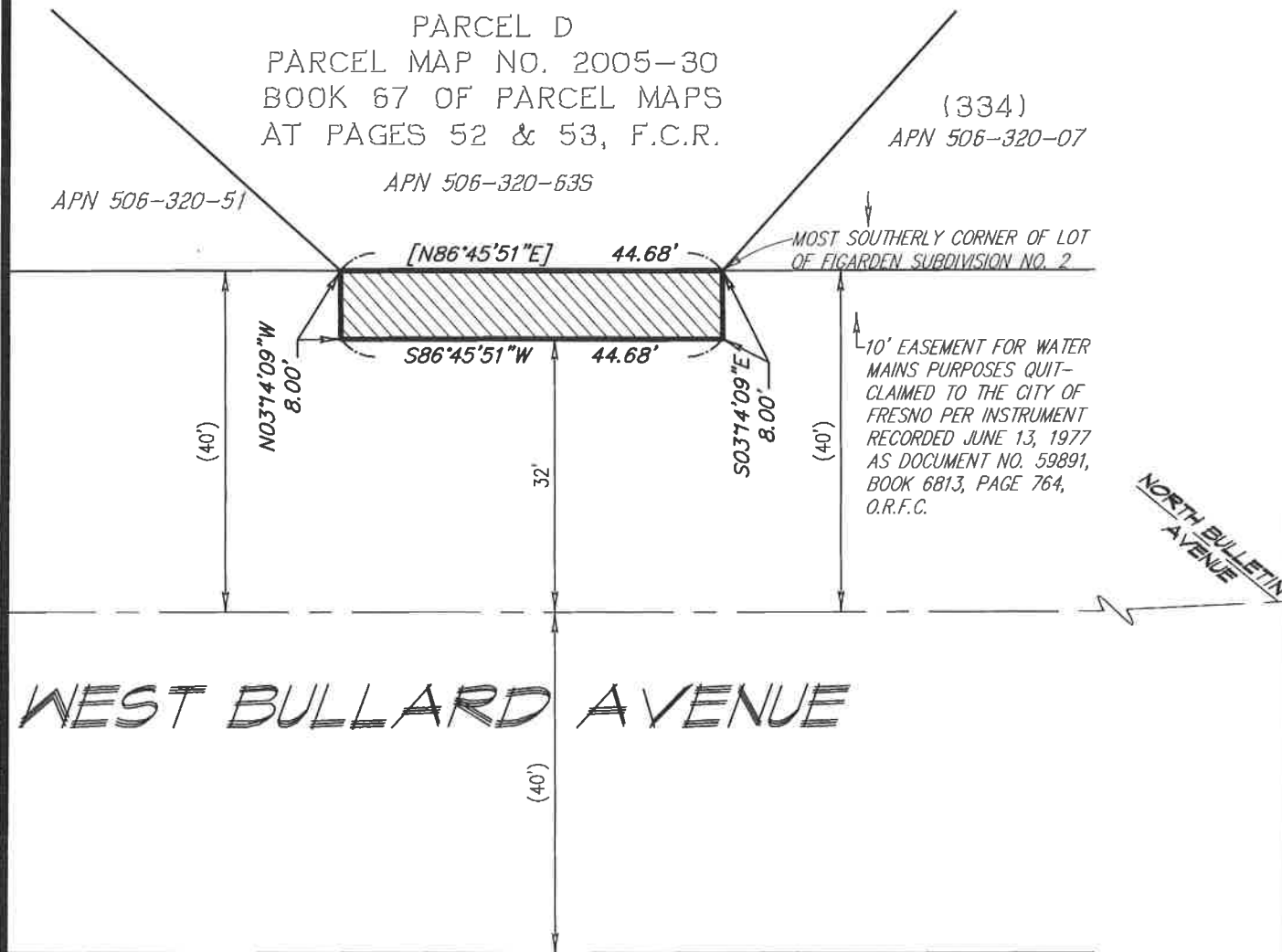
Area: 357 Square Feet



EXHIBIT 'B'

EXHIBIT FOR ABANDONMENT OF STREET RIGHT OF WAY

PORTION FIGARDEN SUBDIVISION NO. 2 - PLATS VOL. 9 PG. 8, F.C.R.



LEGEND



INDICATES AREA TO BE ABANDONED

O.R.F.C.

OFFICIAL RECORDS FRESNO COUNTY

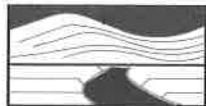
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MAP OF FIGARDEN SUBDIVISION NO. 2
PLATS VOL. 9 PG. 8, F.C.R.

[...]

PARCEL MAP NO. 2005-30, BK 67 OF
PARCEL MAPS AT PG 52 & 53, F.C.R.

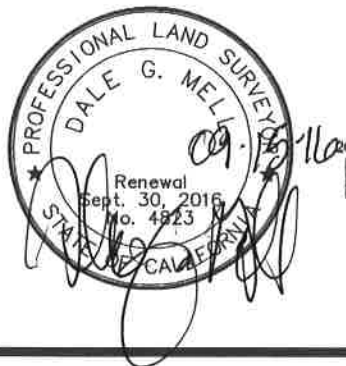
PREPARED BY:



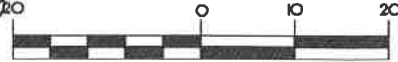
DALE G. MELL
& ASSOCIATES

ENGINEERING & SURVEYING SERVICES

2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 * FAX 251-9220



GRAPHIC SCALE



1 INCH = 20 FEET

BY: R.ESPINOZA - 04/25/16
DMA CADFILE: 12-026.03EX01

EXHIBIT "C"

DESCRIPTION FOR PUBLIC UTILITY EASEMENT TO BE RESERVED

That portion of West Bullard Avenue as shown on the Map of Figarden Subdivision No. 2, filed in Volume 9 of Plats at Page 8, Fresno County Records, described as follows:

Beginning at the most southerly corner of Lot 333 of said Figarden Subdivision No. 2;

Thence along a line perpendicular with the centerline of said West Bullard Avenue, South 03°14'09" East a distance of 5.00 feet;

Thence parallel with and 35.00 feet northerly of said centerline, South 86°45'51" West a distance of 44.68 feet;

Thence along a line perpendicular with said centerline, North 03°14'09" West a distance of 5.00 feet;

Thence parallel with and 40.00 feet northerly of said centerline, North 86°45'51" East a distance of 44.68 feet to the **True Point of Beginning**.

Area: 223 Square Feet



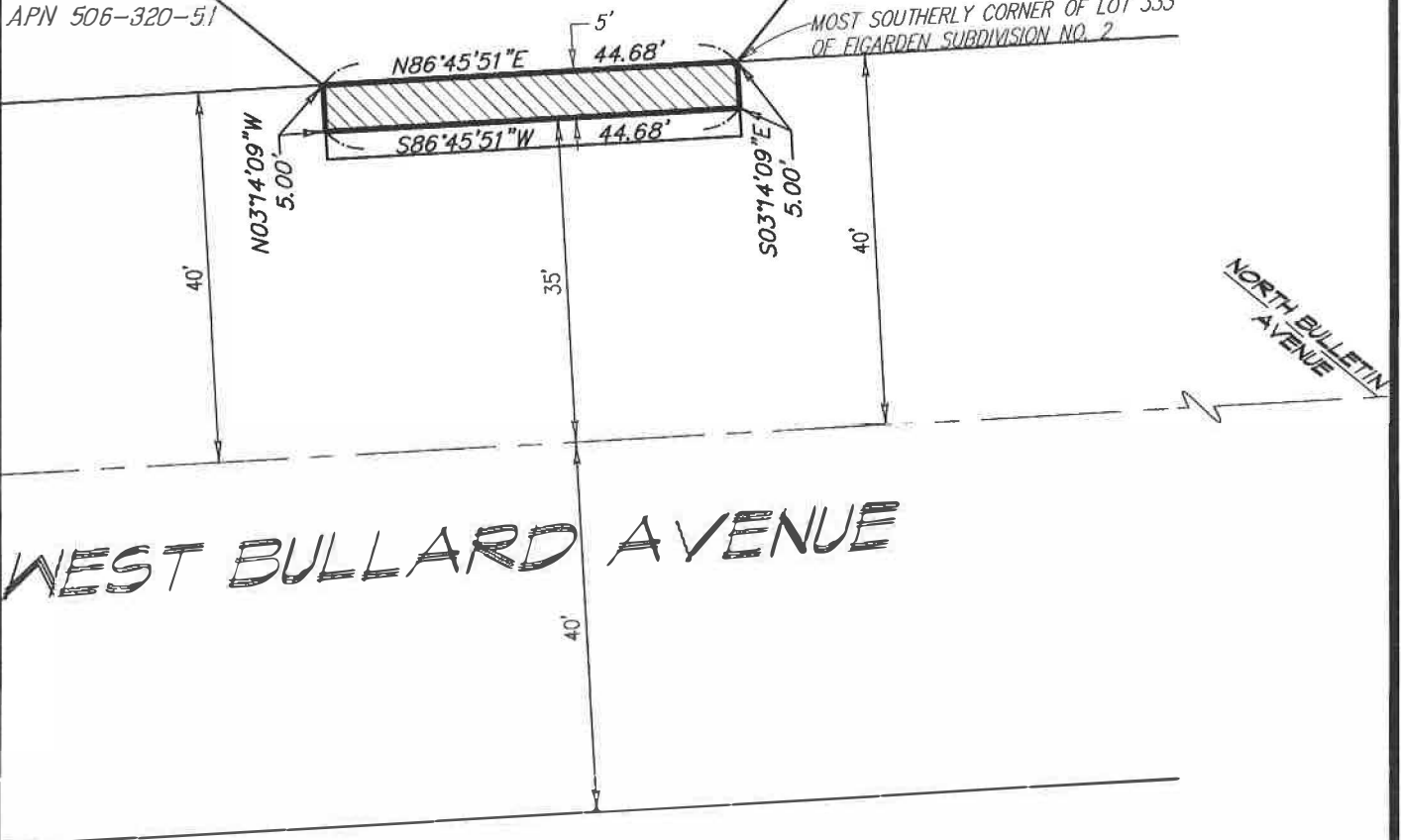
EXHIBIT 'D'
AREA(S) TO BE RESERVED AS
A PUBLIC UTILITY EASEMENT

PARCEL D
 PARCEL MAP NO. 2005-30
 BOOK 67 OF PARCEL MAPS
 AT PAGES 52 & 53, F.C.R.

334
 APN 506-320-07

APN 506-320-63S

APN 506-320-51



LEGEND

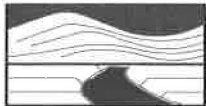


INDICATES AREA TO BE RESERVED
 FOR PUBLIC UTILITY EASEMENT

O.R.F.C.

OFFICIAL RECORDS FRESNO COUNTY

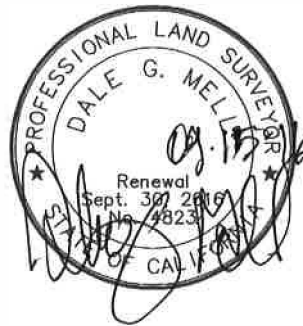
PREPARED BY:



DALE G. MELL
& ASSOCIATES

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 (559) 292-4046 * FAX 251-9220



NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

BY: R.ESPINOZA - 07/23/15
 DMA CADFILE:12-026.03EE02

PLOTTED BY: ROCIO ESPINOZA - 7/23/2015 10:12:32 AM C:\MY DOCUMENTS\12-026.03EE02.DWG

EXHIBIT "E"

DESCRIPTION FOR PEDESTRIAN WALKWAY EASEMENT TO BE RESERVED

That portion of West Bullard Avenue as shown on the Map of Figarden Subdivision No. 2, filed in Volume 9 of Plats at Page 8, Fresno County Records, described as follows:

Beginning at a point from which the most southerly corner of Lot 333 of said Figarden Subdivision No. 2 bears North 03°14'09" West a distance of 6.00 feet;

Thence along a line perpendicular with the centerline of said West Bullard Avenue, South 03°14'09" East a distance of 2.00 feet;

Thence parallel with and 32.00 feet northerly of said centerline, South 86°45'51" West a distance of 44.68 feet;

Thence along a line perpendicular with said centerline, North 03°14'09" West a distance of 2.00 feet;

Thence parallel with and 34.00 feet northerly of said centerline, North 86°45'51" East a distance of 44.68 feet to the **True Point of Beginning**.

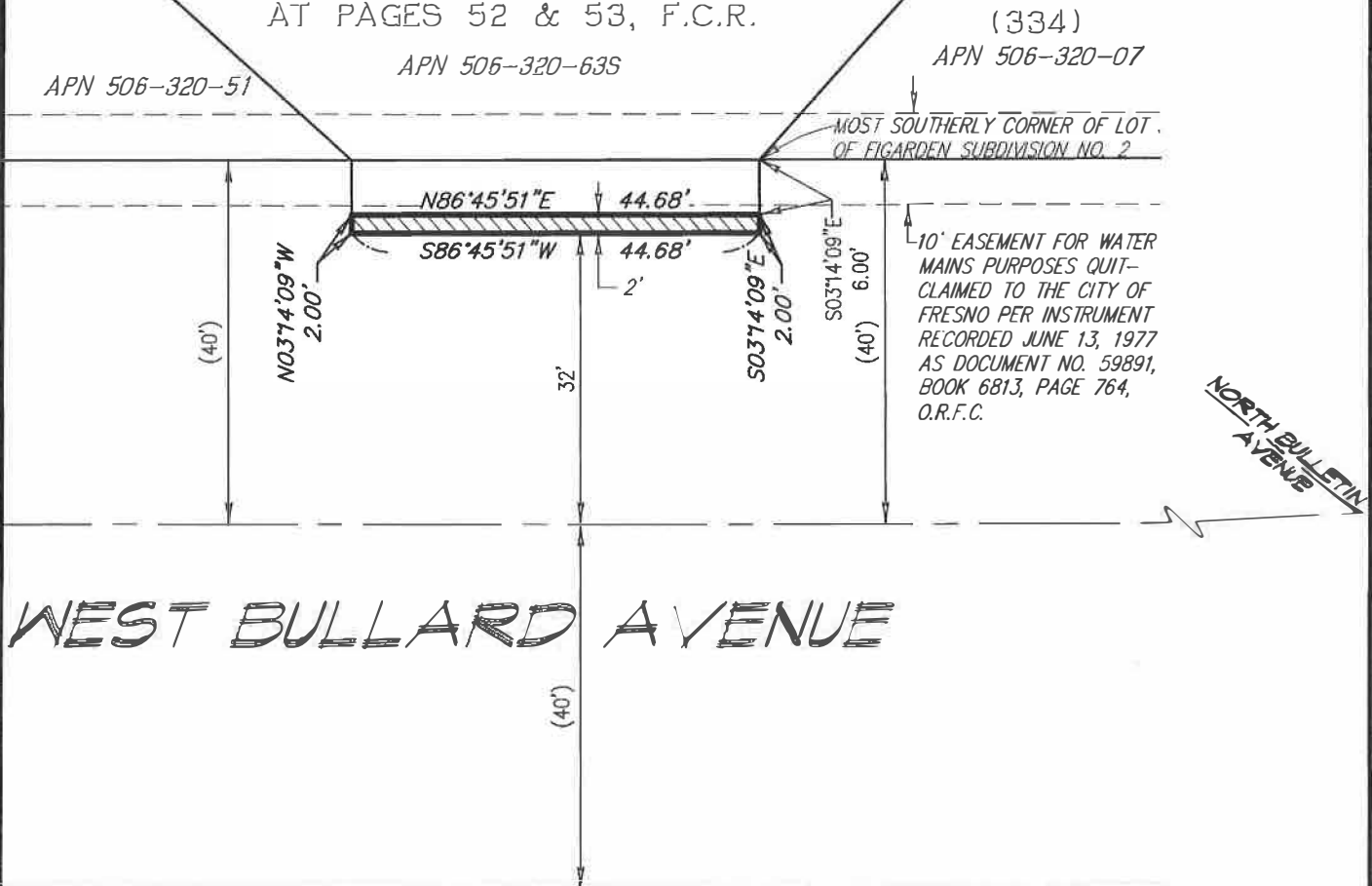
Area: 89 Square Feet



EXHIBIT 'F'

AREA(S) TO BE RESERVED AS A PEDESTRIAN WALKWAY EASEMENT

PARCEL D
PARCEL MAP NO. 2005-30
BOOK 67 OF PARCEL MAPS
AT PAGES 52 & 53, F.C.R.



LEGEND



INDICATES AREA TO BE RESERVED
FOR PEDESTRIAN WALKWAY EASEMENT

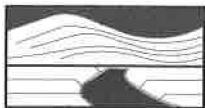
O.R.F.C.

OFFICIAL RECORDS FRESNO COUNTY

(...)

MAP OF FIGARDEN SUBDIVISION NO. 2
PLATS VOL. 9 PG. 8, F.C.R.

PREPARED BY:



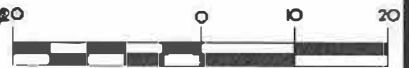
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GRAPHIC SCALE



1 INCH = 20 FEET

BY: R.ESPINOZA - 05/06/16
DMA CADFILE: 12-026.03EEO1