

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA RESCINDING RESOLUTION
NUMBER 2017-332 AND ORDERING THE VACATION OF A
PORTION OF NORTH CARNEGIE AVENUE, BETWEEN
WEST BULLARD AVENUE AND UNION PACIFIC
RAILROAD

WHEREAS, pursuant to Resolution of Intention Number 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 a portion of North Carnegie Avenue, between West Bullard Avenue and Union Pacific Railroad; and

WHEREAS, the hearing was held as scheduled and the Council adopted Resolution Number 2017-332 ordering the vacation of a portion of North Carnegie Avenue as shown on said resolution; and

WHEREAS, the purpose of the vacation is to 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, Resolution Number 2017-332 was not recorded and the vacation was not completed because the conditions imposed on the vacation have not been satisfied; and

WHEREAS, the street improvements for the Veterans Boulevard/State Route 99 Interchange project have been revised for North Carnegie Avenue, requiring the revision of the vacation limits of North Carnegie Avenue which requires rescinding Resolution

1 of 5

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. _____

Number 2017-332 and replacing it with this resolution that shows the new vacation limits for North Carnegie Avenue; and

WHEREAS, the City of Fresno Public Works Department now requests the vacation of a portion of North Carnegie Avenue, between West Bullard Avenue and Union Pacific Railroad, as described in Exhibit A and as shown on Exhibit B, which are attached and incorporated in this resolution; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public street right-of-way easement 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, said exhibits 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; and

WHEREAS, since a portion of the original vacation as ordered by Resolution No. 2017-332 is being removed, and the remaining portions of the vacation have been duly noticed and addressed during the hearing held on December 7, 2017, the City's Attorney's Office has determined that this resolution can be presented and approved as a Council consent item.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. Resolution No. 2017-332 is hereby rescinded.
2. The Council finds from all the evidence submitted that the vacation of a

portion of North Carnegie Avenue, between West Bullard Avenue and Union Pacific Railroad as described in Exhibit A and as shown on Exhibit B are unnecessary for present and prospective public street purposes.

3. 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 December 7, 2017, 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. 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 reserves 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 easement to be vacated. The portion to be reserved pursuant to this paragraph is shown on Exhibit "B"

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 once all work associated with this requirement has been accepted by the City Engineer or the Public Works Director.

8. 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 _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney

Attachments:
Exhibit A – Street Easement Vacation Legal Description
Exhibit B – Street Easement Vacation

PW File No. 11844

EXHIBIT "A"

North Carnegie Avenue Vacation

A portion of North Carnegie Avenue as dedicated by Deed of Easement recorded September 14, 1990 as Instrument No. 90110656, Official Record Fresno County, and a portion of North Carnegie Avenue dedicated by map of Trend Homes No. 26 – Tract No. 4358 recorded on August 11, 1997, in Volume 61 of Plats, Pages 9 through 11, Fresno County Records, and also a portion of North Carnegie Avenue as dedicated by the Deed of Easement recorded January 14, 2008 as Instrument No. 2008-0004194, Official Record Fresno County, lying in the Northwest quarter of Section 10, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, in the City of Fresno, County of Fresno, State of California, more particularly described as follows:

BEGINNING at the most Westerly corner of Lot 20 of said Tract; thence North $40^{\circ}33'29''$ East, on the Northwesternly line of said Lot 20, a distance of 181.00 feet to the Northerly line of said Lot 20; thence North $85^{\circ}33'29''$ East, on said Northerly line, a distance of 15.56 feet to a point on a line parallel with and 31.00 feet Southwest, at right angles to the Centerline of West Oswego Avenue as shown on said Tract map; thence North $49^{\circ}26'31''$ West, leaving said Northerly line on said parallel line, a distance of 81.00 feet to the beginning of a tangent curve, concave easterly, having a radius of 40.50 feet; thence northwesterly, northerly, and northeasterly on said curve, through a central angle of $80^{\circ}59'15''$, an arc length of 57.25 feet to the Northwesternly right of way line of North Carnegie Avenue as dedicated by said Deed of Easement recorded January 14, 2008 as Instrument No. 2008-0004194, Official Record Fresno County; thence South $40^{\circ}33'29''$ West on said Northwesternly right of way line, a distance of 226.15 feet to the Southwest line of North Carnegie Avenue as dedicated by said Deed of Easement; thence South $49^{\circ}26'31''$ East, on Southwest line of said Deeds of Easement and on the Southwest line of said map of Trend Homes No. 26 – Tract No. 4358, a distance of 110.00 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of 21,513.85 square feet, more or less



EXHIBIT "B"



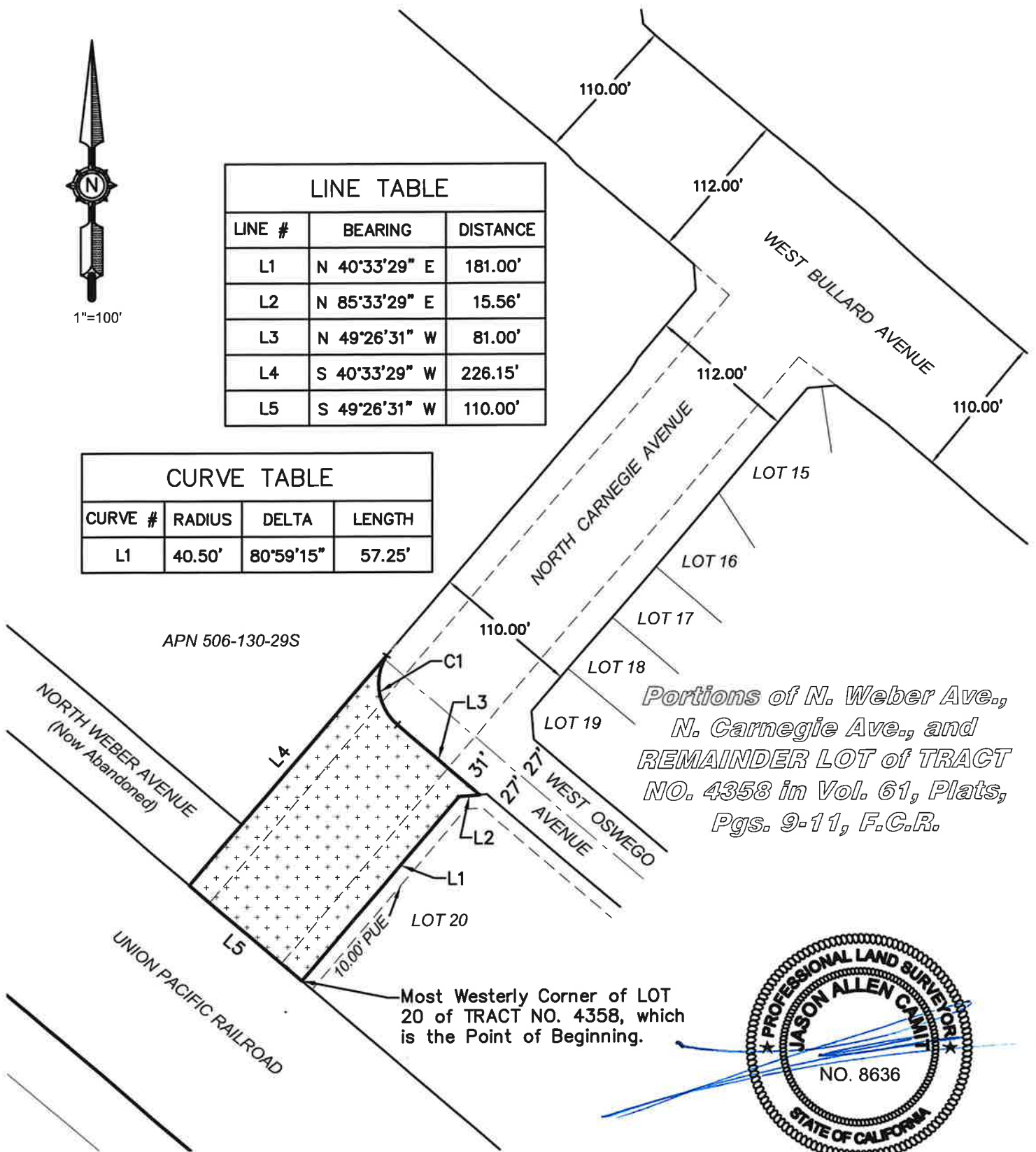
1"=100'

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 40°33'29" E	181.00'
L2	N 85°33'29" E	15.56'
L3	N 49°26'31" W	81.00'
L4	S 40°33'29" W	226.15'
L5	S 49°26'31" W	110.00'

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH
L1	40.50'	80°59'15"	57.25'



*Portions of N. Weber Ave.,
N. Carnegie Ave., and
REMAINDER LOT of TRACT
NO. 4358 in Vol. 61, Plats,
Pgs. 9-11, F.C.R.*

Most Westerly Corner of LOT
20 of TRACT NO. 4358, which
is the Point of Beginning.



3-08-2023



INDICATES AREA OF EXCESS PUBLIC STREET RIGHT OF
WAY TO BE VACATED 21,513.85 S.F. ±.

REF. & REV.

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

File No. 11844

EXCESS AREA TO BE VACATED TO ACCOMADATE
CONSTRUCTION FOR THE HIGH SPEED RAIL PROJECT

PROJ. ID. PW00663 RES TYPE 01129
FUND NO. 26001
ORG. NO. 189901

DR. BY. J.E.H.
CH. BY. J.A.C.
DATE FEB. 8, 2023
SCALE 1" = 100'

SHEET NO. 1
OF 1 SHEETS