

# Regular Council Meeting

March 30, 2023

## FRESNO CITY COUNCIL



### Supplement Packet

#### ITEM(S)

**1-DD (ID 23-460)**

Actions pertaining to the summary vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08, lying south of East Audubon Drive, between North Friant Avenue and East Cole Avenue (Council District 6):

**Contents of Supplement:** Updated Resolution to vacate

#### Item(s)

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ORDERING THE SUMMARY  
VACATION OF A TEMPORARY STORM DRAIN BASIN ON  
PARCEL D AND PARCEL E OF TENTATIVE PARCEL MAP  
NUMBER 2021-08

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map Number 2021-08, as described on Exhibit A and as shown on Exhibit B, which are attached and incorporated in this Resolution; and

WHEREAS, Zinkin Development is requesting the proposed vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map Number 2021-08, as described on Exhibit A and as shown on Exhibit B, which are attached and incorporated in this Resolution; and

WHEREAS the purpose of this proposed vacation is to accommodate development associated with site plan number P20-00331 for commercial development; and

WHEREAS, the Traffic and Engineering Services Division has reviewed this proposal and determined the proposed vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map Number 2021-08, as described on Exhibit A and as shown on Exhibit B is not necessary at this location, said Exhibits are included in this Resolution; and

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

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: AMK

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 public interest and convenience require, and it is hereby ordered, that as of March 30, 2023, the temporary storm drain basin easement of this proposed vacation to accommodate development associated with site plan number P20-00331 for commercial development as described on Exhibit A and as shown on Exhibit B be vacated.

2. 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 of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

3. 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.

4. 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 :

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 and B

PW13227

## EXHIBIT "A"

APN 402-220-87 (portion)  
Storm Drain Vacation

THE LAND REFERRED TO HEREIN IS SITUATED IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, BEING A PORTION OF OUTLOT "A" OF PARCEL MAP NUMBER 2010-07 ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 73 OF PARCEL MAPS AT PAGES 77 THROUGH 80 INCLUSIVE, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID OUTLOT "A"; THENCE NORTH 62°33'56" WEST ALONG THE NORTHEASTERLY LINE OF SAID "OUTLOT A" AND THE SOUTHWESTERLY LINE OF EAST AUDUBON DRIVE, A DISTANCE OF 366.95 FEET TO THE COMMENCEMENT POINT OF A RECORDED STORM DRAIN EASEMENT PER THE DOCUMENT RECORDED IN BOOK. 6895, PAGE 580 OFFICIAL RECORDS FRESNO COUNTY, BEING THE TRUE POINT OF BEGINNING; THENCE

- 1) At right angles, South 27° 26' 04" West, a distance of 270.00 feet; thence
- 2) Along a line parallel with and distant 270.00 feet Southwest of said Southwesterly line North 62° 33' 56" West, a distance of 382.00 feet; thence
- 3) At right angles, North 27° 26' 04" East, a distance of 270.00 feet; thence
- 4) Along said Southwesterly line South 62° 33' 56" East, a distance of 382.00 feet, to the True Point of Beginning

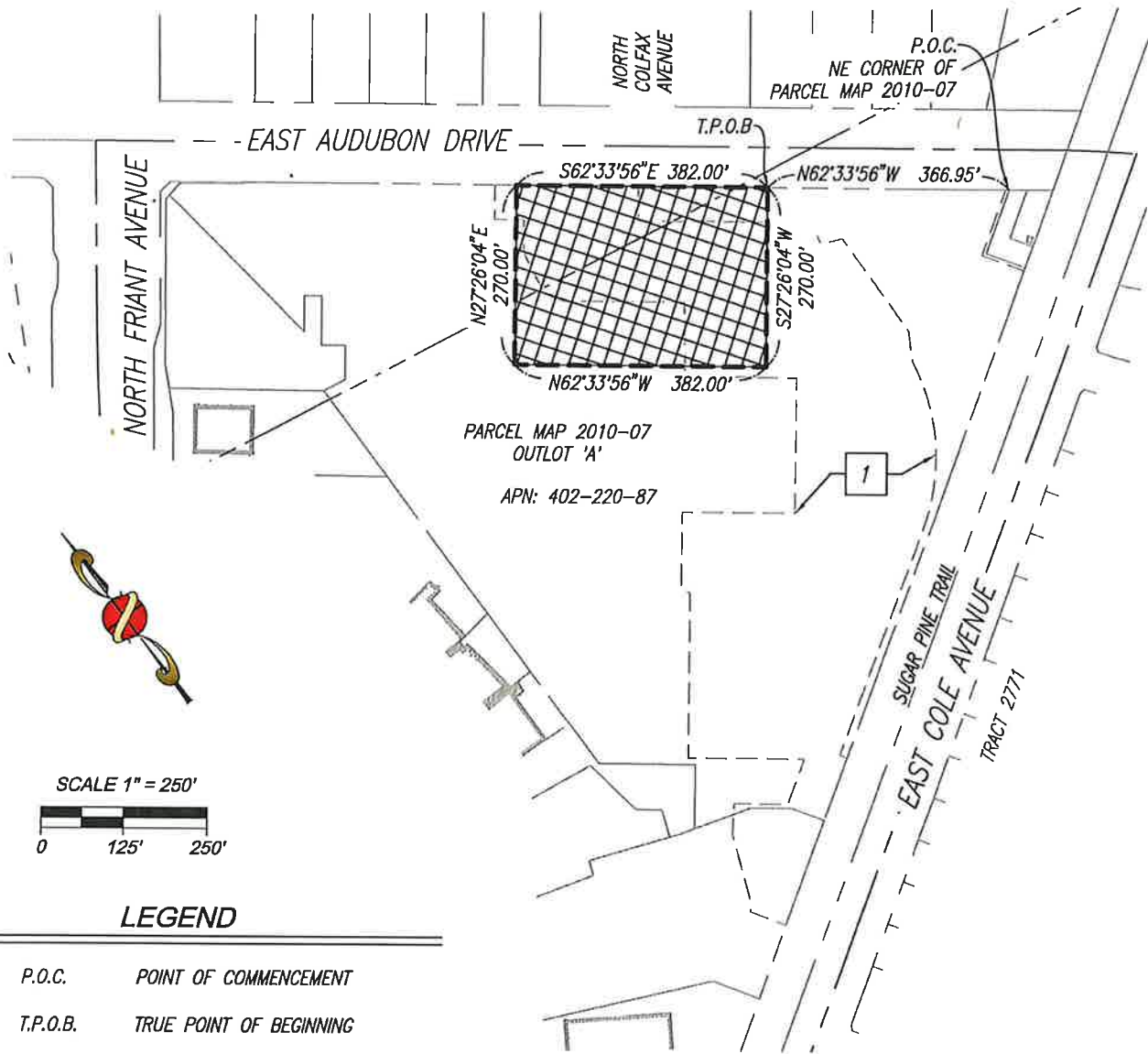
CONTAINS AN AREA OF: 2.367 AC., MORE OR LESS



1-20-2023

File No. 13227  
PLAT 1056 & 1057  
B21-02401

# EXHIBIT "B"



## LEGEND

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

--- EXISTING SECTION LINE

--- EXISTING PROPERTY LINE

1

AN EASEMENT OVER SAID LAND FOR DRAINAGE AND INCIDENTAL PURPOSES, AS GRANTED TO FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, IN DEED RECORDED JULY 25, 2022, AS INSTRUMENT NO. 2022-0095084, OFFICIAL RECORDS.



INDICATES AREA OF EASEMENT AND RIGHT OF WAY FOR STORM DRAIN PURPOSES TO BE VACATED  
AREA = 2.367 ± AC.



1-20-2023

REF. & REV.

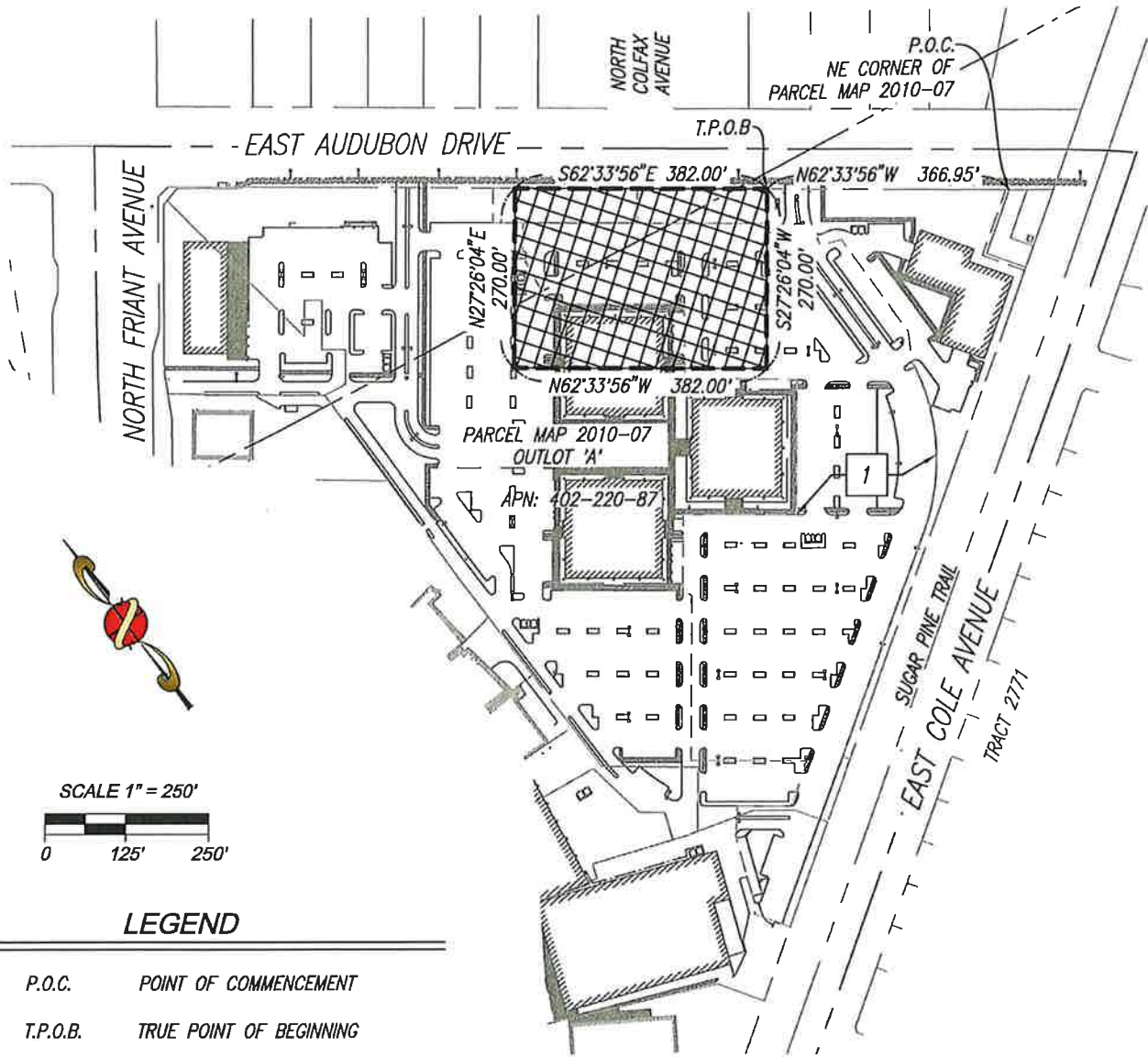
FILE NO. 13227  
PLAT 1056 & 1057  
B21-02401

CITY OF FRESNO  
DEPARTMENT OF PUBLIC WORKS

PORTION OF NORTH QUARTER SECTION 27,  
T.12S., R. 20E., M.D.B.&M. TO BE VACATED

|           |           |          |     |
|-----------|-----------|----------|-----|
| PROJ. ID. | 19-211    | KRA      | --- |
| FUND NO.  | ---       | RES TYPE | --- |
| ORG. NO.  | ---       |          |     |
| DR. BY    | JML       |          |     |
| CH. BY    | JB        |          |     |
| DATE      | 1/20/2023 |          |     |
| SCALE     | AS NOTED  |          |     |
| JOB NO.   | 19-211    |          |     |
| SHEET NO. | 1         |          |     |
| OF        | 1         | SHEETS   |     |

# EXHIBIT "C"



1-20-2023

REF. & REV.

FILE NO. 13227  
PLAT 1056 & 1057  
B21-02401

**CITY OF FRESNO**  
DEPARTMENT OF PUBLIC WORKS

PORTION OF NORTH QUARTER SECTION 27,  
T.12S., R. 20E., M.D.B. & M. TO BE VACATED

|                  |             |
|------------------|-------------|
| PROJ. ID. 19-211 | KRA         |
| FUND NO.         | RES TYPE    |
| ORG. NO.         |             |
| DR. BY JMI       | SHEET NO. 1 |
| CH. BY JB        | OF 1 SHEETS |
| DATE 1/20/2023   |             |
| SCALE AS NOTED   |             |
| JOB NO. 19-211   |             |