

RESOLUTION NUMBER _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ORDERING THE SUMMARY
VACATION OF A PORTION OF AN ALLEY BETWEEN EAST
TYLER AVENUE AND STATE ROUTE 41

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 portion of an alley between East Tyler Avenue and State Route 41, as described in Exhibit "A" and as shown on Exhibit "B" which are attached and incorporated in this Resolution; and

WHEREAS, Martin Park, Inc., is requesting the proposed vacation of a portion of an alley between East Tyler Avenue and State Route 41, as described in 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 P21-03180 for the development and construction of Webster Park; and

WHEREAS, the Traffic and Engineering Services Division has reviewed this proposal and determined the proposed vacation of a portion of an alley between East Tyler Avenue and State Route 41 as described in Exhibit "A" and as shown on Exhibit "B" is unnecessary for present or prospective public alley purposes, 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 public utility easement recorded January 15, 1971 in Book 5852, Page

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: AMK

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714 through 719, Official Record Fresno County shall remain in place; 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 public interest and convenience require, and it is hereby ordered, that as of May 26, 2022, a portion of an alley between East Tyler Avenue and State Route 41, as described in 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 _____, 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

BY: _____

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Angela M. Karst Date
Deputy City Attorney

Attachment:
Exhibit A – Street Easement Vacation Legal Description
Exhibit B – Street Easement Vacation Exhibit Map

PW File No. 12749

EXHIBIT "A"

Legal Description

That portion of Lots 7 through 10 and Lots 21 through 24 in Block 7 of the Map of Lisenby Tract, in the City of Fresno, County of Fresno State of California, according to the map thereof recorded on June 8, 1908, in Book 4 of Record of Surveys at Page 29, Fresno County Records, described as follows:

COMMENCING at the Southwest corner of said Block 7; thence South $89^{\circ}32'33''$ East, along the South line of said Block 7, a distance of 117.17 feet, to a point on the Northwesternly Right of Way line of California State Highway 41 as shown on the State Highway Map Book 4 at Pages 79 through 105 and State Highway Map Book 5 at Pages 1 through 9, on file with the Fresno County Surveyor, said point being the beginning of a 770.00 foot, non-tangent curve, concave Northwesternly; thence Northeasterly, from a tangent which bears North $57^{\circ}06'19''$ East, along said curve, through a central angle of $0^{\circ}42'02''$, an arc distance of 9.41 feet to a point on the West line of said Lot 21, said point being the **TRUE POINT OF BEGINNING**;

thence North $00^{\circ}30'02''$ East, along the West line of said Lot 21, a distance of 140.80 feet; thence North $47^{\circ}18'13''$ East, a distance of 17.42 feet to the Southwest corner of said Lot 10; thence North $00^{\circ}30'02''$ East, along the West line of said Lot 10, a distance of 8 feet; thence South $89^{\circ}32'18''$ East, parallel with and 8 feet North of the South line of said Lots 10 through 7, a distance of 83.02 feet to a point being 4.1 feet West of the East line of said Lot 7; thence South $00^{\circ}28'50''$ West, parallel with and 4.1 feet West of the East line of said Lots 7 and 24, a distance of 16.00 feet to a point being 8 feet South of the North line of said Lot 24; thence North $89^{\circ}32'18''$ West, parallel with and 8 feet South of the North line of said Lots 24 through 21, a distance of 83.03 feet to a point being 12.7 feet East of the West line of said Lot 21; thence South $00^{\circ}30'02''$ West, parallel with and 12.7 feet East of the West line of said Lot 21, a distance of 135.94 feet to a point on said Northwesternly Right of Way line, said point being the beginning of a 770.00 foot radius non-tangent curve concave Northwesternly, a radial to said beginning bears South $34^{\circ}44'40''$ East; thence Southwesterly, along said curve, through a central angle of $1^{\circ}08'57''$, an arc distance of 15.44 feet to the **TRUE POINT OF BEGINNING**.

Containing 3,137 square feet, more or less.

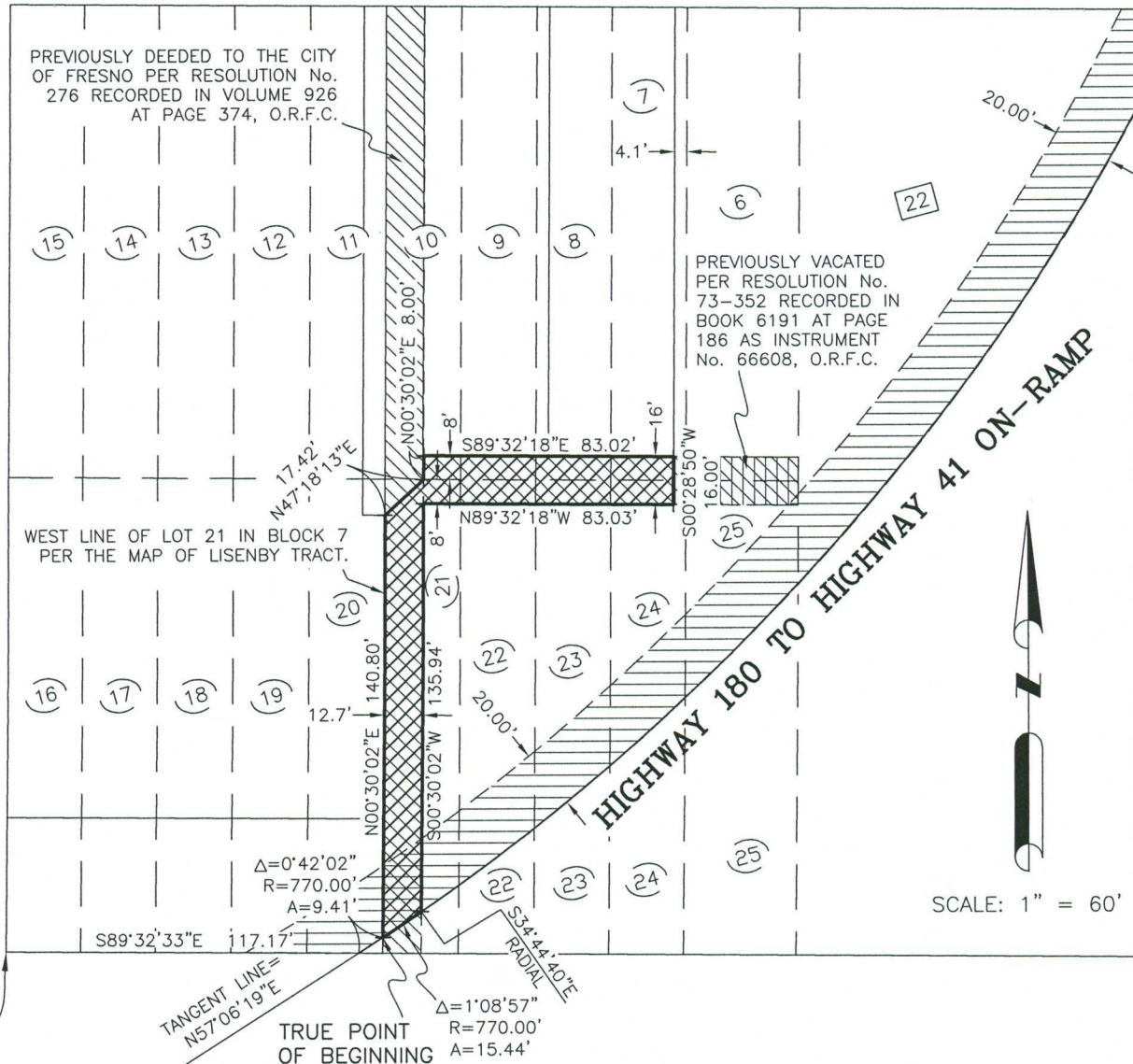


EXHIBIT "B"

EAST TYLER AVENUE

NORTH MARIPOSA STREET ALIGNMENT

NORTH ANGUS STREET ALIGNMENT



SCALE: 1" = 60'

POINT OF COMMENCEMENT
THE SOUTHWEST CORNER OF BLOCK 7 PER THE
MAP OF LIENBY TRACT, RECORDED IN BOOK 4
OF RECORD OF SURVEYS, AT PAGE 29, F.C.R.

EAST LEWIS AVENUE ALIGNMENT

LEGEND:



INDICATES AREA TO BE VACATED.

F.C.R. FRESNO COUNTY RECORDS.

O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY.



INDICATES LOT NUMBER IN BLOCK 7 PER THE MAP OF LIENBY TRACT,
RECORDED IN BOOK 4 OF RECORD OF SURVEYS, AT PAGE 29, F.C.R.



INDICATES LOT NUMBER IN THE MAP OF THE SALINGER TRACT,
RECORDED IN VOLUME 2 OF PLAT, AT PAGE 13, F.C.R.



INDICATES PUBLIC UTILITY EASEMENT PER DEED RECORDED JANUARY 15,
1971 IN BOOK 5852 AT PAGE 714, O.R.F.C.

AREA TO BE VACATED:

3,137 SQUARE FEET +/-



21-021

0' 60' 120' 180'

Ref. & Rev.

PW File No: _____

Plat No: _____

T - _____

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

A PORTION OF THAT AREA PREVIOUSLY DEEDED TO THE
CITY OF FRESNO PER RESOLUTION NO. 276 RECORDED IN
VOLUME 926 AT PAGE 374, O.R.F.C., TO BE VACATED.

Proj. ID: -

Fund No.: -

Org. No.: -

Dr. By: GMR

Ck. By: _____

Date: May 5, 2021

Scale: 1" = 60'

SHEET NO. 1
OF 1 SHEETS

15-A-_____