

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPROVING THE SUMMARY VACATION OF PORTIONS OF NORTH BRYAN AVENUE (FORMERLY ARTHUR AVENUE) BETWEEN WEST SIERRA AVENUE AND NORTH RIVERSIDE DRIVE, WEST SIERRA AVENUE BETWEEN NORTH WEBER AVENUE (FORMERLY NICHOLS AVENUE) AND NORTH RIVERSIDE DRIVE, AND APPROXIMATELY 1681 FEET OF NORTH WEBER AVENUE (FORMERLY NICHOLS AVENUE) BETWEEN PARCEL MAP 2008-13 AND THE SOUTHEASTERLY BOUNDARY OF PARCEL A OF LOT LINE ADJUSTMENT 2010-09.

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 North Bryan Avenue (formerly Arthur Avenue) between West Sierra Avenue and North Riverside Drive, West Sierra Avenue between North Weber Avenue (formerly Nichols Avenue) and North Riverside Drive, and approximately 1681 feet of North Weber Avenue (formerly Nichols Avenue) between Parcel Map 2008-13 and the southeasterly boundary of Parcel A of Lot Line Adjustment 2010-09; and

WHEREAS the portion of the public street easement proposed to be vacated is described in Exhibit "A" and shown on Exhibit "B" which are attached and incorporated in this Resolution; and

WHEREAS, Arthur, Nichols and Sierra Avenues were dedicated as easements for public use by the map of J.C. Forkner Fig Gardens Subdivision No. 3, recorded May

1 of 5

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

26, 1920, in Volume 8 of Plats at Page 79, Fresno County Records; and

WHEREAS, there are no street improvements located within the areas to be vacated; and

WHEREAS, the purpose of the proposed vacation is to accommodate a future commercial development being the next phase of the El Paseo Project; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies reviewed this proposal and determined there are no public utility facilities within the area proposed for vacation that would be affected by the vacation and the area proposed for vacation is unnecessary for present or prospective public street purposes; and

WHEREAS, PG&E has private easements for their overhead transmission lines crossing Sierra and Bryan Avenues that were recorded May 13, 1995, in Book 3605 at Page 183, Official Records of Fresno County (O.R.F.C.), and March 23, 1956, in Book 3744 at Page 551, O.R.F.C. Therefore pursuant to Section 8352 of the California Streets and Highways Code, the vacation of the subject street easements will not affect their facilities or easement rights; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is considered excess right-of-way not required for street or highway purposes and has no public utility facilities within the area to be vacated that would be affected by the vacation. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, the proposed vacation was evaluated in Final Environmental Impact

Report No. 10141. On December 16, 2010, the Council made all the necessary findings to certify a Final Environmental Impact Report, certified Final Environmental Impact Report No. 10141, adopted the Findings of Fact, adopted the Statement of Overriding Considerations, and adopted the Mitigation Monitoring Program for the El Paseo Project. A Notice of Determination was filed on December 17, 2010; and

WHEREAS, the Council desires to summarily vacate North Bryan Avenue (formerly Arthur Avenue) between West Sierra Avenue and North Riverside Drive, West Sierra Avenue between North Weber Avenue (formerly Nichols Avenue) and North Riverside Drive, and approximately 1681 feet of North Weber Avenue (formerly Nichols Avenue) between Parcel Map 2008-13 and the southeasterly boundary of Parcel A of Lot Line Adjustment 2010-09 as described in Exhibit "A" and shown on Exhibit "B" which are attached and incorporated in this Resolution.

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

1. The public street easements of North Bryan Avenue (formerly Arthur Avenue) between West Sierra Avenue and North Riverside Drive, West Sierra Avenue between North Weber Avenue (formerly Nichols Avenue) and North Riverside Drive, and approximately 1681 feet of North Weber Avenue (formerly Nichols Avenue) between Parcel Map 2008-13 and the southeasterly boundary of Parcel A of Lot Line Adjustment 2010-09, as described in Exhibit "A" and shown on Exhibit "B", is hereby vacated.

2. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the 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.

4. This vacation shall become effective on the date this resolution is recorded.

5. From and after the date this resolution is recorded, North Bryan Avenue (formerly Arthur Avenue) between West Sierra Avenue and North Riverside Drive, West Sierra Avenue between North Weber Avenue (formerly Nichols Avenue) and North Riverside Drive, and approximately 1681 feet of North Weber Avenue (formerly Nichols Avenue) between Parcel Map 2008-13 and the southeasterly boundary of Parcel A of Lot Line Adjustment 2010-09, as described in Exhibit "A" and shown on Exhibit "B", shall no longer constitute a public street easement.

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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: _____
Raj Singh Badhesha, Deputy

Attachments: Exhibits "A" and "B"

PW File 11849

EXHIBIT "A"

That portion of North Weber Avenue (formerly Nichols Avenue), North Bryan Avenue (formerly Arthur Avenue) and West Sierra Avenue, said Avenues were dedicated by the map of J.C. Forkner Fig Gardens Subdivision No. 3, recorded in Volume 8 of Plats at Page 79, Fresno County Records, said Avenues being 60.00 feet wide, as shown on said map, said portion more particularly described as follows:

Beginning at the northeast corner of Lot 335 of J. C. Forkner Fig Gardens Subdivision No. 3, according to the map thereof recorded in Volume 8 of Plats, Page 79, Fresno County Records:

thence 1) North $00^{\circ} 26' 02''$ East, along the east line of Lot 286 of said J. C. Forkner Fig Gardens Subdivision No. 3, a distance of 449.42 feet to a point on the northwesterly prolongation of the southwesterly right of way line of North Riverside Drive (formerly North Bryan Avenue) as shown on map of Tract No. 5078, recorded in Volume 71 of Plats, Pages 35-38, Fresno County Records;

thence 2) South $40^{\circ} 45' 06''$ East, along said prolongation, a distance of 91.12 feet to the west line of Lot 287 of said J. C. Forkner Fig Gardens Subdivision No. 3;

thence 3) South $00^{\circ} 26' 02''$ West, along the west line of Lots 287 and 334 of said J. C. Forkner Fig Gardens Subdivision No. 3, a distance of 1000.35 feet to the southwest corner of said Lot 334;

thence 4) North $89^{\circ} 38' 08''$ East, along the south line of Lots 334, 333, 332 and 331 of said J. C. Forkner Fig Gardens Subdivision No. 3, a distance of 1083.81 feet to a point on the southwesterly right of way line of said North Riverside Boulevard, said point being on a non-tangent curve concave to the northeast, having a radius of 1855.00 feet, a radial to said point bears South $24^{\circ} 45' 51''$ West;

thence 5) southeasterly along said right of way line and along said non-tangent curve, through a central angle of $2^{\circ} 16' 47''$, an arc distance of 73.81 feet to a point on a line that is parallel with and 30.00 feet south of the southerly line of said Lot 331;

thence 6) South $89^{\circ} 38' 08''$ West, along said parallel line, a distance of 54.34 feet;

thence 7) South $00^{\circ} 21' 52''$ East, a distance of 30.00 feet to the northeast corner of Parcel A of Lot Line Adjustment No. 2010-09 as described in Document No. 2011-0129069, Official Records Fresno County;

thence 8) South 89° 38' 08" West, along the north line of said Parcel A, a distance of 1096.20 feet to the northwest corner of said Parcel A;

thence 9) South 49° 49' 49" East, along the southwesterly line of said Parcel A, a distance of 836.60 feet to the south corner of said Parcel A;

thence 10) South 40° 10' 11" West, a distance of 60.00 feet to a point on the northeasterly right of way line of the Union Pacific railroad;

thence 11) North 49° 49' 49" West, along last said right of way line, a distance of 1680.62 feet to the most southerly corner of Parcel N of Parcel Map No. 2008-13, recorded in Book 71 of Parcel Maps, Pages 81-89, Fresno County Records;

thence 12) North 40° 15' 46" East, along the southeasterly line of said Parcel N, a distance of 60.00 feet to the most westerly corner of Parcel C of Lot Line Adjustment No. 2012-11, recorded as Document No. 2012-0102256, Official Records Fresno County;

thence 13) South 49° 49' 49" East, along the southwesterly line of said Parcel C and said Lot 335, a distance of 751.59 feet to the most westerly southeast corner of said Lot 335;

thence 14) North 89° 38' 08" East, along the south line of said Lot 335, a distance of 9.44 feet to the most easterly southeast corner of said Lot 335;

thence 15) North 00° 26' 02" East, along the east line of said Lot 335, a distance of 620.34 feet to the POINT OF BEGINNING.



Peter D. Cohrs

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INDICATES PORTION OF PUBLIC
STREETS TO BE VACATED

PARCEL LINE
EASEMENT LINE

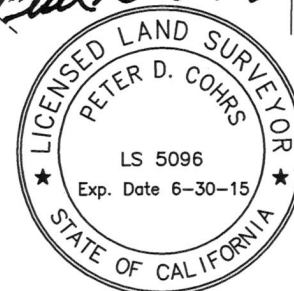


EXHIBIT	
DESCRIPTION:	PROPOSED VACATION OF PUBLIC STREETS

PROJECT NAME: <i>JOHN ALLEN COMPANY</i>	
<i>02-11-15</i>	<i>14-023</i>

FIGURE
1 of 2

EXHIBIT "B"

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PARCEL N
PM NO. 2008-13

A

PARCEL C
LLA 2012-11

L6

NORTH WEBER AVE.

DETAIL 'A'

N.T.S.

EASEMENTS:

- (A) NO CONSTRUCTION EASEMENT
PER DOC. NO. 2013-0038445, O.R.F.C.
- (B) PG&E EASEMENT
BK 3744, PG 551, O.R.F.C.
- (C) PG&E EASEMENT
BK 3605, PG 183, O.R.F.C.

PARCEL O
PM NO. 2008-13

PARCEL C
LLA 2012-11

60'

NORTH RIVERSIDE DRIVE

TRACT 5078

DRIVE 55'

NORTH BRYAN AVE.

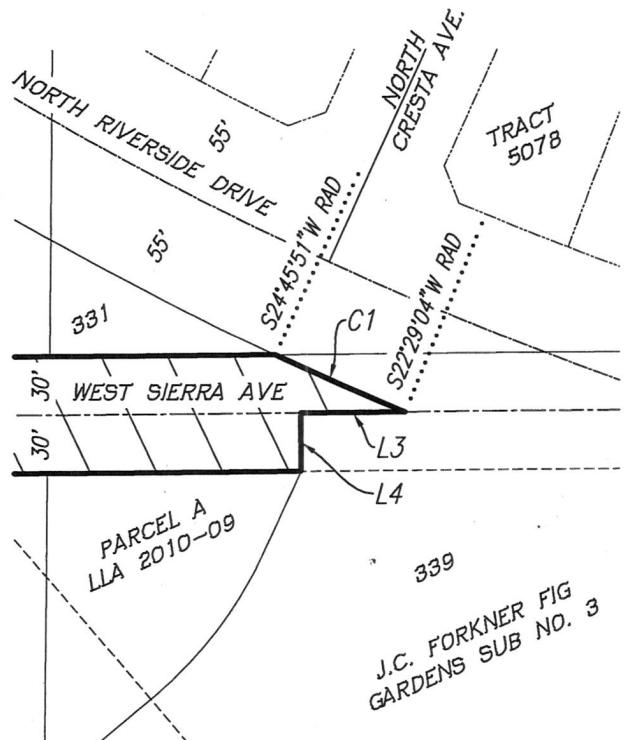
(ARTHUR AVE.)

287

S40°45'06"E

DETAIL 'B'

N.T.S.



DETAIL 'C'

N.T.S.

EXHIBIT

DESCRIPTION:
PROPOSED VACATION
OF PUBLIC STREETS

PROJECT NAME:

JOHN ALLEN COMPANY

02-11-15

14-023

FIGURE

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PRECISION
CIVIL ENGINEERING, INC.