

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ORDERING THE VACATION OF A  
PORTION OF NORTH NINTH STREET SOUTH OF EAST  
DAKOTA AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1105-D, on file in the Office of the City Clerk of the City of Fresno (the "City Clerk"), a public hearing was held on May 19, 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, the City of Fresno Water Division is requesting the proposed vacation of that portion of North Ninth Street south of East Dakota Avenue as described in Exhibit "A," and as shown on Exhibit "B," which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation is to eliminate the public street right-of-way to satisfy a condition of approval for Conditional Use Permit (CUP) No. C-12-176 for the City's Pump Station No. 52A; and

WHEREAS, North Ninth Street was dedicated as an easement for public street purposes by Tract No. 1433 – Millbrook Estates in Volume 17 of Plats at Page 34, 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 right-of-way proposed for vacation is unnecessary for present or prospective public street purposes subject to the reservation of a public utility easement over the

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Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: SM

Resolution No.

entire area to be vacated, a reservation of a pedestrian walkway easement as shown in Exhibit “C”, which is attached and incorporated in this resolution, and that all existing street improvements be removed from the area proposed to be vacated which is attached and incorporated in this resolution; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 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 that portion of North Ninth Street south of East Dakota Avenue as described in Exhibit “A”, and as shown on Exhibit “B” is unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1105-D adopted by the Council on April 28, 2016, the public street right-of-way as described in Exhibit “A” and shown on Exhibit “B”, which are attached and incorporated herein, be and are hereby vacated and abandoned.

3. The City reserves the entire area to be 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 reserves a pedestrian walkway easement over that portion of the area proposed to be vacated as shown on Exhibit "C", which is attached and incorporated herein.

5. All proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the removal of all existing street improvements from the 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.

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 of the Recorder of Fresno County, but not until the City Engineer determines that all existing street improvements have been removed from the area proposed to be vacated and all work associated with this requirement has been accepted by the City.

8. 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

Attachments: Exhibits "A" through "C"

PW File 11986

## EXHIBIT "A"

### Street Vacation

That portion of North Ninth Street as dedicated as an easement for public street purposes by Tract No. 1433 - Millbrook Estates, according to the map thereof recorded in Volume 17 of Plats at Page 34, Fresno County Records, situated in the southeast quarter of Section 23, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, more particularly described as follows:

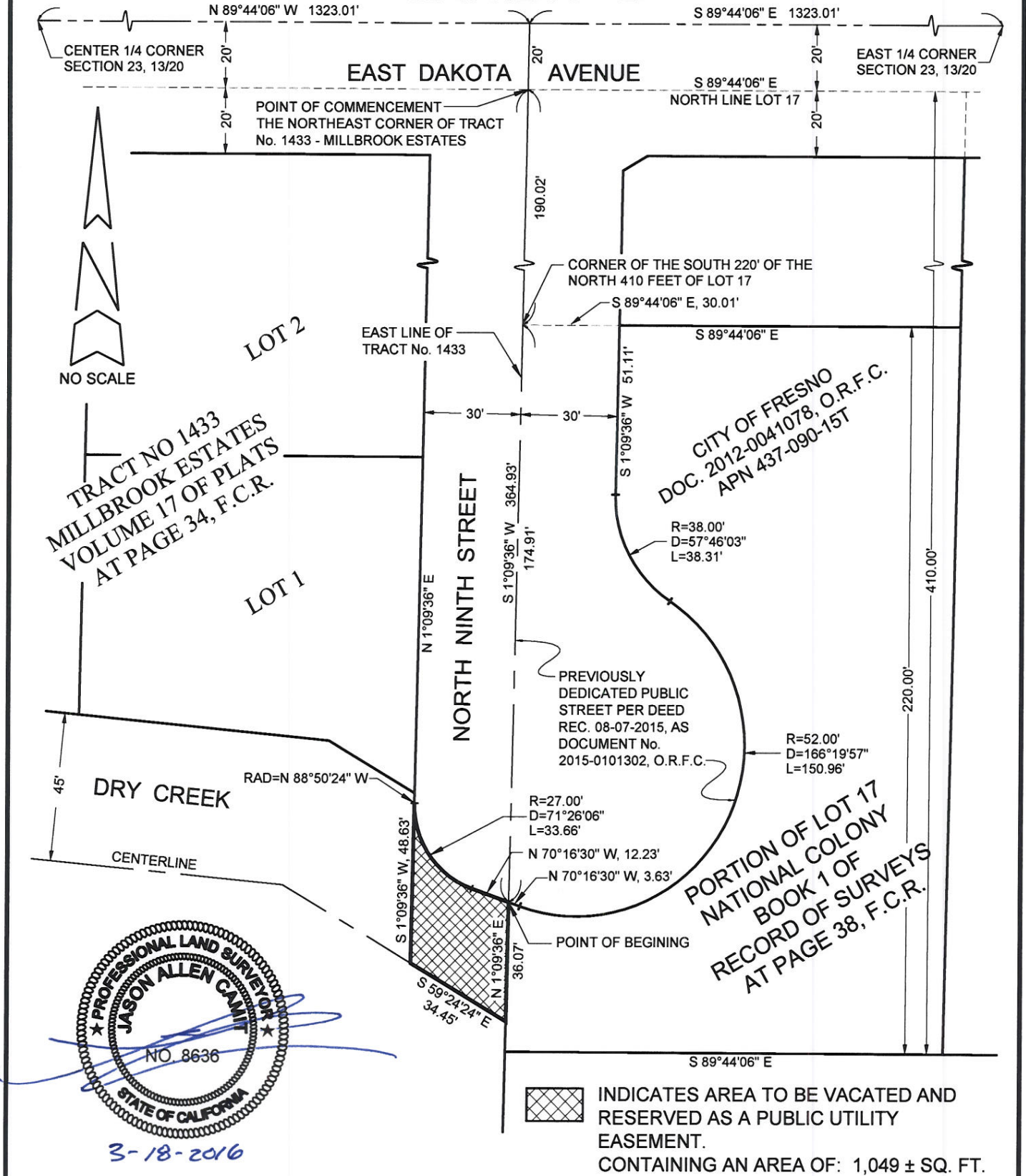
Commencing at the northeast corner of said Tract 1433; thence South  $1^{\circ}09'36''$  West, along the east subdivision line of said Tract 1433, a distance of 364.93 feet to the southwesterly corner of that public road dedication, as described in deed recorded August 7, 2015, as Document No. 2015-0101302, Official Records Fresno County, said corner being the POINT OF BEGINNING of this description; thence leaving said east subdivision line, North  $70^{\circ}16'30''$  West, a distance of 12.23 feet to the beginning of a tangent curve concave northeasterly, having a radius of 27.00 feet; thence northwesterly, along the arc of said curve, through a central angle of  $71^{\circ}26'06''$ , an arc distance of 33.66 feet to a point of cusp on the west right-of-way line of said North Ninth Street; thence South  $1^{\circ}09'36''$  West, along the west line of said North Ninth Street, and tangent to last said curve, a distance of 48.63 feet to the centerline of Dry Creek as shown on said Tract Map No. 1433; thence South  $59^{\circ}24'24''$  East, along the centerline of said Dry Creek, a distance of 34.45 feet to the east subdivision line of said Tract 1433; thence North  $1^{\circ}09'36''$  East, along said east subdivision line, a distance of 36.07 feet to the POINT OF BEGINNING.

Contains an area of 1,049 square feet, more or less.





# EXHIBIT "B"



3-18-2016

REF. & REV.  PLAT 2059	<b>CITY OF FRESNO</b> DEPARTMENT OF PUBLIC WORKS  PUBLIC STREET RIGHT-OF-WAY TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT BY THE CITY OF FRESNO	PROJ. ID. <u>WC00016</u> RES TYPE _____ FUND NO. <u>40101</u> ORG. NO. <u>411501</u>  DR. BY <u>A.J.</u> CH. BY <u>J.A.C.</u> DATE <u>MAR 3, 2016</u> SCALE <u>NO SCALE</u>	SHEET NO. <u>1</u> OF <u>1</u> SHEET
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# EXHIBIT "C"

