

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ORDERING THE SUMMARY
VACATION OF THE RELINQUISHMENT OF DIRECT
ACCESS RIGHTS TO THE NORTH SIDE OF EAST
NORTH AVENUE, WEST OF SOUTH CEDAR AVENUE

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 the relinquishment of direct access rights on the north side of East North Avenue, west of South Cedar Avenue. as shown on Exhibit "A" which is attached and incorporated in this Resolution; and

WHEREAS, the purpose for the vacation is to allow direct access to the subject parcel that has been eliminated by the High Speed Rail construction by vacating the relinquishment of direct access rights; and

WHEREAS, the relinquishment of direct access rights was originally required by the City of Fresno by Parcel Map No. 97-01, recorded June, 1997, in Volume 58 of Parcel Maps at Pages 2 and 3, Fresno County Records; and

WHEREAS, Reed Land Holdings, LLC., has requested to vacate relinquishment of direct access rights as shown on Exhibit "A"; and

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

purposes, and that the proposed vacation will allow access to the subject parcel that has been eliminated by the High Speed Rail construction; 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 use restriction not required for street or highway purposes and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, staff has performed a preliminary environmental assessment of this project and has determined that this project is exempt under Section 15301(c)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Council desires to summarily vacate the relinquishment of direct access rights on the north side of East North Avenue, west of South Cedar Avenue as shown on Exhibit "A".

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

1. That relinquishment of direct access rights on the north side of East North Avenue, west of South Cedar Avenue 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.
3. This vacation shall become effective on the date this resolution is recorded.

4. From and after the date this resolution is recorded, that relinquishment of direct access rights on the north side of East North Avenue, west of South Cedar Avenue as shown on Exhibit "A" shall no longer constitute a public use restriction.

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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

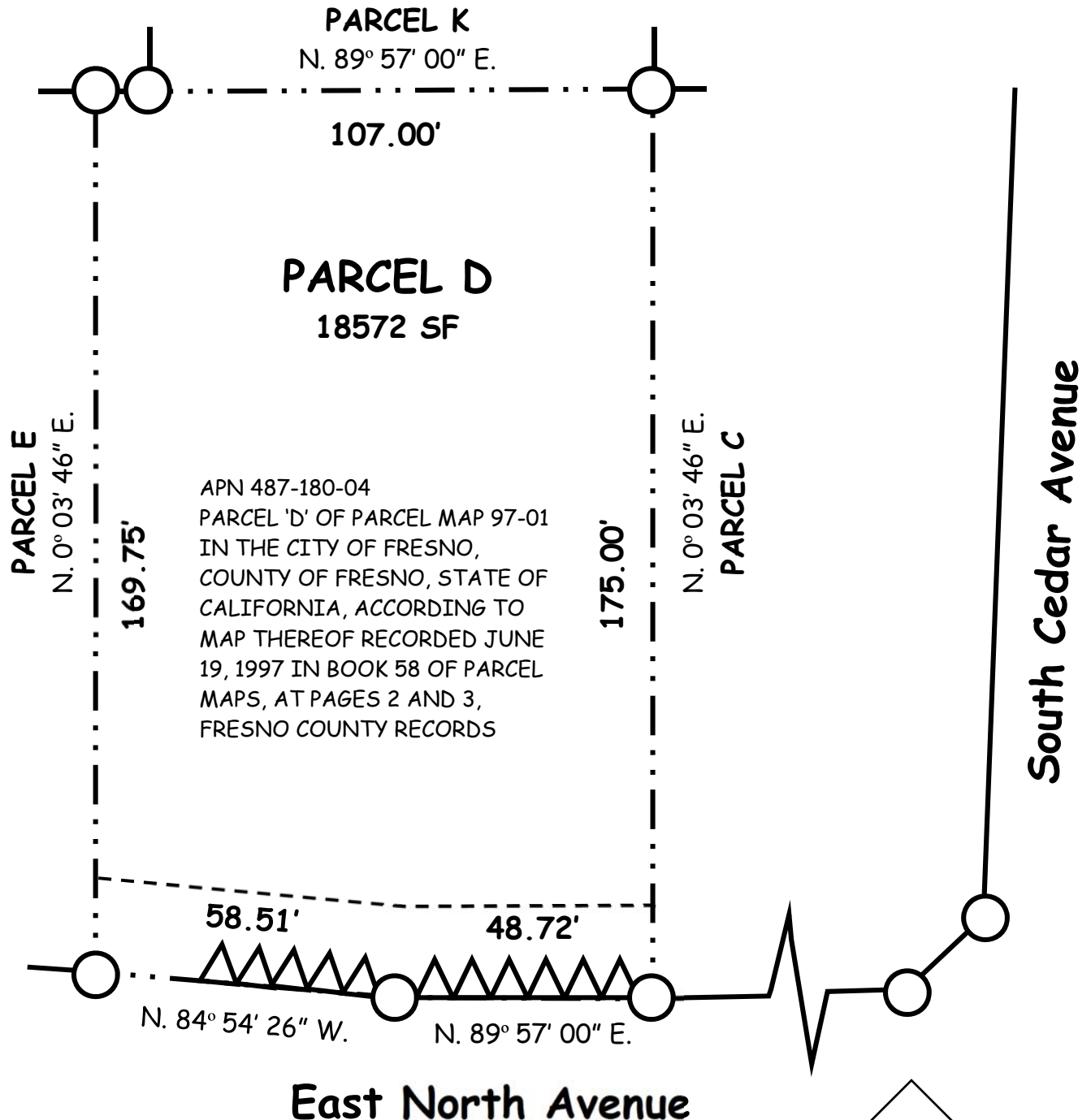
BY: _____
Seth Mehrten Date
Deputy City Attorney

Attachment: Exhibit "A"

PW File No. 12008

EXHIBIT "A"

 DENOTES EXISTING "RELINQUISHMENT
OF ACCESS RIGHTS" TO BE VACATED



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