

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

A RESOLUTION OF INTENTION OF THE COUNCIL OF  
THE CITY OF FRESNO, CALIFORNIA, TO VACATE  
PORTIONS OF NORTH PARKWAY DRIVE AND NORTH  
LAFAYETTE AVENUE, NORTH OF WEST WELDON  
AVENUE ALIGNMENT

WHEREAS, pursuant to Resolution of Intention No. 1112-D, on file in the Office of the City Clerk of the City of Fresno (the "City Clerk"), a public hearing was held on December 15, 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 State of California is requesting the proposed vacation of portions of North Parkway Drive and North Lafayette Avenue, north of West Weldon Avenue Alignment, as described on Exhibit "A" and as shown on Exhibit "B," which is attached and incorporated in this Resolution; and

WHEREAS, the proposed vacation is needed to accommodate the realignment of State Route 99 due to High Speed Rail construction.; and

WHEREAS, the right-of-way is described as that portion a frontage road adjacent westerly to State Route 99 acquired by the State of California in sections in 1936. The entire frontage road was then relinquished to the County of Fresno by Grant Deed recorded October 24, 1956 in Book 3836, Page 268, Official Records Fresno County. The City of Fresno annexed the area in 1962 and acquired the public streets at that time; and

WHEREAS, the Traffic and Engineering Services Division, other City

departments and utility agencies have reviewed the proposed vacation and determined that the portion right-of-way easement proposed for vacation is unnecessary for present or prospective public street purposes as described in Exhibit "A," and as shown in Exhibit "B," attached and incorporated in this Resolution, subject to the reservation of a public utility easement over the entire area proposed for vacation; 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 Council finds from all the evidence submitted that the vacation of portions of North Parkway Drive and North Lafayette Avenue, north of West Weldon Avenue Alignment, as described in Exhibit "A," and as shown in Exhibit "B" is unnecessary for present and prospective public street and public utility purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1112-D adopted by the Council on December 1, 2016, the public street right-of-way as described in Exhibit "A," and as shown in Exhibit "B," be and are hereby vacated and abandoned.

3. The City reserves the entire area being 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 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.

5. 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 City Attorney

Attachments: Exhibits "A" and "B"

PW File 12019

EXHIBIT "A"  
Legal Description  
Proposed Street Vacation – a portion of N. Lafayette Ave. & N. Parkway Dr.  
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That portion of North Lafayette Avenue and North Parkway Drive in Section 30, Township 13 South, Range 20 East, Mount Diablo Meridian and Base Line, more particularly described as follows:

BEGINNING at a point on the West line of Lot 36 of Highway Heights, according to the map thereof recorded in Book 9, Page 38 of Record of Surveys, Fresno County Records, said point being North 00°33'52" East, 65.28 feet along said West line from the southwest corner of said Lot 36;

THENCE (1) along said West line and its northerly prolongation, North 00°33'52" East, 297.28 feet;

THENCE (2) North 39°37'00" West, 1.96 feet;

THENCE (3) North 30°49'56" West, 113.96 feet to a point on the southwesterly right-of-way boundary of existing State Route 99, last said point being the beginning of a non-tangent curve concave northeasterly, to which a radial bears South 55°28'53" West, having a radius of 321.21 feet and a central angle of 07°25'48";

THENCE along said southwesterly right-of-way boundary, the following courses: (4) northwesterly along said curve, an arc distance of 41.65 feet to a point of tangency; (5) North 27°05'19" West, 66.81 feet to the beginning of a non-tangent curve concave southwesterly, to which a radial bears North 51°49'53" East, having a radius of 2401.00 feet and a central angle of 04°26'36";

THENCE (6) northwesterly along last said curve, an arc distance of 186.19 feet to the northeasterly line of Parcel 2 of the land described in a deed to Fresno Rescue Mission Inc., recorded November 10, 2010 as Document No. 2010-0150906, Official Records of Fresno County;

THENCE (7) along said northeasterly line, South 26°59'47" East, 40.25 feet to the southeast corner of said Parcel 2;

THENCE (8) along the northeasterly line of the land described in a deed to Fresno Rescue Mission Inc., recorded November 10, 2010 as Document No. 2010-0150907, Official Records of Fresno County, South 26°59'38" East, 403.54 feet to the East line of the land described in last said deed;

THENCE (9) along said East line, South 00°33'52" West, 238.01 feet;

THENCE (10) South 89°37'49" East, 30.00 feet to the POINT OF BEGINNING.

Containing 0.54 acre, more or less.

EXHIBIT "A"  
Legal Description  
Proposed Street Vacation – a portion of N. Lafayette Ave. & N. Parkway Dr.  
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The bearings and distances used in this description are on the California Coordinate System of 1983, Epoch 2007, Zone 4. Divide distances by 0.99993543 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature Glenn R. Medina  
Professional Land Surveyor

Date January 20, 2016



# EXHIBIT B

