

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, APPROVING THE SUMMARY  
VACATION OF A PORTION OF NORTH VAN NESS  
AVENUE AT THE NORTHWEST CORNER OF NORTH  
VAN NESS AVENUE AND EAST MADISON 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 vacate a portion of North Van Ness Avenue at the northwest corner of Van Ness Avenue and East Madison Avenue; and

WHEREAS, Beal Developments, LLC is requesting the vacation of North Van Ness Avenue at the northwest corner of Van Ness Avenue and East Madison 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 excessive public street right-of-way and accommodate the development of the adjacent property; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities and no public improvements within the area proposed for vacation as described in Exhibit "A" and as shown on Exhibit "B"; and

WHEREAS, the Traffic and Engineering Services Division has further determined that the area proposed for vacation as shown on the attached Exhibits, which are



attached and incorporated in this Resolution, is unnecessary for present or prospective public street purposes; 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 for the vacation of North Van Ness Avenue at the northwest corner of Van Ness Avenue and East Madison Avenue, as described in Exhibit "A" and as shown on Exhibit "B", is unnecessary for present and prospective public street and utility purposes.

2. From and after the date this resolution is recorded, that portion of North Van Ness Avenue at the northwest corner of Van Ness Avenue and East Madison Avenue, as shown on the attached Exhibits shall no longer constitute a public street easement.

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. 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.

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

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 \_\_\_\_\_, 2019.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, MMC, CRM  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
John Hastrup      Date  
Deputy City Attorney

Attachments: Exhibits "A" and "B"  
PW File No. 12402