



DEPARTMENT DIRECTOR

CITY MANAGER

January 14, 2010

FROM: PATRICK N. WIEMILLER, Director  
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer / Assistant Director  
Public Works Department, Engineering Services



SUBJECT: APPROVE A LANDSCAPE AGREEMENT WITH OWNERS GEORGE H. AND CYNTHIA C. BROWN AND CAROLINE K. HINSHAW THAT WILL ESTABLISH A TEMPORARY LANDSCAPE AGREEMENT ON DEDICATED CITY RIGHT OF WAY UNTIL THE FUTURE GRADE SEPARATION PROJECT NEAR THE INTERSECTION OF HERNDON AVENUE AND GOLDEN STATE BOULEVARD IS CONSTRUCTED (PROPERTY IS LOCATED IN DISTRICT 2)

## RECOMMENDATION

Staff recommends that the City Council:

1. Approve the Landscape Agreement at the southwest corner of Herndon Avenue and Golden State Boulevard from property owners George H. and Cynthia C. Brown and Caroline K. Hinshaw.
2. Authorize the Public Works Director or his designee to execute the Landscape Agreement with George H. and Cynthia C. Brown and Caroline K. Hinshaw.

## EXECUTIVE SUMMARY

In 1996 the City and Burger Duo Property Development II, LLC, entered into an Irrevocable Offer to Dedicate Real Property along the southwest corner of Herndon and Golden State Boulevard. The offer is to remain open until such time as the City Council adopts a resolution accepting or rejecting the Irrevocable Offer to Dedicate Real Property. The offer remained open until May of 2009 when Resolution No. 2009-104 was adopted by the City Council accepting the offer to accommodate construction of the street improvements along the southwest corner of Herndon and Golden State Boulevard. The purpose of the Landscape Agreement is to allow the owners to landscape the City's portion of the dedication until such time in the future the area is needed for the development of the grade separation.

## BACKGROUND

Beginning in 1995, the Public Works Department began the process to plan improvements to the Herndon Avenue and Golden State intersection to improve traffic movement and reduce delays at the intersection. The property owner at the southwest corner of the intersection was in the

process of making improvements under CUP 95-61. The Developer and the City agreed to an irrevocable offer of Dedication of Real Property for the street easements to be deferred until such time as it is needed to make the improvements to the intersection. The offer remained open until May of 2009 when Resolution No. 2009-104 was adopted by the City Council. The City accepted a dedication of a portion of the subject property from the owners, recorded as Document No. 2009-0105987 in the Official Records of Fresno County, hereinafter referred to as the "Dedicated Portion" and illustrated in Exhibit "A." The dedicated portion is necessary in order to build the improvements at the southwest corner of Herndon Avenue and Golden State Boulevard. The City only requires a certain portion of the dedicated portion to build the improvements needed at this time. The unneeded portion of the dedicated portion is to be used as a landscape area by the adjacent owner until such time that the City needs it to further widen Herndon Avenue. The landscaped area which is the "Remainder Portion" is illustrated in Exhibit "B".

The Landscape Agreement will allow the owner's to landscape the City's remainder portion, by use of an encroachment permit, until such time in the future the area is needed for the development of the grade separation project. The temporary improvements (i.e., maintain the irrigation system, the maintenance of the grass, shrubs and trees) will be completed and/or removed at the owner's expense.

The City Attorney's Office has reviewed and approved the Landscape Improvement Agreement.

The Agreement will be recorded.

### **FISCAL IMPACT**

No compensation is being paid or received from this Landscape Agreement.

PNW/SLM/PC/eam  
Apprv Landscape Agrmt on Dedi City ROW Herndon-Golden State 1-14-10

Attachments: Landscape Agreement  
Exhibits A and B

**LANDSCAPE AGREEMENT**

**HERNDON AVENUE AND GOLDEN STATE BLVD.  
SOUTHWEST CORNER APN 504-140-01  
FRESNO, CALIFORNIA**

**GEORGE H. & CYNTHIA C. BROWN, CAROLINE K. HINSHAW  
AND  
CITY OF FRESNO, CALIFORNIA**

RECEIVED  
DEC 02  
2009 ~~NOV 22~~ PM 2:12  
CITY OF FRESNO  
PUBLIC WORKS DEPT

## LANDSCAPE AGREEMENT

THIS AGREEMENT made and entered into effective Nov. 27, 2009 by and between the CITY OF FRESNO, CALIFORNIA, a municipal corporation, hereinafter called "CITY" and George H. and Cynthia C. Brown and Caroline K. Hinshaw, hereinafter called "OWNERS."

The OWNERS own the property located at southwest corner of Herndon Avenue and Golden State Blvd, Assessor's Parcel No. 504-140-11 ("Subject Property"). See attached legal description Exhibit "A"

The City accepted a dedication of a portion of the Subject Property from the OWNERS, recorded as Document No. 2009-0105987 in the Official Records of Fresno County, hereinafter referred to as the "Dedicated Portion" and illustrated in Exhibit "B." The Dedicated Portion is necessary in order to build the improvements at the south west corner of Herndon Avenue and Golden State. The City only requires a certain portion of the Dedicated Portion to build the improvements needed at this time. The unneeded portion of the Dedicated Portion is to be used as a landscape area until such time that the City needs it to further widen Herndon Avenue, and is hereinafter referred to as the "Remainder Portion" and illustrated in Exhibit "C" attached hereto.

The parties desire to enter into this Landscape Agreement to clarify the responsibility of each party as it relates to the Dedicated Portion and the Remainder Portion which is the landscaped area.

The City as part of the Herndon Avenue - Weber Avenue to Freeway 99 road construction project shall be responsible to install as needed, irrigation parts to reconnect and verify that the irrigation system for the landscaped area of the Remainder Portion is in proper working order.

Within the Remainder Portion, OWNERS will be allowed to place landscaping that is considered temporary and shall be responsible to maintain the irrigation system and the maintenance of the grass, shrubs and trees in the landscaped area at its own expense, until such time that the OWNERS are notified by the City that the Remainder Portion is needed for the next stage of the

road improvement project. It is mutually agreed that no charges of rents by either party shall be instituted for the respective use of the Remainder Portion.

The City shall notify the OWNERS of the forthcoming road improvement project 90 days in advance of going to bid for the construction of the road improvement project at Herndon and Golden State. The 90 day notice will allow the OWNERS to remove, relocate and salvage any and all trees, shrubs, bushes and other landscaped items that are in the area of the future road improvement project. The City's Contractor will remove and dispose of any remaining landscape items as part of the construction of improvements, at the City's expense.

To the furthest extent allowed by law, OWNER shall indemnify, hold harmless and defend the City and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort, or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, OWNER or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of the performance of this AGREEMENT. OWNER'S obligations under the preceding sentence shall apply to any negligence of CITY or any of its officers, officials, employees, agents or volunteers, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or by the willful misconduct, or CITY or any or its officers, officials, employees agents or authorized volunteers. This section shall survive termination or expiration of this AGREEMENT.

All of the terms, covenants and conditions of this Agreement shall be binding upon OWNERS, jointly and severally, and OWNER's permitted successors and assigns.

SIGNATURES APPEAR ON NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have set their hands the day first above written.

RECOMMENDED FOR APPROVAL

BY J. A. Pete Caldwell  
Senior Real Estate Agent

CITY OF FRESNO

Scott Mozier, Assistant Director  
Department of Public Works

Address of City:  
City of Fresno  
Public Works Department  
2600 Fresno Street, Room 4019  
Fresno, CA 93721-3623

OWNERS:

BY: Cynthia C. Brown  
Cynthia C. Brown

Date: 11-27-09

BY: George H. Brown  
George H. Brown

Date: 11-27-09

BY: Caroline K. Hinshaw  
Caroline K. Hinshaw

Date: 11/24/09

APPROVED AS TO FORM:

JAMES C. SANCHEZ

City Attorney

By [Signature]  
Deputy BRADLEY

ATTEST:  
REBECCA K. KLISCH  
City Clerk

By \_\_\_\_\_  
Deputy

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

Real property in the City of Fresno, County of Fresno, State of California, described as follows:  
PARCEL A OF PARCEL MAP NO. 96-12, IN THE CITY OF FRESNO, COUNTY OF FRESNO,  
AS PERMAP RECORDED DECEMBER 21, 1998 IN BOOK 59 OF PARCEL MAPS, PAGES 18  
AND 19 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN 504-140-11

**EXHIBIT "B" 1 of 2**

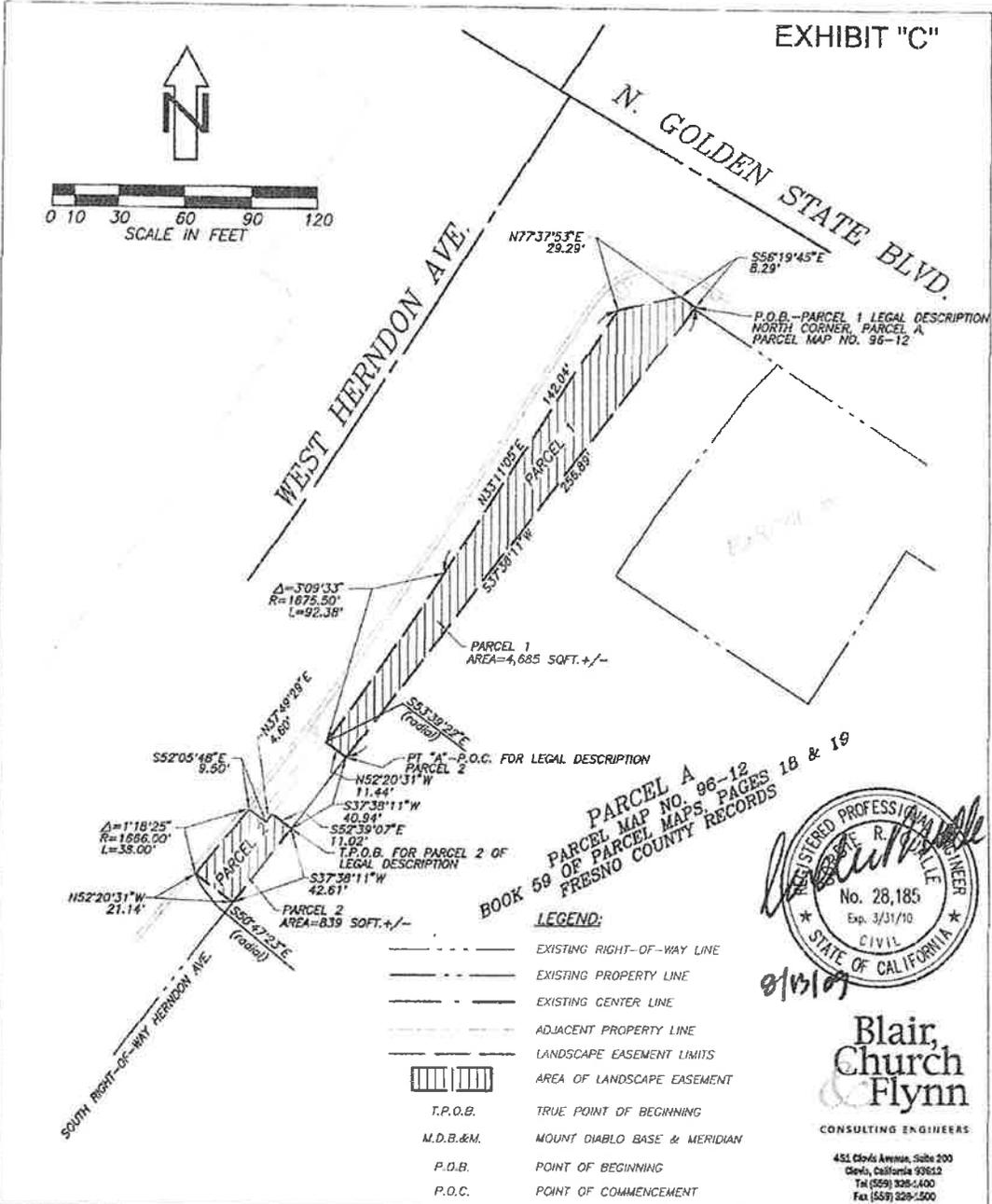
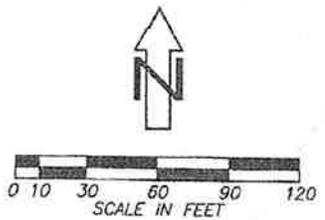
ALL THAT PORTION OF LOT 22 OF THE MAP OF HERNDON LANDS, SUBDIVISION NO. 1 AS RECORDED IN BOOK 7 OF PLATS, PAGE 23, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 22, THENCE SOUTH 33°05'00" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, A DISTANCE OF 11.38 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD AS PREVIOUSLY DEDICATED BY INSTRUMENT NO. 6083, RECORDED MARCH 2, 1937, IN BOOK 1564, PAGE 140, OFFICIAL RECORDS OF FRESNO COUNTY AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, SOUTH 33°05'00" WEST, A DISTANCE OF 338.62 FEET TO THE MOST NORTHERLY CORNER OF LOT 59 OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 10, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 10 OF PLATS AT PAGES 37 AND 38, FRESNO COUNTY RECORDS; THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH 56°52'00" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 59, A DISTANCE OF 37.84 FEET TO THE HERNDON AVENUE OFFICIAL PLAN LINE ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1 OF PRECISE PLANS AT PAGES 10 THRU 37, FRESNO COUNTY RECORDS; THENCE NORTH 37°30'16" EAST, ALONG SAID PLAN LINE, A DISTANCE OF 340.88 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 2950.00 FEET, A RADIAL TO SAID POINT BEARS NORTH 32°37'32" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°14'44", AN ARC DISTANCE OF 64.13 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 17,294 SQUARE FEET, A LITTLE MORE OR LESS.



EXHIBIT "C"



REF. & REV. 2009- PWF PLAT	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
	DEED OF EASEMENT FOR LANDSCAPE MAINTENANCE PURPOSES NORTHWEST QUARTER, SECTION 4, T.13 S., R.19 E., M.D.B.&M.	DR. BY <u>TDW</u> CH. BY <u>CQ</u> DATE <u>8/12/09</u> SCALE <u>AS NOTED</u>	15-A-

Drawing: P:\205-0229\dwg-legal\dwg\205229-landscape Esmt.dwg; Model - 8CF.ctb  
Plot by: Efron Aug 13, 2009 - 1:17pm

10

RECORDING REQUESTED BY  
Public Works Department  
City of Fresno  
No Fee-Gov't Sections  
6103 and 27383



EXHIBIT "A"

FRESNO County Recorder  
Robert C. Werner

DOC- 2009-0105987

Acct 301-Fresno City Public Works

Friday, JUL 31, 2009 10:41:36

Ttl Pd \$0.00

Nbr-0003042920

APR/R1/1-10

When Recorded, Mail To:  
City Clerk  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3623

1996-088

SPACE ABOVE THIS LINE FOR RECORDERS USE

APN 504-140-11

PW-1996-13275B

RESOLUTION NO. 2009-104



A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, ACCEPTING  
AN IRREVOCABLE OFFER TO DEDICATE A PUBLIC STREET EASEMENT  
ALONG THE SOUTHWEST CORNER OF HERNDON AVENUE AND  
GOLDEN STATE BLVD.

WHEREAS, in 1996 the City and Burger Duo Property Development II entered into an Irrevocable Offer to Dedicate Real Property, recorded December 26, 1996 as Document No. 1996-0169459, Official Records of Fresno County (the "Offer"); and

WHEREAS, the property to be dedicated is along the south west corner of Herndon and Golden State, and is commonly known as 6729 North Golden State Blvd., Assessor's Parcel Number 504-140-11 (the "Subject Property"); and

WHEREAS, a copy of the Offer is designated as Exhibit "A" which is attached and incorporated by reference; and

WHEREAS, the Offer is to remain open until such time as the City Council adopts a resolution accepting or rejecting it and, at this time, the City needs to accept the Offer to accommodate construction of street improvements along Herndon Avenue and Golden State Blvd.

WHEREAS, the City proposes to widen and improve the intersection of Herndon Avenue and Golden State Blvd. by the installation of left turn lanes, through lanes each direction and dedicated right turn lanes in addition a pedestrian / bike path will be constructed along Herndon.

Adopted \_\_\_\_\_  
Approved 5/7/09  
Effective \_\_\_\_\_



In addition, other improvements will include modifying and/or providing new traffic signals, as well as curb, gutter and sidewalk improvements (the "Project"); and

WHEREAS, for this segment of the Project that affects the Subject Property the Design Services Division of the City Department of Public Works has designed the street widening on Herndon Avenue and Golden State Blvd and Federal Financing has been authorized to participate in the project under Federal Project No. CML 5060 (122); and

WHEREAS, the Project has been environmentally assessed. A Mitigated Negative Declaration has been issued for the project. The Mitigated Negative Declaration was filed with Fresno County Clerks office on May 14, 2007, with this number E200710000241. Caltrans completed a Categorical Exemption under the National Environmental Protection Act (NEPA) review in June, 2007. The City adopted the CEQA and NEPA determinations on April 07, 2009.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

1. The City of Fresno hereby adopts this Resolution accepting the Offer to dedicate an easement and right of way for public street purposes over, under, through, and across the real property described in an Irrevocable Offer to Dedicate Real Property recorded December 26, 1996 as Document No. 1996-0169459, Official Records of Fresno County.
2. That the real property described in attached Exhibit "B" and shown on attached Exhibit "C" is hereby dedicated as an easement and right of way for public street purposes.
3. Nothing contained in this resolution shall be deemed or interpreted by any party to cause any interest created in the public pursuant to this resolution to ripen into any title, interest right of the public against or adverse to the rights of the City of Fresno nor shall this resolution limit, restrict or modify the exemption of public property to title by prescription as defined with California Civil Code Section 1007.
4. The Clerk of the City of Fresno shall certify to the passage of the resolution and attest thereto under the seal of the City of Fresno.
5. The City Engineer shall cause a City deed number to be assigned to the resolution and shall cause the resolution to be recorded in the Office of the Recorder of the County of Fresno, California. The original resolution shall be returned to the City Clerk after recordation and a certified copy thereof shall be filed in the Public Works deed file.



\* \* \* \* \*

CLERKS CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF FRESNO ) ss.
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the forgoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 7th day of May, 2009.

AYES : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
NOES : N/A
ABSENT : N/A
ABSTAIN : N/A

Mayor Approval: N/A, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Vote: N/A, 2009

REBECCA E. KILSCH
City Clerk

By: [Signature] Deputy

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE
JAMES C. SANCHEZ

BY: [Signature] Deputy

C-95-61
96-088
15-A-6956

# EXHIBIT "A"

96169459

**Recording Requested By:**  
Public Works Department  
City of Fresno  
No Fee-Govt. Code Sections  
6103 and 27383

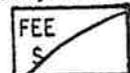
RECORDED IN OFFICIAL RECORDS OF  
FRESNO COUNTY, CALIFORNIA  
AT 45 MIN PAST 11A M

DEC 26 1996

Name  
Street  
Address  
City &  
State

**When Recorded Mail to:**  
Public Works Department  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3623

FRESNO COUNTY, CALIFORNIA  
WILLIAM C. GREENWOOD, County Recorder  
REYNA RODRIGUEZ  
BY DEPUTY RECORDER



SPACE ABOVE THIS LINE FOR RECORDER'S USE

A.P.N. 504-090-16

## NOTICE OF

PW-96-13275A

### IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY

Burger Duo Property Development II, LLC, GRANTORS, hereby GRANT to the City of Fresno, a municipal corporation, GRANTEE, an easement and right-of-way for public street purposes over, under, through, and across that certain real property situated in the City of Fresno, County of Fresno, State of California, described as follows:

SEE EXHIBIT "A"  
(Attached)

TOGETHER WITH any and all appurtenant vehicular access rights adjacent to Herndon Avenue over, along, and across all the above described real property.

This offer to dedicate is irrevocable, as authorized by Section 66475, et seq., of the Government Code, shall be binding on the grantor, the heirs, assigns, and successors of the grantor, and shall continue in effect until the Council of the City of Fresno adopts a resolution accepting or rejecting the offer. The City does not intend to accept the offered dedication at this time, but wishes to have this conveyance recorded so that interested persons will have notice of the City's interest in the property offered for dedication. Acceptance of this Irrevocable Offer to Dedicate shall not be deemed to be an acceptance of the offer to dedicate so as to complete the dedication at this time but is merely accepting the document for the purposes of having it recorded.

C-95-61  
15-A-6956  
96-088

BURGER DUO PROPERTY DEVELOPMENT II, L.L.C.

By: Catherine M. Schneider  
Catherine M. Schneider, Member

Date: 12-13-96

BY: Gregory C. Schneider  
GREGORY C. SCHNEIDER, MEMBER

(+)

1/5

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Fresno

On Dec. 13, 1996, before me, Janice Westbrook

personally appeared Catherine M. Schneider and Gregory C. Schneider

personally known to me -- OR --  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are

subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Janice Westbrook  
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Irrevocable Offer to Dedicate Real Property

Document Date: 12-13-96 Number of Pages: 3

Signer(s) Other Than Named Above: \_\_\_\_\_

Capacity(ies) Claimed by Signer(s)

Signer's Name Catherine M. Schneider

- Individual
- Corporate Officer Title(s): \_\_\_\_\_
- Partner --  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer's Name Gregory C. Schneider

- Individual
- Corporate Officer Title(s): \_\_\_\_\_
- Partner --  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer is Representing:



Signer is Representing:



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

State of California  
County of Fresno

On \_\_\_\_\_ before me, \_\_\_\_\_  
(DATE) (NOTARY PUBLIC)

personally appeared, \_\_\_\_\_  
NAME(S) OF SIGNERS

personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
SIGNATURE OF NOTARY

**OPTIONAL SECTION**

TOP OF THUMB

- INDIVIDUAL(S)
- CORPORATE OFFICER(S)

TITLE(S)

- PARTNERS  Limited  General
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIANSHIP/CONSERVATOR

SIGNER IS REPRESENTING:  
NAME OF PERSON(S) OR ENTITY(ES)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOP OF THUMB

**FOR CITY OF FRESNO USE ONLY**

**CERTIFICATE OF ACCEPTANCE (Officer)**

In accordance with Section 27281 of the Government Code, this is to certify that the interest in real property conveyed hereby is accepted by the undersigned officers on behalf of the Council of the City of Fresno pursuant to authority conferred by Resolution No. 92-219A of said Council, adopted June 9, 1992 and the grantee consents to the recordation thereof by its duly authorized officer.

Director of Public Works  
ACCEPTED

By \_\_\_\_\_ Date \_\_\_\_\_  
DEPUTY

APPROVED AS TO DESCRIPTION:

By \_\_\_\_\_ Date 12/17/96  
DEPUTY



Checked by \_\_\_\_\_ Date 9/13/96

**CERTIFICATE OF ACCEPTANCE (Council)**

In accordance with Section 27281 of the Government Code, this is to certify that the interest in real property conveyed by this instrument to the City of Fresno, a municipal corporation, is hereby accepted by order of the Council of the City of Fresno made on the date hereafter set forth and the grantee consents to the recordation thereof by its duly authorized officer.

Date of Council order: \_\_\_\_\_ 19\_\_\_\_

City Clerk \_\_\_\_\_  
DEPUTY

By \_\_\_\_\_ Date \_\_\_\_\_  
DEPUTY

Chief Administrative Officer \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_  
DEPUTY

APPROVED AS TO FORM:

City Attorney \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_  
DEPUTY

APN: 54-090-16

EXHIBIT "A"

ALL THAT PORTION OF LOT 22 OF THE MAP OF HERNDON LANDS, SUBDIVISION NO. 1 AS RECORDED IN BOOK 7 OF PLATS, PAGE 23, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 22, THENCE SOUTH 33°05'00" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, A DISTANCE OF 11.38 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD AS PREVIOUSLY DEDICATED BY INSTRUMENT NO. 6083, RECORDED MARCH 2, 1937, IN BOOK 1564, PAGE 140, OFFICIAL RECORDS OF FRESNO COUNTY AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, SOUTH 33°05'00" WEST, A DISTANCE OF 338.62 FEET TO THE MOST NORTHERLY CORNER OF LOT 59 OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 10, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 10 OF PLATS AT PAGES 37 AND 38, FRESNO COUNTY RECORDS; THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH 56°52'00" EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 59, A DISTANCE OF 37.84 FEET TO THE HERNDON AVENUE OFFICIAL PLAN LINE ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1 OF PRECISE PLANS AT PAGES 10 THRU 37, FRESNO COUNTY RECORDS; THENCE NORTH 37°30'16" EAST, ALONG SAID PLAN LINE, A DISTANCE OF 340.88 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 2950.00 FEET, A RADIAL TO SAID POINT BEARS NORTH 32°37'32" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°14'44", AN ARC DISTANCE OF 64.13 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 17,294 SQUARE FEET, A LITTLE MORE OR LESS.

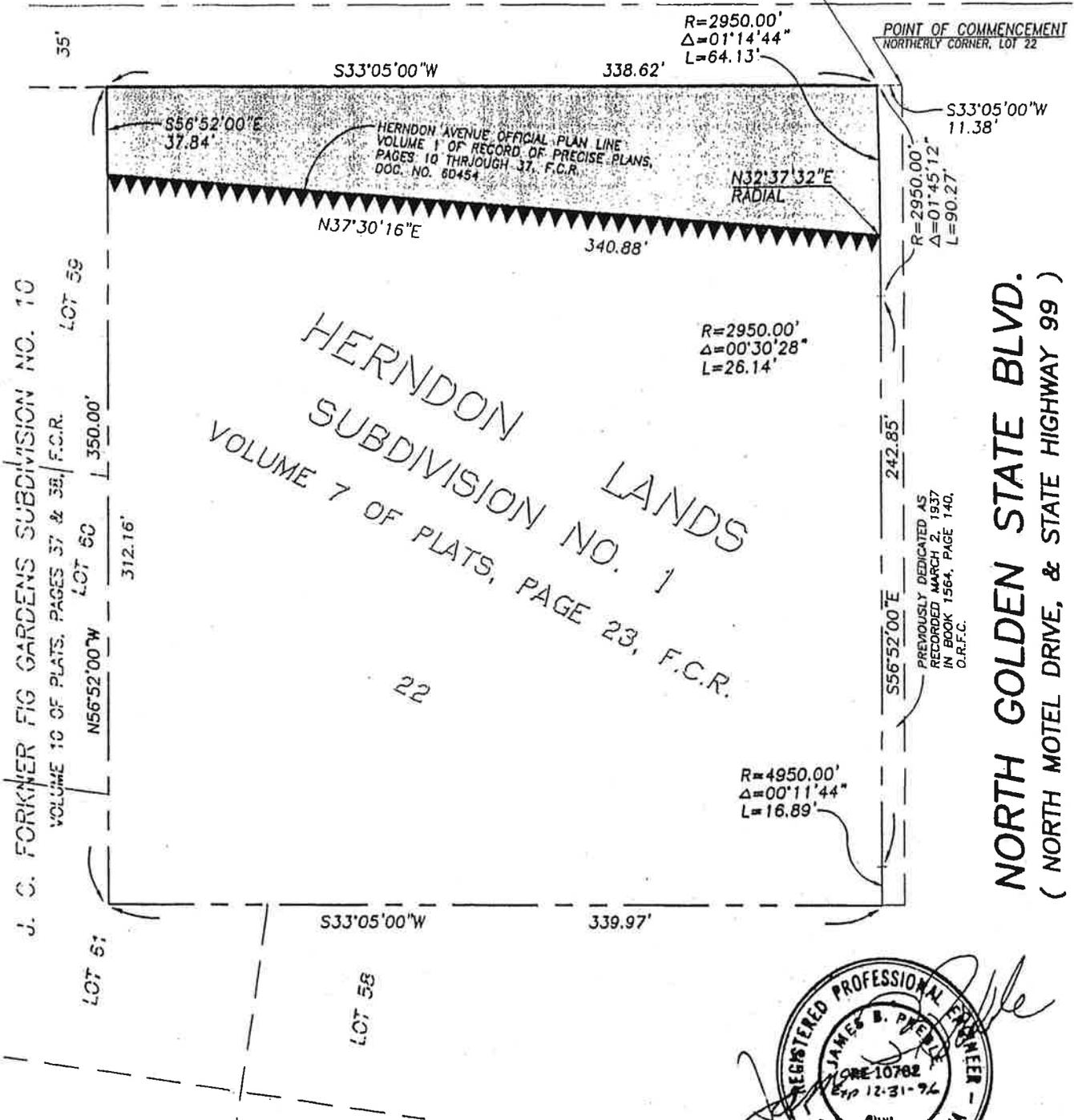
C-95-61  
96-088  
15-A-6956



4/5

# WEST HERNDON AVENUE ( G STREET )

TRUE POINT OF BEGINNING

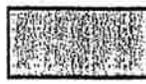


HERNDON LANDS  
SUBDIVISION NO. 1  
VOLUME 7 OF PLATS, PAGE 23, F.C.R.

NORTH GOLDEN STATE BLVD.  
( NORTH MOTEL DRIVE, & STATE HIGHWAY 99 )



INDICATES ACCESS RIGHTS TO BE RELINQUISHED



INDICATES AREA TO BE DEDICATED FOR PUBLIC STREET PURPOSES

SCALE: 1"=60'

ACC'T NO. FILE NO. PROG. NO.	<b>CITY OF FRESNO</b>	DEPARTMENT OF PUBLIC WORKS RAYMOND G. SALAZAR DIRECTOR		
REF. & REV. C 95-61 96-088 PLAT 1342 COUNTY OPL SER. NO. 40	<b>PORTION OF LOT 22 HERNDON LANDS SUBDIVISION NO. 1 TO BE DEDICATED FOR PUBLIC STREET PURPOSES</b>	<table style="width: 100%;"> <tr> <td style="width: 50%;">           CONST. ENG. CITY DESIGN ENG. DR. BY L.A.P. CH. BY DATE 9-18-96 SCALE: AS NOTED         </td> <td style="width: 50%;">           APPROVED OFFICE ENG.             SHEET NO. 1 OF 1 SHEETS 15-A-6956         </td> </tr> </table>	CONST. ENG. CITY DESIGN ENG. DR. BY L.A.P. CH. BY DATE 9-18-96 SCALE: AS NOTED	APPROVED OFFICE ENG.  SHEET NO. 1 OF 1 SHEETS 15-A-6956
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5/5



APN: 504-140-11

EXHIBIT "B"

ALL THAT PORTION OF LOT 22 OF THE MAP OF HERNDON LANDS, SUBDIVISION NO. 1 AS RECORDED IN BOOK 7 OF PLATS, PAGE 23, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

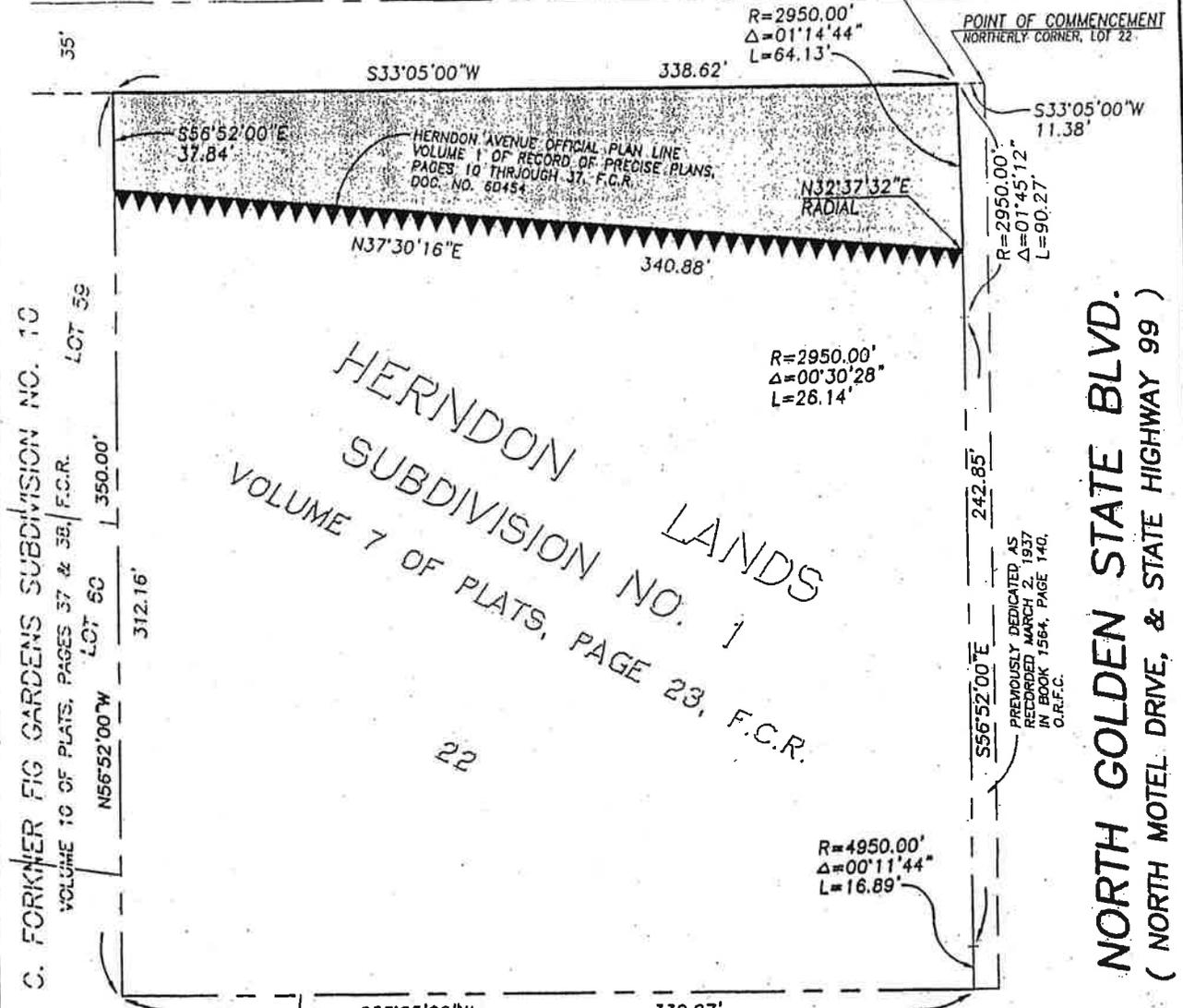
COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 22, THENCE SOUTH  $33^{\circ}05'00''$  WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, A DISTANCE OF 11.38 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD AS PREVIOUSLY DEDICATED BY INSTRUMENT NO. 6083, RECORDED MARCH 2, 1937, IN BOOK 1564, PAGE 140, OFFICIAL RECORDS OF FRESNO COUNTY AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, SOUTH  $33^{\circ}05'00''$  WEST, A DISTANCE OF 338.62 FEET TO THE MOST NORTHERLY CORNER OF LOT 59 OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 10, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 10 OF PLATS AT PAGES 37 AND 38, FRESNO COUNTY RECORDS; THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH  $56^{\circ}52'00''$  EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 59, A DISTANCE OF 37.84 FEET TO THE HERNDON AVENUE OFFICIAL PLAN LINE ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1 OF PRECISE PLANS AT PAGES 10 THRU 37, FRESNO COUNTY RECORDS; THENCE NORTH  $37^{\circ}30'16''$  EAST, ALONG SAID PLAN LINE, A DISTANCE OF 340.88 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 2950.00 FEET, A RADIAL TO SAID POINT BEARS NORTH  $32^{\circ}37'32''$  EAST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $01^{\circ}14'44''$ , AN ARC DISTANCE OF 64.13 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 17,294 SQUARE FEET, A LITTLE MORE OR LESS.

C-95-61  
96-088  
15-A-6956

EXHIBIT "C"

WEST HERNDON AVENUE  
( G STREET )



NORTH GOLDEN STATE BLVD.  
( NORTH MOTEL DRIVE, & STATE HIGHWAY 99 )



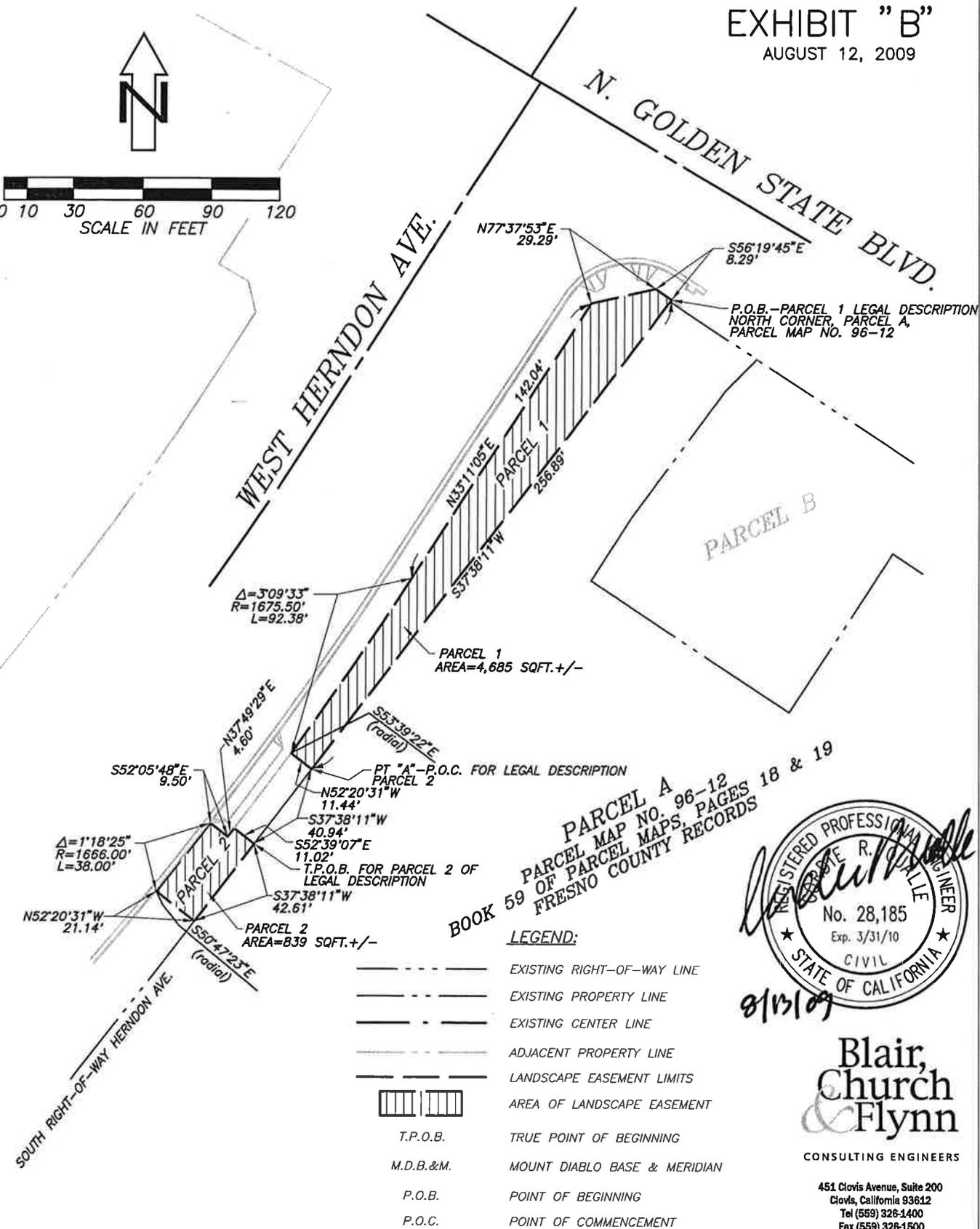
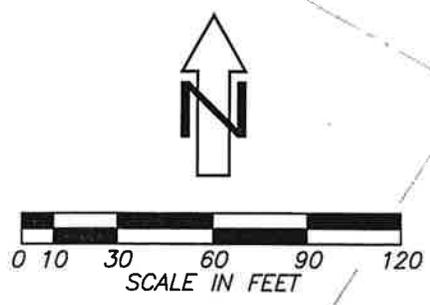
NORTH

INDICATES ACCESS RIGHTS TO BE RELINQUISHED

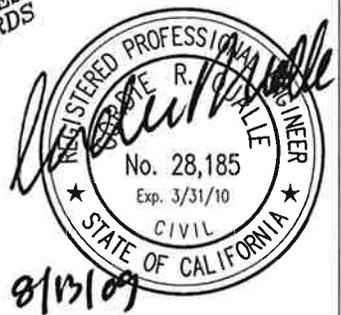
INDICATES AREA TO BE DEDICATED FOR PUBLIC STREET PURPOSES

SCALE: 1"=60'

ACCT. NO. FILE NO. PROG. NO.	CITY OF FRESNO	DEPARTMENT OF PUBLIC WORKS RAYMOND G. SALAZAR	DIRECTOR
REF. & REV. C 95-61 96-088 PLAT 1342 COUNTY OPL SER. No. 40	PORTION OF LOT 22 HERNDON LANDS SUBDIVISION NO. 1 TO BE DEDICATED FOR PUBLIC STREET PURPOSES		APPROVED CONST. ENG. OFFICE ENG. CITY DESIGN ENG. DR. BY L.A.P. CH. BY DATE 9-18-96 SCALE: AS NOTED
		SHEET NO. 1 OF 1 SHEETS 15-A-6956	



BOOK 59 OF PARCEL MAPS, PAGES 18 & 19  
PARCEL A  
PARCEL MAP NO. 96-12  
FRESNO COUNTY RECORDS



**Blair, Church & Flynn**  
CONSULTING ENGINEERS

451 Clovis Avenue, Suite 200  
Clovis, California 93612  
Tel (559) 326-1400  
Fax (559) 326-1500

REF. & REV.  2009-- PWF PLAT	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____
	DEED OF EASEMENT FOR LANDSCAPE MAINTENANCE PURPOSES NORTHWEST QUARTER, SECTION 4, T.13 S., R.19 E., M.D.B.&M.	DR. BY TDW CH. BY CQ DATE 8/12/09 SCALE AS NOTED
		SHEET NO. 1 OF 1 SHEETS 15-A-