

AGENDA ITEM NO. 1 A
COUNCIL MEETING 1/27/2011
APPROVED BY

DEPARTMENT DIRECTOR
CITY MANAGER

January 27, 2011

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

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

SUBJECT: ADOPT RESOLUTION DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES AT THE T-3 WATER STORAGE AND TREATMENT FACILITY LOCATED ON THE NORTH SIDE OF EAST DAKOTA AVENUE BETWEEN NORTH ARMSTRONG AND NORTH TEMPERANCE AVENUES (PROPERTY LOCATED IN COUNCIL DISTRICT NO. 4)

RECOMMENDATION

It is recommended that the Council adopt the attached resolution dedicating certain City-owned property for public street purposes.

EXECUTIVE SUMMARY

The City owns property located on the north side of East Dakota Avenue between North Armstrong and North Temperance Avenues. The property is being developed by the City of Fresno's Water Division as the T-3 Water Storage and Treatment Facility in accordance with Conditional Use Permit No. C-09-158. In order to satisfy one of the requirements of Conditional Use Permit No. C-09-158, it is necessary to dedicate an easement for public street purposes on the north side of East Dakota Avenue as shown on Exhibit "B" of the attached resolution.

BACKGROUND

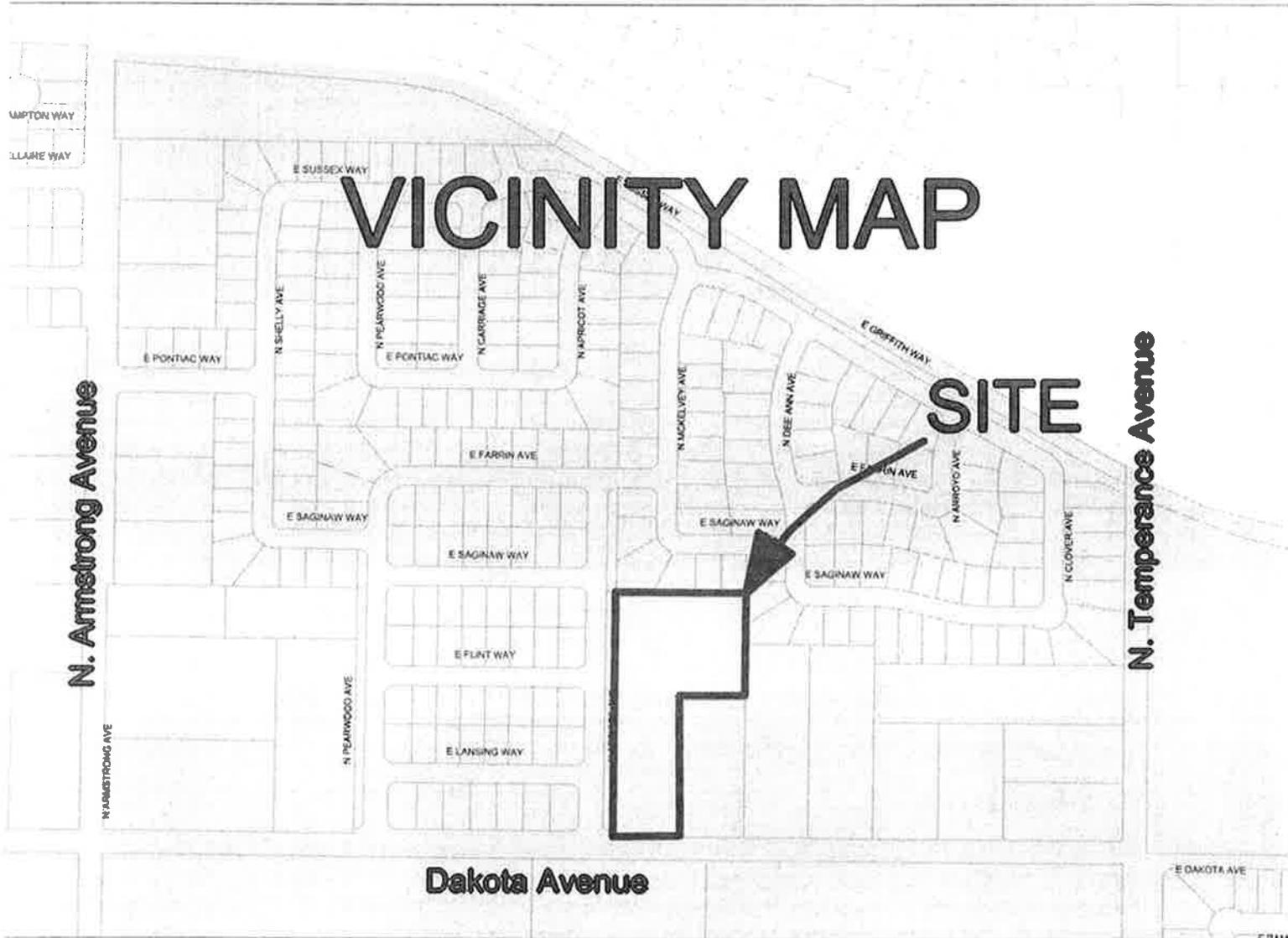
The City owns property located on the north side of East Dakota Avenue between North Armstrong and North Temperance Avenues. The subject property was acquired by the City in November, 1996. The property is being developed by the City of Fresno's Water Division as the T-3 Water Storage and Treatment Facility in accordance with Conditional Use Permit No. C-09-158. In order to satisfy one of the requirements of Conditional Use Permit No. C-09-158, it is necessary to dedicate an easement for public street purposes on the north side of East Dakota Avenue as shown on Exhibit "B" of the attached resolution.

Public Works has approved the legal description of the subject easement. The attached resolution has been approved as to form by the City Attorney's Office.

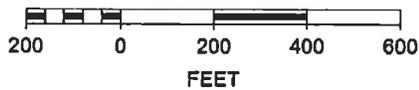
FISCAL IMPACT

There will be no impact to the City's General Fund.

ATTACHMENT 1



SCALE 1 : 4,935



Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 310-201-43T (portion)

PW-2009-15105

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET
PURPOSES AT THE T-3 WATER STORAGE AND TREATMENT FACILITY LOCATED ON
THE NORTH SIDE OF EAST DAKOTA AVENUE BETWEEN NORTH ARMSTRONG
AND NORTH TEMPERANCE AVENUES

WHEREAS, the City owns property located on the north side of East Dakota Avenue
between North Armstrong and North Temperance Avenues; and

WHEREAS, the City owned property is being developed by the City of Fresno's Water
Division as the T-3 Water Storage and Treatment Facility in accordance with Conditional Use
Permit No. C-09-158; and

WHEREAS, in order to satisfy one of the requirements of Conditional Use Permit
No. C-09-158, it is necessary to dedicate an easement for public street purposes on the north
side of East Dakota Avenue as shown on the attached Exhibit "B".

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

1. That certain portion of City-owned property described in attached Exhibit "A" and
shown on attached Exhibit "B" are hereby dedicated as an easement and right-of-way for
public street purposes.

2. 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 or 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 within California Civil Code Section 1007.

3. The City Clerk of the City of Fresno shall certify to the passage of this resolution and attest thereto under the seal of the City of Fresno.

4. The City Engineer shall cause a City deed number to be assigned to this resolution and shall cause this 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.

\\ \\ \\

\\ \\ \\

\\ \\ \\

\\ \\ \\

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ day of _____, 2011.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2011
Mayor Approval/No Return: _____, 2011
Mayor Veto: _____, 2011
Council Override Vote: _____, 2011

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: Stacie J. Melikian 1/3/11
Melikian, Deputy

Adopt Reso Dedic Prop T-3 Wtr Stor Treatment Facil E Dakota

2010-112
15-A-8763
C-09-158

EXHIBIT "A"

APN 310-201-43T
Street easement

A portion of that certain parcel of land described in that Grant Deed recorded November 13, 2006 as Document No. 2006-0240146, Official Records of Fresno County, said parcel also shown on that Record of Survey recorded in Book 54 of Record of Surveys at Page 11, Fresno County Records, said parcel being a portion of the northeast quarter of Section 22, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, situated in the City of Fresno, County of Fresno, State of California, said portion being more particularly described as follows:

COMMENCING at the east quarter corner of said Section 22; thence N 89°46'03" W, along the south line of said northeast quarter, a distance of 1156.19 feet to the most southerly southeast corner of said parcel described in Document No. 2006-0240146, said southeast corner being the TRUE POINT OF BEGINNING of this description; thence continuing N 89°46'03" W, along said south line, a distance of 165.00 feet to the southwest corner of said parcel; thence N 0°09'43" E, along the west line of said parcel, a distance of 42.00 feet; thence S 89°46'03" E, parallel with and 42.00 feet north of said south line, a distance of 165.00 feet to the most southerly east line of said parcel; thence S 0°09'43" W, along said east line, a distance of 42.00 feet to the POINT OF BEGINNING.

Contains an area of 6,930 square feet, more or less.

