



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO.	1 L
COUNCIL MEETING	1/30/14
APPROVED BY	
DEPARTMENT DIRECTOR	
CITY MANAGER	

January 30, 2014

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

BY: SCOTT TYLER, PE, City Traffic Engineer/Division Manager
Public Works Department, Traffic and Engineering Services Division

ALAN JAMES, Supervising Engineering Technician *AJ*
Public Works Department, Traffic and Engineering Services Division

SUBJECT: Adopt a resolution dedicating portions of City-owned property for public street, pedestrian walkway and bicycle path, and slope purposes, located on both sides of West Herndon Avenue southwest of North Weber Avenue

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution dedicating portions of City-owned property for public street, pedestrian walkway and bicycle path, and slope purposes, located on both sides of West Herndon Avenue southwest of North Weber Avenue.

EXECUTIVE SUMMARY

To accommodate the widening of West Herndon Avenue from State Route Freeway 99 to North Weber Avenue the City of Fresno acquired two parcels in fee simple title. In order to accommodate the previously constructed street and trail improvements across the parcels it is necessary to dedicate easements for public street purposes, as described in Exhibit "A" and shown on Exhibit "B" of the attached resolution, an easement for public pedestrian walkway and bicycle path purposes, as described in Exhibit "C" and shown on Exhibit "D" of the attached resolution, and easements for public slope purposes as described in Exhibit "E" and shown on Exhibit "F" of the attached resolution.

BACKGROUND

To accommodate the widening of West Herndon Avenue from State Route Freeway 99 to North Weber Avenue the City of Fresno acquired two parcels in fee simple title because most of the parcels would be encumbered by various easements for said widening. Lot 42 of J.C. Forkner Fig Gardens Subdivision No. 10, recorded in Volume 10 of Plats at Page 38, Fresno County Records was acquired by that Grant Deed recorded April 29, 2009, as Document No. 2009-0057344, Official Records of Fresno County, and Lots 185, 186, and 187 of said J.C. Forkner Fig Gardens Subdivision No. 10 were acquired by that Grant Deed recorded May 28, 2009, as Document No. 2009-0072048, Official Records of Fresno County. In order to accommodate the previously constructed street and trail improvements across the parcels it is necessary to dedicate easements for public street purposes, as described in Exhibit "A" and shown on Exhibit "B" of the attached resolution, an easement for public pedestrian walkway and

bicycle path purposes, as described in Exhibit "C" and shown on Exhibit "D" of the attached resolution, and easements for public slope purposes as described in Exhibit "E" and shown on Exhibit "F" of the attached resolution.

Public Works has approved the legal descriptions and drawings of the subject easements.

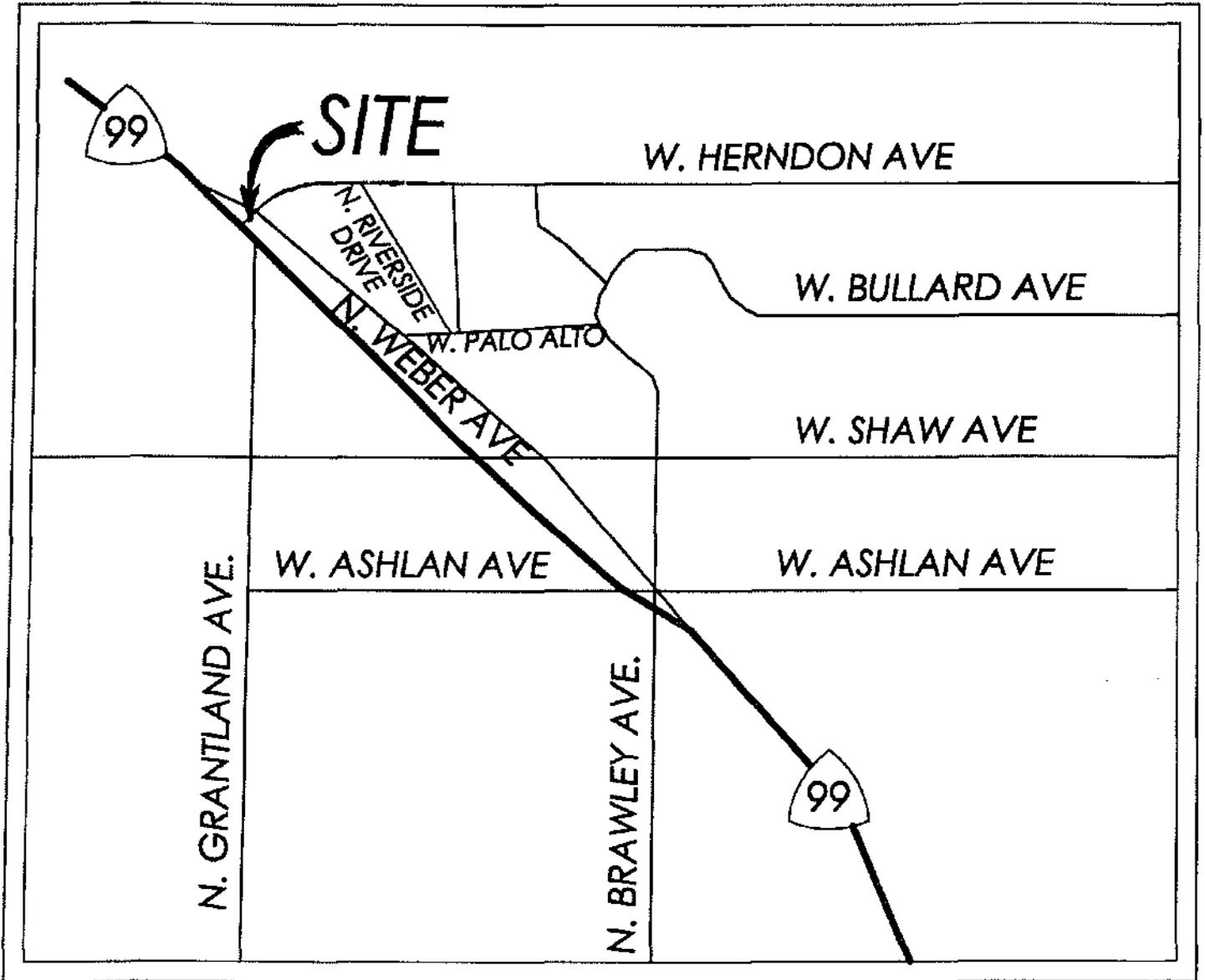
The attached resolution has been approved as to form by the City Attorney's Office.

ENVIRONMENTAL FINDINGS

On January 28, 2010, the Council adopted the finding of a Mitigated Negative Declaration as set forth in the Mitigated Negative Declaration dated May 9, 2007, and filed on May 14, 2007, with the State Clearinghouse, State Clearinghouse No. 2007021046, for the Herndon Avenue Reconstruction, State Route 99 to Weber Avenue and a Notice of Determination was filed.

FISCAL IMPACT

The dedication of City-owned property for street purposes near Herndon Avenue and Weber Avenue has been accomplished within the operating budget of the Public Works Department. This is an administrative housekeeping item which does not create any new fiscal impact.



VICINITY MAP
NOT TO SCALE

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RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO DEDICATE A PORTION OF CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES, LOCATED ON BOTH SIDES OF WEST HERNDON AVENUE SOUTHWEST OF NORTH WEBER AVENUE

WHEREAS, the City of Fresno (the "City") owns parcels on both sides of West Herndon Avenue southwest of North Weber Avenue; and

WHEREAS, the City acquired Lot 42 of J.C. Forkner Fig Gardens Subdivision No. 10, recorded in Volume 10 of Plats at Page 38, Fresno County Records by that Grant Deed recorded April 29, 2009, as Document No. 2009-0057344, Official Records of Fresno County, and Lots 185, 186, and 187 of said J.C. Forkner Fig Gardens Subdivision No. 10 by that Grant Deed recorded May 28, 2009, as Document No. 2009-0072048, Official Records of Fresno County; and

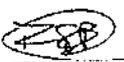
WHEREAS, the purpose of this acquisition is to accommodate the widening of West Herndon Avenue from State Route Freeway 99 to North Weber Avenue; and

WHEREAS, to accommodate the previously constructed street and trail improvements across the parcels it is necessary to dedicate the following easements: (1) easements for public street purposes, as described in Exhibit "A" and shown on Exhibit "B"; (2) an easement for public pedestrian walkway and bicycle path purposes, as described in Exhibit "C" and shown on Exhibit "D"; (3) and easements for public slope purposes, as described in Exhibit "E" and shown on Exhibit "F". Exhibits "A" through "F" are attached hereto and incorporated in this Resolution.

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. _____

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

1. Those certain portions of City-owned property described in attached Exhibit "A" and shown on attached Exhibit "B" are hereby dedicated as easements and rights-of-way for public street purposes.

2. That certain portion of City-owned property described in attached Exhibit "C" and shown on attached Exhibit "D" is hereby dedicated as an easement for public pedestrian walkway and bicycle path purposes.

3. Those certain portions of City-owned property described in attached Exhibit "E" and shown on attached Exhibit "F" are hereby dedicated as easements and rights-of-way for public slope purposes.

4. 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.

5. 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.

6. 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.

* * * * *

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 _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

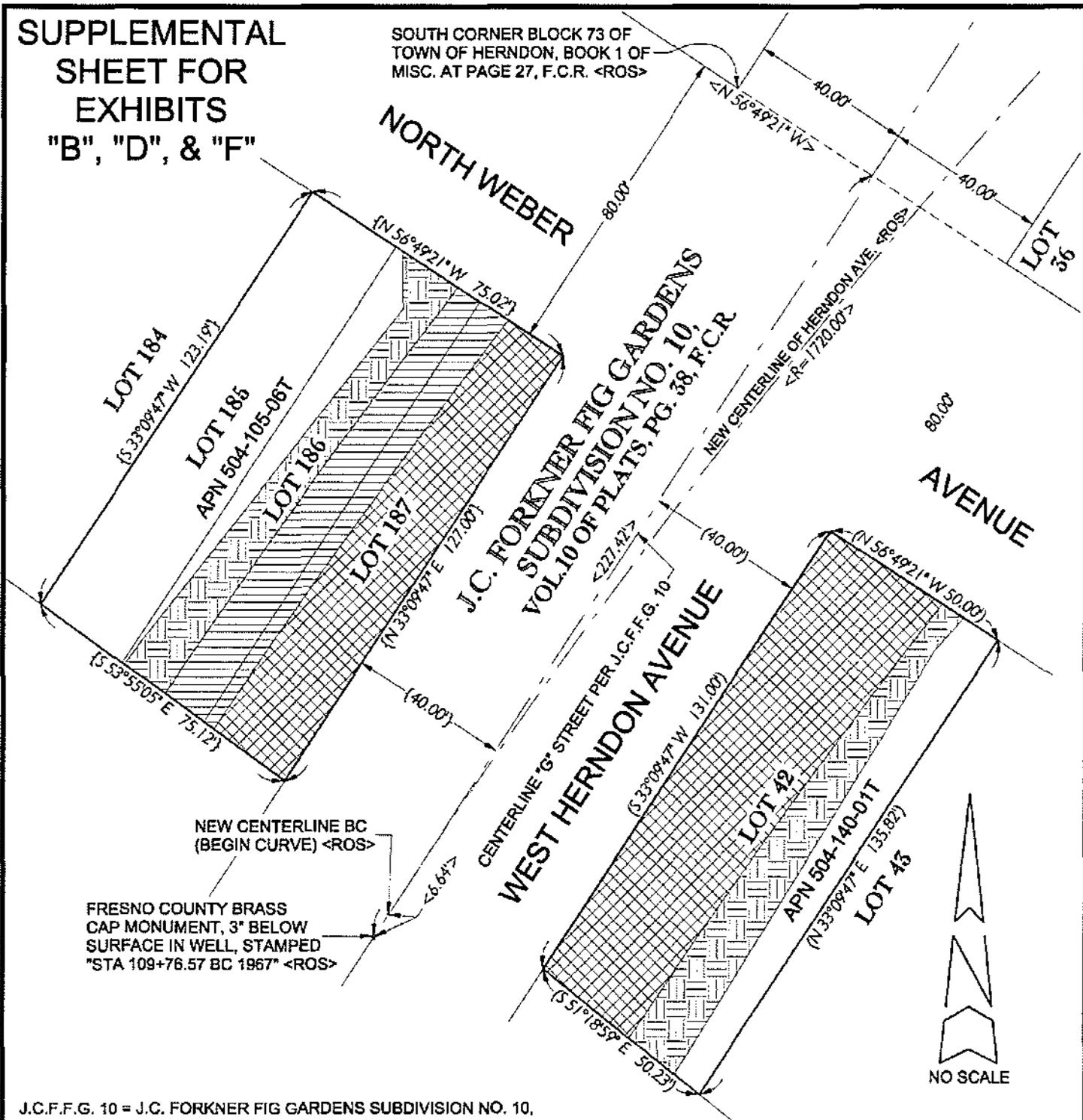
DOUGLAS T. SLOAN
CITY ATTORNEY

BY: _____
Raj Singh Badhesha, Deputy

RSB:cg; 63725cg/RESO; 1/7/14

SUPPLEMENTAL SHEET FOR EXHIBITS "B", "D", & "F"

SOUTH CORNER BLOCK 73 OF TOWN OF HERNDON, BOOK 1 OF MISC. AT PAGE 27, F.C.R. <ROS>



J.C.F.F.G. 10 = J.C. FORKNER FIG GARDENS SUBDIVISION NO. 10, VOLUME 10 OF PLATS AT PAGE 38, F.C.R.

() = DATA PER GRANT DEED RECORDED 4/29/2009 AS DOC. 2009-0057344, O.R.F.C.

{ } = DATA PER GRANT DEED RECORDED 5/28/2009 AS DOC. 2009-0072048, O.R.F.C.

< > & <ROS> = PER RECORD OF SURVEY, BOOK 55 OF RECORDS OF SURVEY AT PAGE 42, F.C.R.



INDICATES PARCEL TO BE DEDICATED FOR PUBLIC STREET PURPOSES (SEE EXHIBIT "B")



INDICATES PARCEL TO BE DEDICATED FOR PUBLIC PED. WALK & BIKE PATH PURPOSES (SEE EXHIBIT "D")



INDICATES PARCEL TO BE DEDICATED FOR PUBLIC SLOPE PURPOSES (SEE EXHIBIT "F")

REF. & REV. 2013-092 PWF 10814 PLAT 1342	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. <u>ES00011</u> RES TYPE _____ FUND NO. <u>22508</u> ORG. NO. <u>180233</u>
	PARCELS TO BE DEDICATED TO THE CITY OF FRESNO AS EASEMENTS & RIGHTS-OF-WAY FOR PUBLIC STREET, PEDESTRIAN WALKWAY & BICYCLE PATH, & SLOPE PURPOSES	DR. BY <u>AJ</u> SHEET NO. <u>1</u> CH. BY <u>RA.W.</u> OF <u>4</u> SHEETS DATE <u>DEC. 11, 2013</u> SCALE <u>NO SCALE</u> 15-A-8985

EXHIBIT "A"
Street Easements

PARCEL 1
APN 504-105-06T (portion)

A portion of Lot 187 of J.C. Forkner Fig Gardens Subdivision No. 10, according to the map thereof recorded in Volume 10 of Plats at Page 38, Fresno County Records, situated in the northwest quarter of Section 4, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, more particularly described as follows:

BEGINNING at the easterly corner of said Lot 187; thence S 33°09'47" W, along the southeasterly line of said Lot 187, a distance of 127.00 feet to the southerly corner of said Lot 187; thence N 53°55'05" W, along the southwesterly line of said Lot 187, a distance of 21.97 feet to a point on the arc of a non-tangent curve concave southeasterly and having a radius of 1782.00 feet, a radial to said point bears N 56°21'28" W; thence, leaving said southwesterly line, northeasterly along the arc of said curve, concentric with and 62.00 feet northwesterly of the "new centerline" of Herndon Avenue as shown on that Record of Survey recorded in Book 55 of Records of Survey at Page 42, Fresno County Records, through a central angle of 4°03'08", an arc distance of 126.03 feet to the northeasterly line of said Lot 187; thence S 56°49'21" E, along said northeasterly line and non-tangent to last said curve, a distance of 16.43 feet to the POINT OF BEGINNING.

Contains an area of 2,521 square feet, more or less.

PARCEL 2
APN 504-140-01T (portion)

A portion of Lot 42 of J.C. Forkner Fig Gardens Subdivision No. 10, according to the map thereof recorded in Volume 10 of Plats at Page 38, Fresno County Records, situated in the northwest quarter of Section 4, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, more particularly described as follows:

BEGINNING at the northerly corner of said Lot 42; thence S 33°09'47" W, along the northwesterly line of said Lot 42, a distance of 131.00 feet to the westerly corner of said Lot 42; thence S 51°18'59" E, along the southwesterly line of said Lot 42, a distance of 27.64 feet to a point on the arc of a non-tangent curve concave southeasterly and having a radius of 1652.50 feet, a radial to said point bears N 56°35'26" W; thence, leaving said southwesterly line, northeasterly along the arc of said curve, concentric with and 67.50 feet southeasterly of the "new centerline" of Herndon Avenue as shown on that Record of Survey recorded in Book 55 of Records of Survey at Page 42, Fresno County Records, through a central angle of 4°38'24", an arc distance of 133.82 feet to the northeasterly line of said Lot 42; thence N 56°49'21" W, along said northeasterly line and non-tangent to last said curve, a distance of 33.51 feet to the POINT OF BEGINNING.

Contains an area of 3,921 square feet, more or less.

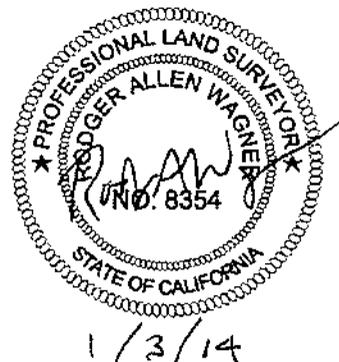


EXHIBIT "B"

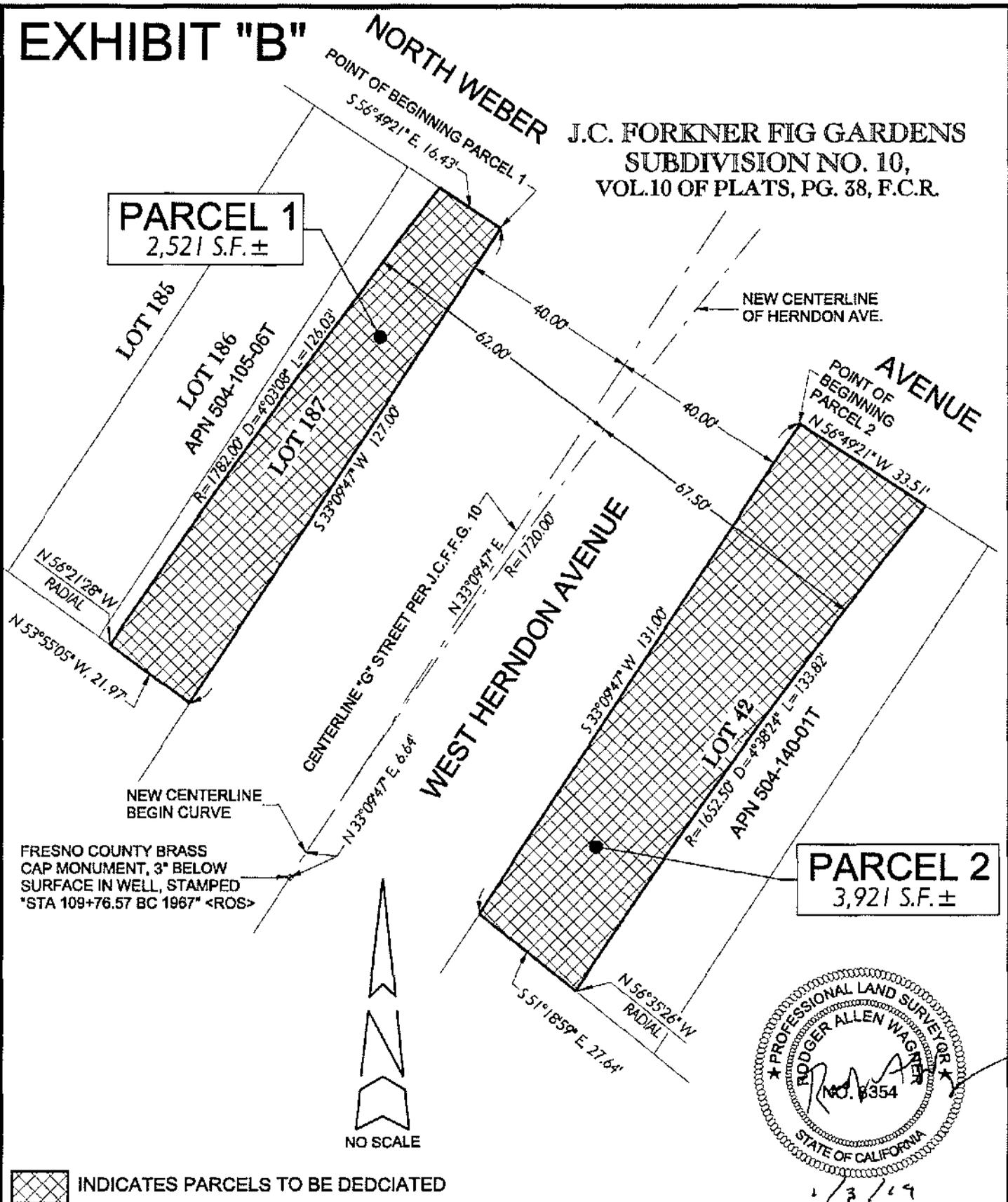
NORTH WEBER

**J.C. FORKNER FIG GARDENS
SUBDIVISION NO. 10,
VOL.10 OF PLATS, PG. 38, F.C.R.**

PARCEL 1
2,521 S.F. ±

NEW CENTERLINE
OF HERNDON AVE.

PARCEL 2
3,921 S.F. ±



INDICATES PARCELS TO BE DEDICATED

REF. & REV. 2013-092 PWF 10814 PLAT 1342	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. ES00011 RES TYPE _____ FUND NO. 22508 ORG. NO. 180233
	PARCELS TO BE DEDICATED TO THE CITY OF FRESNO AS EASEMENTS AND RIGHTS-OF-WAY FOR PUBLIC STREET PURPOSES	DR. BY AJ CH. BY R.A.W. DATE DEC. 11, 2013 SCALE NO SCALE
		SHEET NO. 2 OF 4 SHEETS 15-A-8985

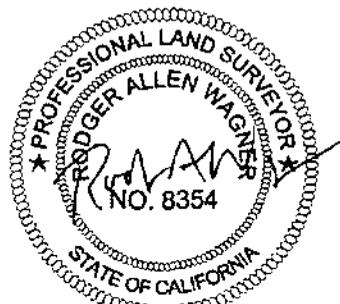
EXHIBIT "C"
Pedestrian Walkway & Bicycle Path Easement

PARCEL 3
APN 504-105-06T (portion)

A portion of Lots 186 and 187 of J.C. Forkner Fig Gardens Subdivision No. 10, according to the map thereof recorded in Volume 10 of Plats at Page 38, Fresno County Records, situated in the northwest quarter of Section 4, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, more particularly described as follows:

COMMENCING at the easterly corner of said Lot 187; thence N 56°49'21" W, along the northeasterly line of said Lot 187, a distance of 16.43 feet to the TRUE POINT OF BEGINNING of this description; thence continuing N 56°49'21" W, along the northeasterly line of said Lots 187 and 186, a distance of 15.05 feet to a point on the arc of a non-tangent curve concave southeasterly and having a radius of 1797.00 feet, a radial to said point bears N 52°20'35" W; thence, leaving said northeasterly line, southwesterly along the arc of said curve, concentric with and 77.00 feet northwesterly of the "new centerline" of Herndon Avenue as shown on that Record of Survey recorded in Book 55 of Records of Survey at Page 42, Fresno County Records, through a central angle of 3°59'39", an arc distance of 125.27 feet to the southwesterly line of said Lot 186; thence S 53°55'05" E, along the southwesterly line of said Lots 186 and 187 and non-tangent to last said curve, a distance of 15.01 feet to a point on the arc of a non-tangent curve concave southeasterly and having a radius of 1782.00 feet, a radial to said point bears N 56°21'28" W; thence, leaving said southwesterly line, northeasterly along the arc of said curve, concentric with and 62.00 feet northwesterly of said "new centerline", through a central angle of 4°03'08", an arc distance of 126.03 feet to the TRUE POINT OF BEGINNING.

Contains an area of 1,885 square feet, more or less.



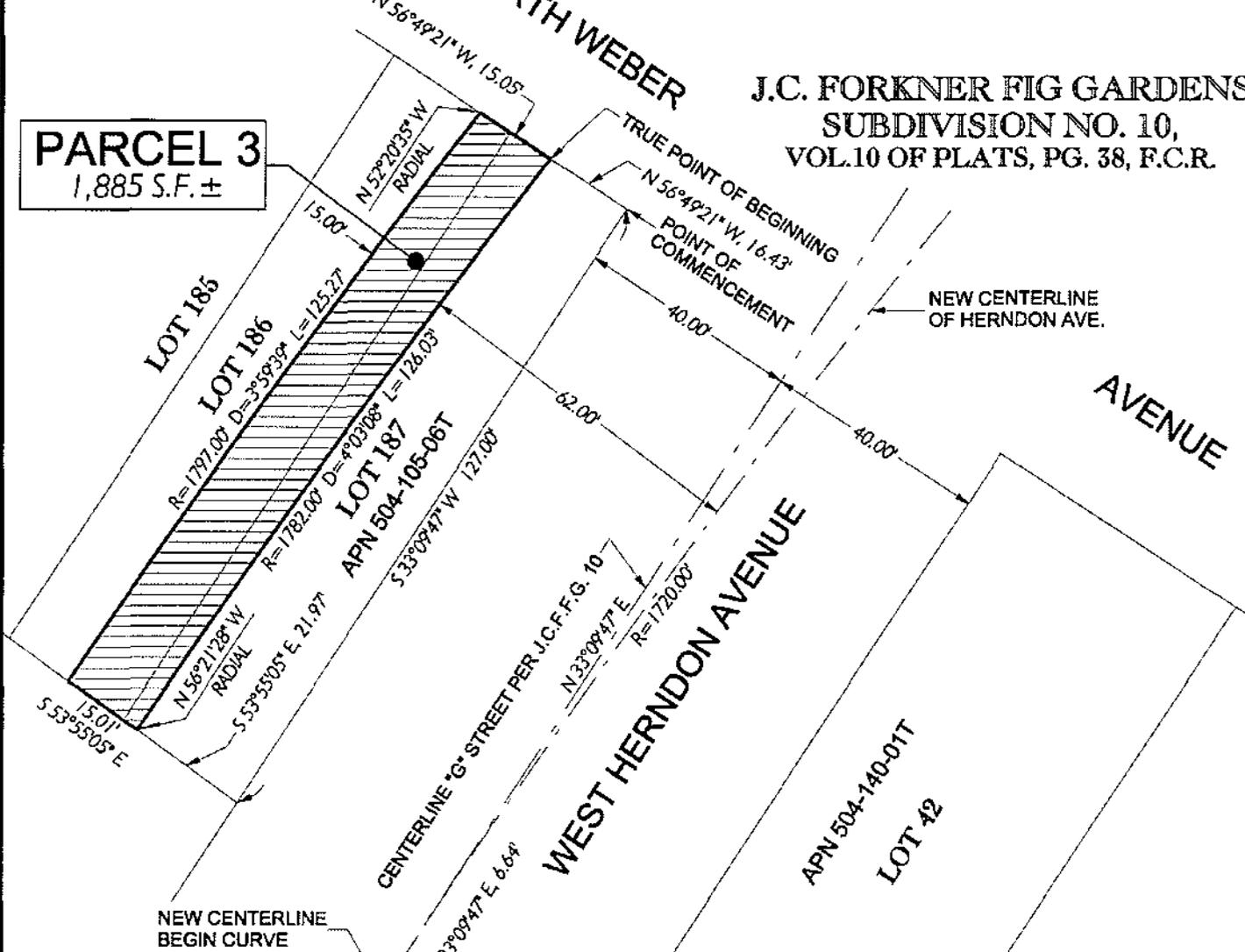
1/3/14

EXHIBIT "D"

NORTH WEBER

J.C. FORKNER FIG GARDENS
SUBDIVISION NO. 10,
VOL.10 OF PLATS, PG. 38, F.C.R.

PARCEL 3
1,885 S.F. ±



FRESNO COUNTY BRASS
CAP MONUMENT, 3" BELOW
SURFACE IN WELL, STAMPED
"STA 109+76.57 BC 1967" <ROS>



1/3/14

INDICATES PARCEL TO BE DEDICATED

REF. & REV. 2013-092 PWF 10814 PLAT 1342	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. <u>ES00011</u> RES TYPE _____ FUND NO. <u>22508</u> ORG. NO. <u>180233</u>
	PARCEL TO BE DEDICATED TO THE CITY OF FRESNO AS AN EASEMENT AND RIGHT-OF-WAY FOR PUBLIC PEDESTRIAN WALKWAY AND BICYCLE PATH PURPOSES	DR. BY <u>AJ</u> SHEET NO. <u>3</u> CH. BY <u>RA.W.</u> OF <u>4</u> SHEETS DATE <u>DEC. 11, 2013</u> SCALE <u>NO SCALE</u>

15-A-8985

EXHIBIT "E"
Slope Easements
Page 1 of 2

PARCEL 4
APN 504-105-06T (portion)

A portion of Lot 186 of J.C. Forkner Fig Gardens Subdivision No. 10, according to the map thereof recorded in Volume 10 of Plats at Page 38, Fresno County Records, situated in the northwest quarter of Section 4, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, more particularly described as follows:

COMMENCING at the easterly corner of Lot 187 of said J.C. Forkner Fig Gardens Subdivision No. 10; thence N 56°49'21" W, along the northeasterly line of said Lots 187 and 186, a distance of 31.48 feet to a point on the arc of a non-tangent curve concave southeasterly and having a radius of 1797.00 feet, a radial to said point bears N 52°20'35" W, said point being the TRUE POINT OF BEGINNING of this description; thence, leaving said northeasterly line, southwesterly along the arc of said curve, concentric with and 77.00 feet northwesterly of the "new centerline" of Herndon Avenue as shown on that Record of Survey recorded in Book 55 of Records of Survey at Page 42, Fresno County Records, through a central angle of 3°59'39", an arc distance of 125.27 feet to the southwesterly line of said Lot 186; thence N 53°55'05" W, along said southwesterly line and non-tangent to last said curve, a distance of 12.44 feet; thence, leaving said southwesterly line, N 35°42'38" E, a distance of 8.25 feet; thence N 38°00'19" E, a distance of 104.80 feet; thence N 0°36'03" W, a distance of 14.23 feet to the northeasterly line of said Lot 186; thence S 56°49'21" E, along said northeasterly line, a distance of 16.57 feet to the TRUE POINT OF BEGINNING.

Contains an area of 1,237 square feet, more or less.

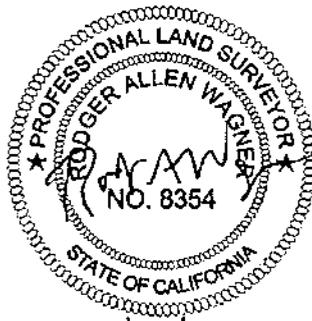
EXHIBIT "E"
Slope Easements
Page 2 of 2

PARCEL 5
APN 504-140-01T (portion)

A portion of Lot 42 of J.C. Forkner Fig Gardens Subdivision No. 10, according to the map thereof recorded in Volume 10 of Plats at Page 38, Fresno County Records, situated in the northwest quarter of Section 4, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, more particularly described as follows:

BEGINNING at the northerly corner of said Lot 42; thence S 56°49'21" E, along the northeasterly line of said Lot 42, a distance of 33.51 feet to the TRUE POINT OF BEGINNING of this description; thence continuing S 56°49'21" E, along said northeasterly line, a distance of 6.40 feet; thence, leaving said northeasterly line, S 41°51'57" W, a distance of 10.78 feet; thence S 31°21'00" W, a distance of 116.74 feet; thence S 32°58'20" W, a distance of 7.71 feet to the southwesterly line of said Lot 42; thence N 51°18'59" W, along said southwesterly line, a distance of 14.54 feet to a point on the arc of a non-tangent curve concave southeasterly and having a radius of 1652.50 feet, a radial to said point bears N 56°35'26" W; thence, leaving said southwesterly line, northeasterly along the arc of said curve, concentric with and 67.50 feet southeasterly of the "new centerline" of Herndon Avenue as shown on that Record of Survey recorded in Book 55 of Records of Survey at Page 42, Fresno County Records, through a central angle of 4°38'24", an arc distance of 133.82 feet to the TRUE POINT OF BEGINNING.

Contains an area of 1,416 square feet, more or less.

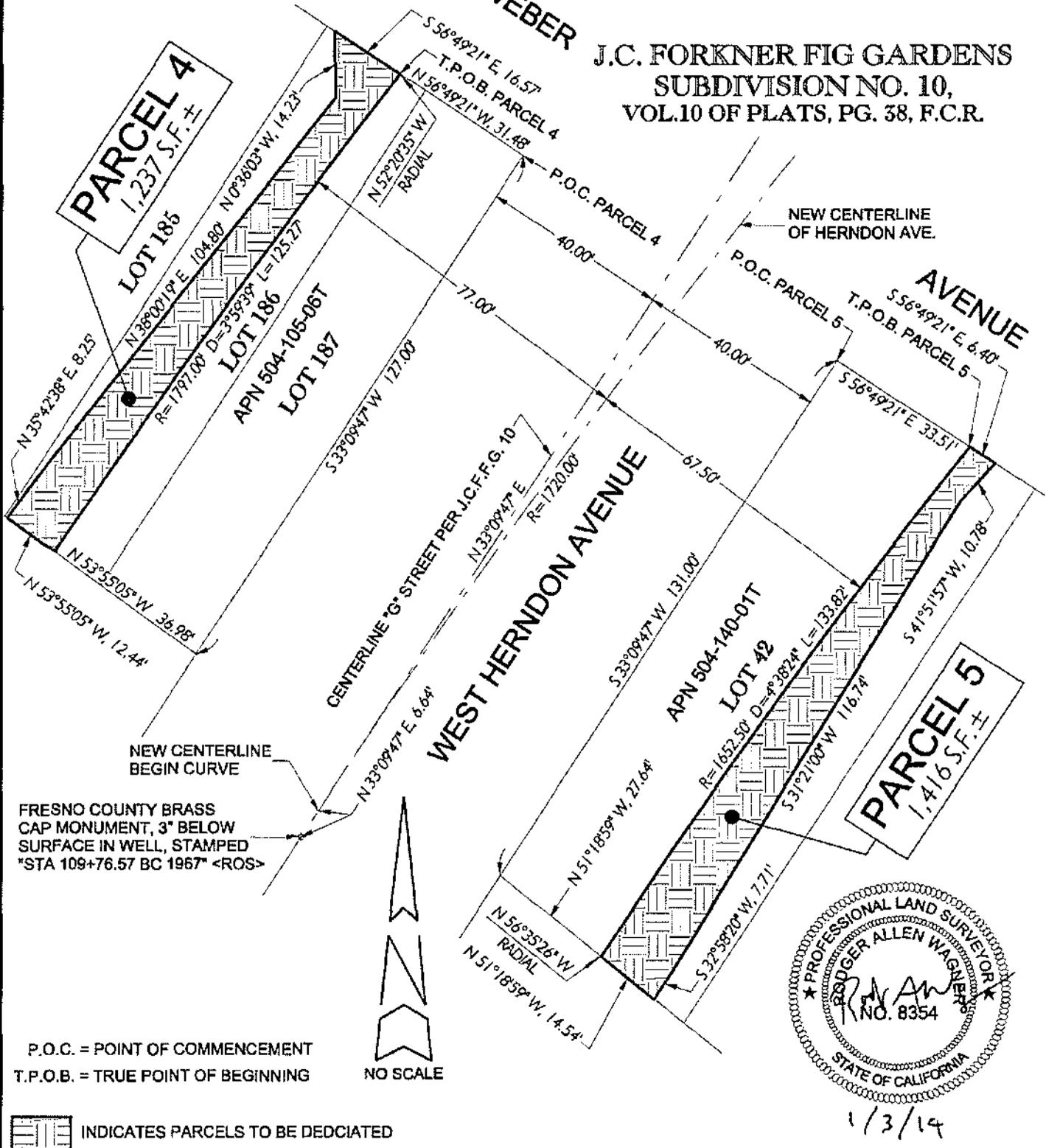


1/3/14

EXHIBIT "F"

NORTH WEBER

J.C. FORKNER FIG GARDENS
SUBDIVISION NO. 10,
VOL.10 OF PLATS, PG. 38, F.C.R.



FRESNO COUNTY BRASS
CAP MONUMENT, 3" BELOW
SURFACE IN WELL, STAMPED
"STA 109+76.57 BC 1967" <ROS>

P.O.C. = POINT OF COMMENCEMENT
T.P.O.B. = TRUE POINT OF BEGINNING

NO SCALE



1/3/14

INDICATES PARCELS TO BE DEDICATED

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