

AGENDA ITEM NO. 1 D
COUNCIL MEETING 11/03/11

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

November 3, 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 AS EASEMENTS FOR PUBLIC STREET AND PUBLIC PEDESTRIAN WALKWAY PURPOSES AT PUMP STATION NO. 1B LOCATED ON THE NORTHWEST CORNER OF EAST VENTURA AVENUE AND SOUTH SECOND STREET (IN COUNCIL DISTRICT NO. 5)

RECOMMENDATION

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

EXECUTIVE SUMMARY

The City of Fresno owns property located on the northwest corner of East Ventura Avenue and South Second Street. The property is being developed by the City of Fresno's Water Division as Pump Station No. 1B in accordance with Conditional Use Permit No. C-10-006. In order to satisfy two of the requirements of Conditional Use Permit No. C-10-006, it is necessary to dedicate easements for public street purposes and public pedestrian walkway purposes as shown on Exhibit "B" of the attached resolution.

BACKGROUND

The City of Fresno owns property located on the northwest corner of East Ventura Avenue and South Second Street. The property was acquired by that Grant Deed recorded December 24, 2009 as Document No. 2009-0173797, Official Records of Fresno County. The property is being developed by the City of Fresno's Water Division as Pump Station No. 1B in accordance with Conditional Use Permit No. C-10-006. In order to satisfy two of the requirements of Conditional Use Permit No. C-10-006, it is necessary to dedicate an easement for public street purposes behind the sidewalk landing at the northwest corner of East Ventura Avenue and South Second Street and an easement for public pedestrian walkway purposes to accommodate a four foot wide sidewalk at the back of the proposed driveway approach on the north side of Ventura that leads into the Pump Station, both 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.

REPORT TO THE CITY COUNCIL

Adopt a Resolution to dedicate easements

at Pump Station No. 1B

October 20, 2011

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ENVIRONMENTAL FINDING

On November 19, 2009 the City Council adopted a finding of Mitigated Negative Declaration that the proposed project will not result in any adverse affects, which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the California Environmental Quality Act (CEQA) guidelines, for constructing a new water well at the intersection of East Ventura Avenue and South Second Street.

FISCAL IMPACT

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

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 461-244-07T (portions)

PW-2011-15164

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, DEDICATING CERTAIN CITY-OWNED PROPERTY AS EASEMENTS FOR
PUBLIC STREET AND PUBLIC PEDESTRIAN WALKWAY PURPOSES AT PUMP STATION
NO. 1B LOCATED ON THE NORTHWEST CORNER OF EAST VENTURA AVENUE AND
SOUTH SECOND STREET

WHEREAS, the City owns property located on the northwest corner of East Ventura
Avenue and South Second Street; and

WHEREAS, the City owned property is being developed by the City of Fresno's Water
Division as Pump Station No. 1B in accordance with Conditional Use Permit No. C-10-006;
and

WHEREAS, the property was acquired by that Grant Deed recorded December 24,
2009 as Document No. 2009-0173797, Official Records of Fresno County; and

WHEREAS, in order to satisfy two of the requirements of Conditional Use Permit
No. C-10-006, it is necessary to dedicate an easement for public street purposes behind the
sidewalk landing at said northwest corner, shown as Parcel 1 on the attached Exhibit "B", and
an easement for public pedestrian walkway purposes to accommodate a 4 foot wide sidewalk
at the back of the proposed driveway approach on the north side of Ventura that leads into
the Pump Station, shown as Parcel 2 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 designated as Parcel 1 and described in attached Exhibit "A" and shown on attached Exhibit "B" is hereby dedicated as an easement and right-of-way for public street purposes.

2. That certain portion of City-owned property designated as Parcel 2 and described in attached Exhibit "A" and shown on attached Exhibit "B" is hereby dedicated as an easement and right-of-way for public pedestrian walkway 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 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.

4. 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.

5. 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:  _____
L. DARR, Deputy

EXHIBIT "A"

Parcel 1 Public Street Easement

A portion of Lot 17 in Block 56 of East Fresno, according to the amended map thereof recorded in Book 3 of Record of Surveys at Page 51, Fresno County Records, more particularly described as follows:

BEGINNING at the southeast corner of said Lot 17; thence N 90°00'00" W, along the south line of said Lot 17, a distance of 5.32 feet; thence N 45°00'00" E, a distance of 7.53 feet to the east line of said Lot 17; thence S 0°00'00" E, along said east line, a distance of 5.32 feet to the POINT OF BEGINNING.

Contains an area of 14 square feet, more or less.

Parcel 2 Public Pedestrian Walkway Easement

A portion of Lots 18, and 19 in Block 56 of East Fresno, according to the amended map thereof recorded in Book 3 of Record of Surveys at Page 51, Fresno County Records, more particularly described as follows:

COMMENCING at the southeast corner of said Lot 17; thence N 90°00'00" W, along the south line of Lots 17 and 18 in said Block 56, a distance of 32.12 feet to the TRUE POINT OF BEGINNING of this description; thence continuing N 90°00'00" W, along the south line of said Lots 18 and 19, a distance of 26.06 feet; thence N 42°16'25" E, a distance of 5.41 feet; thence S 90°00'00" E, parallel with and 4.00 feet north of the south line of said Lots 19 and 18, a distance of 18.78 feet; thence S 42°16'25" E, a distance of 5.41 feet to the TRUE POINT OF BEGINNING.

Contains an area of 90 square feet, more or less.



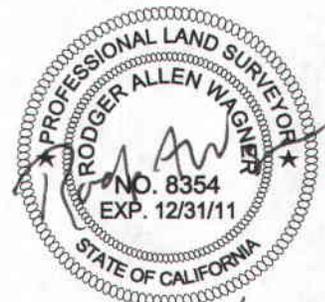
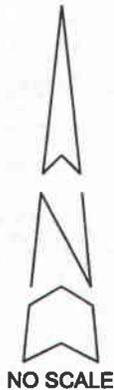
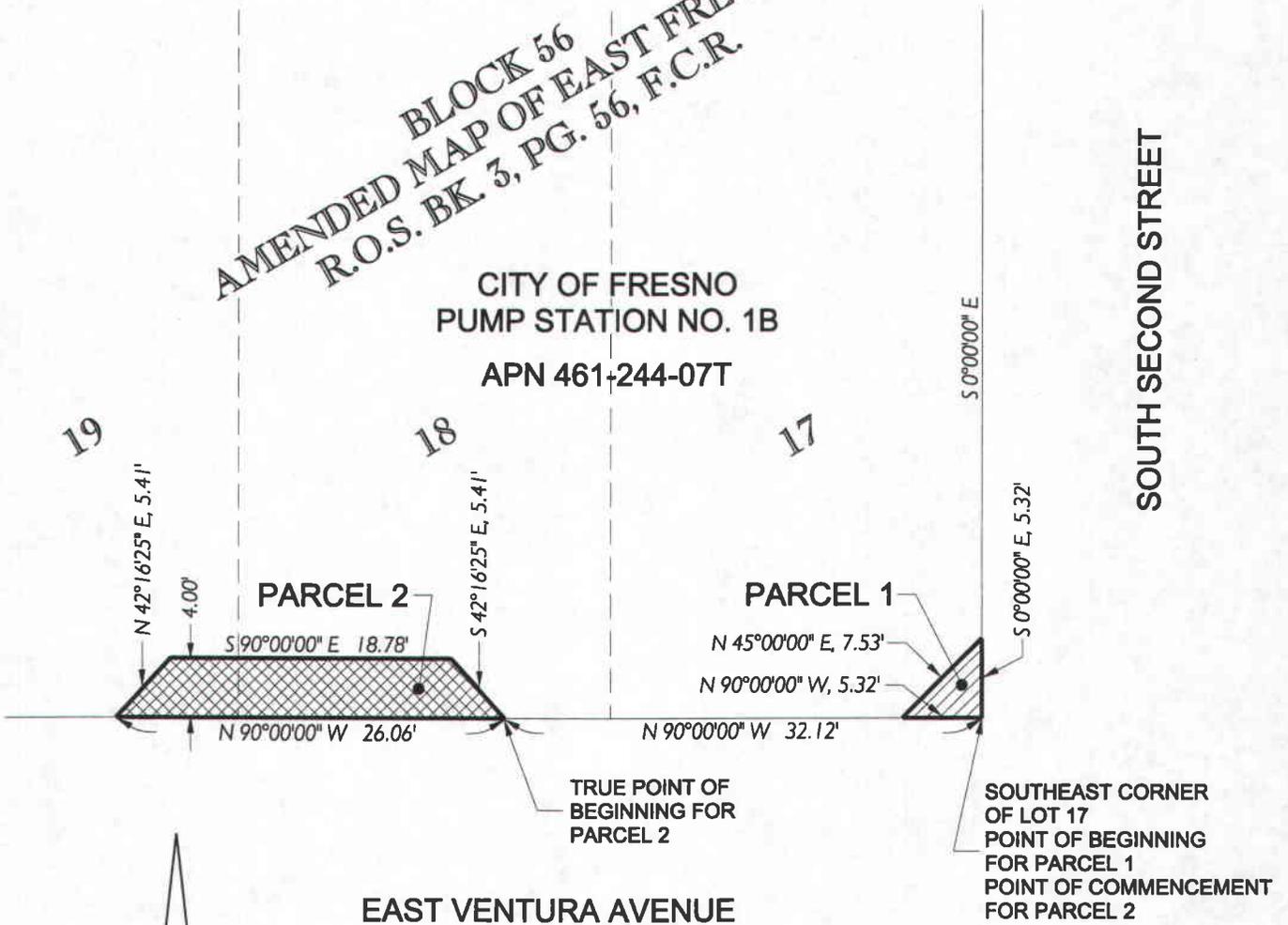
9/21/11

EXHIBIT "B"

BLOCK 56
 AMENDED MAP OF EAST FRESNO
 R.O.S. BK. 3, PG. 56, F.C.R.

CITY OF FRESNO
 PUMP STATION NO. 1B
 APN 461-244-07T

SOUTH SECOND STREET



-  INDICATES PARCEL 1 TO BE DEDICATED FOR PUBLIC STREET PURPOSES. AREA = 14 S.F. ±
-  INDICATES PARCEL 2 TO BE DEDICATED FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES. AREA = 90 S.F. ±

REF. & REV. 2011-076 PLAT 2658	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. <u>WC00016</u> CO <u>SC002</u> FUND NO. <u>40101</u> RES TYPE <u>P001B</u> ORG. NO. <u>411501</u>
	PARCELS TO BE DEDICATED TO THE CITY OF FRESNO AS EASEMENTS AND RIGHTS-OF-WAY FOR PUBLIC STREET & PEDESTRIAN WALKWAY PURPOSES	DR. BY <u>AJ.</u> CH. BY <u>R.A.W.</u> DATE <u>SEPT. 9, 2011</u> SCALE <u>NO SCALE</u>