

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

February 10, 2009

FROM: PATRICK N. WIEMILLER, Director 
Public Works Department

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

SUBJECT: APPROVE AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN A QUITCLAIM DEED RELATED TO RESOLUTION NO. 2009-14 ON BEHALF OF THE CITY OF FRESNO (LOCATED IN COUNCIL DISTRICT NO. 2)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATIONS

Staff recommends that the Council approve and authorize the Public Works Director to sign a Quitclaim Deed related to Resolution No. 2009-14 on behalf of the City of Fresno.

EXECUTIVE SUMMARY

On January 13, 2009, the City Council approved Resolution No. 2009-14 which ordered the vacation of a portion of the east side of North State Street north of West Fairmont Avenue as shown on Exhibit "A" of the attached resolution.

It is required by Resolution No. 2009-14 that the City execute a Quitclaim Deed for the area ordered to be vacated and that it should be a quitclaim from the City of Fresno, a municipal corporation, to the owner of the adjacent property.

The authorization for the Public Works Director to execute this Quitclaim Deed was inadvertently left out of Resolution No. 2009-14. The attached Resolution authorizes and directs the Public Works Director to execute said Quitclaim Deed on behalf of the City of Fresno.

In keeping with the City's policy on fee title vacations, the Applicant has paid the City the sum of \$100, which represents the amount of public funds originally expended for the area ordered to be vacated that is held in fee title. This fact was also inadvertently left out of Resolution No. 2009-14.

KEY OBJECTIVE BALANCE

Approval for the execution of the Quitclaim Deed balances the three objectives of Customer and Employee Satisfaction, and Financial Management. Approval for the execution of the Quitclaim

Report to the City Council
Approve and Authorize the Public Works Director to Sign a
Quitclaim Deed Related to Resolution No. 2009-14
February 10, 2009
Page 2

Deed provides for Customer Satisfaction by ensuring that the vacation ordered by the Council is completed and for Employee Satisfaction by correcting an inadvertent omission from Resolution No. 2009-14.

BACKGROUND

On January 13, 2009, the City Council approved Resolution No. 2009-14 which ordered the vacation of a portion of the east side of North State Street north of West Fairmont Avenue as shown on Exhibit "A" of the attached resolution.

The State acquired the area ordered to be vacated in fee title and then relinquished the area, in fee, to the County of Fresno. The City then inherited the area by annexation. As shown on Item 3 of Attachment "A" of Resolution No. 2009-14, it is required that the Applicant has a Quitclaim Deed prepared. The deed will need to include all the area ordered to be vacated and should be a quitclaim from the City of Fresno, a municipal corporation, to the owner of the adjacent property.

The authorization for the Public Works Director to execute this Quitclaim Deed was inadvertently left out of Resolution No. 2009-14. The attached Resolution authorizes and directs the Public Works Director to execute said Quitclaim Deed on behalf of the City of Fresno.

In keeping with the City's policy on fee title vacations, the Applicant has paid the City the sum of \$100, which represents the amount of public funds originally expended for the area ordered to be vacated that is held in fee title. This fact was also inadvertently left out of Resolution No. 2009-14.

The City Attorney's Office has reviewed and approved the attached Resolution as to form.

FISCAL IMPACT OF RECOMMENDATION

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

PNW/SLM/JCP/eam
Apprv & Auth PW Dir to Sign QC Deed Reso 2-10-09

Attachments: 1. Resolution

P.W. File No. 11353

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

RESOLUTION NO. _____

APPROVE AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN A QUITCLAIM DEED RELATED TO RESOLUTION NO. 2009-14 ON BEHALF OF THE CITY OF FRESNO

WHEREAS, on January 13, 2009 the City Council approved Resolution No. 2009-14 which ordered the vacation of a portion of the east side of North State Street north of West Fairmont Avenue as shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the State acquired the area ordered to be vacated in fee title and then relinquished the area, in fee, to the County of Fresno, and the City then inherited the area by annexation; and

WHEREAS, as shown on Item 3 of Attachment "A" of Resolution No. 2009-14, it is required that the Applicant has a Quitclaim Deed prepared and said Quitclaim Deed will need to include all the area ordered to be vacated and should be a quitclaim from the City of Fresno, a municipal corporation, to the owner of the adjacent property; and

WHEREAS, the authorization for the Public Works Director to execute this Quitclaim Deed was inadvertently left out of Resolution No. 2009-14; and

WHEREAS, in keeping with the City's policy on fee title vacations, the Applicant has paid the City the sum of \$100, which represents the amount of public funds originally expended for the area ordered to be vacated that is held in fee title.

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

1. The Public Works Director of the City is hereby authorized and directed to execute a Quitclaim Deed on behalf of the City for the area ordered to be vacated and held in fee title, as shown on Exhibit "A", which is attached and incorporated in this Resolution, in favor of the adjacent owner.

2. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

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P.W. File 11353

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 _____, 2009.

AYES:
NOES:
ABSTAIN:
ABSENT:

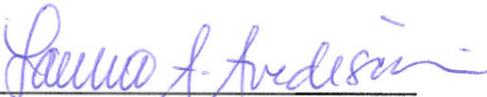
Mayor Approval: _____, 2009
Mayor Approval/No Return: _____, 2009
Mayor Veto: _____, 2009
Council Override Vote: _____, 2009

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: 
Deputy

Apprv & Auth PW Dir to Sign QC Deed Reso 2-10-09

PW File No. 11353

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

When Recorded, Mail To:

Edward L. Fanucchi
2639 W. Sierra Avenue
Fresno, CA 93711

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 510-220-31

QUITCLAIM DEED

For a valuable consideration, receipt of which is hereby acknowledged, the City of Fresno, a municipal corporation, hereby quitclaims to Edward L. Fanucchi, a single man, all right, title and interest to that real property situated in the City of Fresno, County of Fresno, State of California, more particularly described and shown as follows:

See Exhibits "A" and "C", which are attached and incorporated herein

RESERVING THEREFROM unto the City of Fresno, a municipal corporation, an easement and right-of-way for public utility purposes over, under, through, and across that Real Property situated in the City of Fresno, County of Fresno, State of California, more particularly described and shown as follows:

See Exhibits "B" and "C", which are attached and incorporated herein

TOGETHER WITH the right to enter upon said Real Property and to use equipment and material thereon by agents and employees of said City and agents and employees of any public utility corporation as defined in Section 216 of the California Public Utilities Code whenever necessary for the purpose of constructing, reconstructing, enlarging, operating or repairing of public utilities and appurtenances thereto. Said public utility easement shall be maintained by GRANTOR(S) free of any surface obstructions so that GRANTEE may have vehicular access at all times.

CITY OF FRESNO

By: _____
Patrick Wiemiller, Public Works Director

Date: _____

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

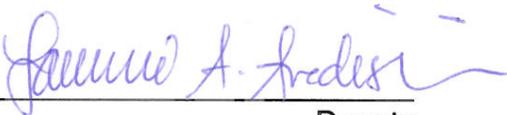
By:  _____
, Deputy

EXHIBIT "A"

APN 510-220-31
Quitclaim

That portion of State Avenue and Lot 33 as shown on the map of Ellendale Terrace No. 2 recorded in Volume 12 of Plats at Page 77, Fresno County Records, also being a portion of Parcel 7 of that relinquishment from the State of California to the County of Fresno recorded November 15, 1961 in Book 4636 at Page 658, Official Records of Fresno County, said portion being more particularly described as follows:

COMMENCING at the southeast corner of said Parcel 7, said southeast corner being the southwest corner of Lot 34 of said Ellendale Terrace No. 2; thence North $0^{\circ}06'26''$ East, along the east line of said Parcel 7 and along the west line of said Lot 34, a distance of 7.00 feet to the TRUE POINT OF BEGINNING of this description; thence North $45^{\circ}04'01''$ West, a distance of 8.49 feet; thence North $0^{\circ}06'26''$ East, parallel with and 6.00 feet west of the west line of said Lots 34 and 33 of said Ellendale Terrace No. 2, a distance of 203.42 feet to the northeasterly line of said Parcel 7; thence South $28^{\circ}28'00''$ East, along said northeasterly line, a distance of 94.08 feet to the most easterly corner of said Parcel 7; thence South $61^{\circ}32'00''$ West, along the southeasterly line of said Parcel 7, a distance of 44.38 feet to the east line of said Parcel 7 and the west line of said Lot 33; thence South $0^{\circ}06'26''$ West, along the east line of said Parcel 7 and along the west line of said Lots 33 and 34, a distance of 105.57 feet to the TRUE POINT OF BEGINNING.

Contains an area of 3,018 square feet, more or less.

2009-003
15-A-8545
PW FILE 11353



EXHIBIT "B"

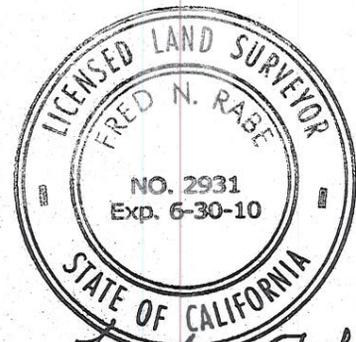
APN 510-220-31

Public utility reservation

That portion of State Avenue as shown on the map of Ellendale Terrace No. 2 recorded in Volume 12 of Plats at Page 77, Fresno County Records, also being a portion of Parcel 7 of that relinquishment from the State of California to the County of Fresno recorded November 15, 1961 in Book 4636 at Page 658, Official Records of Fresno County, said portion being more particularly described as follows:

COMMENCING at the southeast corner of said Parcel 7, said southeast corner being the southwest corner of Lot 34 of said Ellendale Terrace No. 2; thence North $0^{\circ}06'26''$ East, along the east line of said Parcel 7 and along the west line of said Lot 34, a distance of 7.00 feet to the TRUE POINT OF BEGINNING of this description; thence North $45^{\circ}04'01''$ West, a distance of 8.49 feet; thence North $0^{\circ}06'26''$ East, parallel with and 6.00 feet west of the west line of Lots 34 and 33 of said Ellendale Terrace No. 2, a distance of 203.42 feet to the northeasterly line of said Parcel 7; thence South $28^{\circ}28'00''$ East, along said northeasterly line, a distance of 12.60 feet to the west line of said Lot 33; thence South $0^{\circ}06'26''$ West, along the west line of said Lots 33 and 34, a distance of 198.35 feet to the TRUE POINT OF BEGINNING.

Contains an area of 1,210 square feet, more or less.



Fred N. Rabe
1-26-09

2009-003
15-A-8545
PW FILE 11353

EXHIBIT "C"

PARCEL TO BE
QUITCLAIMED BY THE
CITY OF FRESNO

Scale: 1" = 50'-0"



AREA 1 TO BE QUITCLAIMED
TO APN: 510-220-31 AND
RESERVED AS A PUBLIC
UTILITY EASEMENT



AREA 2 TO BE
QUITCLAIMED TO
APN: 510-220-31

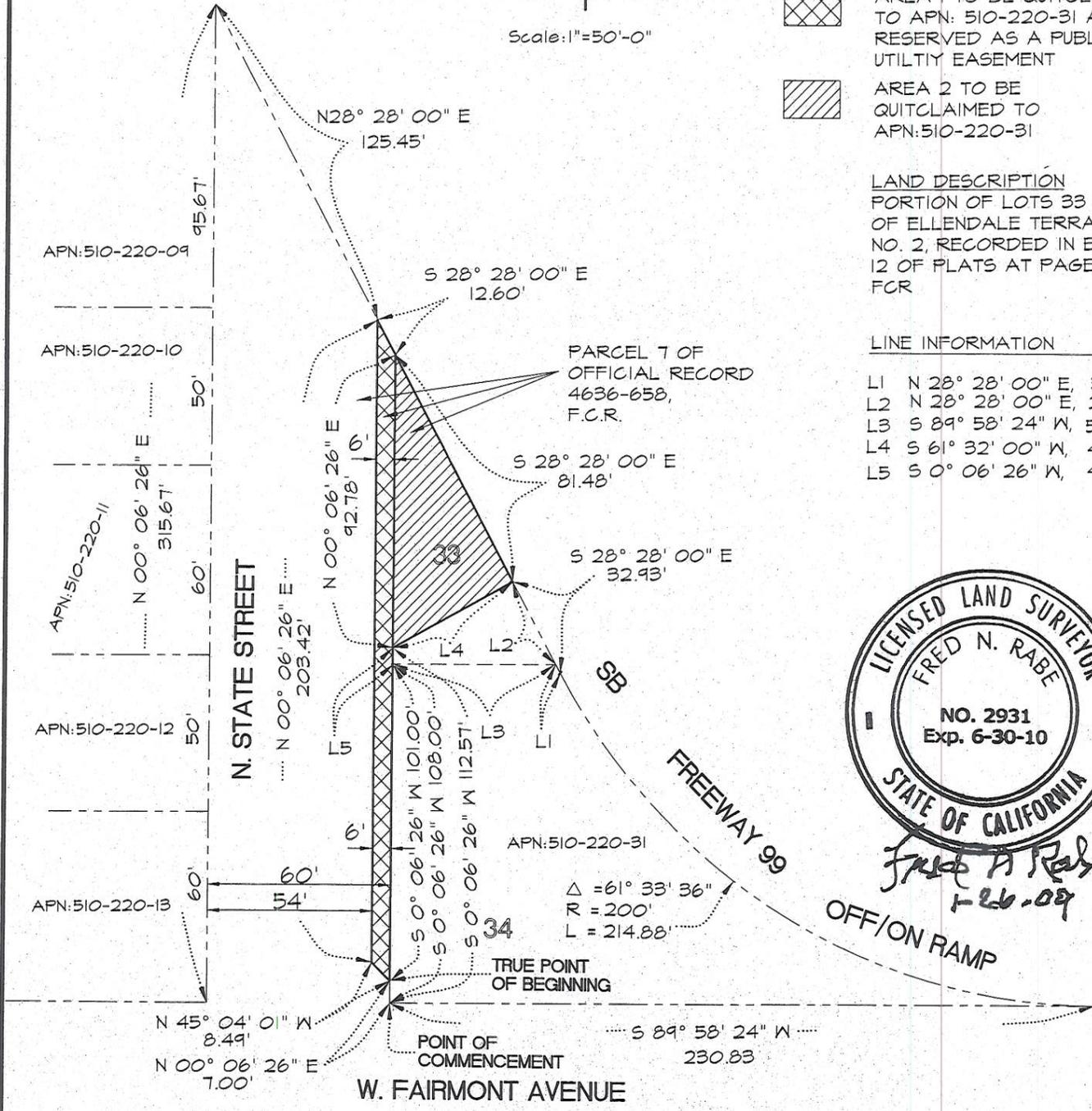
LAND DESCRIPTION
PORTION OF LOTS 33 & 34
OF ELLENDALE TERRACE
NO. 2, RECORDED IN BOOK
12 OF PLATS AT PAGE 77,
FCR

LINE INFORMATION

- L1 N 28° 28' 00" E, 3.69'
- L2 N 28° 28' 00" E, 29.24'
- L3 S 89° 58' 24" W, 52.96'
- L4 S 61° 32' 00" W, 44.38'
- L5 S 0° 06' 26" W, 4.57'



Fred A Rabe
1-26-09



REF. & REV.
2009-003
PLAT 1745
PW FILE 11353

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PARCELS TO BE QUITCLAIMED
BY THE CITY OF FRESNO

PROJ. ID _____ KRA _____
FUND NO. _____ RES TYPE _____
ORG. NO. _____

DR. BY BAM _____ SHEET NO. 1
CH. BY _____ OF 1 SHEETS
DATE 01/21/09 _____
SCALE "AS NOTED" _____ 15-A-8545