



AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

February 27, 2007

FROM: JON R. RUIZ, Interim Public Works Director
Public Works Department

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

SUBJECT: ADOPT RESOLUTION DEDICATING CERTAIN CITY-OWNED PROPERTY
FOR PUBLIC STREET PURPOSES (LOCATED IN COUNCIL DISTRICT 1)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

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

EXECUTIVE SUMMARY

Generation Homes is developing Tract No. 5300 northeasterly from the intersection of Polk and Clinton Avenues. The City of Fresno owns property at the northeast corner of that intersection on which Fire Station No. 16 will be constructed. Generation Homes will be constructing street improvements to the ultimate right-of-way at that corner and the City owns the underlying fee title to the street frontages adjacent to the fire station site that must be dedicated for public street purposes to accommodate the proposed street construction.

KEY OBJECTIVE BALANCE

The proposed dedication balances the key objective of Customer Satisfaction. The proposed dedication provides for Customer Satisfaction by providing public street and utility easements to accommodate the development of Tract No. 5300.

BACKGROUND

Generation Homes is developing Tract 5300 northeasterly from the intersection of Polk and Clinton Avenues. The City of Fresno owns property at the northeast corner of that intersection on which Fire Station No. 16 will be constructed. Generation Homes will be constructing street improvements to the ultimate right-of-way at that corner and the City owns the underlying fee title to the street frontages adjacent to the fire station site that must be dedicated for public street

Report to the City Council
Adopt Resolution Dedicating Certain
City-Owned Property – Polk and Clinton Avenues
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purposes to accommodate the proposed street construction. The required dedications are described on Exhibit "A" and shown on Exhibit "B" of the attached resolution. Public Works has approved the legal descriptions of the subject easement.

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

FISCAL IMPACT

None.

JRR/SLM/eam
Adopt Reso Ded Prop Polk-Clinton 2-27-07

Attachment: Resolution

2007-005
PLAT 2145
15-A-8192

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 312-062-37(portion)

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, DEDICATING CERTAIN CITY-OWNED PROPERTY
AS AN EASEMENT FOR PUBLIC STREET PURPOSES**

WHEREAS, Generation Homes is developing Tract No. 5300 northeasterly from the intersection of Polk and Clinton Avenues; and

WHEREAS, the City of Fresno owns property at the northeast corner of that intersection on which Fire Station No. 16 will be constructed; and

WHEREAS, Generation Homes will be constructing street improvements to the ultimate right-of-way at that corner and the City owns the underlying fee title to the street frontages adjacent to the fire station site that must be dedicated for public street purposes to accommodate the proposed street construction; and

WHEREAS, the required dedications are described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated by reference; and

WHEREAS, Public Works has approved the legal descriptions of the subject easement.

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

1. That certain City-owned property 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. 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.

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.

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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 _____, 2007.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2007
Mayor Approval/No Return: _____, 2007
Mayor Veto: _____, 2007
Council Override Vote: _____, 2007

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE

By:  2-15-07
, Deputy

Reso Ded Prop for Public Str Polk-Clinton 2-27-07

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EXHIBIT "A"
Public Street Easement

APN 312-062-37 (portion)

A portion of the Southwest Quarter of the Northeast Quarter of Section 27, Township 13 South, Range 19 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, said portion being more particularly described as follows:

BEGINNING at the southwest corner of said Northeast Quarter; thence N 89°48'38" E, along the south line of said Northeast Quarter, a distance of 371.10 feet to the southeast corner of that real property described in a Grant Deed to the City of Fresno recorded December 9, 2005 as Document No. 2005-0288579, Official Records of Fresno County; thence N 0°11'22" W, along the east line of said real property described in said Grant Deed, a distance of 50.25 feet; thence N 87°48'11" W, a distance of 114.11 feet; thence S 89°48'38" W, parallel with and 55.00 feet north of said south line, a distance of 185.43 feet; thence N 45°08'30" W, a distance of 20.58 feet; thence N 0°05'37" W, parallel with and 57.00 feet east of the west line of said Northeast Quarter, a distance of 88.66 feet; thence N 12°13'50" W, a distance of 9.51 feet; thence N 0°05'37" W, parallel with and 55.00 feet east of the west line of said Northeast Quarter, a distance of 114.37 feet to the north line of said real property described in said Grant Deed; thence S 89°49'17" W, along said north line, a distance of 55.00 feet to the west line of said Northeast Quarter; thence S 0°05'37" E, along said west line of said Northeast Quarter, a distance of 281.91 feet to the POINT OF BEGINNING.

Contains an area of 32,939 square feet, more or less.

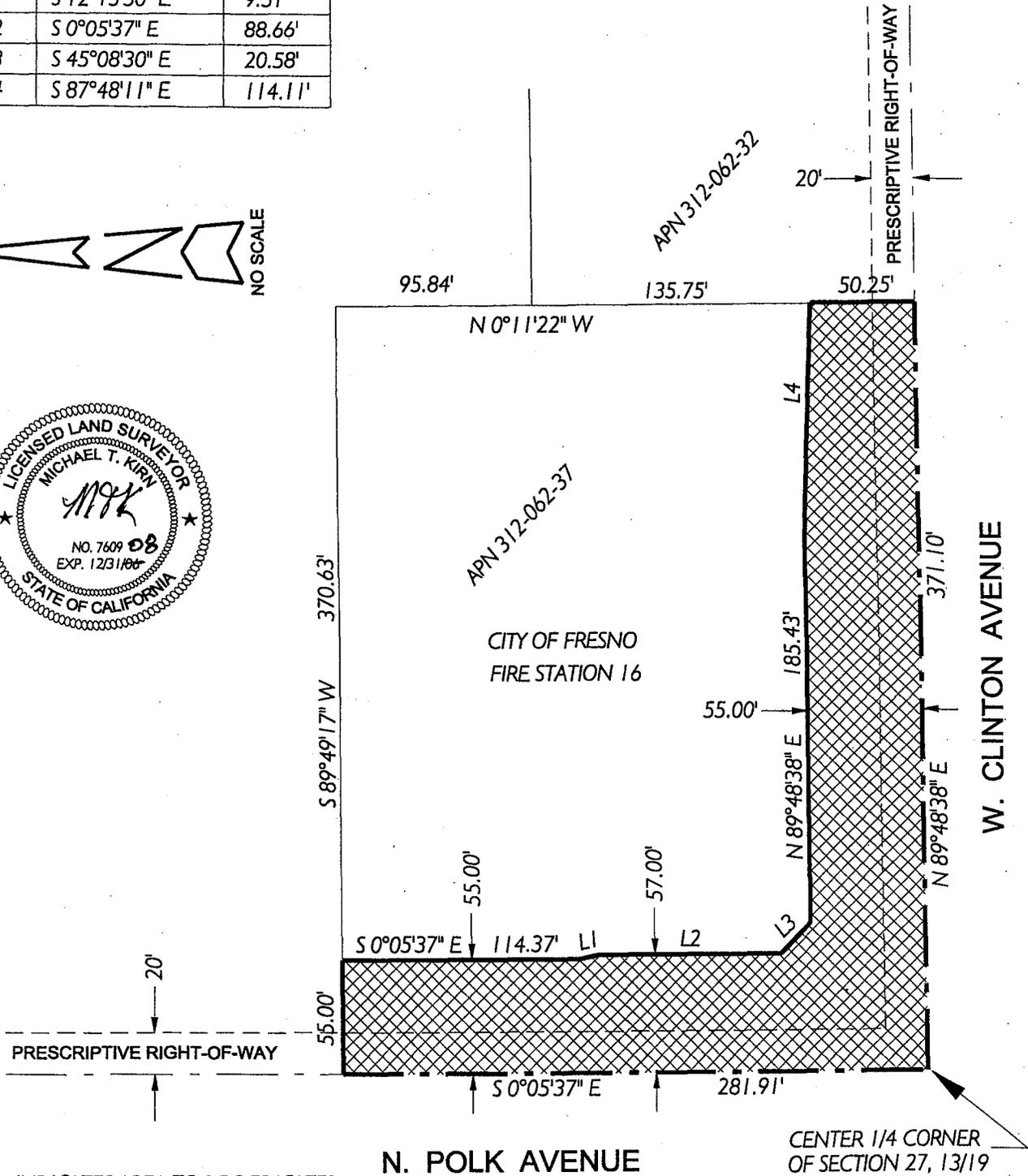
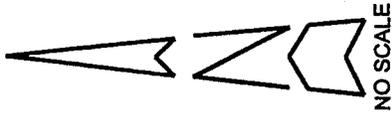


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A:\City street dedication, NE corner Polk and Clinton.wpd

EXHIBIT "B"

LINE TABLE

	BEARING	LENGTH
L1	S 12°13'50" E	9.51'
L2	S 0°05'37" E	88.66'
L3	S 45°08'30" E	20.58'
L4	S 87°48'11" E	114.11'



 INDICATES AREA TO BE DEDICATED
32,939 S.F. ±

X:\DATA\CAD\Fire station 16 public street dedication.dcd

REF. & REV. 2007-005 PWF 10861 PLAT 2145 D-9611-84	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. XC00032 FUND NO. 31556 ORG. NO. 169901	SHEET NO. 1 OF 1 SHEETS
	CITY-OWNED PARCEL TO BE DEDICATED AS AN EASEMENT FOR PUBLIC STREET PURPOSES	DR. BY DHC CH. BY AJ DATE JAN. 25, 2007 SCALE NO SCALE	15-A-8192