

AGENDA ITEM NO.

COUNCIL MEETING
APPROVED BY
DEPARTMENT DIRECTOR

CITY MANAGER

February 6, 2007

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

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

SUBJECT: ADOPT RESOLUTION DEDICATING CERTAIN CITY-OWNED PROPERTY FOR
PUBLIC STREET PURPOSES AND PUBLIC PEDESTRIAN WALKWAY
PURPOSES

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

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

EXECUTIVE SUMMARY

The City owns Pump Station No. 61A located on the south side of East Butler Avenue west of South Chance Avenue, as shown on Exhibit "B" of the attached resolution. The pump station is being improved in accordance with Conditional Use Permit No. C-06-133. Curb, gutter, sidewalk and a driveway approach are required to be constructed across the frontage of the pump station. The dedication of City-owned property for a 10 foot wide public street easement and a 2 foot wide pedestrian walkway easement must be dedicated to accommodate the construction of the required street improvements.

KEY OBJECTIVE BALANCE

The proposed dedication balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. The proposed vacation provides for Customer Satisfaction by satisfying a condition of approval for the Customer's development of Pump Station No. 61A.

BACKGROUND

The City owns Pump Station No. 61A located on the south side of East Butler Avenue west of South Chance Avenue, as shown on Exhibit "B" of the attached resolution. The pump station is being improved in accordance with Conditional Use Permit No. C-06-133. Curb, gutter and sidewalk are required to be constructed across the frontage of the pump station. The dedication

Report to the City Council
Adopt Resolution Dedicating Certain City-Owned Property for
Public Street Purposes and Public Pedestrian Purposes
February 6, 2007
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of a 10 foot wide easement for public street purposes is required to conform to the right-of-way as proposed by the Butler Avenue Official Plan Line Serial No. 63 recorded April 14, 1967 in Volume 2 of Record of Official Plan Lines at Pages 78 through 82, Fresno County Records. This 10 foot strip is shown as Parcel "A" on Exhibit "B" of the attached resolution. A driveway approach will also be constructed along Butler Avenue to provide access to the pump station. A 2 foot wide pedestrian walkway easement must be dedicated at the back of the approach in order to comply with Federal ADA requirements, which requires a dedication of City-owned property for public pedestrian walkway purposes to accommodate the approach. This 2 foot strip is shown as Parcel "B" on Exhibit "B" of the attached resolution.

Public Works has approved the legal description of the subject easements as shown on Exhibit "A" of the attached resolution.

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.

JRR/SLM/AJ/eam
Adopt Reso Dedic Prop PS 61A 2-6-07

Attachment: Resolution

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 471-070-21T (portions)

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,
CALIFORNIA, DEDICATING CERTAIN CITY-OWNED PROPERTY
AS EASEMENTS FOR PUBLIC STREET PURPOSES AND PUBLIC PEDESTRIAN
WALKWAY PURPOSES**

WHEREAS, the City of Fresno owns certain property located on the south side of East Butler Avenue west of South Chance Avenue, as shown on attached Exhibit "B"; and

WHEREAS, the subject property is being developed as Pump Station No. 61A in accordance with Conditional Use Permit No. C-06-133; and

WHEREAS, curb, gutter and sidewalk are required to be constructed across the frontage of the pump station; and

WHEREAS, the dedication of a 10 foot wide easement for public street purposes is required to conform to the right-of-way as proposed by the Butler Avenue Official Plan Line Serial No. 63 recorded April 14, 1967, in Volume 2 of Record of Official Plan Lines at Pages 78 through 82, Fresno County Records; and

WHEREAS, a driveway approach will be constructed along East Butler Avenue to provide access to the pump station; and

WHEREAS, a 2 foot wide pedestrian walkway easement must be dedicated at the back of the approach in order to comply with Federal ADA requirements, which requires a dedication

of City-owned property for public pedestrian walkway purposes to accommodate the approach.

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

1. That certain portion of City-owned property described as Parcel "A" in attached Exhibit "A" and shown as Parcel "A" 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 described as Parcel "B" in attached Exhibit "A" and shown as Parcel "B" 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 _____, 2007.

AYES:
NOES:
ABSTAIN:
ABSENT:

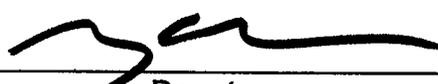
Mayor Approval: _____, 2007
Mayor Approval/No Return: _____, 2007
Mayor Veto: _____, 2007
Council Override Vote: _____, 2007

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By:  1-30-07
Deputy

Reso Dedic Public Walkway Butler-Chance 1-23-07

2006-278
15-A-8175
C-06-133

EXHIBIT "A"

APN 471-070-21T (portions)

Those portions of that certain Parcel of land granted to the City of Fresno by a Grant Deed recorded May 24, 2006, as Document No. 2006-0108713, Official Records of Fresno County, said Parcel being a portion of the Southwest Quarter of Section 12, Township 14 South, Range 20 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 portions being more particularly described as follows;

PARCEL "A" Street easement

COMMENCING at the northeast corner of the west half of the northeast quarter of the northwest quarter of said Southwest Quarter of Section 12; thence S 89°58'00" W, along the north line of said Southwest Quarter, a distance of 165.00 feet; thence S 0°06'37" W, parallel with and 165.00 feet west of the east line of said west half, a distance of 30.00 feet to the northeast corner of said Parcel granted to the City of Fresno and the TRUE POINT OF BEGINNING of this description; thence continuing S 0°06'37" W, along the east line of said Parcel, parallel with and 165.00 feet west of the east line of said west half, a distance of 10.00 feet; thence S 89°58'00" W, parallel with and 40.00 feet south of the north line of said Southwest Quarter, a distance of 80.00 feet to the west line of said Parcel; thence N 0°06'37" E, along said west line, parallel with the east line of said Parcel, a distance of 10.00 feet to the northwest corner of said Parcel; thence N 89°58'00" E, along the north line of said Parcel, parallel with and 30.00 feet south of the north line of said Southwest Quarter, a distance of 80.00 feet to the TRUE POINT OF BEGINNING.

Contains an area of 800 square feet, more or less.

PARCEL "B" Pedestrian easement

COMMENCING at the northeast corner of the west half of the northeast quarter of the northwest quarter of said Southwest Quarter of Section 12; thence S 89°58'00" W, along the north line of said Southwest Quarter, a distance of 165.00 feet; thence S 0°06'37" W, parallel with and 165.00 feet west of the east line of said west half, a distance of 30.00 feet to the northeast corner of said Parcel granted to the City of Fresno; thence continuing S 0°06'37" W, along the east line of said Parcel, parallel with and 165.00 feet west of the east line of said west half, a distance of 10.00 feet; thence S 89°58'00" W, parallel with and 40.00 feet south of the north line of said Southwest Quarter of said Section 12, a distance of 31.39 feet to the TRUE POINT OF BEGINNING of this description; thence S 42°14'25" W, a distance of 2.70 feet; thence S 89°58'00" W, parallel with and 42.00 feet south of the north line of said Southwest Quarter, a distance of 18.54 feet; thence N 42°18'25" W, a distance of 2.70 feet; thence N 89°58'00" E, parallel with and 40.00 feet south of the north line of said Southwest Quarter, a distance of 22.18 feet to the TRUE POINT OF BEGINNING.

Contains an area of 41 square feet, more or less.

2006-278
15-A-8175
C-06-133

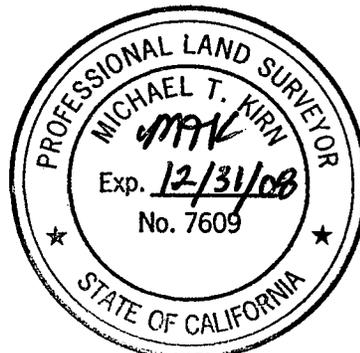
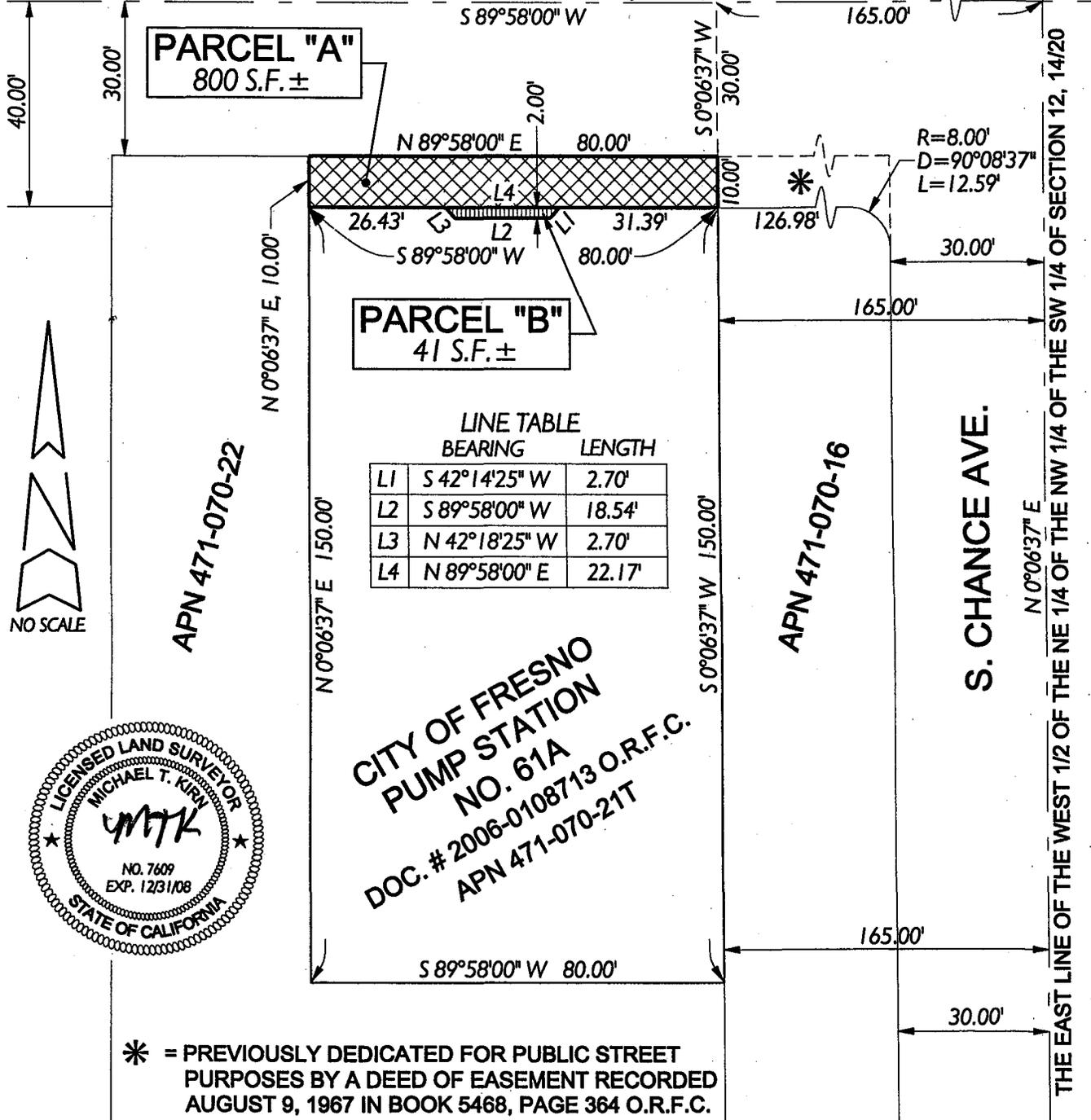


EXHIBIT "B"

E. BUTLER AVE.

NORTHEAST CORNER OF THE WEST 1/2 OF THE NE 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 12, 14/20

THE NORTH LINE OF THE SOUTHWEST 1/4 SECTION 12, 14/20



LINE TABLE

	BEARING	LENGTH
L1	S 42°14'25" W	2.70'
L2	S 89°58'00" W	18.54'
L3	N 42°18'25" W	2.70'
L4	N 89°58'00" E	22.17'



CITY OF FRESNO
PUMP STATION
NO. 61A
DOC. # 2006-0108713 O.R.F.C.
APN 471-070-21T

* = PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES BY A DEED OF EASEMENT RECORDED AUGUST 9, 1967 IN BOOK 5468, PAGE 364 O.R.F.C.

- INDICATES AREA TO BE DEDICATED FOR PUBLIC STREET PURPOSES (PARCEL "A")
- INDICATES AREA TO BE DEDICATED FOR PUBLIC PEDESTRIAN PURPOSES (PARCEL "B")

D:\DATA\Pump Stations\ps 61\PS 61A Easements.dcd

REF. & REV. 2006-278 C-06-133 PLAT 2859	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS PUMP STATION NO. 61A DEDICATION OF CITY OWNED PROPERTY FOR PUBLIC STREET & PEDESTRIAN PURPOSES	PROJ. ID. WC00016	KRA 0401001000
		FUND NO. 40101	RES TYPE P061A
		ORG. NO. 411501	
		DR. BY AJ	SHEET NO. 1
		CH. BY DHC	OF 1 SHEETS
		DATE DEC. 6, 2006	15-A-8175
		SCALE NO SCALE	