

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

March 11, 2008

FROM: PATRICK N. WIEMILLER, Director 
Public Works Department

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

SUBJECT: ADOPT RESOLUTION DEDICATING CERTAIN CITY-OWNED PROPERTY
FOR PUBLIC STREET PURPOSES (LOCATED IN COUNCIL DISTRICT 3)

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.

EXECUTIVE SUMMARY

The City is constructing street improvements at various locations along Whitesbridge Avenue between West Avenue and Stanislaus Avenue. One of the locations is the Fruit Avenue alignment between Whitesbridge and Amador Avenues. The County vacated this portion of Fruit Avenue in 1929 and a portion of the east half was rededicated for street purposes in 1934. The west half has never been rededicated, even though a portion of it has been used for street and utility purposes. In order to accommodate the street improvements that are to be constructed in this area and to provide a right-of-way for the existing utilities, a portion of City-owned property must be dedicated for public street purposes. The portion to be dedicated at this time is described in Exhibit "A" and shown on Exhibit "B" of the attached resolution.

KEY OBJECTIVE BALANCE

The proposed vacation balances the key objective of Customer Satisfaction. The proposed dedication provides for Customer Satisfaction by dedicating a street easement to provide for the proposed street improvements and the existing public utilities.

BACKGROUND

The City is constructing street improvements at various locations along Whitesbridge Avenue between West Avenue and Stanislaus Avenue. One of the locations is the Fruit Avenue alignment between Whitesbridge and Amador Avenues. The County vacated this portion of Fruit

Report to the City Council
Adopt Resolution Dedicating Certain City-Owned Property for Public Street Purposes
Whitesbridge Avenue between West and Stanislaus Avenues
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Avenue in 1929 and a portion of the east half was rededicated for street purposes in 1934. The west half has never been rededicated, even though a portion of it has been used for street and utility purposes. In order to accommodate the street improvements that are to be constructed in this area and to provide a right-of-way for the existing utilities, a portion of City-owned property must be dedicated for public street purposes. The portion to be dedicated at this time is described in Exhibit "A" and shown on Exhibit "B" of the attached resolution.

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

FISCAL IMPACT

None.

PNW/SLM/DHC/AJ/eam
Adopt Reso Dedic Propty for Pub Str Purposes 3-11-08

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 464-030-21T, -22T (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, the City is constructing street improvements at various locations along Whitesbridge Avenue between West Avenue and Stanislaus Avenue; and

WHEREAS, one of the locations is the Fruit Avenue alignment between Whitesbridge and Amador Avenues, the westerly portion of which is City-owned property; and

WHEREAS, the County vacated this portion of Fruit in 1929 and a portion of the east half was rededicated for street purposes in 1934. The west half has never been rededicated, even though a portion of it has been used for street and utility purposes; and

WHEREAS, in order to accommodate the street improvements that are to be constructed in this area and to provide a right-of-way for the existing utilities, a portion of City-owned property must be dedicated for public street purposes; and

WHEREAS, the required dedication is described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated by reference.

NOW, THEREFORE, BE IT 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.
4. The City Engineer shall cause a City deed number to be assigned to the resolution and shall cause the 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 _____, 2008.

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor Approval: _____, 2008

Mayor Approval/No Return: _____, 2008

Mayor Veto: _____, 2008

Council Override Vote: _____, 2008

REBECCA E. KLISCH
City Clerk

BY: _____
, Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

By: Laurie Avedisian
Laurie A. Avedisian, Deputy

Reso Dedic Prpty Pub Str Purposes, Whitesbridge Ave

2008-022
15-A-8400
PLAT 2752

EXHIBIT "A"

APN 464-030-21T, -22T (portion)
STREET EASEMENT

That real property situated in the Northwest Quarter of Section 8, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, said real property being a portion of Lot 5 of Chandler Tract, according to the map thereof recorded in Book 2 of Record of Surveys at Page 88, Fresno County Records together with a portion of Fruit Avenue (now vacated) adjacent to said Lot 5, said real property being more particularly described as follows:

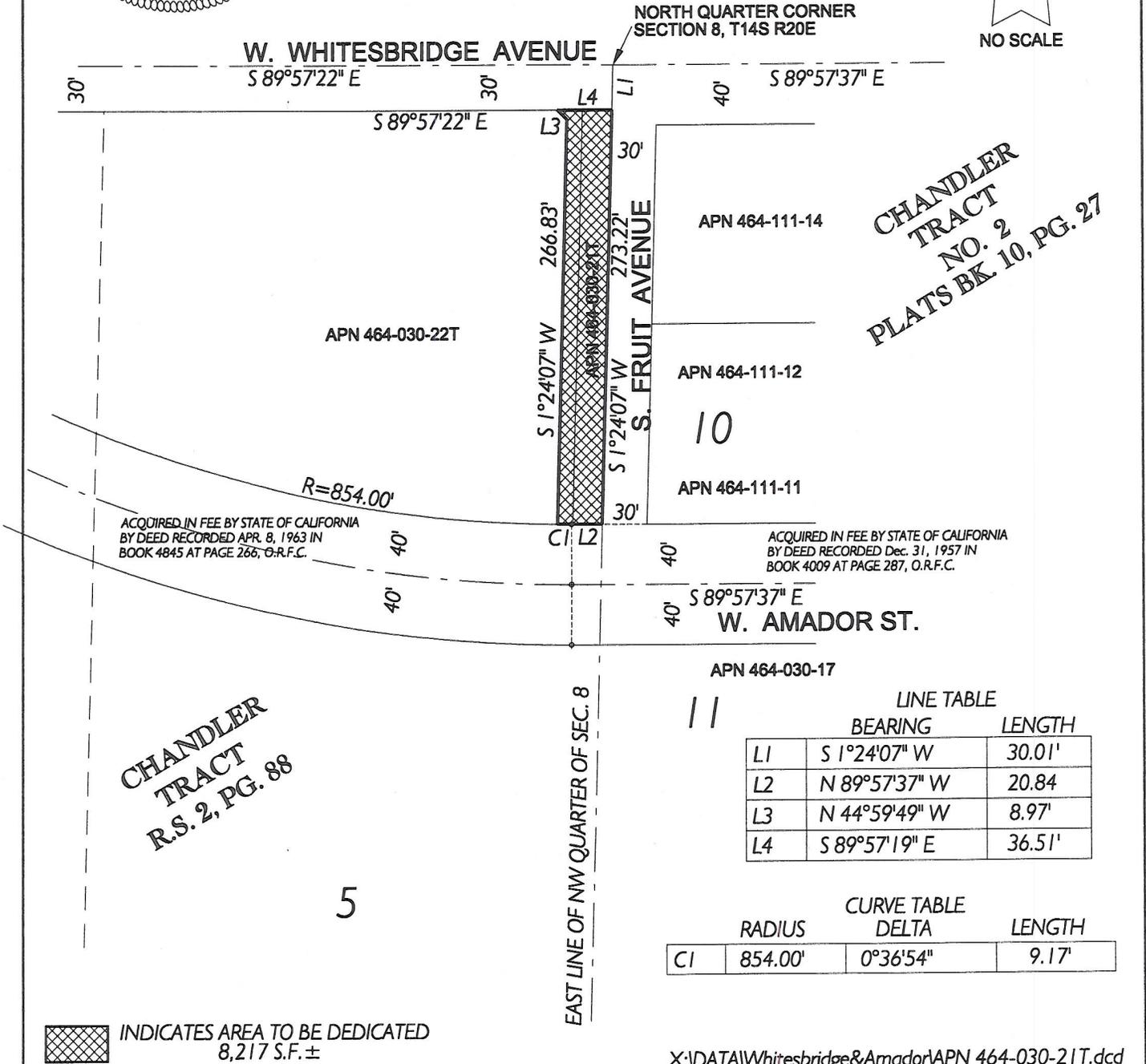
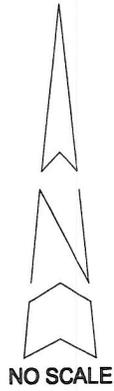
COMMENCING at the North Quarter Corner of said Section 8; thence S 1°24'07" W, along the east line of said Northwest Quarter, a distance of 30.01 feet to a point on the south right-of-way line of W. Whitesbridge Avenue, said point being the TRUE POINT OF BEGINNING of this description; thence continuing S 1°24'07" W, along the east line of said Northwest Quarter, a distance of 273.22 feet to the north right-of-way line of W. Amador Avenue as described in a deed to the State of California recorded in Book 4009 at Page 287, Official Records of Fresno County; thence N 89°57'37" W, along said north right-of-way line, a distance of 20.84 feet to to the beginning of a tangent curve concave to the north and having a radius of 854.00 feet, said curve being the northerly right-of-way line of W. Amador Avenue as described in a deed to the State of California recorded in Book 4845 at Page 266, Official Records of Fresno County; thence westerly, along the arc of said curve and along said northerly right-of-way line, through a central angle of 0°36'54", an arc distance of 9.17 feet; thence N 1°24'07" E, leaving said northerly right-of-way line and parallel with and 30.00 feet west of said east line of said Northwest Quarter, a distance of 266.83 feet; thence N 44°59'49" W, a distance of 8.97 feet to said south right-of-way line of W. Whitesbridge Avenue; thence S 89°57'22" E, along said south right-of-way line and parallel with and 30.00 feet south of the north line of said Northwest Quarter, a distance of 36.51 feet to the TRUE POINT OF BEGINNING.

Contains an area of 8,217 square feet, more or less.

2008-022
15-A-8400
PLAT 2752
Reso Dedic Prpty Pub Str Purposes, Whitesbridge Ave.doc



EXHIBIT "B"



X:\DATA\Whitesbridge&Amador\APN 464-030-21.T.dcd

REF. & REV. 2008-022 PLAT 2752	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. <u>PW00309</u> FUND NO. <u>20102</u> ORG. NO. <u>189901</u>	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
	CITY-OWNED PROPERTY TO BE DEDICATED AS AN EASEMENT AND RIGHT-OF-WAY FOR PUBLIC STREET PURPOSES	DR. BY <u>DHC</u> CH. BY <u>BERTRAM</u> DATE <u>FEB. 13, 2008</u> SCALE <u>NO SCALE</u>	15-A-8400