

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. 2009-14



RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA
ORDERING THE VACATION OF A PORTION OF THE EAST SIDE OF
NORTH STATE STREET NORTH OF WEST FAIRMONT AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1067-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on January 6, 2009 at a regular meeting of the Council of the City of Fresno, California (the City), at which evidence was heard for and against the vacation of the hereinafter described public street easement, situated within the City; and

WHEREAS, the area proposed to be vacated is a portion of the east side of North State Street north of West Fairmont Avenue; and

WHEREAS, the purpose of the proposed vacation is to ensure that the structure currently under construction will conform with the required building setbacks; and

WHEREAS, Environmental Assessment No. EA-08-27 shows with certainty that the project is categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Subsection 15301(c)/Class 1 of the CEQA guidelines; and

filed 1/13/09
Approved 1/22/09
Effective See Sec. 4

2009-14



WHEREAS, the Traffic Division, other City Departments and utility agencies have reviewed this proposal and determined that the rights-of-way proposed for vacation are unnecessary for present or prospective public street or alley purposes, subject to a six foot wide public utility easement shown on Exhibit "B" and the conditions for approval detailed in Attachment "A"; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 8300-8363).

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

1. The Council finds from all the evidence submitted that a portion of the east side of North State Street north of West Fairmont Avenue is unnecessary for present and prospective public street purposes. The public street easement to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution.
2. The public interest and convenience require, and it is hereby ordered, that, as contemplated by Resolution of Intention No. 1067-D adopted by the Council on December 2, 2008, the public street easement shown on Exhibit "A" be and is hereby vacated and abandoned.
3. The City Clerk shall certify to the passage of this Resolution and shall file a certified copy, attested by the City Clerk under the seal of the City, in the Office of the City Clerk.
4. The City Clerk shall file a certified copy of the Resolution for recordation in the Office of the Recorder of Fresno County. The vacation shall become effective on the date this Resolution is recorded.



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 13th day of January, 2009.

AYES: Borgeas, Brand, Caprioglio, Dages, Perea, Xiong, Sterling
NOES: None
ABSTAIN: None
ABSENT: None

Mayor Approval: January 22, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Vote: N/A, 2009

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: [Signature]
Deputy GRADUEL

Reso Ord Vac Por of N Clovis Ave 1-6-09

PW File No. 11353

OWNER
CITY OF FRESNO
2600 FRESNO ST.
FRESNO, CA. 93721



Scale: 1"=50'-0"



AREA TO BE VACATED

LAND DESCRIPTION
PORTION OF LOTS B3 & B4
OF ELLENDALE TERRACE
NO. 2, RECORDED IN BOOK
12 OF PLATS AT PAGE 71,
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, 44.88'
- L5 S 0° 06' 26" W, 4.57'

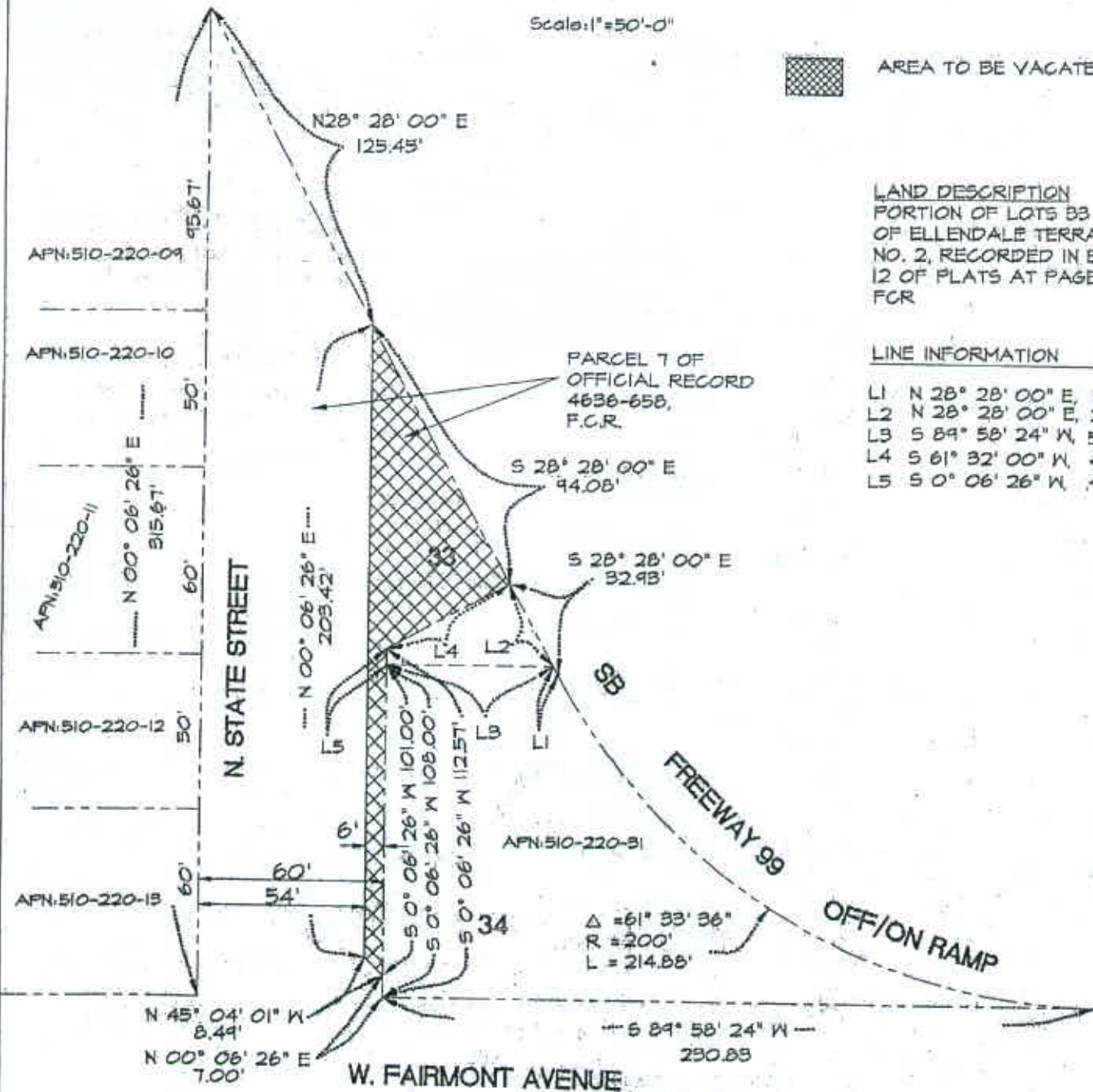


EXHIBIT 'A'

PWF 11353



OWNER
EDWARD L. FANUCCHI
2639 W. SIERRA AVE.
FRESNO, CA. 93711

APN: 510-220-31

Scale: 1"=50'-0"



6' WIDE AREA TO BE
RETAINED AS A PUBLIC
UTILITY EASEMENT

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 S 89° 58' 24" N, 52.96'

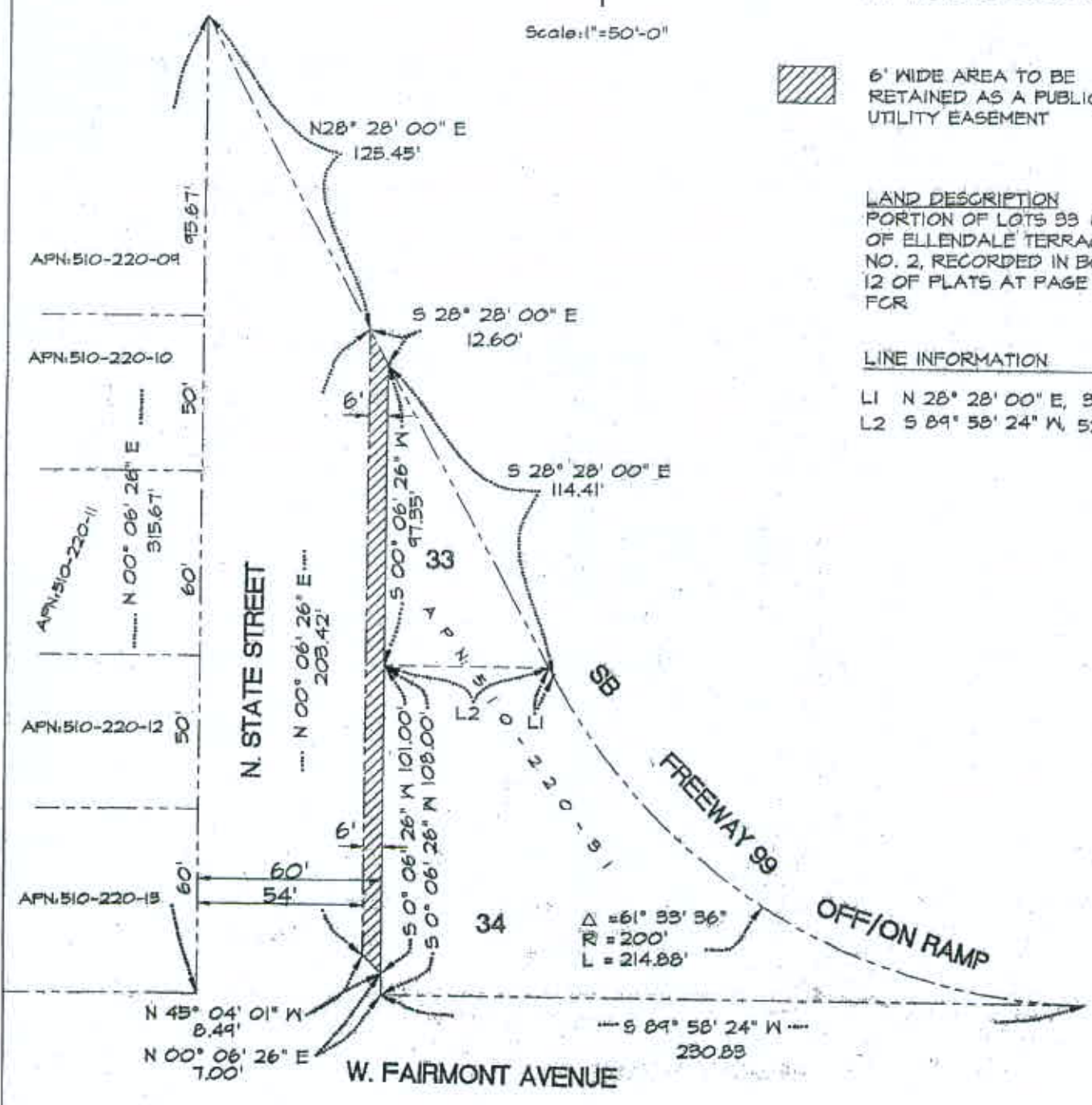


EXHIBIT 'B'

PWF 11353



ATTACHMENT A

CONDITIONS FOR APPROVAL

1. The Fresno Metropolitan Flood Control District (FMFCD) states that revisions to the existing drainage patterns and processing of street improvement plans will need to be reviewed and approved by the District prior to implementation.
2. The City's Traffic Signal and Street Lighting Division states that Joint Poles No. 18703 and 18710 have 70 watt luminaries. The luminaries are to be removed and returned to the City of Fresno Street Division.
3. The State acquired the area proposed 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. It is required that the Applicant has a Quitclaim Deed prepared. The deed will need to include all the area proposed to be vacated and should be a quitclaim from the City of Fresno, a municipal corporation, to the owner of the adjacent property.

January 13, 2009

Council Adoption: 1/13/09
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: REBECCA E. KLISCH, CMC
City Clerk

RECEIVED

2009 JAN 23 AM 10:09

CITY CLERK, FRESNO CA



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/13/09, Council adopted the attached Resolution No. 2009-14 entitled **Ordering vacation of portion of E. side of N. State St. – N. of W. Fairmont Ave., Item No. 9:55 A.M. - a**, by the following vote:

Ayes	:	Borgeas, Brand, Caprioglio, Dages, Perea, Xiong, Sterling
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before January 23, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin
Ashley Swearengin, Mayor

Date: 1/23/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: