

**RECORDING REQUESTED BY**

Public Works Department  
City of Fresno  
No Fee-Gov't 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 RECORDERS USE

APN 504-140-11

**RESOLUTION NO. 2009-104**



**A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO,  
CALIFORNIA, ACCEPTING  
AN IRREVOCABLE OFFER TO DEDICATE A PUBLIC STREET EASEMENT  
ALONG THE SOUTHWEST CORNER OF HERNDON AVENUE AND  
GOLDEN STATE BLVD.**

WHEREAS, in 1996 the City and Burger Duo Property Development II entered into an Irrevocable Offer to Dedicate Real Property, recorded December 26, 1996 as Document No. 1996-0169459, Official Records of Fresno County (the "Offer"); and

WHEREAS, the property to be dedicated is along the south west corner of Herndon and Golden State, and is commonly known as 6729 North Golden State Blvd., Assessor's Parcel Number 504-140-11 (the "Subject Property"); and

WHEREAS, a copy of the Offer is designated as Exhibit "A" which is attached and incorporated by reference; and

WHEREAS, the Offer is to remain open until such time as the City Council adopts a resolution accepting or rejecting it and, at this time, the City needs to accept the Offer to accommodate construction of street improvements along Herndon Avenue and Golden State Blvd.

WHEREAS, the City proposes to widen and improve the intersection of Herndon Avenue and Golden State Blvd. by the installation of left turn lanes, through lanes each direction and dedicated right turn lanes in addition a pedestrian / bike path will be constructed along Herndon.

Adopted \_\_\_\_\_  
Approved 5/7/09  
Effective \_\_\_\_\_

In addition, other improvements will include modifying and/or providing new traffic signals, as well as curb, gutter and sidewalk improvements (the "Project"); and

WHEREAS, for this segment of the Project that affects the Subject Property the Design Services Division of the City Department of Public Works has designed the street widening on Herndon Avenue and Golden State Blvd and Federal Financing has been authorized to participate in the project under Federal Project No. CML 5060 (122); and

WHEREAS, the Project has been environmentally assessed. A Mitigated Negative Declaration has been issued for the project. The Mitigated Negative Declaration was filed with Fresno County Clerks office on May 14, 2007, with this number E200710000241. Caltrans completed a Categorical Exemption under the National Environmental Protection Act (NEPA) review in June, 2007. The City adopted the CEQA and NEPA determinations on April 07, 2009.

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

1. The City of Fresno hereby adopts this Resolution accepting the Offer to dedicate an easement and right of way for public street purposes over, under, through, and across the real property described in an Irrevocable Offer to Dedicate Real Property recorded December 26, 1996 as Document No. 1996-0169459, Official Records of Fresno County.
2. That the real property described in attached Exhibit "B" and shown on attached Exhibit "C" is hereby dedicated as an easement and right of way for public street 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 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 with California Civil Code Section 1007.
4. The Clerk of the City of Fresno shall certify to the passage of the 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 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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CLERKS CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the forgoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 7th day of May, 2009.

AYES : Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling  
NOES : N/A  
ABSENT : N/A  
ABSTAIN : N/A

Mayor Approval: N/A, 2009

Mayor Approval/No Return: N/A, 2009

Mayor Veto: N/A, 2009

Council Override Vote: N/A, 2009

REBECCA E. KILSCH  
City Clerk

By: *Rebecca Klisch*  
Deputy

APPROVED AS TO FORM:

CITY ATTORNEY'S OFFICE  
JAMES C. SANCHEZ

BY: *[Signature]*  
Deputy *Bea...*

APN 504-140-11

EXHIBIT "B"

ALL THAT PORTION OF LOT 22 OF THE MAP OF HERNDON LANDS, SUBDIVISION NO. 1 AS RECORDED IN BOOK 7 OF PLATS, PAGE 23, FRESNO COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

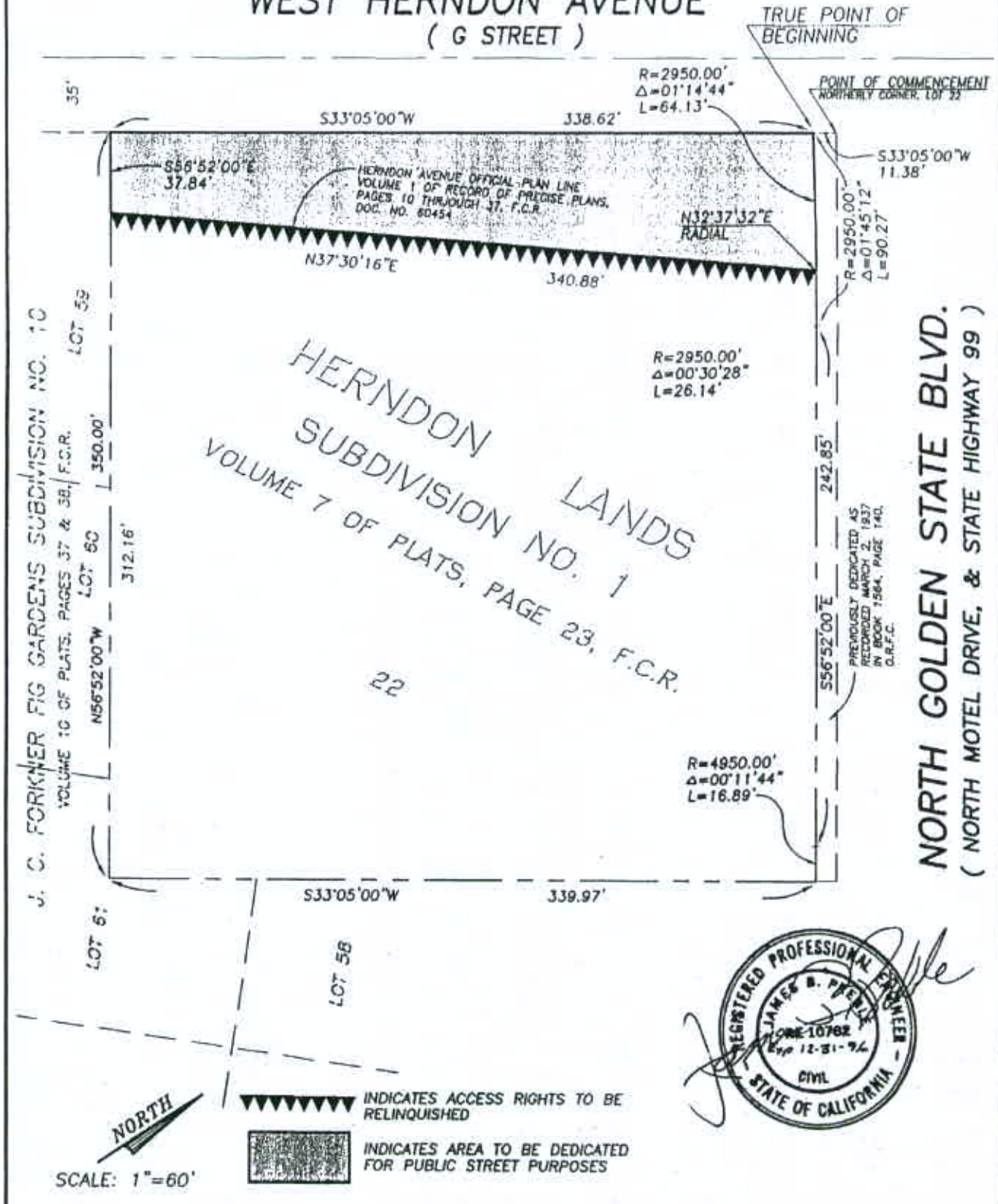
COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 22, THENCE SOUTH  $33^{\circ}05'00''$  WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, A DISTANCE OF 11.38 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD AS PREVIOUSLY DEDICATED BY INSTRUMENT NO. 6083, RECORDED MARCH 2, 1937, IN BOOK 1564, PAGE 140, OFFICIAL RECORDS OF FRESNO COUNTY AND THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, SOUTH  $33^{\circ}05'00''$  WEST, A DISTANCE OF 338.62 FEET TO THE MOST NORTHERLY CORNER OF LOT 59 OF J.C. FORKNER FIG GARDENS SUBDIVISION NO. 10, ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 10 OF PLATS AT PAGES 37 AND 38, FRESNO COUNTY RECORDS; THENCE LEAVING SAID NORTHWESTERLY LINE, SOUTH  $56^{\circ}52'00''$  EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 59, A DISTANCE OF 37.84 FEET TO THE HERNDON AVENUE OFFICIAL PLAN LINE ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 1 OF PRECISE PLANS AT PAGES 10 THRU 37, FRESNO COUNTY RECORDS; THENCE NORTH  $37^{\circ}30'16''$  EAST, ALONG SAID PLAN LINE, A DISTANCE OF 340.88 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF NORTH GOLDEN STATE BOULEVARD, SAID POINT BEING ON A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY WITH A RADIUS OF 2950.00 FEET, A RADIAL TO SAID POINT BEARS NORTH  $32^{\circ}37'32''$  EAST; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $01^{\circ}14'44''$ , AN ARC DISTANCE OF 64.13 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 17,294 SQUARE FEET, A LITTLE MORE OR LESS.

C-95-61  
96-088  
15-A-6956

EXHIBIT "C"

WEST HERNDON AVENUE  
( G STREET )



NORTH GOLDEN STATE BLVD.  
( NORTH MOTEL DRIVE, & STATE HIGHWAY 99 )



NORTH  
SCALE: 1"=60'

INDICATES ACCESS RIGHTS TO BE RELINQUISHED  
INDICATES AREA TO BE DEDICATED FOR PUBLIC STREET PURPOSES

AGC'T NO. FILE NO. PRDG. NO.	CITY OF FRESNO	DEPARTMENT OF PUBLIC WORKS RAYMOND O. SALAZAR DIRECTOR
REF. & REV. C 95-61 96-088 PLAT 1342 COUNTY OPL SER. NO. 40	PORTION OF LOT 22 HERNDON LANDS SUBDIVISION NO. 1 TO BE DEDICATED FOR PUBLIC STREET PURPOSES	CONSTR. ENG. CITY DESIGN ENG. DR. BY L.A.P. CHK. BY DATE 9-18-96 SCALE: AS NOTED
		APPROVED OFFICE ENG. SHEET NO. 1 OF 1 SHEETS 15-A-6956