

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. 2009-70



RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA
ORDERING THE VACATION OF A PORTION OF THE "M" – "N" ALLEY SOUTHEAST
OF LOS ANGELES STREET

WHEREAS, pursuant to Resolution of Intention No. 1072-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on March 24, 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 alley easement, situated within the City; and

WHEREAS, Gusmer Enterprises, Inc. is requesting the vacation of a portion of the "M" – "N" alley southeast of Los Angeles Street as shown on Exhibit "A"; and

WHEREAS, the purpose of the proposed vacation is to accommodate the expansion of an existing building and the installation of water storage tanks for their manufacturing process; and

WHEREAS, Environmental Assessment No. EA-08-034 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

Adopted 3/24/09
Approved 3/31/09
Effective See Sec 4

2009 - 70



WHEREAS, the Traffic Division, other City Departments and utility agencies have reviewed this proposal and determined that the right-of-way proposed for vacation is unnecessary for present or prospective public alley purposes; 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 "M" – "N" alley southeast of Los Angeles Street is unnecessary for present and prospective public alley purposes. The public alley 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. 1072-D adopted by the Council on February 24, 2009, the public alley 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.

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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 24th day of March, 2009.

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

Mayor Approval: March 31, 2009
Mayor Approval/No Return: None, 2009
Mayor Veto: None, 2009
Council Override Vote: None, 2009

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

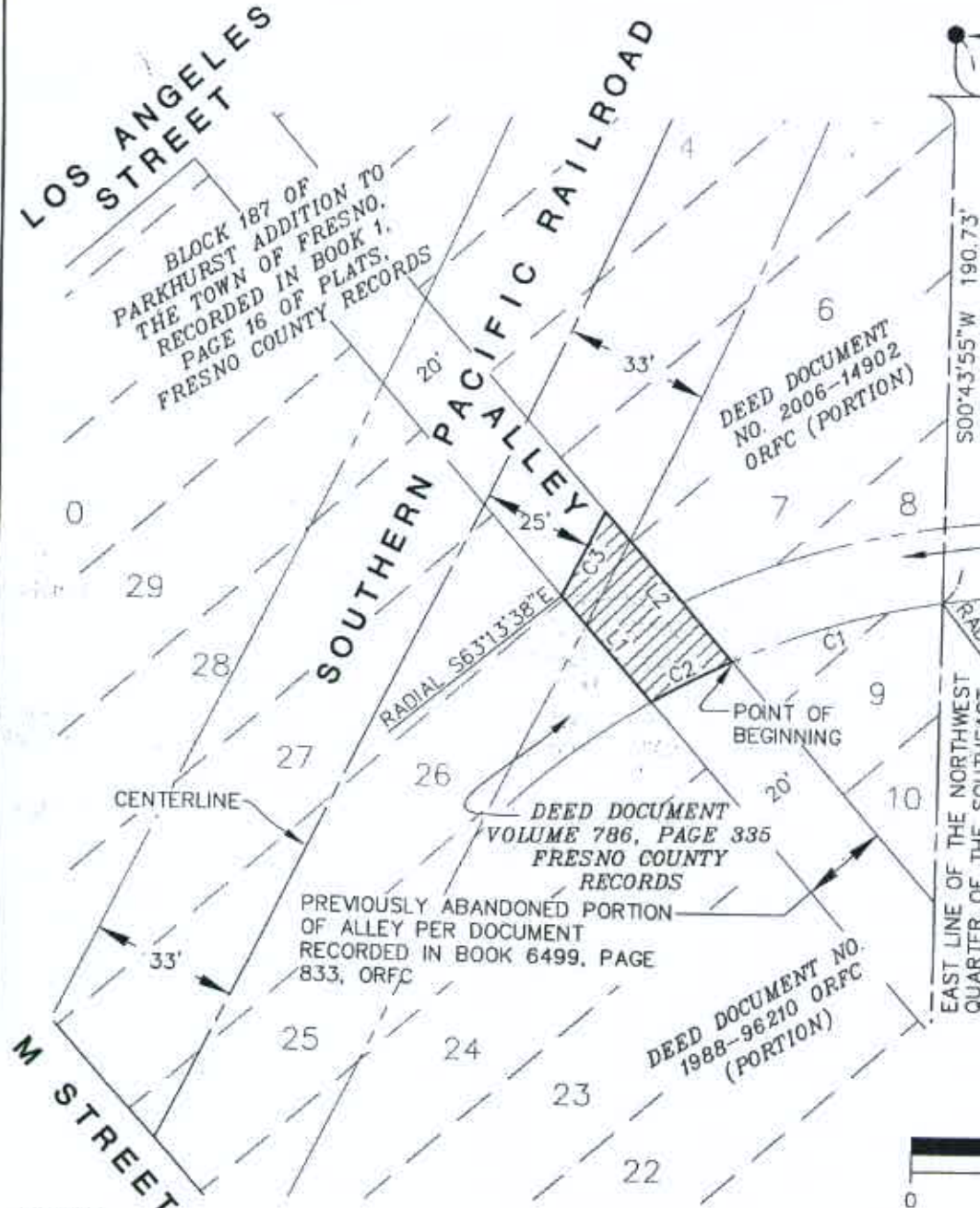
By: Laurie Avedisian
Deputy
LAURIE AVEDISIAN

Pub Hrg Reso Ordering Vac Por M - N Alley

PW File No. 11377

EXHIBIT "A"

PARKHURST ADDITION ALLEY ABANDONMENT



DATE SIGNED: 8/14/08

DEED DOCUMENT
VOLUME 786, PAGE 335
FRESNO COUNTY
RECORDS



LEGEND

- NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10 14/20.
- ORFC OFFICIAL RECORDS FRESNO COUNTY
- INDICATES AREA TO BE VACATED, AS SHOWN ON PARKHURST ADDITION TO THE TOWN OF FRESNO, RECORDED IN BOOK 1, PAGE 16 OF PLATS, FRESNO COUNTY RECORDS.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N41°00'35"W	31.44
L2	S41°00'35"E	44.60

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	182.51	49.98	15°41'30"
C2	182.51	20.60	6°27'57"
C3	2231.19	21.65	0°33'21"

CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. FUND NO. ORG. NO.	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
	PORTION OF SECTION 10 T.14 S., R.20 E., M.D.B.&M. ABANDONMENT EXHIBIT	DR. BY BWB CH. BY MDH DATE 08/11/08 SCALE 1" = 40'

March 25, 2009

Council Adoption: 3/24/09

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN RECEIVED
FROM: REBECCA E. KLISCH, CMC 2009 APR -1 AM 8:09
City Clerk
CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 3/24/09, Council adopted the attached Resolution No. 2009-70 entitled **Ordering vacation of portion of "M" – "N" alley, s/w of Los Angeles Street**, Item No. **10:00 A.M.**, by the following vote:

Ayes : Borgeas, Caprioglio, Dages, Perea, Xiong, Sterling
Noes : None
Absent : Brand
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 April 6, 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, Mayor

Date: 3/31/09

COUNCIL OVERRIDE ACTION:

Ayes :
Noes :
Absent :
Abstain :

Date: _____