



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. 2010-239

RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA ADOPTING A FINDING OF CATEGORICAL EXEMPTION PER
STAFF DETERMINATION, PURSUANT TO SECTION 15332/CLASS 32 (INFILL
DEVELOPMENT) OF THE CEQA GUIDELINES, ENVIRONMENTAL ASSESSMENT
NO. EA-10-017 AND ORDERING THE VACATION OF NORTH FELAND AVENUE
BETWEEN WEST DAKOTA AVENUE AND NORTH WEBER AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1085-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on October 28, 2010 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, R.W. Greenwood and Associates on behalf of Platino, LLC is requesting the vacation of North Feland Avenue between West Dakota Avenue and North Weber Avenue as shown on Exhibit "A" which is attached and incorporated in this Resolution; and

WHEREAS, the purpose of the proposed vacation is to accommodate the development of the parcel lying on the southwest corner of North Feland Avenue and West Dakota Avenue; and

Adopted 10-28-10
Approved 11-8-10
Effective 11-8-10

2010-239



WHEREAS, the 30 foot wide portion of Feland proposed to be vacated was dedicated as an easement for public street purposes by the map of Fresno Heights Tract recorded June 27, 1922 in Book 9 of Plats at Page 67, Fresno County Records; and

WHEREAS, there are currently no street improvements within the proposed vacation area, however there are utility facilities within the area; and

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 street purposes, subject to 1) the dedication of additional right-of-way along the south side of West Dakota Avenue between West Weber Avenue and North Feland Avenue. This condition was satisfied by the recording of a Deed of Easement on August 13, 2010 as Document No. 2010-0104228, Official Records of Fresno County, and 2) the reservation of a public utility easement over the entire area proposed to be vacated; and

WHEREAS, staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15332/Class 32 which exempts from the provisions of CEQA, projects characterized as in-fill development; 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. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed vacation is in the best interest of the City of Fresno. The Council finds in



accordance with its own independent judgment that this project falls within the Categorical Exemption set forth in CEQA Guidelines Section 15332/Class 32 which exempts from the provisions of CEQA projects characterized as in-fill development meeting the following conditions: a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project site has no value as habitat for endangered, rare or threatened species, d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and e) the site can be adequately served by all required utilities and public services. The proposed vacation of Feland meets the intention of this subsection Class 32. The property lying on the west side of North Feland Avenue proposed to be vacated is zoned M-1 which is consistent with the adopted plans and policies and this is also less than five acres. The property has no value as habitat for endangered, rare or threatened species and the project will not cause any significant environmental impacts related to traffic noise, and air or water quality. Ultimate development of the site will create a consistent development pattern in the surrounding area and is expected to facilitate a smooth transition of land uses. Council also finds that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

2. The Council finds from all the evidence submitted that North Feland Avenue between West Dakota Avenue and North Weber Avenue is unnecessary for present and prospective public use. The public street easement to be vacated is shown on Exhibit "A", which is attached to and incorporated in this Resolution.



3. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1085-D adopted by the Council on September 30, 2010, the public street easement shown on Exhibit "A" be and is hereby vacated and abandoned.

4. The City reserves the entire area to be vacated as a permanent easement, to be used anytime, to construct, maintain, operate, replace, remove and renew sanitary sewers, water mains, storm drains, and appurtenant structures in, upon, and over the public street easements proposed to be vacated and, pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia and water, and for incidental purposes, including access to protect such works from all hazards in, upon, and over the entire public street easement to be vacated.

5. 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.

6. 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 28th day of October, 2010.

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

Mayor Approval: _____ November 8, 2010
Mayor Approval/No Return: _____ N/A, 2010
Mayor Veto: _____ N/A, 2010
Council Override Vote: _____ N/A, 2010

REBECCA E. KLISCH
City Clerk

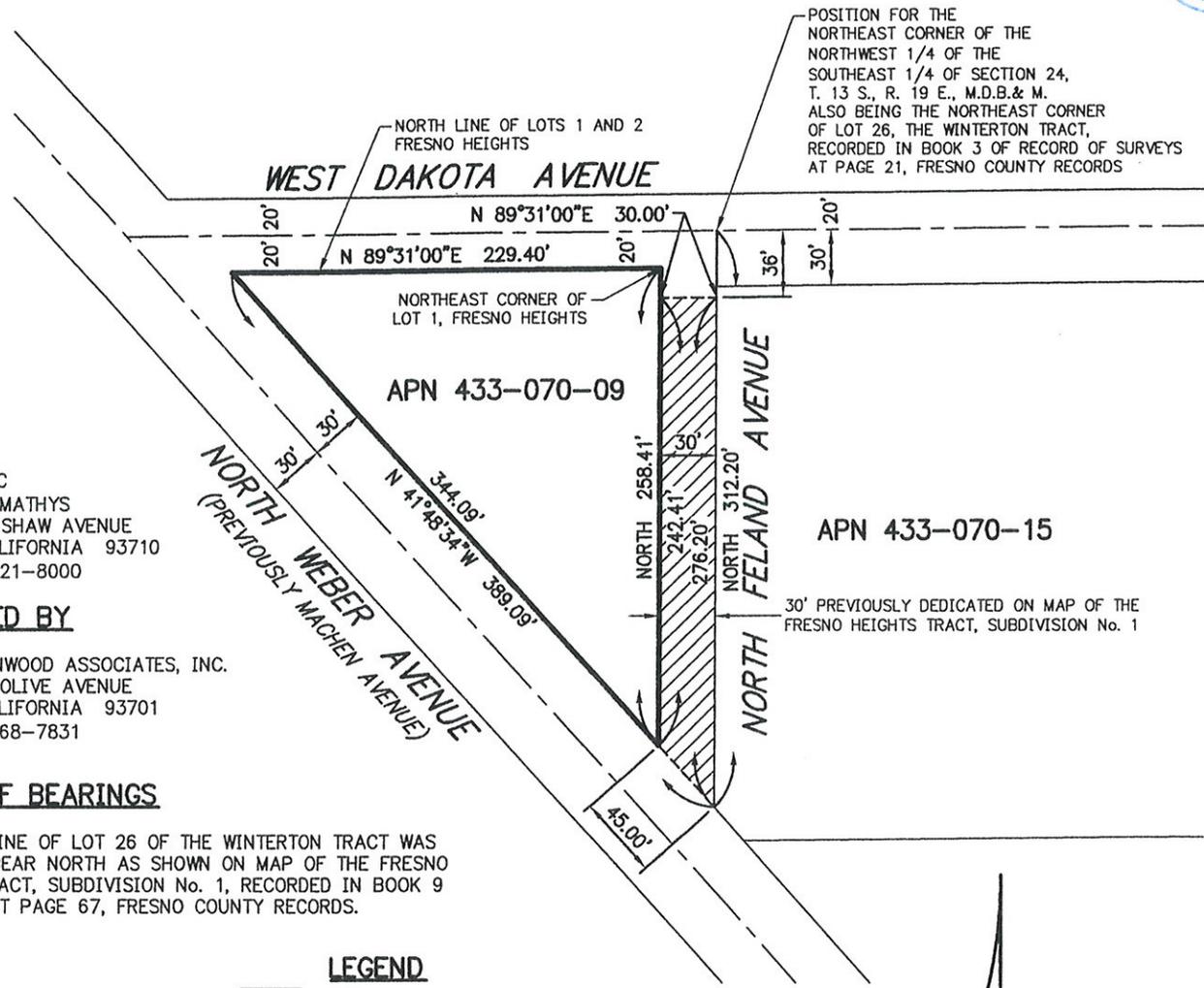
BY: Rebecca E. Klisch
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

BY: Stacie L. Melikian 10/14/10
Stacie L. Melikian, Deputy

PW File No. 11499



POSITION FOR THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, T. 13 S., R. 19 E., M.D.B. & M. ALSO BEING THE NORTHEAST CORNER OF LOT 26, THE WINTERTON TRACT, RECORDED IN BOOK 3 OF RECORD OF SURVEYS AT PAGE 21, FRESNO COUNTY RECORDS

OWNER

PLATINO LLC
c/o CHRIS MATHYS
2304 WEST SHAW AVENUE
FRESNO, CALIFORNIA 93710
Ph. (559) 221-8000

PREPARED BY

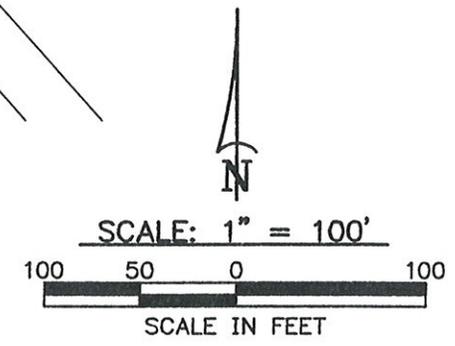
R. W. GREENWOOD ASSOCIATES, INC.
2558 EAST OLIVE AVENUE
FRESNO, CALIFORNIA 93701
Ph. (559) 268-7831

BASIS OF BEARINGS

THE EAST LINE OF LOT 26 OF THE WINTERTON TRACT WAS TAKEN TO BEAR NORTH AS SHOWN ON MAP OF THE FRESNO HEIGHTS TRACT, SUBDIVISION No. 1, RECORDED IN BOOK 9 OF PLATS AT PAGE 67, FRESNO COUNTY RECORDS.

LEGEND

INDICATES AREA TO BE VACATED



Mark W. Greenwood
MARK W. GREENWOOD LS 6945

6/09/10
DATE

PLOT VIEW: PLOT EASEMENT 01
AUTOCAD ID: 10059 EASEMENT.DWG

**EXHIBIT "A"
(VACATION REQUEST)**

OF A PORTION OF FRESNO HEIGHTS TRACT, SUBDIVISION No. 1, RECORDED IN BOOK 9 OF PLATS AT PAGE 67, FRESNO COUNTY RECORDS

PREPARED FOR
PLATINO LLC

R.W.GREENWOOD ASSOCIATES, INC.
CIVIL ENGINEERING — LAND SURVEYING
2558 E. OLIVE AVE. — FRESNO, CALIFORNIA 93701 — Tel. (559) 268-7831
W.O. No. E-10059 JUNE 2010

Notes by _____
F.B. No. _____ Pg. _____
Dr. by STAFF
Checked by _____
Drawing No. _____

Sheet 1 of 2

October 29, 2010

Council Adoption: 10/28/10
Mayor Approval:
Mayor Veto:
Override Request:



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

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/28/10, Council adopted the attached Resolution No. 2010-239 entitled **ordering vacation of N. Feland between W. Dakota/N. Weber**, Item No. **10:00 A.M. - b**, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
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 November 8, 2010. 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 Swearingin
Ashley Swearingin, Mayor

Date: 11-8-10

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :