

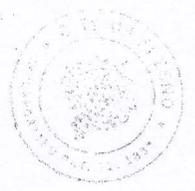
**Recording Requested By:**  
Public Works Department  
City of Fresno  
No Fee-Gov't. Code Sections  
6103 and 27383

**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. 2007-137

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA  
ORDERING THE VACATION OF A PORTION OF  
YALE AVENUE WEST OF WEBER AVENUE



WHEREAS, pursuant to Resolution of Intention No. 1059-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on April 10, 2007 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 Noyan-Frazier Development Co. is requesting the vacation of a portion of Yale Avenue west of Weber Avenue, as shown on Exhibit "A" and described in Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation is to allow for the construction of six retail buildings in accordance with Rezone Application No. R-04-99 and Conditional Use Permit No. C-04-204; and

WHEREAS, the area being vacated was originally acquired by the State of California in 1955 and Yale was realigned to accommodate the construction of Highway 99. Yale was relinquished by the State to the County of Fresno in 1956 and the street passed to the City's jurisdiction when the area was annexed; and

Adopted 4-10-07  
Approved 4-20-07  
Effective upon recordation,  
see sec. 6.

2007-137



WHEREAS, the City now has the underlying fee title to the area proposed to be vacated and, in order to ensure that the City does not retain any fee ownership interest in the areas to be vacated, it is necessary that the City execute a quitclaim deed for the vacated public street in favor of the Developer; and

WHEREAS, Environmental Assessment No. R-04-99/C-04-204 shows that a Finding of Conformity with Master Environmental Impact Report (MEIR) No. 10130 is the appropriate environmental finding for this project; 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 the conditions for approval detailed in Exhibit "C", which is attached and incorporated in this Resolution; and

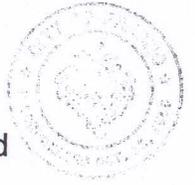
WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 8300-8363).

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 Yale Avenue west of Weber Avenue is unnecessary for present and prospective public street purposes. The public street easement to be vacated is shown on Exhibit "A" and described in Exhibit "B".

2. The public interest and convenience require, and it is hereby ordered, that, as contemplated by Resolution of Intention No. 1059-D adopted by the Council on March 13, 2007, the public street easement shown on Exhibit "A" and described in Exhibit "B" be and is hereby vacated and abandoned.

3. All proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the conditions listed on Exhibit "C". All work required by such conditions shall



be completed in compliance with City Standard Specifications and will require engineered construction plans prepared by a registered civil engineer and approved by the Public Works Department.

4. 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.

5. The Public Works Director of the City of Fresno is hereby authorized and directed to execute a quitclaim deed on behalf of the City in favor of the developer for the entire area being vacated. The quitclaim deed shall not be recorded prior to the recordation of this Resolution.

6. The City Clerk shall file a certified copy of the Resolution for recordation in the Office of the Recorder of Fresno County, but not until the Director of Public Works of the City determines that the conditions specified in Section 3 above have been satisfied and accepted by the City. 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 10th day of April, 2007.

AYES: Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
NOES: None  
ABSTAIN: None  
ABSENT: None

Mayor Approval: \_\_\_\_\_, N/A, 2007  
Mayor Approval/No Return: \_\_\_\_\_, April 20, 2007  
Mayor Veto: \_\_\_\_\_, N/A, 2007  
Council Override Vote: \_\_\_\_\_, N/A, 2007

REBECCA E. KLISCH  
City Clerk

BY: Rebecca E. Klisch  
~~Deputy~~

APPROVED AS TO FORM:

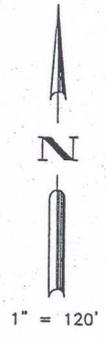
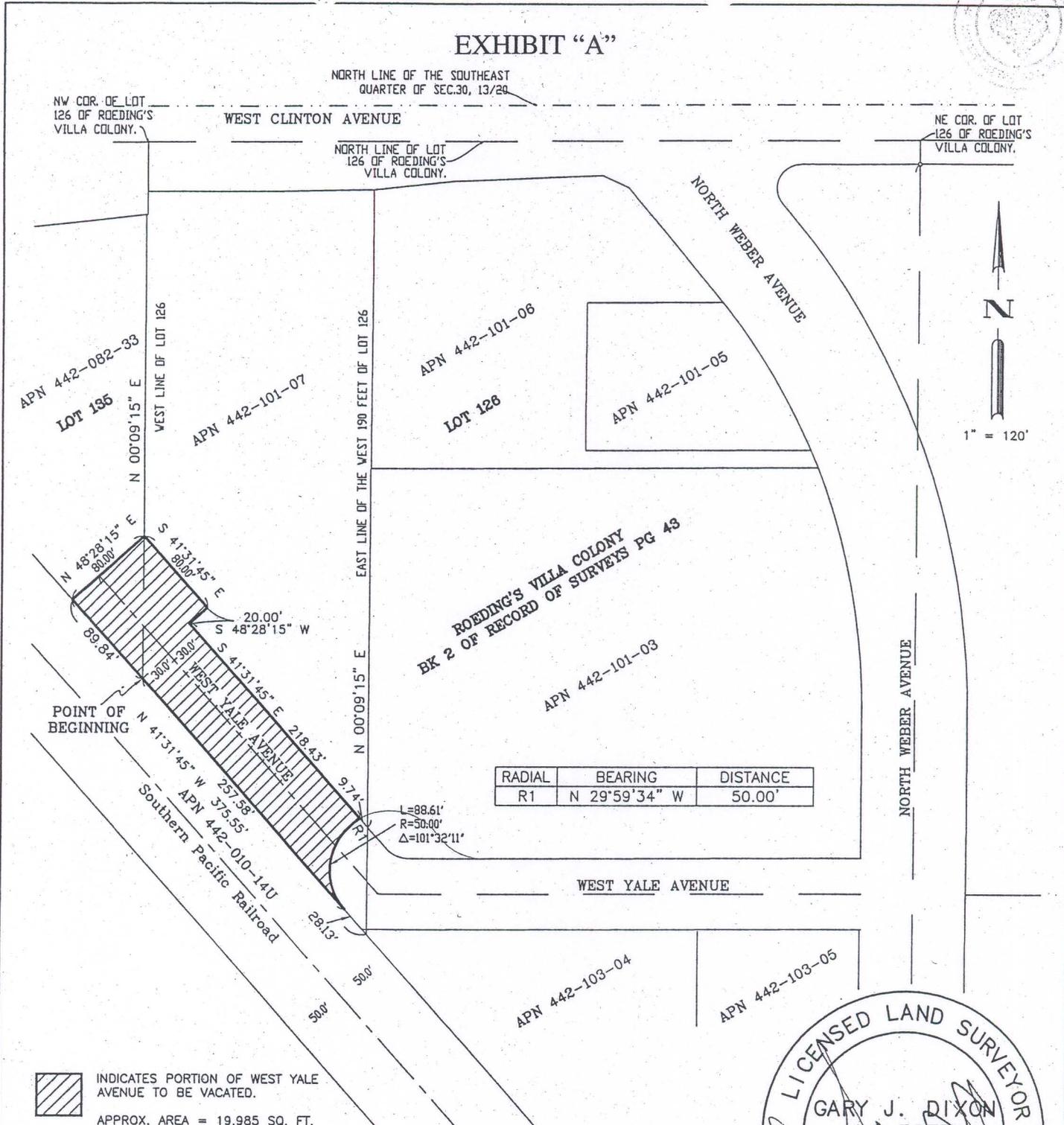
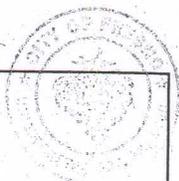
JAMES C. SANCHEZ  
CITY ATTORNEY

By: [Signature]  
Deputy

Reso Vacate Portion of Yale w of Weber 4-10-07

PW File No. 10796

# EXHIBIT "A"



RADIAL	BEARING	DISTANCE
R1	N 29°59'34" W	50.00'

L=88.61'  
R=50.00'  
Δ=101°32'11"

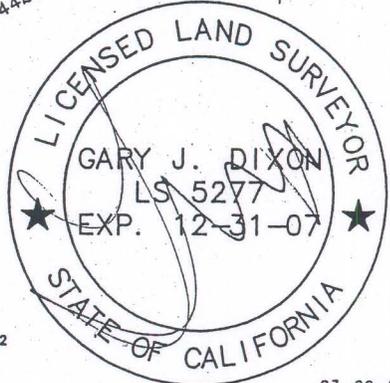
 INDICATES PORTION OF WEST YALE AVENUE TO BE VACATED.  
APPROX. AREA = 19,985 SQ. FT.

LOCATION:  
SOUTH OF W. CLINTON AVE. AND  
WEST OF N. WEBER AVE.

SOURCE OF DATA:  
ALTA/ACSM LAND TITLE SURVEY, DATED 1-03-07

OWNER:  
NOYAN/FRAZIER DEVELOPMENT COMPANY, LLC

 **Harbour & Associates**  
Civil Engineers  
375 Woodworth Avenue, Suite 103, Clovis, CA 93612  
(559) 325-7676 Fax (559) 325-7699



05-125 03-20-07  
03-16-07

REF. & REV. PW FILE NO. PLAT NO.	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 WEST YALE AVENUE TO BE VACATED	DR. BY <u>MC(HA)/BD</u> CH. BY _____ DATE <u>05-12-06</u> SCALE <u>1" = 120'</u>	

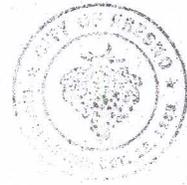


EXHIBIT "B"  
LEGAL DESCRIPTION

AREA TO BE VACATED

A portion of that real property consisting of two parcels originally acquired by the State of California, one parcel being described as Parcel 2 in a Grant Deed recorded June 2, 1954 in Book 3453, Page 400, Official Records of Fresno County (herein referred to as Parcel A) and the other parcel being described as Parcel 2 in a Grant Deed recorded May 20, 1955 in Book 3608, Page 390, Official Records of Fresno County (herein referred to as Parcel B), said real property also being a portion of Lots 126 and 135 of Roeding's Villa Colony, according to the map thereof recorded in Book 2 of Record of Surveys at Page 43, Fresno County Records, said portion being more particularly described as follows:

**BEGINNING** at the Southeasterly corner of said Lot 135, said Southeasterly corner also being the Southerly corner of said Parcel A; thence North  $41^{\circ}31'45''$  West, along the Southwesterly line of said Lot 135 and along the Southwesterly line of said Parcel A, a distance of 89.84 feet; thence North  $48^{\circ}28'15''$  East, at right angles to said Southwesterly lines and along the Northwesterly line of said Parcel A, a distance of 80.00 feet to a point on the Easterly line of said Lot 135, said point being the most Northerly point of said Parcel B; thence South  $41^{\circ}31'45''$  East, parallel with and 80.00 feet Northeasterly, measured at right angles, from the Southwesterly line of said Lot 126 and along the Northeasterly line of said Parcel B, a distance of 80.00 feet; thence South  $48^{\circ}28'15''$  West, along the boundary of said Parcel B, a distance of 20.00 feet; thence South  $41^{\circ}31'45''$  East, parallel with and 60.00 feet Northeasterly, measured at right angles, from the Southwesterly line of said Lot 126 and along the Northeasterly line of said Parcel B, a distance of 218.43 feet to a point on the arc of a non-tangent curve concave Easterly and having a radius of 50.00 feet, a radial to said point bears North  $29^{\circ}59'34''$  West; thence Southerly along the arc of said non-tangent curve, through a central angle of  $101^{\circ}32'11''$ , an arc distance of 88.61 feet to a point on the Southwesterly line of said Lot 126, said point being North  $41^{\circ}31'45''$  West, a distance of 28.13 feet from the Southeasterly corner of the West 190.00 feet of said Lot 126; thence North  $41^{\circ}31'45''$  West, along the Southwesterly line of said Lot 126 and along the Southwesterly line of said Parcel B, a distance of 257.58 feet to the **POINT OF BEGINNING**.

Contains an area of 19,985 square feet, more or less.





## EXHIBIT "C"

### CONDITIONS FOR APPROVAL

1. PG&E and AT&T have facilities within the area proposed to be vacated and require that an easement in favor of PG&E be granted to accommodate the PG&E and AT&T facilities.
2. Developer shall provide a turn-around at the new terminus of Yale Avenue. The turn-around shall be constructed in accordance with Public Works standard specifications. An easement to accommodate the turn-around shall be executed and recorded before the vacation can be recorded.
3. The proposed vacation lies within the Fresno Metropolitan Flood Control District's Drainage Area "EE". There are no existing or proposed master plan facilities located within the area to be vacated, but the area proposed to be vacated was planned to provide APN 442-082-33 and 442-101-07 drainage conveyance to the Master Plan inlets located at Weber and Yale. FMFCD requires that drainage covenants be provided to allow surface drainage from these two parcels to reach the inlets at Weber and Yale. The City requires written notice from the Fresno Metropolitan Flood Control District that the drainage covenants have been executed and recorded.
4. The City of Fresno has an existing 6-inch water main within the area to be vacated, which must be abandoned at the Developer's expense prior to construction of any proposed development.
5. The proposed vacation shall not be allowed to landlock any parcel.

April 10, 2007

NO RETURN

Council Adoption: 4/10/07

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ALAN AUTRY  
FROM: REBECCA E. KLISCH, CMC  
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 4/10/07, Council adopted the attached Resolution No. 2007-137 entitled **Ordering vacation of portion of Yale Avenue west of Weber Avenue**, Item No. **10:00 a.m. #1-1**, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
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 April 20, 2007. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> 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.)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Alan Autry, Mayor

Date: \_\_\_\_\_

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :

RECORDED

APR 11 2007