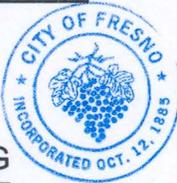


Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

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. 2009-23



RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA ORDERING
THE VACATION OF TWO PARCELS OF PUBLIC STREET RIGHT-OF-WAY ALONG THE
SOUTH SIDE OF ASHLAN AVENUE EAST OF CORNELIA AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1070-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 27, 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 two parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue; and

WHEREAS, the purpose of the proposed vacation is to eliminate excess right-of-way resulting from a change in the design of the ultimate south right-of-way line at this location; and

WHEREAS, Environmental Assessment No. A-06-04/R-06-30/C-06-166, that addresses the area to be vacated located at the southeast corner of Ashlan and Cornelia Avenues, as shown on Exhibit "A", shows that, with the implementation of the mitigation measures specified therein, there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment and that a mitigated negative

Adopted 1/27/09
Approved 1/30/09
Effective See Sec. 6

2009-23



declaration is the appropriate environmental finding for this project in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2); and

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 purposes, subject to a public utility easement over the entire area to be vacated and subject to public pedestrian and public utility easements as shown on Exhibit "B"; 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 the two parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue are 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. 1070-D adopted by the Council on December 16, 2008, the public street easement shown on Exhibit "A" be and is hereby vacated and abandoned.

3. The City reserves the entire area to be vacated as a permanent easement and right at any time, or from time to time, 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 public street easements to be vacated.

4. The City reserves an easement and right-of-way for public pedestrian walkway purposes over, through and across the areas shown on Exhibit "B", which is attached and incorporated in this Resolution.

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 27th day of January, 2009.

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

Mayor Approval: January 30, 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 E. Klisch
, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: Laurie A. Avedisian
Deputy
Laurie Avedisian

Reso Ord Vac 2 Parcels Ashlan east of Cornelia

PW File No. 11230

EXHIBIT "A" - SHEET 2 OF 2

PW FILE 11230

DETAIL OF VACATION PARCEL 1

DETAIL OF VACATION PARCEL 2

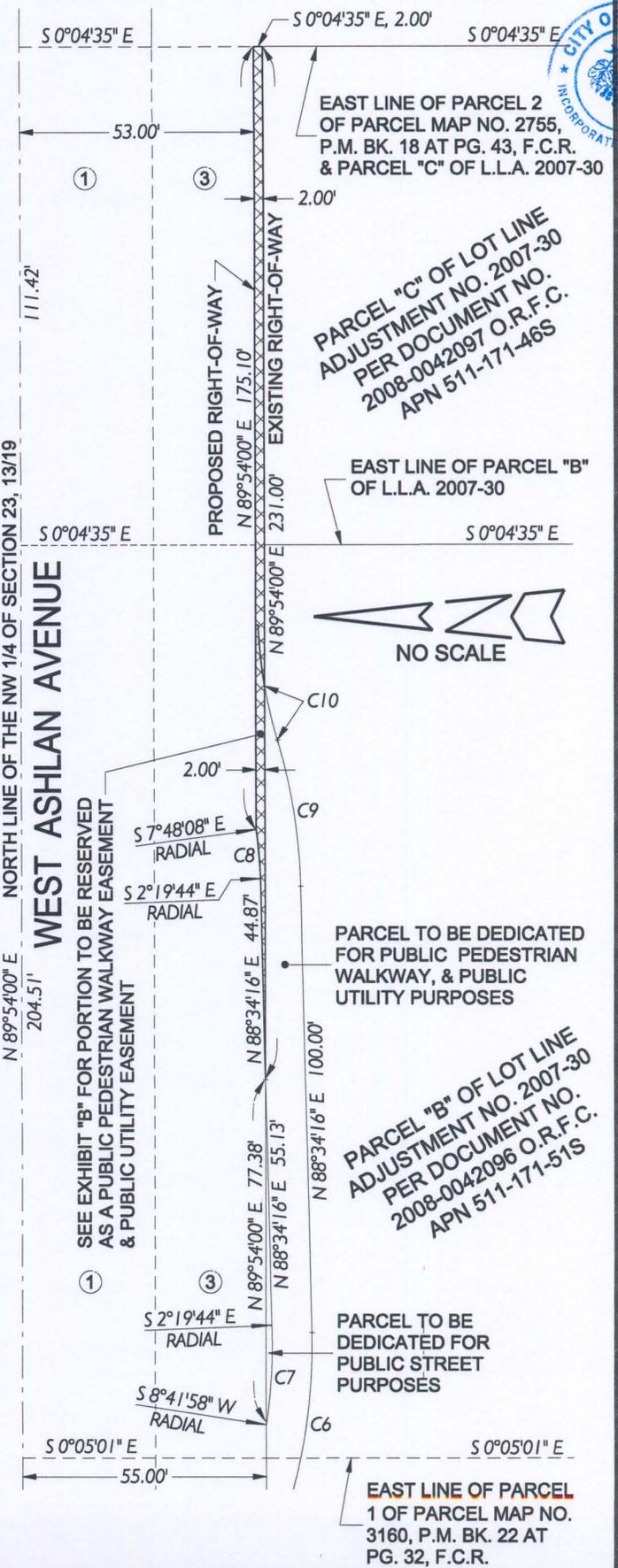
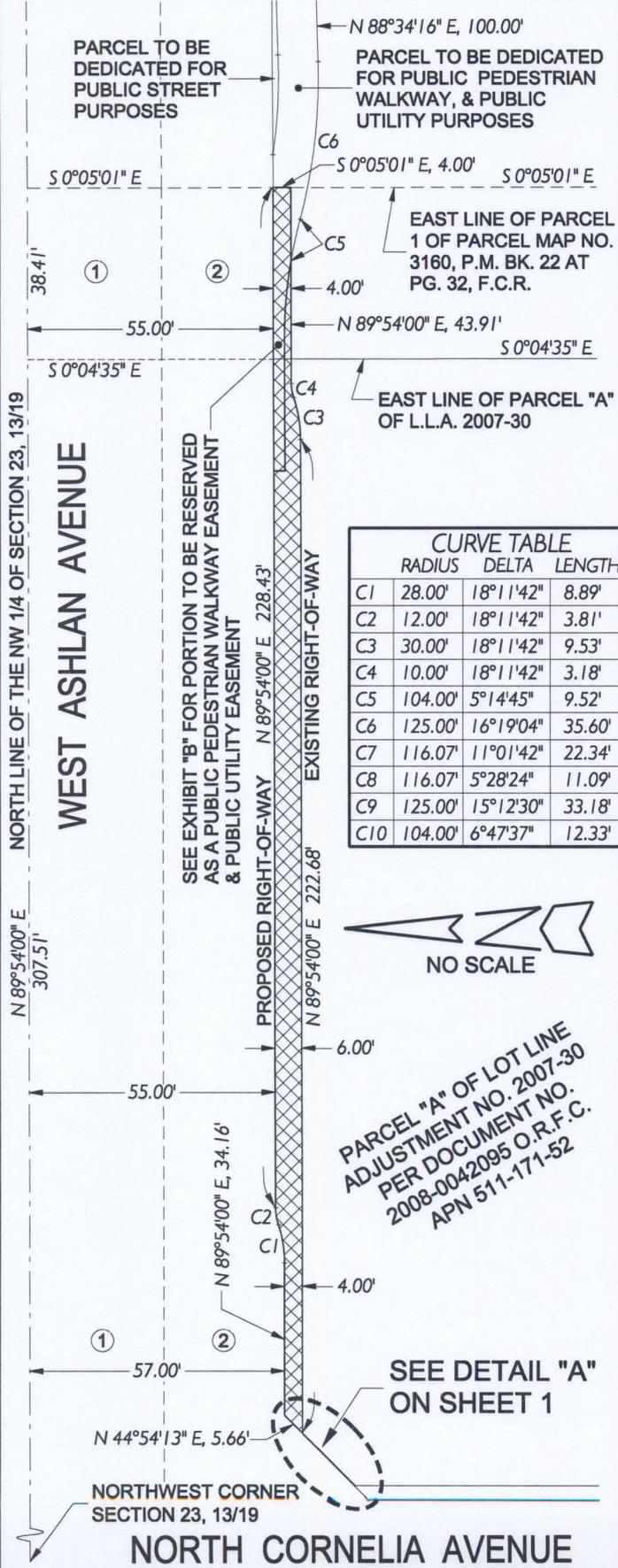


EXHIBIT "B"

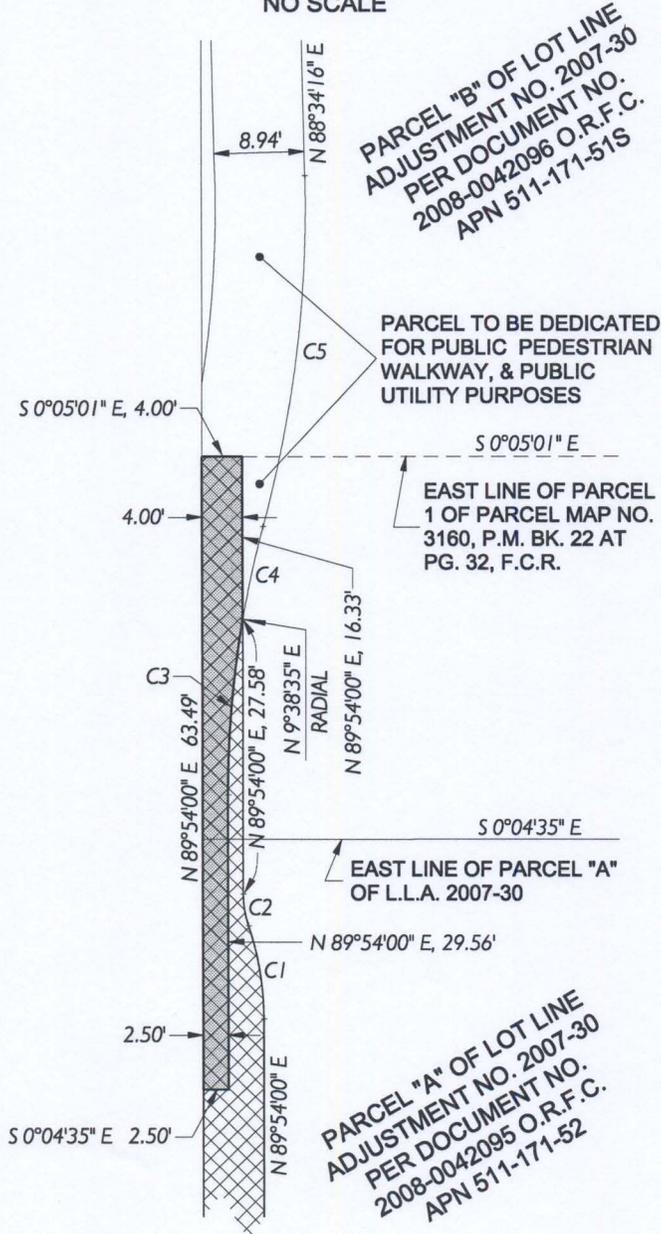
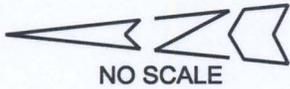
PARCELS TO BE RESERVED AS A PUBLIC PEDESTRIAN EASEMENT & A PUBLIC UTILITY EASEMENT



INDICATES PUBLIC STREET EASEMENT
PROPOSED TO BE VACATED & RESERVED
AS A PUBLIC UTILITY EASEMENT

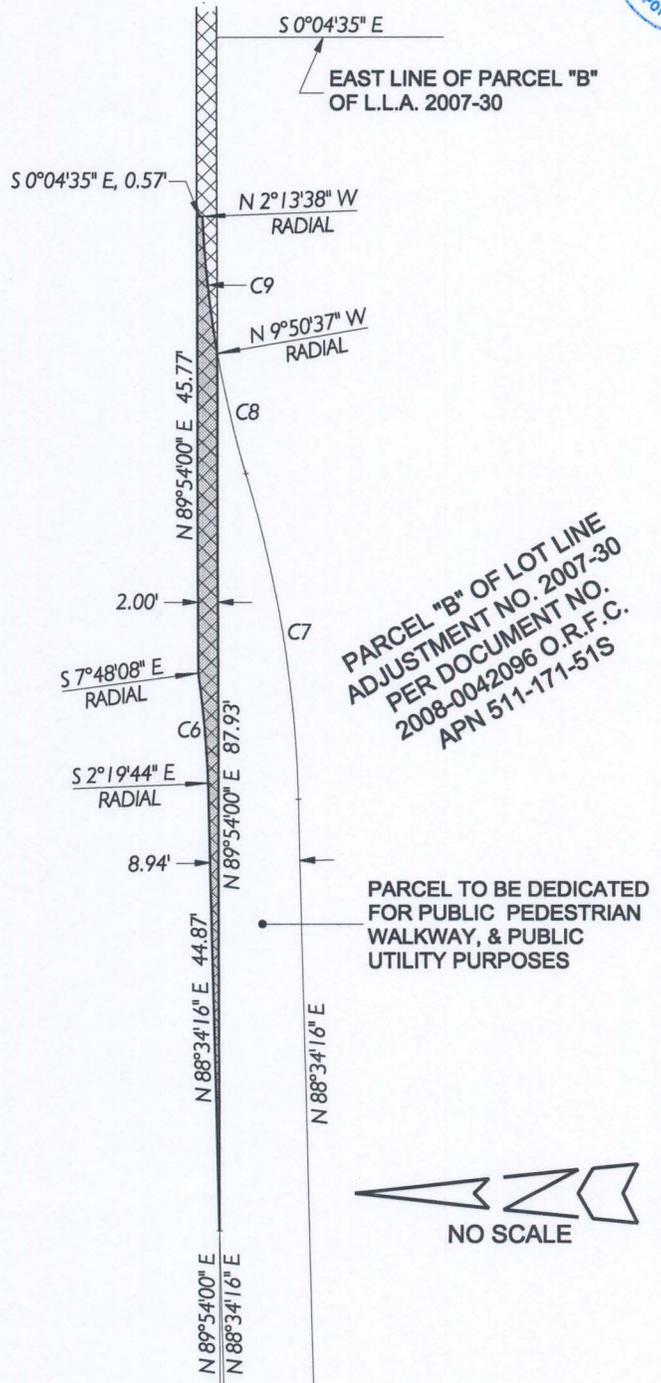


INDICATES PUBLIC STREET EASEMENT
PROPOSED TO BE VACATED & RESERVED
AS PUBLIC PEDESTRIAN WALKWAY EASEMENT
& PUBLIC UTILITY EASEMENT



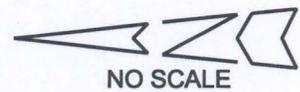
CURVE TABLE

	RADIUS	DELTA	LENGTH
C1	30.00'	18°11'42"	9.53'
C2	10.00'	18°11'42"	3.18'
C3	104.00'	9°44'35"	17.68'
C4	104.00'	5°14'45"	9.52'
C5	125.00'	16°19'04"	35.60'



CURVE TABLE

	RADIUS	DELTA	LENGTH
C6	116.07'	5°28'24"	11.09'
C7	125.00'	15°12'30"	33.18'
C8	104.00'	6°47'37"	12.33'
C9	104.00'	7°36'59"	13.82'



January 28, 2009

Council Adoption: 1/27/09

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: REBECCA E. KLISCH, CMC
City Clerk

REK

RECEIVED

2009 JAN 30 PM 12:38



SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 1/27/09, Council adopted the attached Resolution No. 2009-23 entitled **Ordering vacation of 2 parcels of public street r-of-w along S. side of Ashlan Ave. E. of Cornelia Ave.,** Item No. **10:15 A.M. - a,** by the following vote:

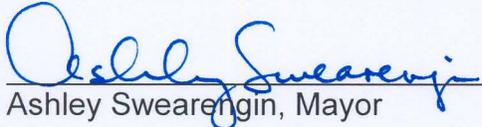
Ayes	:	Borgeas, Brand, Caprioglio, Dages, Perea, Xiong, Sterling
Noes	:	None
Absent	:	None
Abstain	:	None

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 February 9, 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: 1/30/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: