

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



FRESNO County Recorder
Paul Dictos, C.P.A.
DOC- 2015-0103501
Thursday, AUG 13, 2015 14:41:27
Ttl Pd \$0.00 Rcpt # 0004370594
CRR/R2/1-11

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. 2010-296



RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA AFFIRMING ADOPTION OF A FINDING OF CONFORMITY WITH
MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) NO. 10130 FOR ENVIRONMENTAL
ASSESSMENT NO. CONDITIONAL USE PERMIT APPLICATION NO. C-09-166 AND
ORDERING THE VACATION OF A PORTION OF MONO STREET BETWEEN "P" STREET
AND SANTA FE AVENUE AND PORTIONS OF SANTA FE AVENUE BETWEEN MONO
AND KERN STREETS

WHEREAS, pursuant to Resolution of Intention No. 1086-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on December 16, 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 and alley easements, situated within the City; and

WHEREAS, Dale G. Mell and Associates on behalf of William Dyck is requesting the vacation of a portion of Mono Street between "P" Street and Santa Fe Avenue and portions of Santa Fe Avenue between Mono and Kern Streets as shown on Exhibit "A" which is attached and incorporated in this Resolution; and

WHEREAS, the purpose of the proposed vacation is to accommodate development in accordance with Conditional Use Permit No. C-09-166; and

WHEREAS, the southwesterly 20 feet of Santa Fe Avenue was dedicated as a public alley and Mono Street was dedicated as a public street by the map of the Town (now City) of Fresno recorded in Volume 1 of Plats at Page 2, Fresno County Records, and the

Adopted 12-16-10
Approved 1-4-11
Effective See Section 8

2010-296



northeasterly 40 feet of Santa Fe was dedicated as an easement for public street purposes by that deed recorded June 17, 1901, in Book 257 of Deeds at Page 122, Official Records of Fresno County; and

WHEREAS, the City owns the underlying fee title to said northeasterly 40 feet of Santa Fe Avenue and Staff will need to return to Council to authorize the sale of the City's underlying fee title in order that the proposed development can make use of the property and to authorize the City Engineer to execute a Grant Deed to transfer this property to the developer; 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 reservation of a public pedestrian walkway easement over a portion of the area proposed to be vacated as shown on Exhibit "B"; 2) the reservation of a public utility easement over a portion of the area proposed to be vacated as shown on Exhibit "C"; and 3) the Conditions for Approval as detailed in Exhibit "D", said Exhibits "B", "C", and "D" are attached and incorporated in this Resolution; and

WHEREAS, this vacation is included in the Project Description for a Project that was previously environmentally assessed pursuant to California Environmental Quality Act ("CEQA") and staff has determined that there is no substantial evidence that the vacation of the public street and alley easements may have additional significant effects on the environment that were not identified in the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR"), prepared for Environmental Assessment No. Conditional Use Permit Application No. C-09-166, and that no new or additional mitigation measures or alternatives may be required; and



WHEREAS, on April 7, 2010, the Planning Commission adopted the Finding of Conformity prepared for Environmental Assessment No. Conditional Use Permit Application No. C-09-166; and

WHEREAS, Staff has determined that it is appropriate for Council to affirm the adoption of the Finding of Conformity prepared for Environmental Assessment No. Conditional Use Permit Application No. C-09-166; 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 Conditional Use Permit Application No. C-09-166 (Warehouse Row) project, including vacation of portions of Santa Fe and Mono Streets and a small portion of Inyo Street, was environmentally assessed through an initial study resulting in a Finding of Conformity, prepared for Environmental Assessment No. Conditional Use Permit Application No. C-09-166, which was adopted by the Planning Commission. The Council finds in accordance with its own independent judgment that: 1) this vacation of the public street and alley easements falls within the scope of Environmental Assessment No. Conditional Use Permit Application No. C-09-166; 2) no substantial changes are proposed in the Project which require significant revisions to the previous environmental finding due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;



3) no substantial changes will occur with respect to the circumstances under which the Project is undertaken; and 4) no new information, which was not known and could not have been known, at the time the environmental finding for Environmental Assessment No. Conditional Use Permit Application No. C-09-166 was adopted, has become available. Accordingly, given that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent environmental assessment have occurred, the Council affirms the adoption of the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130) dated August 14, 2009, prepared for Environmental Assessment No. Conditional Use Permit Application No. C-09-166.

2. The Council finds from all the evidence submitted that a portion of Mono Street between "P" Street and Santa Fe Avenue and portions of Santa Fe Avenue between Mono and Kern Streets are unnecessary for present and prospective public use. The public street and alley easements to be vacated are 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. 1086-D adopted by the Council on November 18, 2010, the public street and alley easements shown on Exhibit "A" be and are hereby vacated and abandoned.

4. The City reserves a permanent easement and right-of-way for public pedestrian walkway purposes over, through and across a portion of the area to be vacated, as shown on Exhibit "B" which is attached and incorporated herein.



5. The City also reserves a portion of the 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 and alley 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 and alley easements to be vacated. The area to be reserved pursuant to this paragraph is depicted in Exhibit "C", which is attached and incorporated herein.

6. 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 "D". 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.

7. 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.

8. 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 16th day of December, 2010.

AYES: Dages, Olivier, Sterling, Westerlund

NOES: None

ABSTAIN: None

ABSENT: Borgeas, Brand, Xiong

Mayor Approval:	_____	N/A	_____	2011
Mayor Approval/No Return:	_____	January 4	_____	2011
Mayor Veto:	_____	N/A	_____	2011
Council Override Vote:	_____	N/A	_____	2011

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

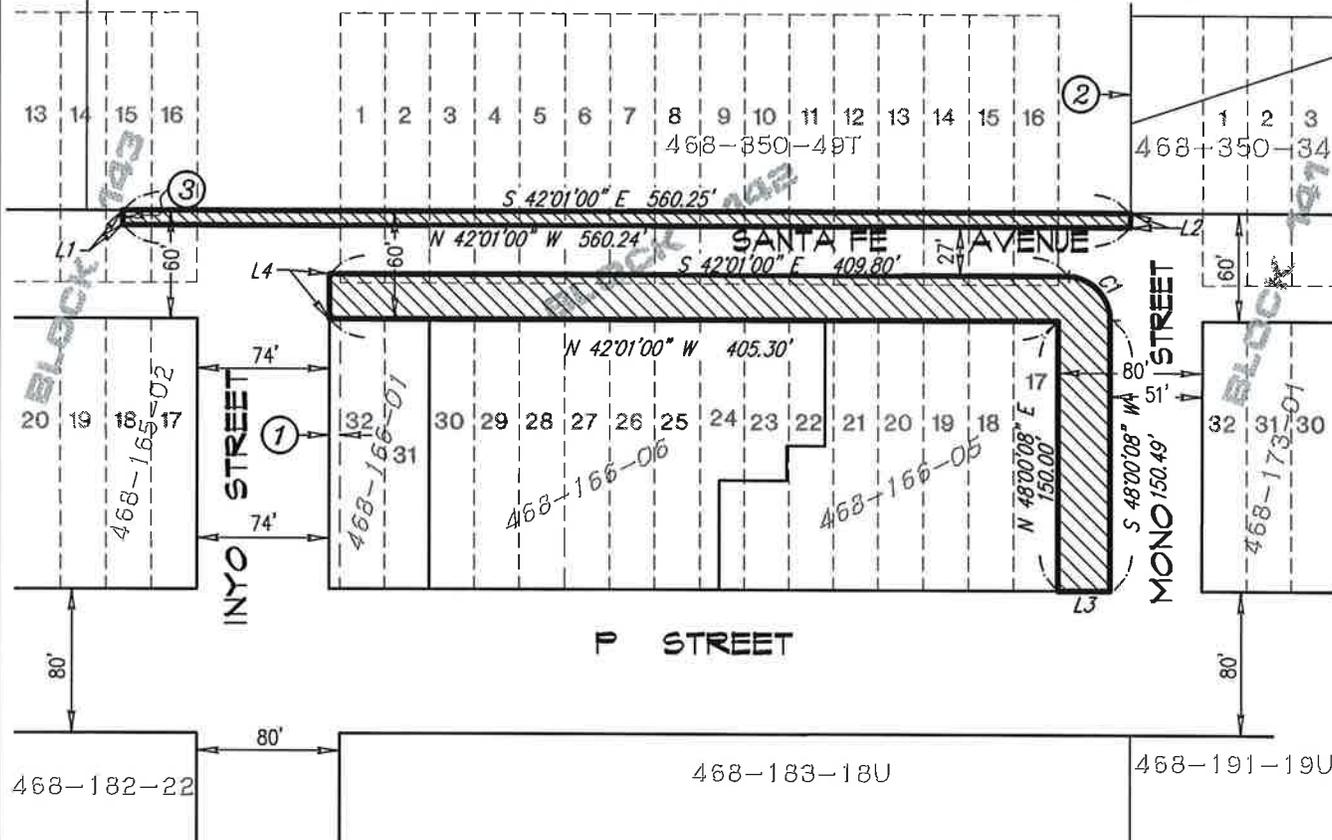
BY: Stacie L. Melikian 12/1/10
Stacie L. Melikian , Deputy



EXHIBIT 'A'

EXHIBIT FOR ABANDONMENT OF STREET RIGHT OF WAY

PORTION TOWN OF FRESNO-PLATS VOL. 1 PG. 2, F.C.R.



LEGEND

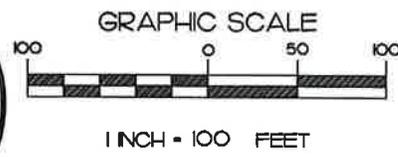
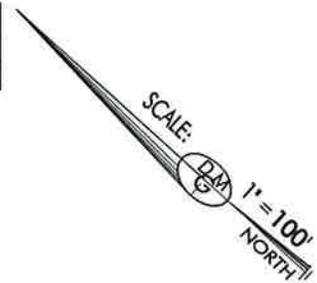
INDICATES AREA TO BE ABANDONED
 O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

KEYNOTE

- ① 6' PREVIOUSLY ABANDONED PER DOCUMENT RECORDED AUGUST 18, 1982, IN BOOK 7957 PAGE 369 AS DOCUMENT NO. 69284, O.R.F.C.
- ② CENTERLINE OF A PORTION OF MONO STREET VACATED BY CITY OF FRESNO BY ORDINANCE NO. 370 APPROVED BY THE BOARD OF TRUSTEES OF THE CITY OF FRESNO ON 02/28/1900
- ③ LINE PARALLEL WITH AND 839.79 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHWESTERLY LINE OF LOT 1 IN BLOCK 144

LINE TABLE		
LINE	BEARING	LENGTH
L1	N47°59'04"E	8.00'
L2	S 48°04'45" W	8.00'
L3	N42°01'00"W	29.00'
L4	N47°59'03"E	25.00'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	24.50'	38.49'	90°01'08"



PREPARED BY:



DALE G. MELL
& ASSOCIATES

ENGINEERING & SURVEYING SERVICES
 2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
 (559) 292-4046 • FAX 251-9220



BY: C.M./RE - 10/08/10
 DMA CADFILE:07-055EX02

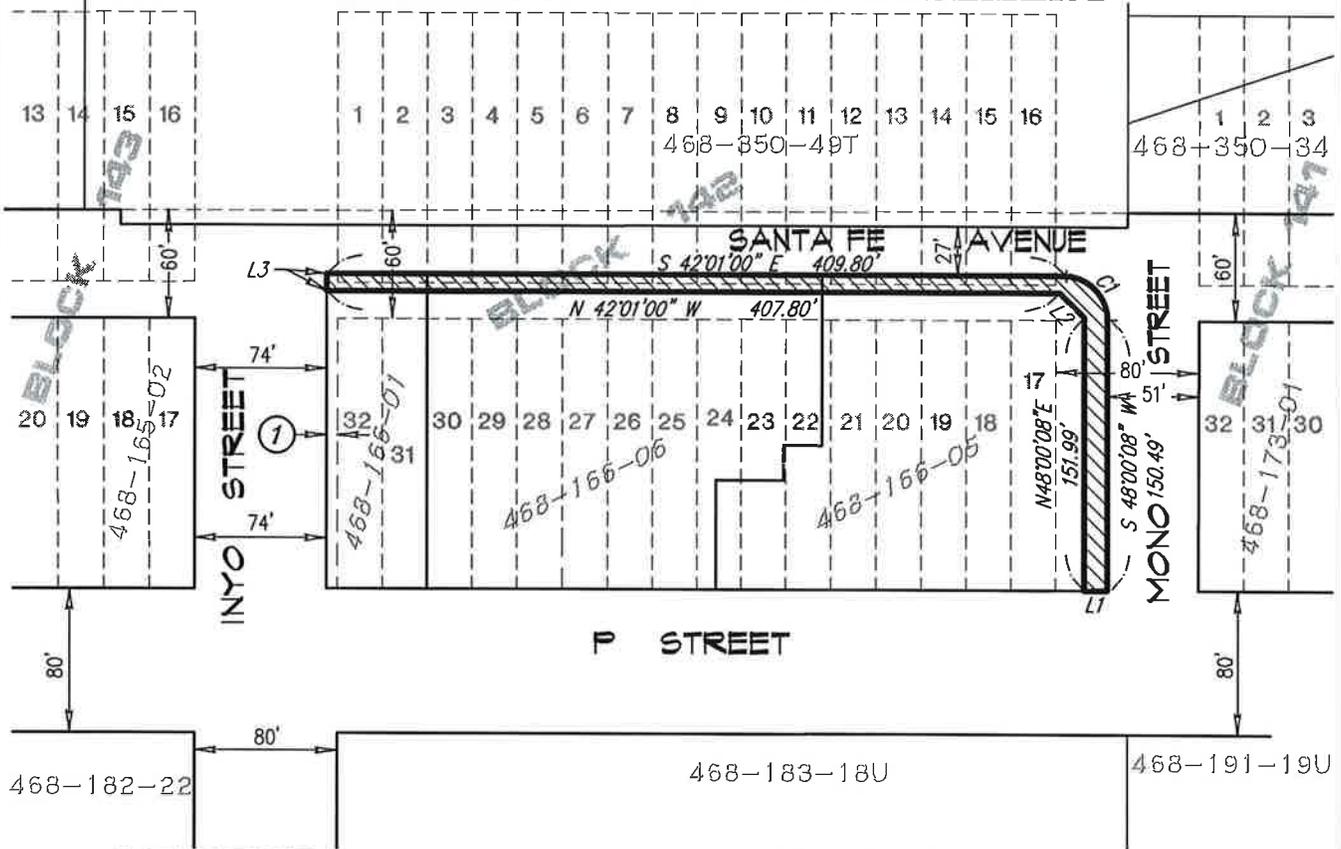
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7



EXHIBIT 'B'

AREA(S) TO BE RESERVED AS A PEDESTRIAN WALKWAY EASEMENT



LEGEND



INDICATES AREA TO BE RESERVED FOR PEDESTRIAN WALKWAY EASEMENT

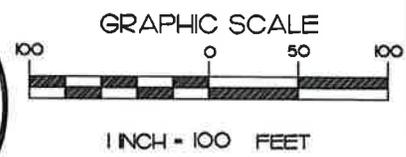
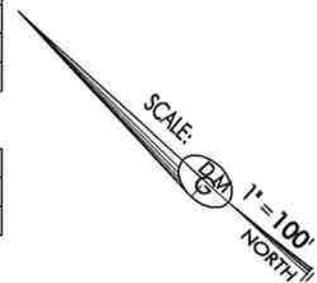
O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

KEYNOTE

① 6' PREVIOUSLY ABANDONED PER DOCUMENT RECORDED AUGUST 18, 1982, IN BOOK 7957 PAGE 369 AS DOCUMENT NO. 69284, O.R.F.C.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N42°01'00"W	13.00'
L2	N03°00'09"E	19.09'
L3	N47°59'03"E	9.50'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	24.50'	38.49'	90°01'08"



PREPARED BY:

**DALE G. MELL
& ASSOCIATES**

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2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
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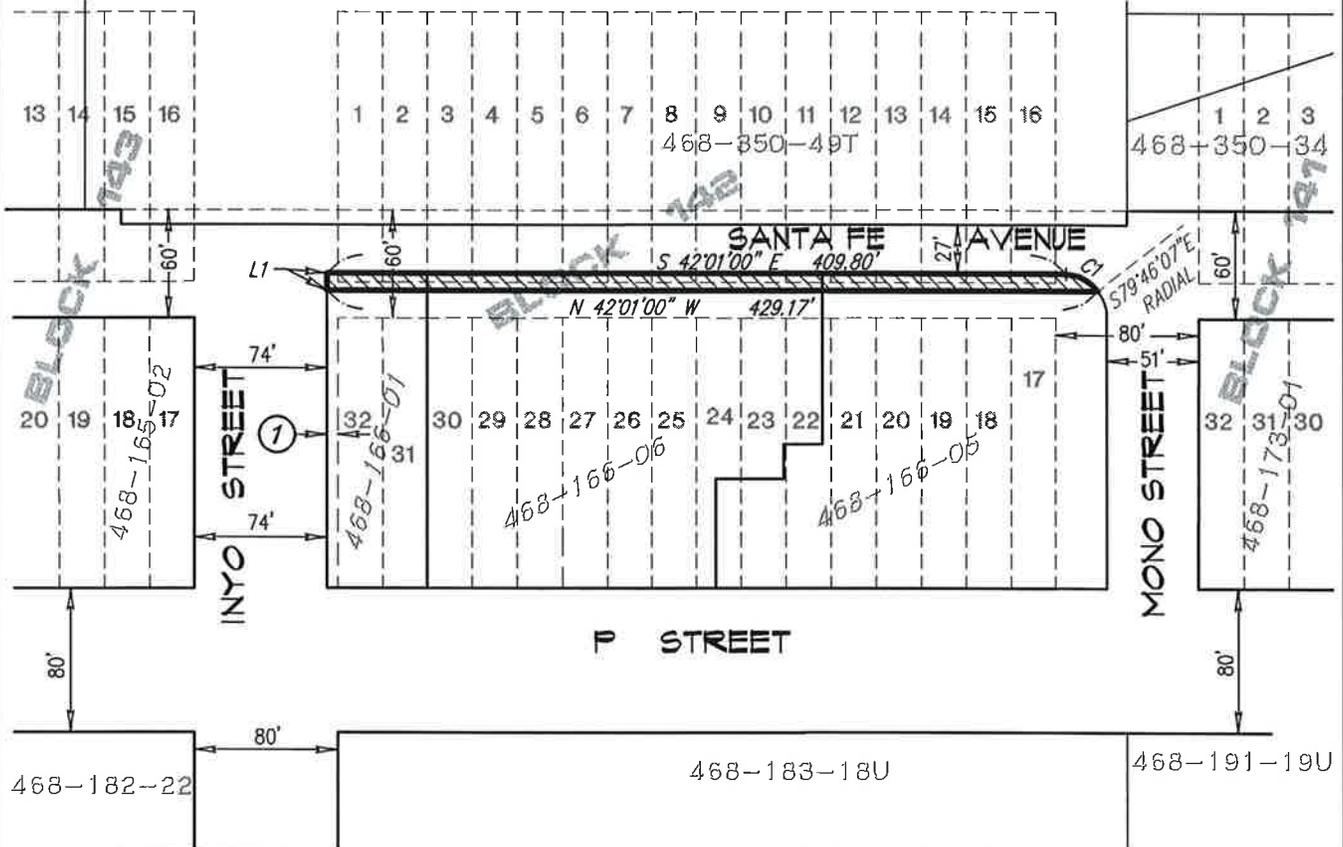
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DMA CADFILE:07-055EX04

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4



EXHIBIT 'C' AREA TO BE RESERVED AS A PUBLIC UTILITY EASEMENT



LEGEND



INDICATES AREA TO BE RESERVED FOR PUBLIC UTILITY EASEMENT

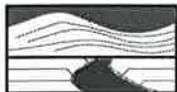
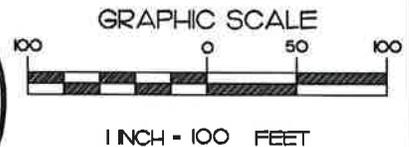
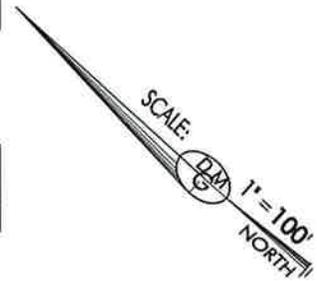
O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

KEYNOTE

- ① 6' PREVIOUSLY ABANDONED PER DOCUMENT RECORDED AUGUST 18, 1982, IN BOOK 7957 PAGE 369 AS DOCUMENT NO. 69284, O.R.F.C.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N47°59'03"E	9.50'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	24.50'	22.34'	52°14'53"



PREPARED BY:

**DALE G. MELL
& ASSOCIATES**

ENGINEERING & SURVEYING SERVICES
2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 • FAX 251-9220



BY: RE - 10/08/10
DMA CADFILE:07-055EX05



EXHIBIT "D"

CONDITIONS FOR APPROVAL

1. The City of Fresno's Public Works Department's Traffic Engineering requires that all street improvements within the area to be vacated shall be removed. Street lights shall be salvaged and returned to Public Works. Construct all offsite improvements as approved with Conditional Use Permit No. C-09-166.
2. The City's Department of Public Utilities - Water Division requires that the existing 8" main, including any fire hydrants, water valves, or other water system infrastructure in Santa Fe Avenue between Inyo Street and Mono Street be relocated per Public Works Standards and Specifications or as otherwise approved by the Water Division.
3. The City's Traffic Signal and Street Lighting Division requires the removal of Streetlight No. 9793 from the west side of Santa Fe. Hardware and luminaires are to be delivered to the City of Fresno, Belmont Yard. Power supply wires are to be disconnected at the southwest corner of Inyo and Santa Fe. Wire and wood pole can be discarded. All removal of City facilities shall be coordinated through the City's Traffic Signal and Street Lighting Division.
4. The City's Department of Public Utilities - Solid Waste Division requires that access for refuse trucks be maintained.

PW File No. 11451

December 17, 2010

Council Adoption: 12/16/10
Mayor Approval:
Mayor Veto:
Override Request:



TO: MAYOR ASHLEY SWEARENGIN

FROM: REBECCA E. KLISCH, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/16/10, Council adopted the attached Resolution No. 2010-296 entitled **Ordering vacation of portion of Mono bet "P" and Santa Fe Ave, portions of Santa Fe bet Mono and Kern Sts.**, Item No. 10:00 A.M.#1, by the following vote:

Ayes : Dages, Olivier, Sterling, Westerlund
Noes : None
Absent : Borgeas, Brand, Xiong
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 January 3, 2011. 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: _____

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :