

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. 2009-184



RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA ORDERING
THE VACATION OF THE SOUTH HALF OF W. BROWNING AVENUE BETWEEN
N. MILBURN AND N. SALINAS AVENUES

WHEREAS, pursuant to Resolution of Intention No. 1068-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on August 20, 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, Salinas Ave., LLC, is requesting the vacation of the street right-of-way of the south half of West Browning Avenue between North Milburn and North Salinas Avenues, as shown on the attached Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, Environmental Assessment No. C-08-173 shows that a Finding of Conformity with Master Environmental Impact Report (MEIR) No. 10130 is the appropriate environmental finding for this project. It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130; and

Adopted 8/20/09
Approved 8/28/09
Effective 8/28/09

2009-184



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 condition that a Public Utility Easement be reserved from the area proposed to be vacated as shown on the attached Exhibit "B", 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 the street right-of-way of the south half of West Browning Avenue between North Milburn and North Salinas Avenues is unnecessary for present and prospective public street purposes. The public street 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. 1068-D adopted by the Council on July 16, 2009, the public street shown on Exhibit "A" be and is hereby vacated and abandoned.

3. The City 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 easement 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 easement to be vacated. The area to be reserved pursuant to this paragraph is depicted in Exhibit "B", which is attached and incorporated in this Resolution.

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 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 20th day of August, 2009.

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

Mayor Approval: August 28, 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: James C. Sanchez
Deputy

Reso Ordering Vac So Half W Browning btw Milburn-Salinas

PW File No. 11019

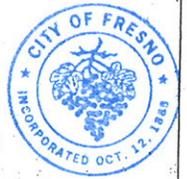


EXHIBIT 'A'

OWNER
 SALINAS AVE, LLC.
 4874 E. CLINTON WAY
 SUITE 200,
 FRESNO, CA. 93727

APN: 509-020-01

LAND DESCRIPTION
 PORTION OF LOTS 970, 971, & 972 OF
 BULLARD LANDS IRRIGATED NO. 6,
 RECORDED IN BOOK 8 OF PLATS AT
 PAGE 25, FCR
 (ALSO KNOWN AS THE SOUTH 1/2 OF
 W. BROWNING AVENUE)

CONTAINS: 31,926.48 s.f., more or less

LINE INFORMATION

- L1 S 89°58'27" E, 0.85'
- L2 N 00°16'32" W, 25.00'
- L3 N 89°58'26" W, 6.42'

LEGEND

DESIGNATES STREET RIGHT OF WAY TO BE VACATED TO

BASIS OF BEARING

S/LINE OF TRACT 4818
 RECORDED IN VOLUME 61 OF
 PLATS AT PAGES 88-90, F.C.R.

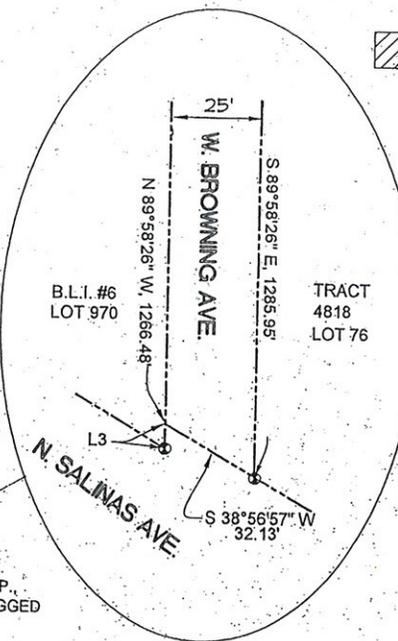
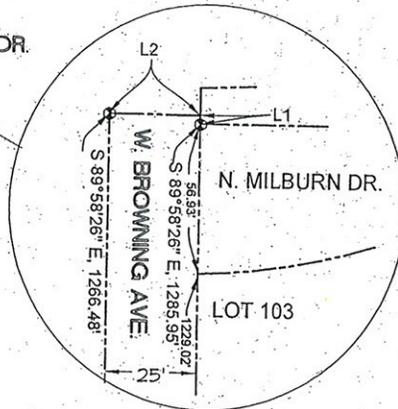
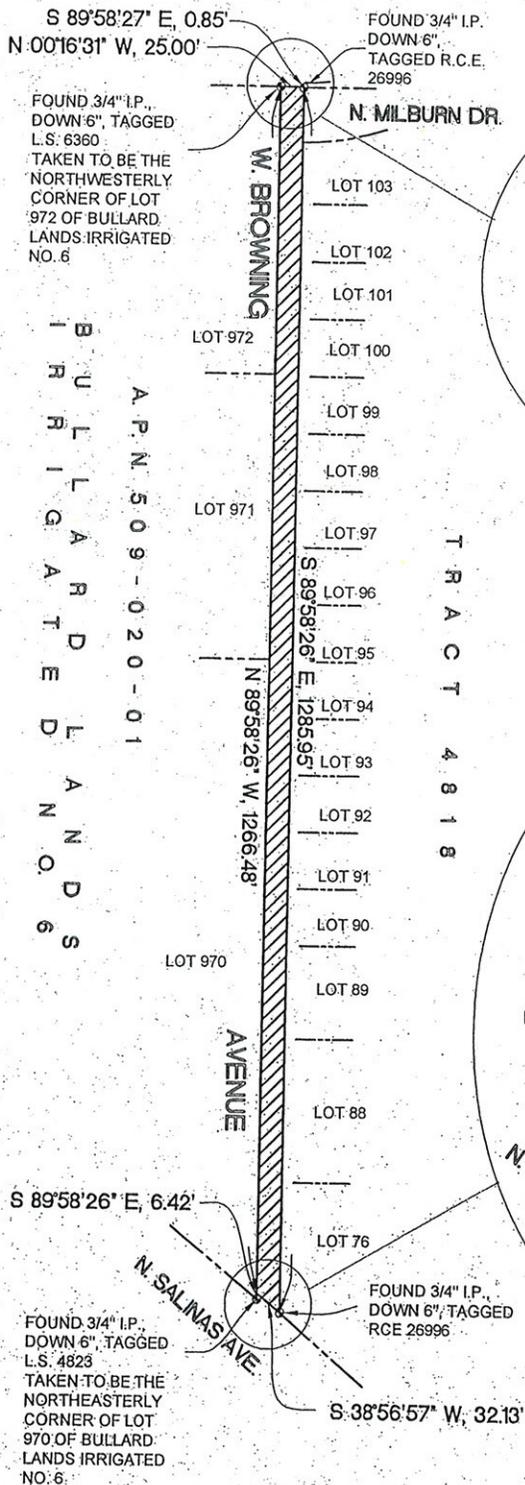




EXHIBIT 'B'

OWNER
 SALINAS AVE, LLC
 4874 E. CLINTON WAY
 SUITE 200,
 FRESNO, CA. 93727

APN: 509-020-01

LAND DESCRIPTION
 PORTION OF LOTS 970, 971, & 972 OF
 BULLARD LANDS IRRIGATED NO. 6,
 RECORDED IN BOOK 8 OF PLATS AT
 PAGE 25, FCR
 (ALSO KNOWN AS THE SOUTH 1/2 OF
 W. BROWNING AVENUE)

CONTAINS: 321.00 s.f. MORE OR LESS

LINE INFORMATION

- L1 N 89° 58' 26" W, 12.85'
- L2 S 89° 58' 26" E, 12.85'
- L3 N 89° 58' 26" W, 6.42'

LEGEND



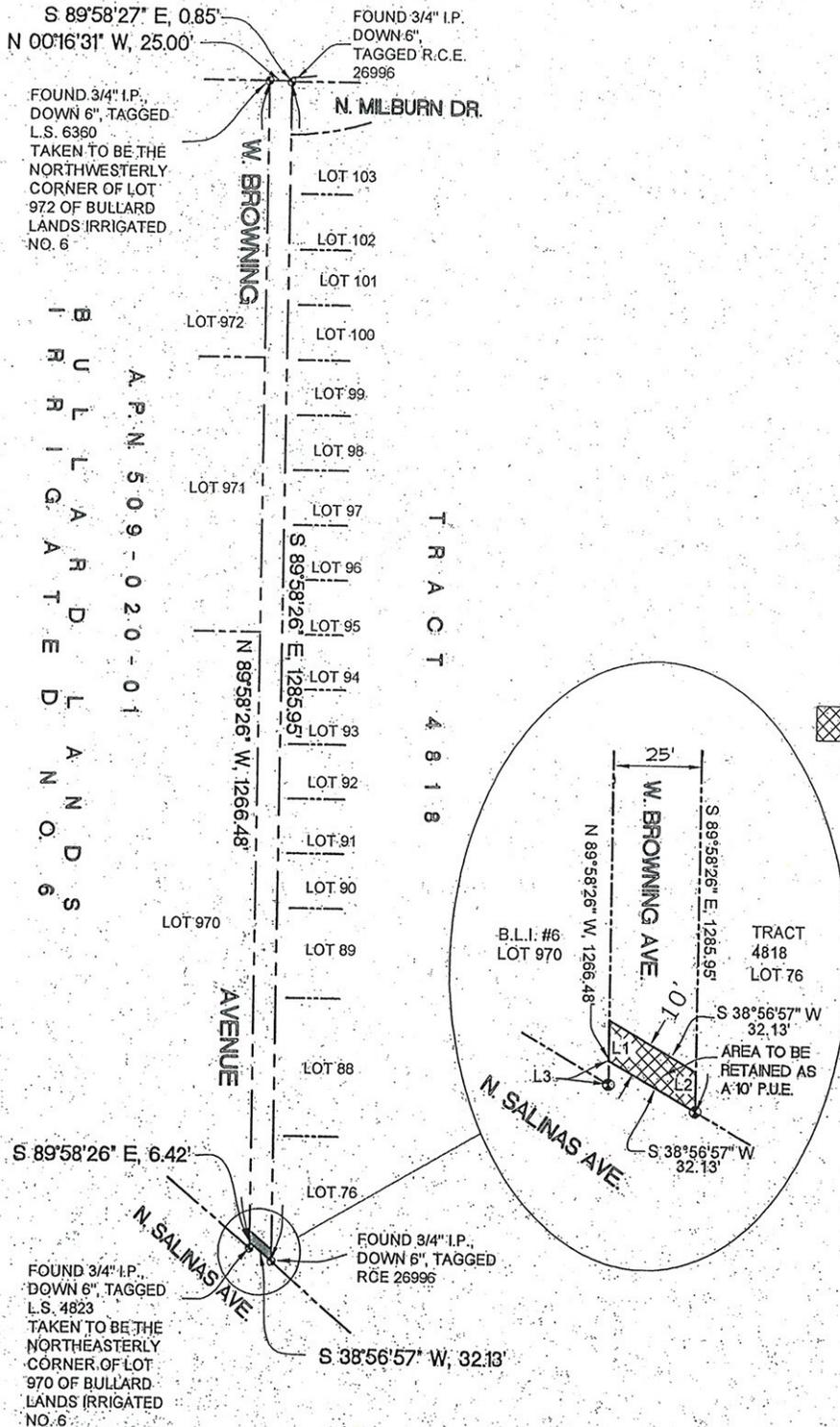
DESIGNATES AREA TO BE
 RETAINED AS A 10' PUBLIC
 UTILITY EASEMENT (PUE)

BASIS OF BEARING

S/LINE OF TRACT 4818
 RECORDED IN VOLUME 61 OF
 PLATS AT PAGES 88-90, F.C.R.

NORTH

Scale: 1" = 200'-0"



August 21, 2009

Council Adoption: 8/20/09

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

FROM: REBECCA E. KLISCH, CMC
City Clerk

2009 AUG 28 PM 2:19

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO



At the Council meeting of 8/20/09, Council adopted the attached Resolution No. 2009-184 entitled **Ordering vacation of S. half of W. Browning Ave. btwn N. Milburn & N. Salinas Ave.**, Item No. **9:30 A.M. #1-A**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Westerlund, 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 August 31, 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: 8/28/09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	