RESOLUTION NO. 2016-194

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO APPROVE THE FINAL MAP OF TRACT NO. 6097, ACCEPTING DEDICATED PUBLIC USES THEREIN EXCEPT FOR DEDICATIONS OFFERED SUBJECT TO CITY ACCEPTANCE OF DEVELOPER INSTALLED REQUIRED IMPROVEMENTS

WHEREAS, Fowler Development Company, Inc., a California Corporation, has offered for approval a Final Map designated as Tract No. 6097, Phase 2 ("map"), pursuant to approved Vesting Tentative Map No. 6033 ("tentative map"); and,

WHEREAS, all the certificates which appear on the map (except the approval certificate of the Council of the City of Fresno and the recording certificate of the Recorder of the County of Fresno) have been signed and acknowledged and said map has been filed for approval; and,

WHEREAS, the subdivision lies within the boundaries of the City of Fresno; and,

WHEREAS, the map conforms to all of the requirements of the Subdivision Map Act of the State of California, and City ordinances, resolutions and standards, except that Section 66492 and 66493 of the Subdivision Map Act may not be fully complied with at the time of passage of this resolution and owner having previously filed with the Clerk of the Board of Supervisors of Fresno County a Tax Compliance Certificate Request along with copies of the map considered herewith by the Council; and,

WHEREAS, the Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plans of the City; and,

Date Adopted: 10/13/2016
Date Approved: 10/13/2016
Effective Date: 10/13/2016

WHEREAS, the Subdivider and the Owners, whose signatures appear on the map, and others have offered for dedication certain streets, public utility easements, access rights and other public properties and uses as shown and delineated upon said map; and,

WHEREAS, the Planning Commission of the City of Fresno, by formal resolution, approved said tentative map.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds that the map is in substantial compliance with said tentative map, any deviations therefrom being deemed to be approved by the Council.

2. That the map is hereby approved and any and all of the streets, public utility easements, public utility facilities, access rights and all parcels of land and easements offered for dedication on the map are hereby accepted, unless it is stated on the Final Map that said dedications are subject to City acceptance of Developer installed improvements, subject to complete compliance with Sections 66492 and 66493 of the Subdivision Map Act prior to release of the map for recordation.

* * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 13th day of October, 2016.

AYES : Baines, Brandau, Olivier, Quintero, Soria, Caprioglio
NOES : None
ABSENT : Brand
ABSTAIN : None

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 10/20/16
Mary Raterman-Doidge Date
Deputy

TRACT NO. 6097

PHASE 2 OF VESTING TENTATIVE MAP NO. 6033
A PLANNED DEVELOPMENT

BEING A SUBDIVISION OF OUTLOT C OF TRACT NO. 6033, RECORDED IN VOLUME 84 OF PLATS, AT PAGES 76 AND 77, FRESNO COUNTY RECORDS.

IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN JANUARY 2015, BY GARY G. GIANNETTA

CONSISTING OF TWO SHEETS
SHEET ONE OF TWO SHEETS

RECORD TITLE INTEREST STATEMENT:

THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND WITHIN THIS SUBDIVISION, HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION FOR PUBLIC USE THE PARCELS AND EASEMENTS SPECIFIED ON SAID MAP AS INTENDED FOR PUBLIC USE FOR THE PURPOSES SPECIFIED THEREIN

FOWLER DEVELOPMENT COMPANY, INC. A CALIFORNIA CORPORATION

BY: ______________________
DARIUS ASSEMI — SENIOR VICE-PRESIDENT

U.S. BANK NATIONAL ASSOCIATION
D/B/A HOUSING CAPITAL COMPANY, AS BENEFICIARY

BY: ______________________
THOMAS G. WALKER — SENIOR VICE PRESIDENT

LOCANS INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AS BENEFICIARY

BY: ______________________
DARIUS ASSEMI — MEMBER

FRESNO IRRIGATION DISTRICT CERTIFICATION:

A SEPARATE CONSENT TO FINAL MAP PURSUANT TO GOVERNMENT CODE SECTION 66435.1 FOR TRACT MAP 6097, AS RECORDED ______________ DOCUMENT NO. ______________ FRESNO COUNTY RECORDS. ALSO SUBJECT TO THE EASEMENTS AS SHOWN ON PAGE 2 OF THIS MAP

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON ______________ BEFORE ME, ______________________
PERSONALLY APPEARED ______________________ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND

SIGNATURE ______________________

NAME ______________________

COUNTY OF ______________________

MY COMMISSION EXPIRES ______________________

MY COMMISSION NUMBER ______________________

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON ______________ BEFORE ME, ______________________
PERSONALLY APPEARED ______________________ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND

SIGNATURE ______________________

NAME ______________________

COUNTY OF ______________________

MY COMMISSION EXPIRES ______________________

MY COMMISSION NUMBER ______________________

LEGAL DESCRIPTION:

OUTLOT C, AS SHOWN ON THAT CERTAIN FINAL MAP OF TRACT NO. 6033, FILED MARCH 11, 2015 IN VOLUME 84 OF PLATS, AT PAGES 76 AND 77, FRESNO COUNTY RECORDS

THIS PROPERTY IS SUBJECT TO THE FOLLOWING:

1. THE HEREIN DESCRIBED PROPERTY LIES WITHIN THE BOUNDARIES OF THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT AND MAY BE SUBJECT TO ASSESSMENT FOR DRAINAGE FEES AND/OR REQUIREMENTS TO CONSTRUCT PLANNED LOCAL DRAINAGE FACILITIES AS DISCLOSED BY FMFCD RESOLUTION NO. 1816 RECORDED JULY 31, 1995 AS DOCUMENT NO. 95092128, OF OFFICIAL RECORDS, FRESNO COUNTY
2. THE EFFECT OF TERMS AND PROVISIONS AS CONTAINED IN DOCUMENT RECORDED JULY 24, 2014 AS DOCUMENT NO. 2014-0081506, FRESNO COUNTY RECORDS, AND CORRECTED BY DOCUMENT NO. 2014-0130988, RECORDED NOVEMBER 19, 2014, FRESNO COUNTY RECORDS
3. A SUBDIVISION AGREEMENT FOR THE FINAL MAP OF TRACT NO. 6097, PHASE II OF VESTING TENTATIVE MAP NO. 6033, RECORDED ______________ AS DOCUMENT NO. ______________, FRESNO COUNTY RECORDS
4. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS FOR THE FINAL MAP OF TRACT NO. 6097, PHASE II OF VESTING TENTATIVE MAP NO. 6033, RECORDED ______________ AS DOCUMENT NO. ______________, FRESNO COUNTY RECORDS
5. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR THE MAINTENANCE OF LANDSCAPE IMPROVEMENTS FOR CERTAIN LOTS WITHIN THE FINAL MAP OF TRACT NO. 6097, PHASE II OF VESTING TENTATIVE MAP NO. 6033, RECORDED ______________ AS DOCUMENT NO. ______________ FRESNO COUNTY RECORDS
6. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING FOR SANITARY SEWER CAPACITY IN THE FOWLER AVENUE TRUNK SEWER AND DEFERRING PAYMENT OF INTERIM FEE SURETY TO TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN FOR THE FINAL MAP OF TRACT NO. 6097, PHASE II OF VESTING TENTATIVE MAP NO. 6033, RECORDED ______________ AS DOCUMENT NO. ______________, FRESNO COUNTY RECORDS
7. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES, CITY-WIDE FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN FOR THE FINAL MAP OF TRACT NO. 6097, PHASE II OF VESTING TENTATIVE MAP NO. 6033, RECORDED ______________ DOCUMENT NO. ______________ FRESNO COUNTY RECORDS
8. INTERCREDITOR AGREEMENT RECORDED OCTOBER 6, 2011 AS DOCUMENT NO. 2011-0134910, FRESNO COUNTY RECORDS
9. AGREEMENT BETWEEN DEVELOPER (FOWLER DEVELOPMENT COMPANY, INC.) AND THE CLOVIS UNIFIED SCHOOL DISTRICT RECORDED JULY 24, 2014 AS DOCUMENT NO. 2014-0081506 OF OFFICIAL RECORDS, FRESNO COUNTY.
10. AGREEMENT BETWEEN DEVELOPER (FOWLER DEVELOPMENT COMPANY, INC.) AND THE CLOVIS UNIFIED SCHOOL DISTRICT RECORDED NOVEMBER 19, 2014 AS DOCUMENT NO. 2014-0130988 OF OFFICIAL RECORDS, FRESNO COUNTY
11. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "SUBDIVISION AGREEMENT FINAL MAP OF TRACT NO. 6033, PHASE I OF VESTING TENTATIVE MAP NO. 6033" RECORDED MARCH 11, 2015 AS DOCUMENT NO. 2015-0028539 OF OFFICIAL RECORDS, FRESNO COUNTY
12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING RIGHT-TO-FARM LAW FOR THE FINAL MAP OF TRACT NO. 6033, PHASE I OF VESTING TENTATIVE MAP NO. 6033" RECORDED MARCH 11, 2015 AS DOCUMENT NO. 2015-0028543 OF OFFICIAL RECORDS, FRESNO COUNTY.

NOTARY ACKNOWLEDGMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF FRESNO

ON ______________ BEFORE ME, ______________________
PERSONALLY APPEARED ______________________ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND

SIGNATURE ______________________

NAME ______________________

COUNTY OF ______________________

MY COMMISSION EXPIRES ______________________

MY COMMISSION NUMBER ______________________

ENGINEER'S STATEMENT:

THE SURVEY FOR THIS MAP WAS MADE BY ME OR UNDER MY DIRECTION AND IS TRUE AND COMPLETE AS SHOWN.

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DARIUS ASSEMI ON JANUARY 1, 2015. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE ONE YEAR OF THE DATE THIS MAP IS RECORDED, OR ANY TIME EXTENSION APPROVED BY THE CITY ENGINEER. THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP

______________________ ______________
GARY GIANNETTA, R.C.E. 26996 LIC. EXP. 3-31-17 — DATE

CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE APPROVED TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH

______________________ ______________
ANDREW J. BENELLI, PE 50022 — CITY ENGINEER — DATE
LICENSE EXPIRES 06-30-2017

CITY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT

______________________ ______________
JASON A. CAMIT, LS 8638 — DATE
CHIEF SURVEYOR
LICENSE EXPIRES 12-31-2017

PLANNING COMMISSION CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN CONFORMS TO AND IS IN COMPLIANCE WITH THE APPROVED TENTATIVE MAP AND THE REQUIREMENTS IMPOSED BY THE FRESNO CITY PLANNING COMMISSION AS A CONDITION TO THE ACCEPTANCE OF THE FINAL MAP

______________________ ______________
JENNIFER CLARK — DATE
SECRETARY OF THE FRESNO CITY PLANNING COMMISSION

CITY CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE COUNCIL OF THE CITY OF FRESNO, BY RESOLUTION NO. ______________ ADOPTED ON ______________ 2016, APPROVED THE WITHIN MAP AND ACCEPTED ON BEHALF OF THE PUBLIC ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION, AND APPROVED THE ABANDONMENT OF THOSE PUBLIC STREETS AND/OR PUBLIC EASEMENTS NOT SHOWN ON THE MAP AND NOTED AS ABANDONED BY THE FILING OF THE MAP

YVONNE SPENCE, CMC
CITY CLERK

BY: ______________________ ______________
DEPUTY — DATE

RECORDER'S CERTIFICATE:

DOCUMENT NO. ______________ FEE $ ______________
FILED THIS ____ DAY OF ______________, 2016
AT ______ M. IN VOLUME ______ OF PLATS, AT PAGES ______________
AND ______, AT THE REQUEST OF GARY G. GIANNETTA

FRESNO COUNTY RECORDS
PAUL DICTOS, C.P.A. RECORDER

BY: ______________________
DEPUTY

CITY OF FRESNO ★ INCORPORATED OCT. 12, 1885 ★

TRACT NO. 6097

PHASE 2 OF VESTING TENTATIVE MAP NO. 6033
A PLANNED DEVELOPMENT

BEING A SUBDIVISION OF OUTLOT C OF TRACT 6033, RECORDED IN VOLUME 84 OF PLATS, AT PAGES 76 AND 77, FRESNO COUNTY RECORDS.

IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA
SURVEYED AND PLATTED IN JANUARY 2015, BY GARY G. GIANNETTA

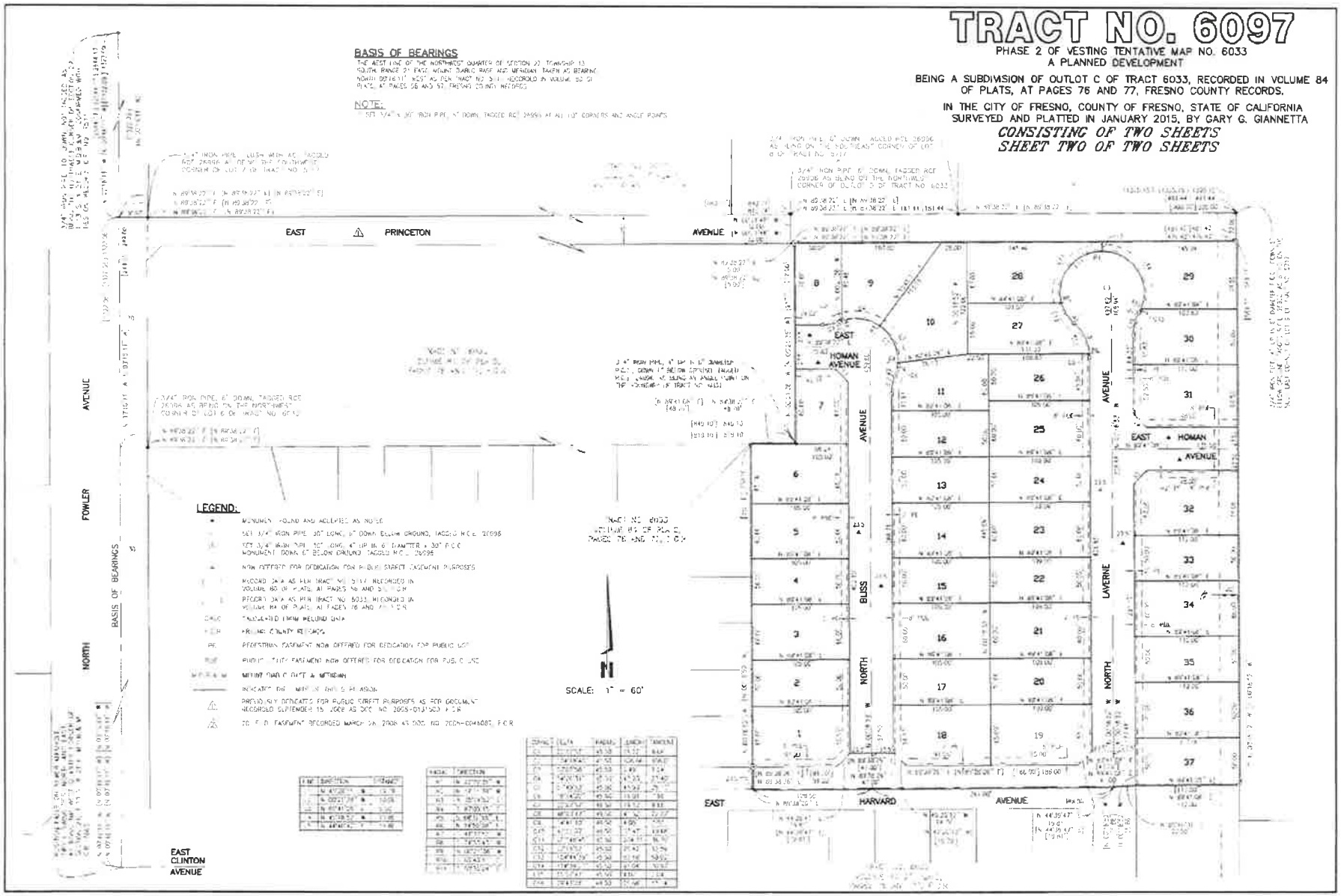
CONSISTING OF TWO SHEETS
SHEET TWO OF TWO SHEETS

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TAKEN AS BEARING NORTH 00°16'11" WEST AS PER TRACT NO. 5117, RECORDED IN VOLUME 80 OF PLATS, AT PAGES 56 AND 57, FRESNO COUNTY RECORDS.

NOTE:

SET 3/4" x 30" IRON PIPE, 1" DOWN, TAGGED RCE 26996 AT ALL 10' CORNERS AND ANGLE POINTS



CITY OF FRESNO
INCORPORATED
OCT. 12, 1885