RESOLUTION NO. 2016-195

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO APPROVE THE FINAL MAP OF TRACT NO. 6079, 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. 6079, ("map"), pursuant to approved Vesting Tentative Map No. 6079 ("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. 6079

A PLANNED DEVELOPMENT

BEING A SUBDIVISION OF REMAINDER 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 2016, 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

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:

PARCEL A OF LOT LINE ADJUSTMENT NO. 2013-11, RECORDED SEPTEMBER 27, 2013 AS DOCUMENT NUMBER 2013-0136809 OF OFFICIAL RECORDS OF FRESNO COUNTY, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 5 OF THE SUBDIVISION OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 5, PAGE 14 OF PLATS, FRESNO COUNTY RECORDS

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 27; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 484.34 FEET; THENCE EAST PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 234.00 FEET; THENCE SOUTH, PARALLEL WITH AND 234.00 FEET EAST OF SAID WEST LINE, TO THE INTERSECTION WITH THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 27; THENCE WEST, ALONG SAID SOUTH LINE, TO THE POINT OF BEGINNING

AND FURTHER EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE EXTERIOR BOUNDARIES OF THAT CERTAIN MAP ENTITLED "TRACT NO. 6033" RECORDED 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. 1818 RECORDED JULY 31, 1985 AS DOCUMENT NO. 95092128, OF OFFICIAL RECORDS, FRESNO COUNTY
2. RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF SAID LAND LYING WITHIN THE LINES OF FOWLER AVENUE.
3. A SUBDIVISION AGREEMENT FOR THE FINAL MAP OF TRACT NO. 6079, RECORDED _____ DOCUMENT NO. _____, FRESNO COUNTY RECORDS
4. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS FOR THE FINAL MAP OF TRACT NO. 6079, RECORDED _____ DOCUMENT NO. _____, FRESNO COUNTY RECORDS
5. A STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR THE MAINTENANCE OF LANDSCAPE IMPROVEMENTS FOR LOT 24 OF THE FINAL MAP OF TRACT NO. 6079, RECORDED _____ DOCUMENT NO. _____, FRESNO COUNTY RECORDS
6. 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. 6079, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS
7. 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. 6079, RECORDED _____, DOCUMENT NO. _____, FRESNO COUNTY RECORDS.

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, 2016. 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. 25996 UC 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 08-30-2017

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 8636 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

INCORPORATED OCT. 12, 1885 * CITY OF FRESNO *

TRACT NO. 6079

A PLANNED DEVELOPMENT

BEING A SUBDIVISION OF THE REMAINDER 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 2016, BY GARY G. GIANNETTA

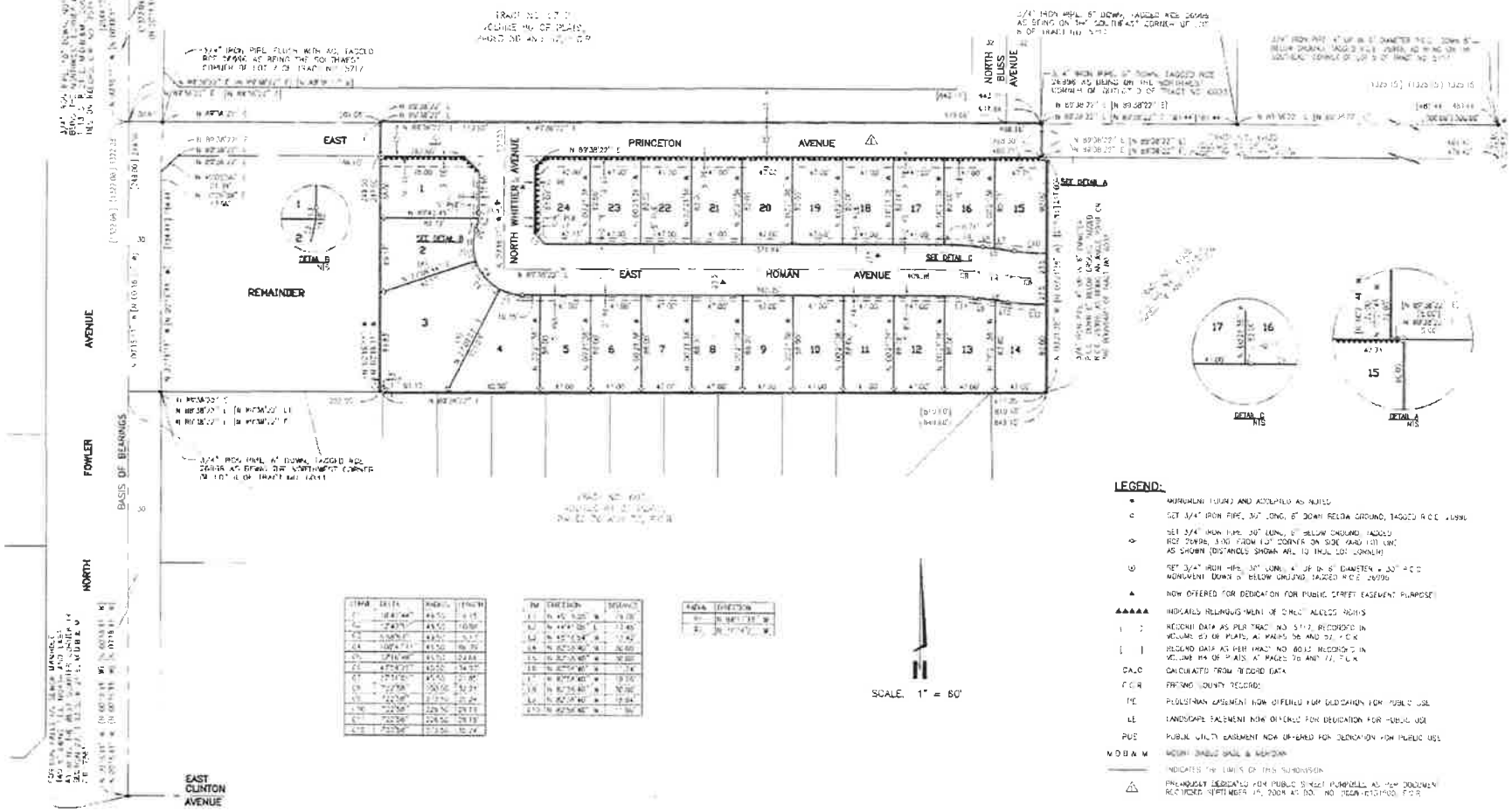
CONSISTING OF TWO SHEETS
SHEET TWO OF TWO SHEETS

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 21 EAST, MOUNT DIABLO BASE AND MERIDIAN, TAKEN AS BEARING NORTH 00°15'11" WEST AS PER TRACT NO. 5717 RECORDED IN VOLUME 80 OF PLATS, AT PAGES 58 AND 57, FRESNO COUNTY RECORDS.

NOTE:

1. SET 3/4" x 30" IRON PIPE, 6" DOWN, TAGGED RCE 26996 AT ALL LOT CORNERS AND ANGLE POINTS



LEGEND:

•	MONUMENT FOUND AND ACCEPTED AS NOTED
○	SET 3/4" IRON PIPE, 30" LONG, 6" DOWN BELOW GROUND, TAGGED R.C.E. 26996
⊙	SET 3/4" IRON PIPE, 30" LONG, 6" BELOW GROUND, TAGGED RCE 26996, 3.00' FROM LOT CORNER ON SIDE YARD LOT LINE AS SHOWN (DISTANCES SHOWN ARE TO TRUE LOT CORNER)
⊙	SET 3/4" IRON PIPE, 30" LONG, 4" OF IN 8" DIAMETER x 30" P.C.C. MONUMENT DOWN 6" BELOW GROUND, TAGGED R.C.E. 26996
▲	NOW OFFERED FOR DEDICATION FOR PUBLIC STREET EASEMENT PURPOSE
▲▲▲▲▲	INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS
( )	RECORD DATA AS PER TRACT NO. 5717, RECORDED IN VOLUME 80 OF PLATS, AT PAGES 58 AND 57, F.C.R.
[ ]	RECORD DATA AS PER TRACT NO. 6033, RECORDED IN VOLUME 84 OF PLATS, AT PAGES 76 AND 77, F.C.R.
CALC	CALCULATED FROM RECORD DATA
F.C.R.	FRESNO COUNTY RECORDS
PE	PEDESTRIAN EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
LE	LANDSCAPE EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
PUE	PUBLIC UTILITY EASEMENT NOW OFFERED FOR DEDICATION FOR PUBLIC USE
M.D.B.&M.	MOUNT DIABLO BASE & MERIDIAN
——	INDICATES THE LIMITS OF THIS SUBDIVISION
△	PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES AS PER DOCUMENT RECORDED SEPTEMBER 15, 2008 AS DOC. NO. 2008-0151900, F.C.R.

CITY OF FRESNO * INCORPORATED OCT. 12, 1885 *