

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO VACATE A PORTION OF THE
NORTH GLENN AVENUE-NORTH BLACKSTONE AVENUE
ALLEY

WHEREAS, pursuant to Resolution of Intention No. 1150-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on December 1, 2022, at a regular meeting of the Council of the City of Fresno, California (City), at which time evidence was heard for and against the vacation of a portion of the North Glenn Avenue-North Blackstone Avenue Alley; and

WHEREAS, the area proposed for vacation as described in Exhibit A and as shown on Exhibit B, which are attached and incorporated in this Resolution; and

WHEREAS, Fresno Housing Authority is requesting the proposed vacation; and

WHEREAS, the purpose of this vacation is to accommodate development for Conditional Use Permit Application Number D-17-153. This development permit is for the proposed construction of a new three and four story, 45-unit affordable housing residential building and the rehabilitation/adaptive re-use of an existing two-story commercial building for residential and commercial uses; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public street right-of-way easement proposed for vacation as described in Exhibit A and as shown on Exhibit B is unnecessary for present or prospective public street purposes, subject to the reservation of a public utility easement over the entire area proposed to be

1 of 3

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: 

Resolution No. _____

vacated and conditions of approval as listed in attached Exhibit C, said exhibits are incorporated herein by reference and on file in the Office of the City Clerk of the City at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721.

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

1. The Council finds from all the evidence submitted that the vacation of a portion of the North Glenn Avenue-North Blackstone Avenue Alley as described in Exhibit A and as shown on Exhibit B are unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of December 1, 2022, the public street easement as described in Exhibit A and as shown on Exhibit B be vacated.

3. The proceedings for the vacation of such right of way are intended to be and shall be taken subject to the reservation of a public utility easement over the entire area proposed to be vacated and conditions of approval as listed in attached Exhibit C, which is attached and incorporated herein. All work required by such conditions shall be completed in compliance with City Standard Specifications and approved by the Public Works Department.

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 once all work associated with this requirement has been accepted by the City

Engineer or the Public Works Director.

6. This vacation shall become effective on the date this resolution is recorded.

* * * * *

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

I, TODD STERMER, 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 _____ day of _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney

Attachments:
Exhibit A – Street Easement Vacation Legal Description
Exhibit B – Street Easement Vacation
Exhibit C – Vacation Conditions of Approval

PW File No. 12696

EXHIBIT "A"
LEGAL DESCRIPTION

Existing 16.00 foot Wide Alley to be Vacated

A portion of the 16.00 foot North-South Alley of Block 2 as dedicated as an Alley for Public Use by Blackstone Avenue Tract No. 2, July 16, 1925, recorded in Book 10, page 55 of Plats, Fresno County Records, situated in the Northeast quarter of Section 28, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, more particularly described as follows:

COMMENCING at the Northeasterly corner of said Block 2 being the intersection of the Southerly Right of Way line of Simpson Avenue and the Westerly Right of Way line of Blackstone Ave of said Book 10, Page 55 of Plats; thence along said Southerly Right of Way South 89°32'15" West a distance of 125.33 feet more or less to the Easterly Right of Way of said North-South 16.00 foot Alley and the **TRUE POINT OF BEGINNING**;

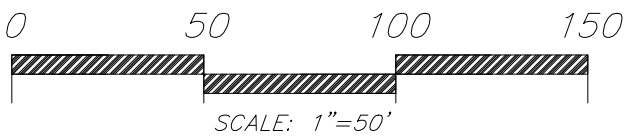
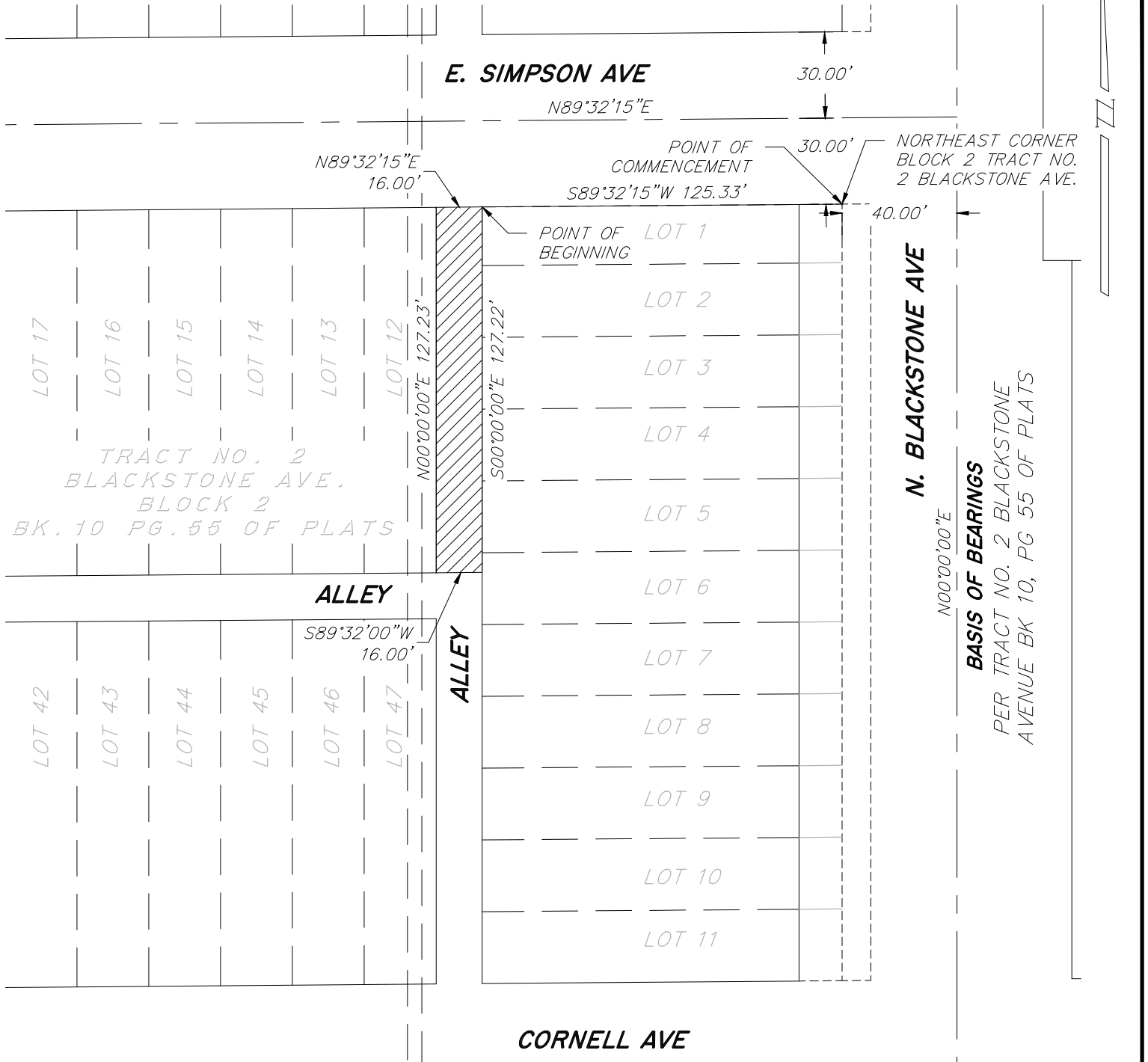
Thence along said Easterly Right of Way South 00°00'00" East a distance of 127.22 feet more or less to the projection of the Northerly Right of Way of the 16.00' foot East-West Alley of said Block 2; thence along said Northerly Right of Way projection South 89°32'00" West a distance of 16.00 feet more or less to the Westerly Right of Way of said 16.00 foot North-South Alley; thence along said Westerly Right of Way North 00°00'00" East a distance of 127.23 feet more or less to a point on the Southerly Right of Way of said Simpson Avenue; thence along said Southerly Right of Way North 89°32'15" East a distance of 16.00 feet to the **TRUE POINT OF BEGINNING**.

Contains 2,036 Square Feet or 0.047 acres, more or less.

END OF DESCRIPTION

EXHIBIT "B"

ALLEY VACATION



LEGEND

 INDICATES AREA TO BE VACATED CONTAINING 2,036 ± SQ. FT.

REF. & REV. 2020- 15-A- PLAT	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS		PROJ. ID. _____ RES TYPE _____
	PUBLIC ALLEY RIGHT-OF-WAY TO BE VACATED		FUND NO. _____
		DR. BY _____	SHEET NO. <u>1</u>
		CH. BY _____	OF <u>1</u> SHEETS
		DATE _____	
		SCALE _____	

EXHIBIT "C"
VACATION CONDITION OF APPROVAL

1. Comcast has existing facilities that are within the proposed alley vacation. These facilities will need to be relocated or a public utility easement must be reserved to accommodate them. If you have any questions about this condition, please contact Michael "Cory" Sue at (559) 455-4221.

2. Pacific Gas and Electric Company has existing facilities that are within the proposed alley vacation. They require the that the City EXCEPT AND RESERVE from said vacation the permanent easement and right at any time or from time to time, pursuant to the provisions of Section 8340 of the Street and Highways Code and for the benefit of Pacific Gas and Electric Company, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipes, conduits, cables, wires, poles, manholes and other convenient structures, equipment and fixtures for the operation of gas pipe lines and the transportation or distribution of electric energy, and communication facilities, including access and the right to keep the property free from inflammable materials and wood growth, and to prevent any building or structure near the facilities and otherwise to protect the same from all hazards in, upon, over and across said vacation. If you have any questions about this condition, please contact Mike Galvan at (559) 263-5649.