

RESOLUTION OF INTENT NUMBER 1151-D

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA OF INTENTION TO VACATE A PORTION OF A 16 FOOT-WIDE ALLEY ADJACENT AND SOUTH OF LOT 1 AND A PORTION OF LOT 2 OF WALLING TRACT

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the City), to order the vacation of a portion of a 16-foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract; and

WHEREAS, the area proposed for vacation is as described in Exhibit A and as shown on Exhibit B, 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; and

WHEREAS, Juan Alvarez Macias, owner of Vibez Lounge is requesting the proposed vacation; and

WHEREAS, the purpose of this proposed vacation is to eliminate an encroachment into the alley from existing patio improvements per site plan number P20-01790; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public alley 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 alley purposes, 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.

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

1 of 3

Date Adopted:  
Date Approved:  
Effective Date:

City Attorney Approval:



Resolution of Intent Number 1151-D

1. The hour of 10:15 a.m. on March 30, 2023, in the Council Chambers in Fresno City Hall, 2600 Fresno Street, Fresno 93721, is hereby fixed as the time and place when and where all persons interested in or objecting to the proposed vacation may appear before the Council and be heard in relation thereto.

2. The Council elects to proceed under the provisions of Chapter 3, commencing with Section 8320, of the Public Streets, Highways, and Service Easements Vacation Law of the State of California (California Street and Highways Code Sections 8300 et seq.).

3. The Public Works Director of the City is directed to cause notices of the proposed vacation to be published and posted for the time and in the manner prescribed by the provisions of Sections 8322 and 8323 of the California Streets and Highways Code.

4. The Council preliminarily determines that the public alley proposed to be vacated is not useful as a bicycle path or route under applicable general, specific, or community plans and policies. If the Council does not rescind such preliminary determination, based on evidence or public testimony presented to it, orally or in writing, at or before the March 30, 2023, hearing, the Council may proceed to make a final determination, at the public hearing, that the public alley be vacated as provided herein.

\* \* \* \* \*

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 \_\_\_\_\_ 2023.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

TODD STERMER, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_  
Tracy N. Parvanian Date  
Supervising 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. 13038

**EXHIBIT "A"**

Alley Vacation

That portion of the alley as dedicated as an easement for public street purposes by Walling Tract, according to the map thereof recoded in Volume 11 of Plats at Page 44, Official Records Fresno County, more particularly described as follows:

Beginning at the southeast corner of Lot 1 of said Walling Tract, said point also being the southeast corner of Parcel A of Lot Line Adjustment No. 2012-10, City of Fresno, and recorded as Document No. 2012-0119862, Official Records Fresno County; thence S 89°53'00" W, along the south line of said Parcel A, a distance of 48.96 feet, more or less, to the southwest corner of said Parcel A; thence S 00°09'00" W, along the southerly prolongation of the west line of said Parcel A, a distance of 16.00 feet to a point on the north line of Lot 4 of said Walling Tract; thence N 89°53'00" E, along the north line of said Lot 4, a distance of 48.77 feet, more or less, to the northeast corner of said Lot 4; thence N 00°50'00" E, along the northerly prolongation of the east line of said Lot 4, a distance of 16.00 feet, to the Point of Beginning.

Containing an area of 782 square feet, more or less.

End of Description

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: \_\_\_\_\_

Frank J. Mungia, RCE 26317

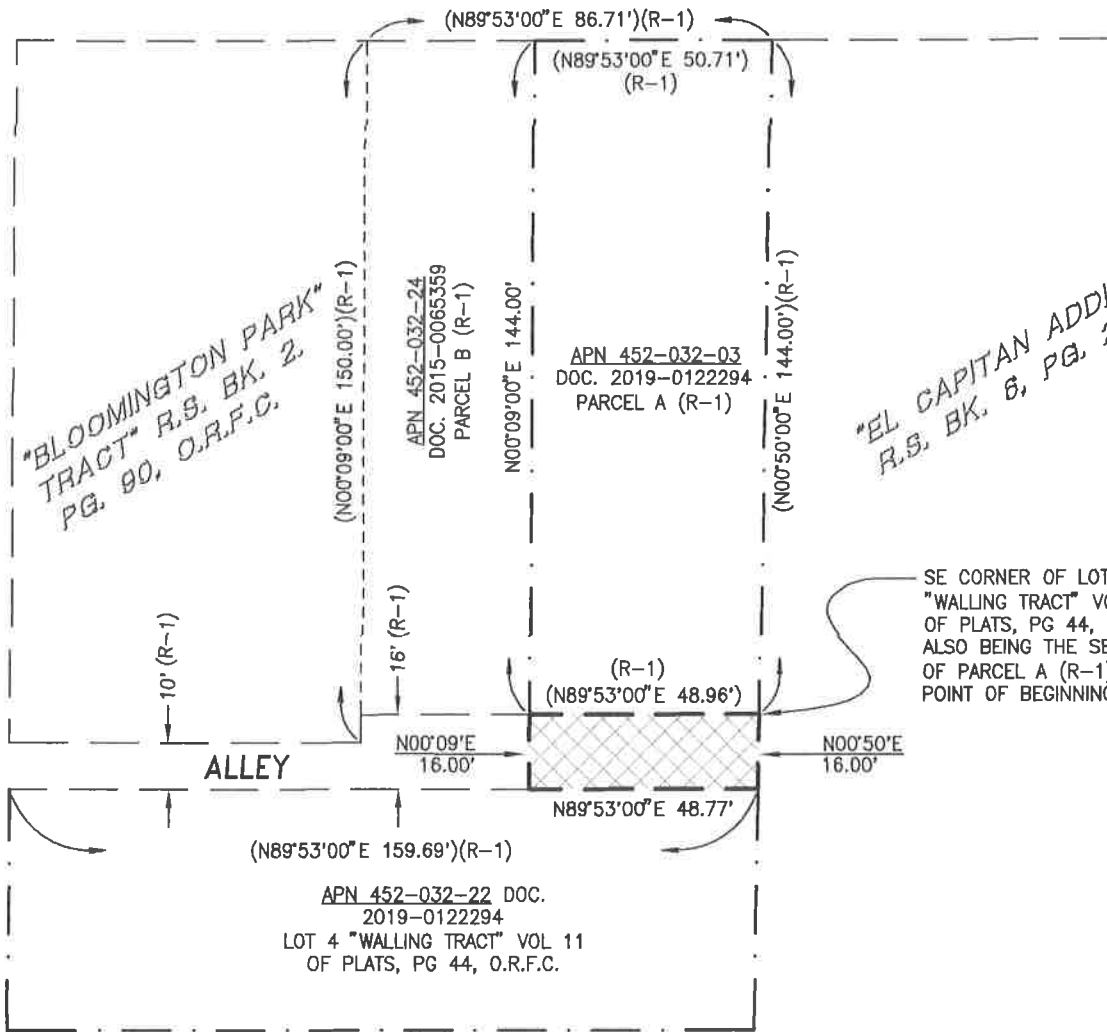
Date: February 1, 2022



# EXHIBIT "B"

EAST OLIVE AVENUE

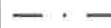
NORTH BROADWAY AVENUE



## LEGEND:



INDICATES AREA TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT.



SUBJECT PARCEL BOUNDARY.



RIGHT OF WAY

(R-1)

RECORD DATA PER LOT LINE ADJUSTMENT No. 2012-10, DOC. No. 2012-0119862, O.R.F.C.

APN:

452-032-03

OWNER:

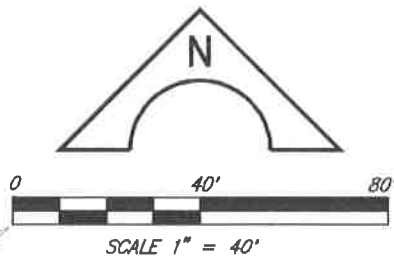
JUAN ALVAREZ MACIAS

AREA:

782 SQUARE FEET ±.

O.R.F.C.

OFFICIAL RECORDS FRESNO COUNTY.



PUBLIC STREET RIGHT OF WAY TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT BY THE CITY OF FRESNO

ESP SURVEYING, INC.  
2598 N. MIAMI AVE.  
FRESNO, CA

Tel. 559.442.0883

Fax 559.442.0884

www.espls.com

DATE OF SURVEY	N/A
ESP JOB No.	22006
DRAWN BY	6335
DRAWN DATE	01/25/2022
REV 0	02/01/2022
SHEET	1_OF_1

**EXHIBIT "C"**  
**VACATION CONDITION OF APPROVAL**

1. A.T. & T. has existing facilities within the area proposed to be vacated. They are requesting a public utility easement be reserved over the entire area to be vacated. They will require 24 hour access to this public utility easement. If you have any questions concerning this condition, please contact Brian Weldon of A.T. & T. at (559) 548-0736.
2. Comcast has existing facilities within the area proposed to be vacated. They are requesting a public utility easement be reserved over the entire area to be vacated. They will require 24 hour access to this public utility easement. If you have any questions concerning this condition, please contact Cory Sue of Comcast at (559) 455-4221.
3. Fresno Metropolitan Flood Control District has no existing or proposed Master Plan facilities within this Drainage Area "RR". The District requires the Master Plan drainage patterns remain as designed for the proposed vacation area. Please contact Rick Lyons of FMFCD if you have any questions at (559) 456-3292.
4. Pacific Gas and Electric has existing facilities within the area proposed to be vacated. They are requesting a public utility easement be reserved over the entire area to be vacated. They will require 24 hour access to this public utility easement. If you have any questions concerning this condition, please contact Mike Galvan of P.G. E. at (559) 263-5649.