

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO VACATE THE WEST
LANSING-WEST DAKOTA AVENUE ALLEY, BETWEEN
NORTH WEBER AVENUE AND NORTH FELAND AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1115-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on May 11, 2017, 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 alley rights-of-way, situated within the City; and

WHEREAS, Craig Frantzich is requesting the vacation of the West Lansing-West Dakota Avenue alley between North Weber Avenue and North Feland Avenue as described in Exhibit "A" and as shown on Exhibit "B", which is attached and incorporated in this Resolution; and

WHEREAS, Craig Frantzich is requesting the proposed vacation and owns apporportion of the adjacent parcel affected by it; and

WHEREAS, the purpose of the vacation is to eliminate illegal dumping and allow the adjacent property owners to secure the alley; and

WHEREAS, the area proposed for vacation is a 20.00 foot wide alley as described in Exhibit "A" and as shown in Exhibit "B". The alley is located south of West Lansing Way and north of West Dakota Avenue, between North Weber Avenue and North Feland Avenue. This alley was dedicated as an easement in Block 2 of map of the Dakota Hi-Way Tract, recorded April 11, 1928 in Book 10 of Plat maps, at Page 91,

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: SGM

Resolution No.

Fresno County Records 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; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the rights-of-way proposed for vacation are unnecessary for present or prospective public alley purposes subject to the reservation of a public utility easement over the entire area to be vacated; 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, 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 the West Lansing-West Dakota Avenue alley between North Weber Avenue and North Feland Avenue as described in Exhibit "A" and as shown on Exhibit "B" is unnecessary for present and prospective public alley purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1115-D adopted by the Council on April 13, 2017, the public alley rights-of-way as described in Exhibit "A" and as shown on Exhibit "B", which is attached and incorporated herein, be and is hereby vacated and abandoned.

3. The City reserves the entire area to be vacated as a permanent

easement, to be used any time, to construct, maintain, operate, replace, remove and renew sanitary sewers, water mains, storm drains, and appurtenant structures in, upon, and over the public alley easements 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 alley rights-of-way to be vacated.

4. All work required by this public utility easement reservation shall be completed in compliance with City Standard Specifications and approved by the Public Works Department.

5. 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.

6. The City Clerk shall file a certified copy of the resolution for recordation in the Office of the Recorder of Fresno County, but not until the City Engineer determines that any work associated with the public utility easement reservation is accepted by the City.

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

* * * * *

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 _____ day of _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
Seth Mehrten
Deputy

Attachments: Exhibits "A" and "B"

PW File 12081

EXHIBIT "A"

Legal Description
Public Alley Right-of-Way Vacation


Alley of Block 2 of Dakota Hi-Way Tract, in the City of Fresno, County of Fresno, State of California, according to the map thereof, recorded in Book 10 of Plats, at Page 91, Fresno County Records, situated in the southeast quarter of the southwest quarter of the northeast quarter of Section 24, Township 13 South, Range 19 East, Mount Diablo Base & Meridian, according to the official plat thereof.

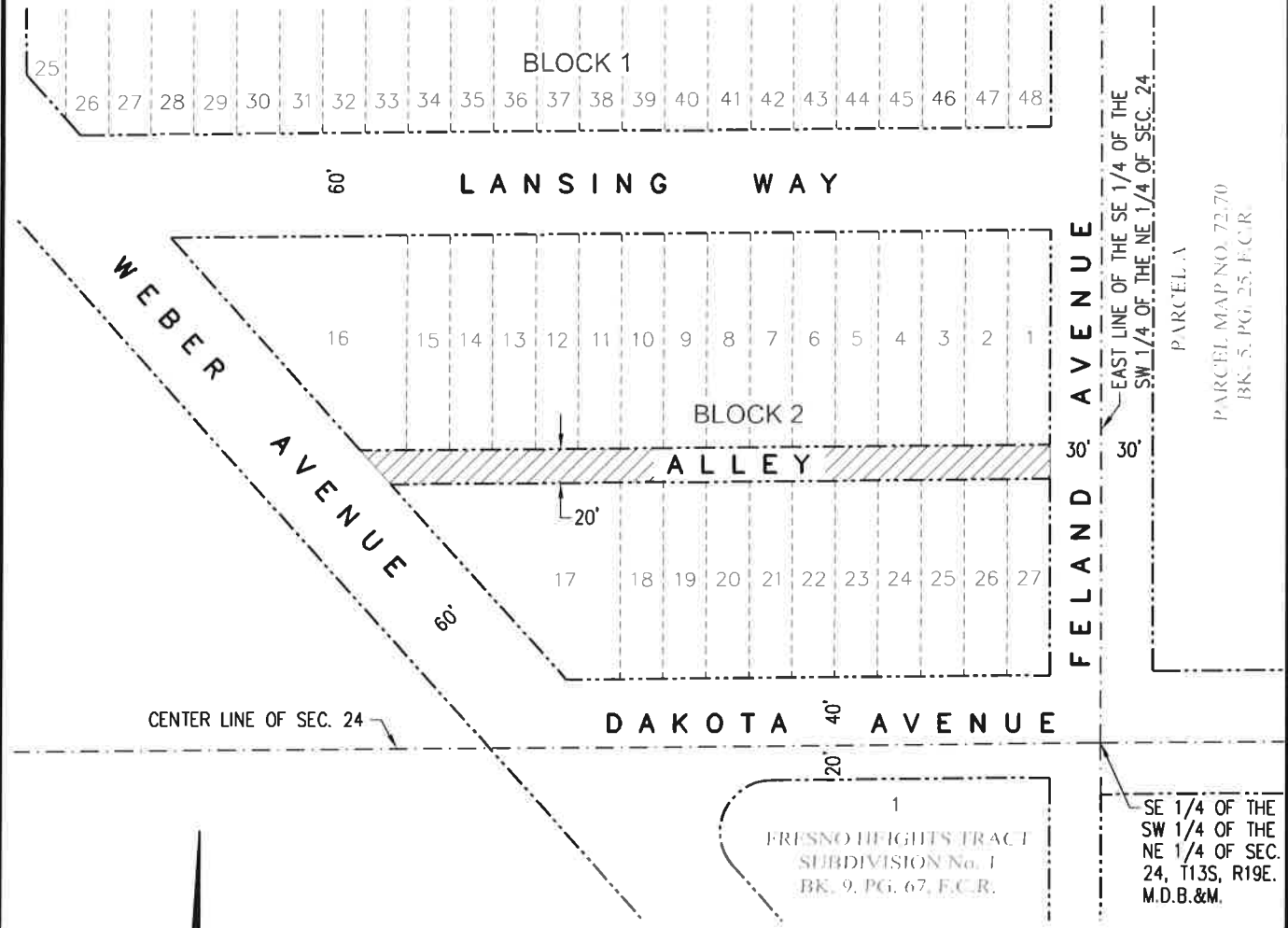


EXHIBIT "B"

ALLEY OF BLOCK 2 OF DAKOTA HI-WAY TRACT,
 IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE
 OF CALIFORNIA, ACCORDING TO THE MAP THEREOF
 RECORDED IN BOOK 10 AT PAGE 91 OF PLATS,
 FRESNO COUNTY RECORDS

LEGEND:

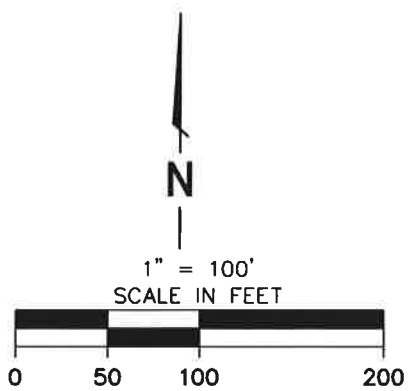
- SECTION LINE
- R-O-W LINE
- LOT LINE
-  AREA OF PUBLIC RIGHT-OF-WAY PROPOSED FOR VACATION



PARCEL A
 PARCEL MAP NO. 72,70
 BK. 5, PG. 25, F.C.R.

SE 1/4 OF THE
 SW 1/4 OF THE
 NE 1/4 OF SEC.
 24, T13S, R19E.
 M.D.B.&M.

1
 FRESNO HEIGHTS TRACT
 SUBDIVISION No. 1
 BK. 9, PG. 67, F.C.R.



REF. & REV. 2017- C-15 PLAT	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ RES TYPE _____ FUND NO. _____ ORG. NO. _____
	ALLEY TO BE VACATED AS PUBLIC RIGHT-OF-WAY	DR. BY <u>C.H.</u> CH. BY <u>J.D.</u> DATE <u>01-17-16</u> SCALE <u>AS SHOWN</u>
		SHEET NO. <u>1</u> OF <u>1</u> SHEETS 15-A-