

RESOLUTION NO. 1111-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE THE BROADWAY DIAGONAL BETWEEN "H" STREET AND BROADWAY PLAZA AND THE BROADWAY PLAZA - "H" STREET ALLEY BETWEEN MERCED STREET AND THE BROADWAY DIAGONAL

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of the Broadway Diagonal between "H" Street and Broadway Plaza and the Broadway Plaza - "H" Street alley between Merced Street and the Broadway Diagonal, as shown on Exhibit "A." A portion of the Broadway Diagonal right-of-way was dedicated in fee simple title by grant deed recorded May 9, 1967 in Book 5437, at Page 79, Official Records Fresno County. The remaining portion of the Broadway Diagonal right-of-way was dedicated in easement by deed recorded June 29, 1981 in Book 7754, at Page 797, Official Record Fresno County. The Broadway Plaza - "H" Street alley between Merced Street and the Broadway Diagonal is a 20-foot alley in Block 63 of the map of the Town of Fresno in Book 1 of Plats at Page 2, Fresno County Records, said exhibit 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 APEC International is requesting the proposed vacation; and

WHEREAS, the proposed vacation is to accommodate development proposed by Site Plan No. S-14-076. This development includes the rehabilitation of the historic Hotel Fresno with 10,005 square feet of retail space and the construction of a multi-story parking structure with 4,000 square feet of retail space;

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: SM

Resolution No.

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

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

1. The hour of 2:05 p.m. on November 17, 2016, 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 (Cal. Sts. & Hy. Code, § 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 street 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 November 17, 2016, hearing, the Council may proceed to make a final

determination, at the public hearing, that the public street be vacated as provided herein.

///

///

* * * * *

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 _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

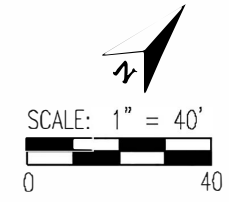
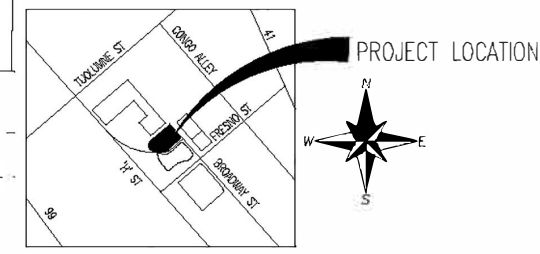
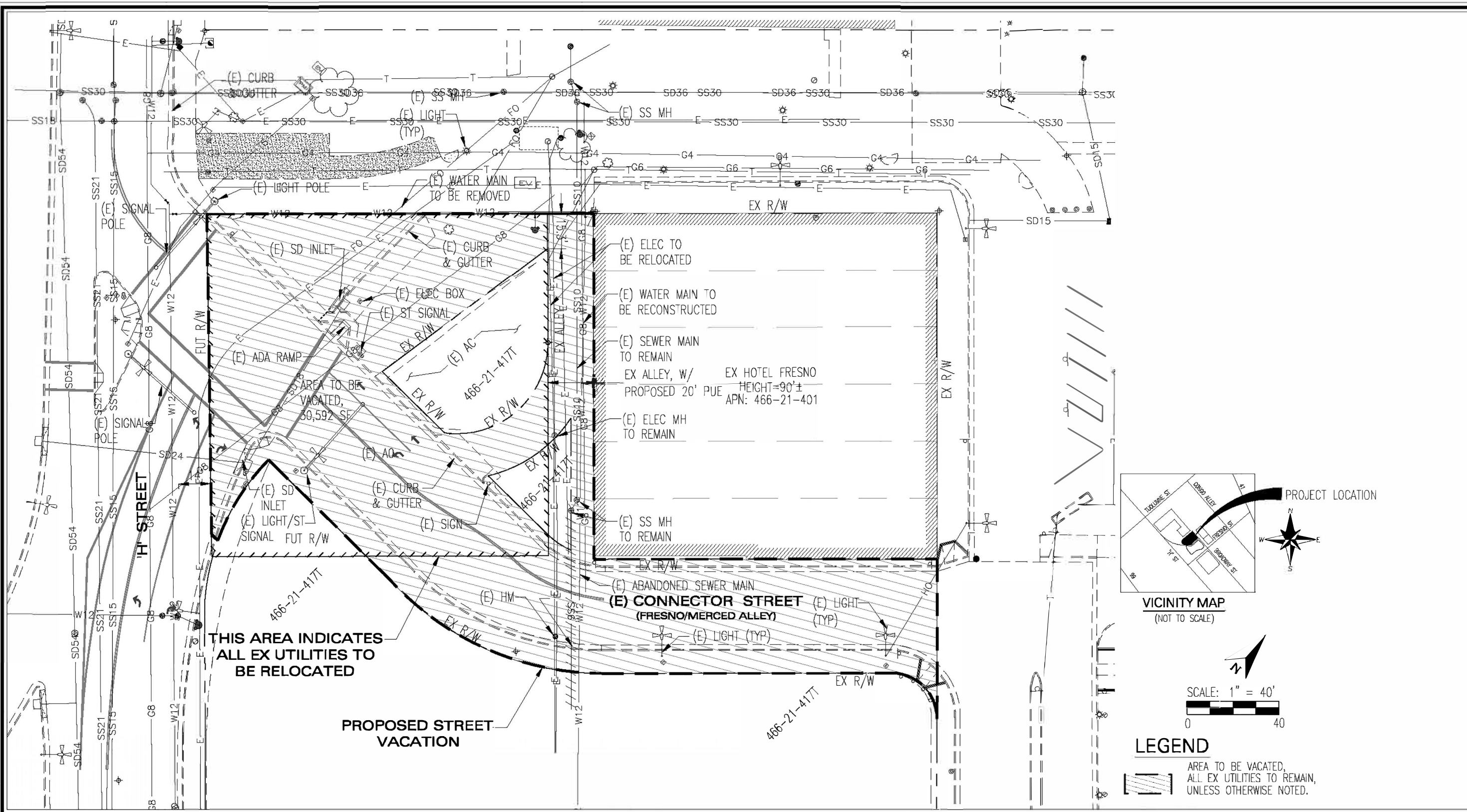
APPROVED AS TO FORM:

DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
Seth Mehrten
Deputy City Attorney

Attachments: Exhibits "A" and "B"
PW File No. 12066

DWG: D:\PROJECTS\2016\11601\Acad\Plans\Vacation Study\Land Vacation Exhibit_A1_1601.dwg USER: Hal DATE: Sep 08, 2016 11:44am



LEGEND
 AREA TO BE VACATED, ALL EX UTILITIES TO REMAIN, UNLESS OTHERWISE NOTED.

PROJECT TITLE: **FRESNO HOTEL**

SHEET TITLE: **EXHIBIT "A" - PROPOSED STREET RIGHT-OF-WAY VACATION**

LORE ENGINEERING, INC.
 620 DEWITT AVENUE, SUITE 101 CLOVIS, CA 93612
 (559) 297-5200 - TEL (559) 297-5205 - FAX

| | | | | | |
|----------|--------------|-----------|----------|----------|-----------|
| SCALE: | DESIGNED BY: | DRAWN BY: | DATE: | PROJECT: | SHEET NO: |
| AS SHOWN | HML | GNX | 09/07/16 | All1601 | EX1 |

EXHIBIT "B"
VACATION CONDITIONS

The following conditions must be met before the vacation resolution can be recorded:

1. Several utility companies and the City of Fresno have facilities in the alley, and in Tuolumne Street, therefore it is a requirement that a public utility easement (PUE) be reserved over the entire area being vacated. This will occur through the vacation process and requires no separate action by the Applicant. No structures will be allowed in the PUE.
2. The Broadway Diagonal Street will need to be closed to all public vehicular traffic. The method of this street closer will need to be approved and coordinated with the City of Fresno Public Works Traffic Division. For specific information please contact Andrew Benelli at (559) 621-8723.
3. "H" Street will need to be constructed for through traffic. The construction and removal of all street improvements to accommodate this condition will need to be coordinated with Brian Russell, City of Fresno Public Works manager. Brian can be reached at (559) 621-1309.