

RESOLUTION OF INTENT NUMBER 1133-D

A RESOLUTION OF INTENT OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF NORTH COLONIAL AVENUE AND WEST SAN JOSE AVENUE

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 North Colonial Avenue and West San Jose Avenue; and

WHEREAS, the area proposed for vacation as shown in Exhibit "A", said exhibit is 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 Assemi Group is requesting the proposed vacation; and

WHEREAS, the purpose of this vacation is to satisfy a condition of approval for Plan Amendment/Rezone Application No. P18-03659; and

WHEREAS, the Public Works Department, 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 shown in Exhibit "A" is unnecessary for present or prospective public street purposes subject to subject to the conditions of approval as listed in Exhibit "B" incorporated herein.

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

1. The hour of 10:00 a.m. on October 10, 2019, 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

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

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 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 October 10, 2019, 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 _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC, CRM
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
Raj SinghBadhesha
Senior Deputy City Attorney

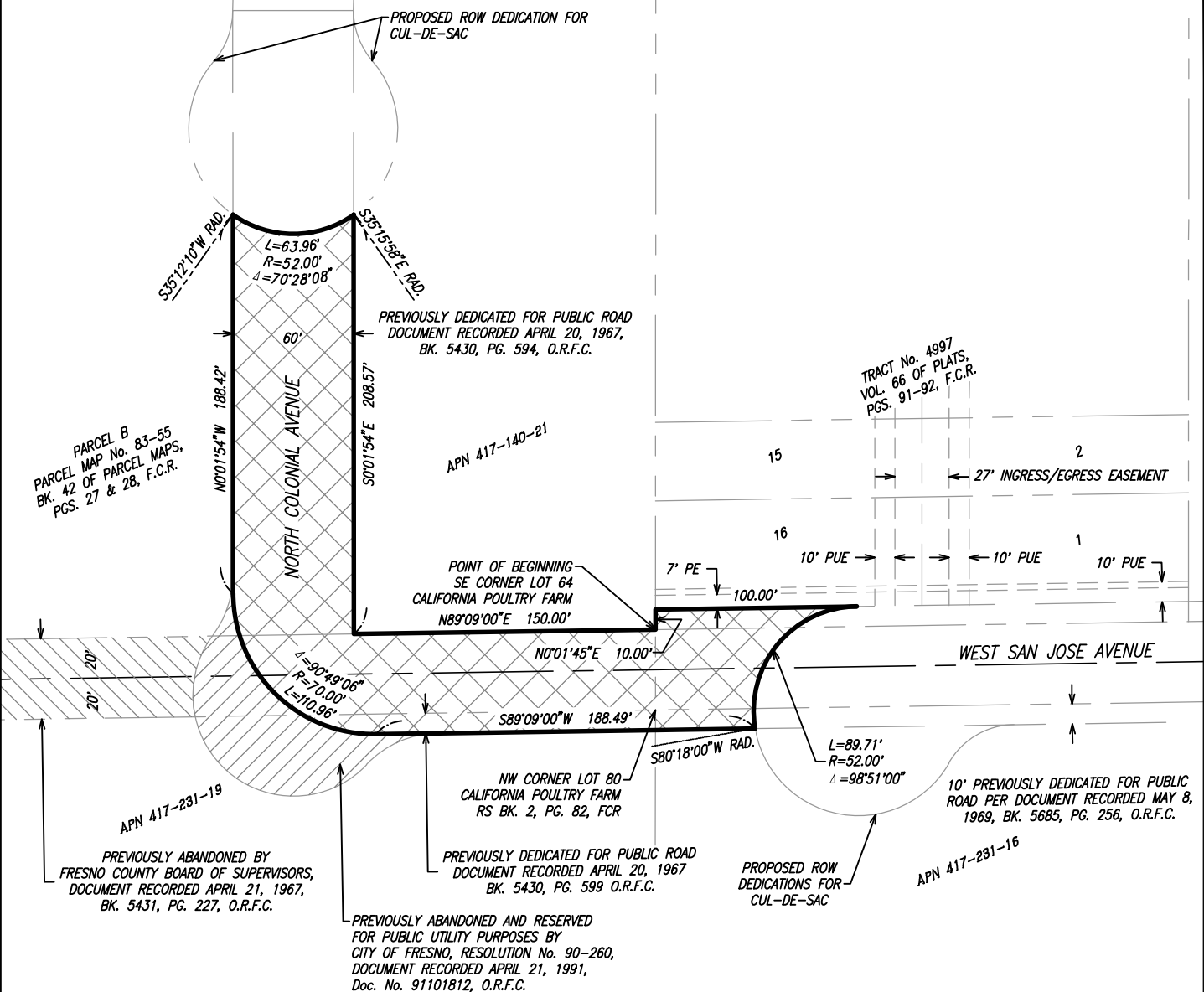
_____ Date

Attachments:
Exhibit "A" & "B"

PW File No. 12398

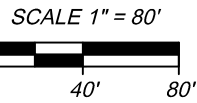
EXHIBIT "A"

P:\CIVIL 3D PROJECTS\2018\18-221 SURVEY AND MAPPING\SURVEY EXHIBITS\18-221 STREET VACATION 20181031.DWG 9/10/2019 4:15:09 PM



LEGEND

- BK. BOOK
- No. NUMBER
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY
- PE PUBLIC EASEMENT
- PG./PGS. PAGE/PAGES
- PUE PUBLIC UTILITY EASEMENT
- INDICATES AREA OF PUBLIC STREET TO BE VACATED
- AREA: 25,053 SQ.FT. MORE OR LESS



NOTE: THERE WILL BE FUTURE RIGHT OF WAY DEDICATIONS FOR THE CUL-DE-SACS

REF. & REV.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ KRA FUND NO. _____ RES TYPE _____ ORG. NO. _____	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
PORTIONS OF NORTH COLONIAL AVENUE AND WEST SAN JOSE AVENUE TO BE VACATED		DR. BY <u>RCJ</u> CH. BY <u>PDC</u> DATE <u>6/28/2019</u> SCALE <u>1" = 80'</u> JOB NO. <u>18-221</u>	

EXHIBIT "B"
VACATION CONDITIONS OF APPROVAL

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

1. A.T. & T. has existing facilities in the area proposed for vacation. They require that their facilities be located to determine if they will be impacted by this vacation prior to final approval. A.T. & T. is requiring easement(s) be reserved over the area proposed for vacation. Any relocation costs will be the responsibility of the developer. Please contact Lori Durgin at (559) 454-3624.
2. CenturyLink has existing facilities in the area proposed for vacation. They require that their facilities be located to determine if they will be impacted by this vacation prior to final approval. CenturyLink is requiring easement(s) be reserved over the area proposed for vacation. Any relocation costs will be the responsibility of the developer. Please contact Caleb King at (918) 547-0007. Please use reference file number 121409 CA.
3. Louise Gilio of the City's Traffic Management Division requires two cul-de-sacs be constructed per City standards, if approved by the Public Works Director. The applicant must relocate and install new utilities, as needed. The installation of full offsite improvements are required, as well as public street right of way dedications for said improvements. Additional conditions may apply once a site plan review has been completed. If you have any questions or concerns about the requirements please contact Louise at (559) 621-8678.
4. The City of Fresno Department of Utilities Water division an 8-inch water main exists in North Colonial Avenue and a 6-inch water main exists within West San Jose Avenue. The City of Fresno Water Division approves of the proposed closure, subject to one of the following conditions listed below:
 - a) Abandon the existing 8-inch and 6-inch water mains located in North Colonial and West San Jose Avenues within the boundaries of the proposed development.
 - b) Install an 8-inch water main in the easterly and northerly boundaries of the proposed development, from West San Jose Avenue to North Colonial Avenue.
 - c) A 20-foot easement, centered over the proposed 8-inch water main, shall be dedicated to the City of Fresno.
 - I. All public water facilities, such as water services/meters, fire hydrants or blow-offs shall be encompassed within said easement or relocated into City right-of-way at developer's expense.

- II. All water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No Trees shall be located within 8-feet of the water main. All water mains within an easement shall be clearly marked with signage above indicating the exact location and type of facility below.

 - III. In the event City damages any street, sidewalk, landscaping or other improvements in exercising reasonable care, use and enjoyment of the Temporary Water Main Easement, City shall not be obligated to restore any street, sidewalk, landscaping or other improvements so damaged. City shall have the right, without notice and at the property owner's expense, to remove from the Temporary Water Main Easement any building, fence, tree, or other encroachment not approved by City's Director of Public Utilities. The Temporary Water Main Easement shall be maintained by the property owner free of any surface obstructions, except for those that may be approved by City's Director of Public Utilities, so that City may have vehicular access to and through the Temporary Water Main Easement at all times.
- d) Destruct any existing on-site well in compliance with the State of California Well Standards, Bulletin 74-81 and 74-90 or current revisions issued by California Department of Water Resources and City of Fresno standards.
 - e) Engineered improvement plans prepared by a Registered Civil Engineer are required for proposed additions to the City Water System.
 - f) All Public water facilities shall be constructed in accordance with The Department of Public Works standards, specifications, and policies.

If you have any questions or concerns about the requirements please contact Robert Diaz at (559) 621-1623.

- 5. The City of Fresno Department of Utilities has an 8 inch sewer line within the area proposed to be vacated. This sewer line is serving several parcels to the north and therefore cannot be abandoned. An easement will have to be reserved for these facilities. The proposed building will need to be relocated. If the relocation of this building is not feasible, then the existing sewer line will need to be rerouted and new services shall be installed. Further design and review shall be needed prior to the approval of this vacation. Additional conditions may apply once a site plan review has been completed. If you have any questions or concerns about the requirements please contact Kevin Gray at (559) 621-8553.

6. The City of Fresno Street Maintenance requires disconnect and remove from their database and billing the following street lights (S.L. No. 39470 and S.L. No. 39858). If you have any questions, please contact David Row at (559) 999-6205.
7. The City of Fresno Street Planning Department requires proper signage placed at the entrance of San Jose Avenue and Palm Avenue. The neighboring community has expressed concerns about rerouted traffic through the adjacent condominiums. These concerns should be addressed. Pedestrian access gates should be made a condition of the entitlement process. These gates should be located at the cul-de-sac or at a location to be determined by the applicant in conjunction with City staff and the area residents. Additional conditions may apply once a site plan review has been completed. If you have any questions or concerns about the requirements please contact Mike Sanchez at (559) 621-8040.
8. That the City of Fresno does hereby 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 of a portion of N. Colonial Avenue and W. San Jose Avenue, as shown on the attached EXHIBIT. Any relocation of PG&E's electric or gas facilities will be at the expense of any developer. If you have any questions or concerns about the requirements please contact Mike Galvan at (559) 263-5649.
9. The Fresno Metropolitan Flood Control district has existing storm street drainage facilities within the area proposed for vacation. This area in the district's Area "DD". The district is requiring that the City reserve a 20.00 foot wide easement centered on their pipeline. No encroachments onto this easement will be allowed including, but not limited to, buildings, roof overhangs, swimming pools and trees. The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area. Any proposed revisions to existing District facilities must be approved by the District prior to implementation. If you have any questions or concerns about the requirements please contact Gary Chapman at (559) 456-3292.