

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF WEST DEVLAN AVENUE AND NORTH WEBER AVENUE NORTH OF THE SOUTHERN PACIFIC RAILROAD

WHEREAS, pursuant to Resolution of Intention No. 1129-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on May 16, 2019, 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 West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad, situated within the City; and

WHEREAS, Susan Flores is requesting the proposed vacation of a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad, as shown in Exhibit "A" which is attached and incorporated in this Resolution; and

WHEREAS the purpose of this vacation is to eliminate excess public street right-of-way; 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 proposed for vacation as shown in Exhibit "A" is unnecessary for present or prospective public street purposes subject to the conditions of approval as listed in Exhibit "B", 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, this action is being taken pursuant to the provisions of the Public

Streets, Highways, and Service Easements Vacation Law (Cal. Sts. & Hy. Code §§ 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 a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad, as shown in Exhibit "A" is unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of May 16, 2019, the public street easement as shown in Exhibit "A" be vacated.

3. The proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the conditions of approval listed in Exhibit "B", 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, 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 :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, MMC, CRM
City Clerk

BY: _____
Deputy

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

BY: _____
John Hastrup
Deputy City Attorney _____
Date

Attachment: Exhibits "A" and "B"
PW File No. 12359

EXHIBIT "B"
VACATION CONDITIONS

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

1. The proposed street vacation area lies within the Fresno Metropolitan Flood Control District's Drainage Area "EH". This portion of Devlan Avenue is located in an area that has historically provided a passage for major storm flows from the areas to the north and east of the proposed vacation area. As a condition of the vacation a passageway for major storm flows must be provided and a drainage channel easement shall be granted to the District. The size and type of drainage channel easement will need to be reviewed and approved by the District prior to implementation. Approximately 131 acres of land contribute to this major storm water flow location.

The District will need to review and approve any improvement plans associated with the vacation (i.e. grading plan and street plans), for conformance with the Master Plan drainage patterns prior to implementation.

2. The City of Fresno Street Maintenance Division requires a 6.00 foot wide public utility easement reserved for street light maintenance. If you have any questions or concerns about the requirements please contact Bill Shoemaker at (559) 621-1312.