

RESOLUTION NO. 1103-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE THE ALLEYS SOUTH OF EAST FRANKLIN AVENUE BETWEEN NORTH BROADWAY AVENUE AND STATE ROUTE FREEWAY 180

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of the alleys south of East Franklin Avenue between North Broadway Avenue and State Route Freeway 180 as shown on Exhibit "A", and described as that portion the 20 foot wide alley lying in Block 3 of Forthcamp Addition No. 2, recorded February 2, 1909, in Book 4 of Record of Surveys at Page 52, Fresno County Records, TOGETHER WITH that portion of the north 10 foot wide alley as shown on Map of North Park Extension, in Book 2 of Record of Surveys at Page 26, Fresno County Records, all lying northwesterly of State Route Freeway 180, 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 Belmont Congregation of Jehovah's Witness of Fresno is requesting the proposed vacation and owns the entire parcel affected by it; and

WHEREAS, the purpose of the vacation is to accommodate development as proposed by Conditional Use Permit (CUP) No. C-10-191.

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the right-of-way proposed for vacation is unnecessary for present or prospective public alley purposes subject to the reservation of a public utility easement over the

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

entire area being vacated 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 10:00 a.m. on April 14, 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 (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 April 14, 2016, hearing, the Council may proceed to make a final determination, at the public hearing, that the public alley be vacated as provided herein.

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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

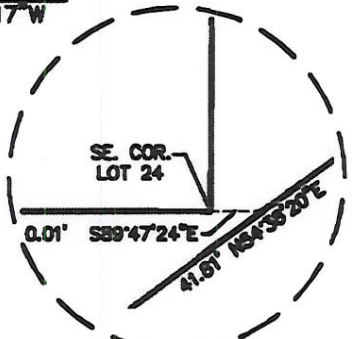
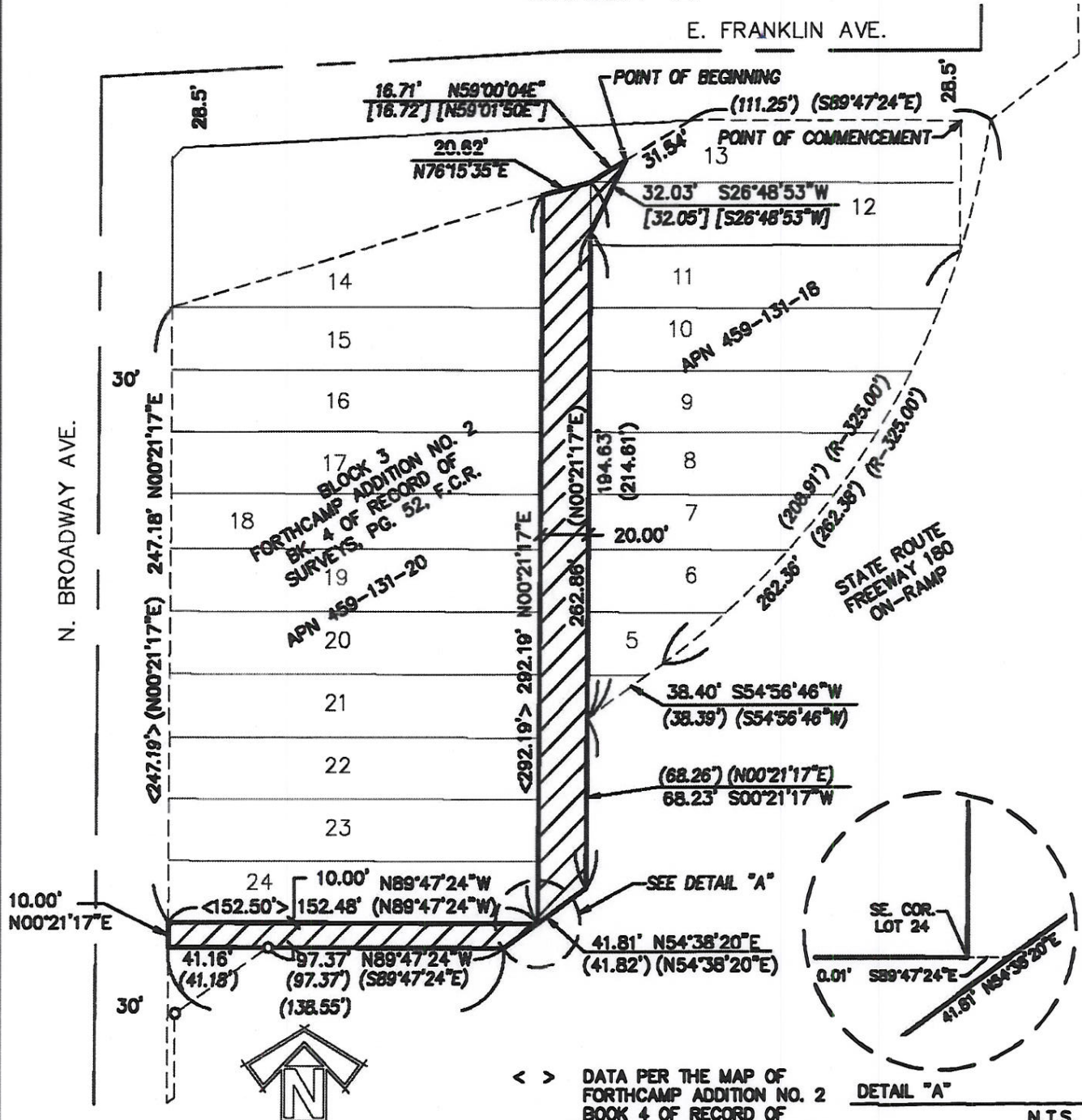
APPROVED AS TO FORM:

DOUGLAS T. SLOAN  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Raj Singh Badhesha  
Deputy

Attachment: Exhibits "A" & "B"  
PW File No. 11762

# EXHIBIT "A"



< > DATA PER THE MAP OF FORTH CAMP ADDITION NO. 2 BOOK 4 OF RECORD OF SURVEYS AT PAGE 52, F.C.R. N.T.S.

[ ] RECORD DATA PER INSTRUMENT No. 65332, RECORDED 7/14/1980 IN BOOK 7548, PAGE 471, OFFICIAL RECORDS OF FRESNO COUNTY

○ FOUND 1/4" IRON PIPE 6" DOWN, NO TAG

SCALE: 1" = 60'

( ) RECORDED DATA PER CALTRANS MAP IN DISTRICT 6, FRESNO COUNTY, ROUTE 180, POST MILE 57.2, SHEETS No. 15 & 16

▨ ALLEY TO BE ABANDONED. AREA = 7,348 SF

## EXHIBIT "A" ALLEY VACATION

**HARBISON INTERNATIONAL INC.,**  
ENGINEERS - SURVEYORS - PLANNERS

2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710

PHONE: (559) 294-7485 FAX: (559) 294-7481

**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, 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. The City's Department of Public Utilities requires unrestricted 24 hour access to the PUE by the City for maintenance of the existing water and sewer lines in the alley.
2. The City of Fresno Department of Public Utilities requires a 20 wide unobstructed easement to service a sanitary sewer line and manhole. This requires a 10 foot wide PUE to be dedicated and adjoining the north line of the 10 wide alley to be vacated and reserved as a PUE. No trees shall be located within 8 feet of the sewer main.
3. The City of Fresno requires a "No Right Turn" sign for the southwesterly bound traffic on the northwesterly side of Tulare Street, northeasterly from the alley being vacated. Applicant must coordinate the location and sign type with the City of Fresno's Traffic and Engineering Services Division.
4. The proposed gates must be installed and locks provided in such a way as to allow access to the gated area by Police, Fire, garbage collection, the City of Fresno, and utility agencies. The City will need written verification from those agencies that they are satisfied with the access provided.
5. The Applicant and the City must execute a Reciprocal Agreement for a Cross Access Easement for Vehicular and Pedestrian Access, Solid Waste Collection and Surface Water Drainage and have it ready to recorded.