

RESOLUTION NUMBER \_\_\_\_\_

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

WHEREAS, pursuant to Resolution of Intent Number 1133-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on October 10, 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 North Colonial Avenue and West San Jose Avenue, situated within the City; and

WHEREAS, The Assemi Group is requesting the proposed vacation of a portion of North Colonial Avenue and West San Jose Avenue, as described in Exhibit "A" and as shown in Exhibit "B" which is attached and incorporated in this Resolution; 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 proposed for vacation as described in Exhibit "A" and as shown in Exhibit "B" is unnecessary for present or prospective public street purposes subject to the conditions of approval as listed in Exhibit "C" incorporated herein; 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

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

follows:

1. The Council finds from all the evidence submitted that the vacation of a portion of North Colonial Avenue and West San Jose Avenue, as described in Exhibit “A” and as shown in Exhibit “B” is unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of October 10, 2019, the public street easement as described in Exhibit “A” and as shown in Exhibit “B” be vacated.

3. All work required by such conditions shall be completed in compliance with City Standard Specifications.

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: \_\_\_\_\_ Date  
Raj Singh Badhesha  
Deputy City Attorney

Attachment:  
Exhibits "A" through "C"  
PW File No. 12398

## Exhibit "A"

That portion of West San Jose Avenue and North Colonial Avenue in the Southwest quarter of Section 9, Township 13 South, Range 20 East, Mount Diablo Base and Meridian described as follows:

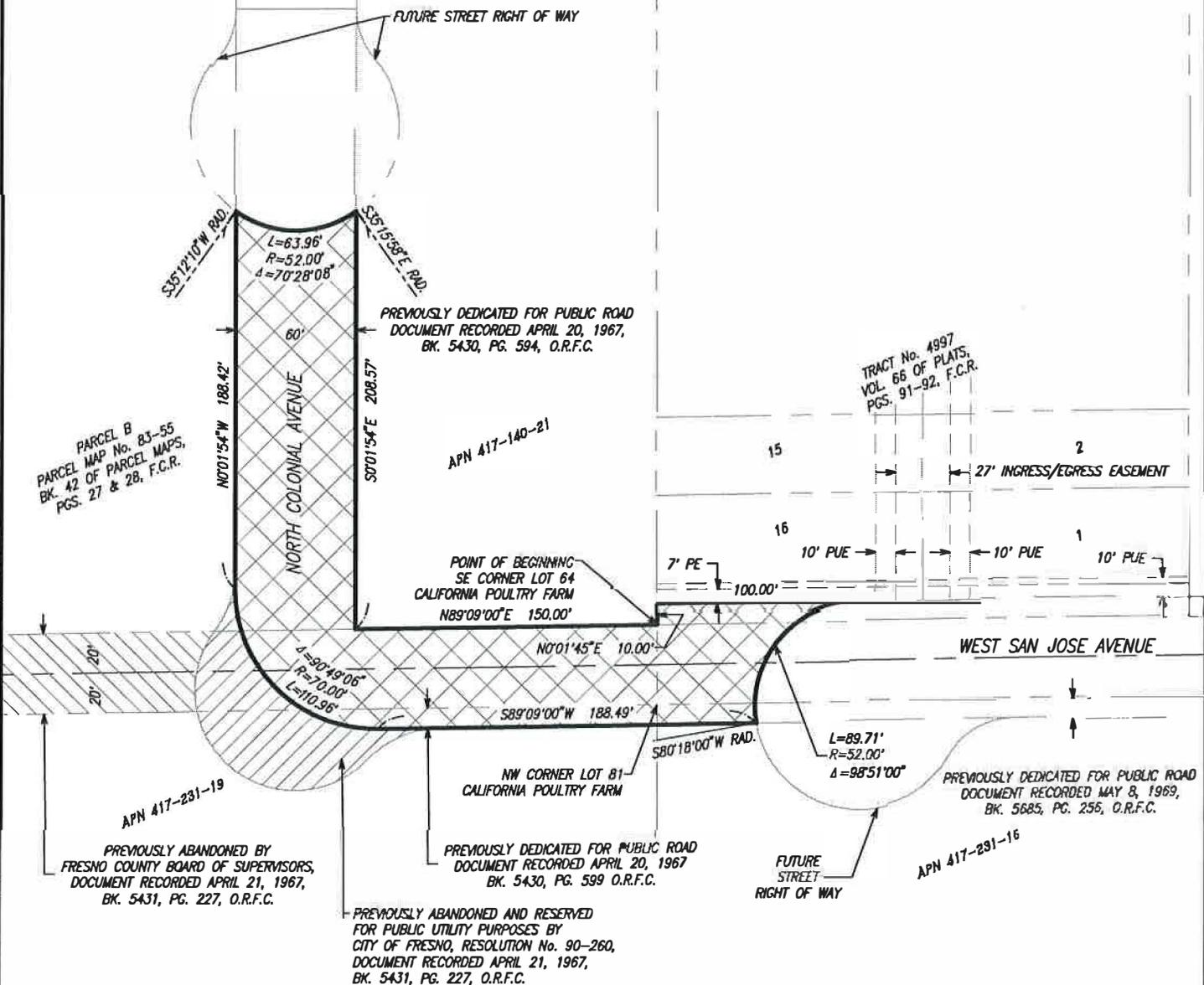
BEGINNING at the Southeast corner of Lot 64 of California Poultry Farm, recorded in Book 2 of Record of Surveys, Page 82, Fresno County Records, being a point on the north right of way line of West San Jose Avenue; thence North 00° 01' 45" East, along the east line of said Lot 64, a distance of 10.00 feet to the Southwest corner of Lot 16 of Tract No. 4997, recorded in Volume 66 of Plats, Pages 91 & 92, Fresno County Records; thence North 89° 09' 00" East, along the south line of said Lot 16, a distance of 100.00 feet to the cusp of a tangent curve concave to the southeast, having a radius of 52.00 feet; thence southwesterly along said curve, through a central angle of 98° 51' 00", an arc distance of 89.71 feet to a point on the south line of that certain easement granted to the County of Fresno for a public road in Grant Deed recorded May 8, 1969 in Book 5685, Page 256, Official Records Fresno County; thence South 89° 09' 00" West, along said south line and along the south line of that certain easement granted to the County of Fresno for a public road in Grant Deed recorded April 20, 1967 in Book 5430, Page 599, Official Records Fresno County, and along the boundary of that certain parcel abandoned by City of Fresno Resolution No. 90-260, recorded April 21, 1991 as Document No. 91101812, Official Records Fresno County, a distance of 188.49 feet to the beginning of a tangent curve concave to the northeast, having a radius of 70.00 feet; thence northwesterly along said curve and along the northeasterly boundary of said abandoned parcel, through a central angle of 90° 49' 06", an arc distance of 110.96 feet; thence North 00° 01' 54" West, along the westerly right of way of North Colonial Avenue and along the westerly line of that certain easement granted to the County of Fresno in Grant Deed for a public road recorded April 20, 1967 in Book 5430, Page 594, Official Records Fresno County, a distance of 188.42 feet to a point on a non-tangent curve concave to the north, having a radius of 52.00 feet, a radial to said point bears South 35° 12' 10" West; thence easterly along said non-tangent curve, through a central angle of 70° 28' 08", an arc distance of 63.96 feet to a point on the easterly line of said easement granted in Grant Deed recorded in Book 5430, Page 594; thence South 00° 01' 54" East, along said easterly line, a distance of 208.57 feet to a point on the south line of said Lot 64; thence North 89° 09' 00" East, along said south line, a distance of 150.00 feet to the Point of Beginning.

Contains an area of: 25,053 Sq. Ft., more or less.



# EXHIBIT "B"

P:\CIVIL 3D PROJECTS\2018\18-221\SURVEY AND MAPPING\SURVEY EXHIBITS\18-221 STREET VACATION 20181031.DWG 10/31/2018 3:12:56 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



*Peter D. Cohrs*



REF. & REV.

**CITY OF FRESNO**  
DEPARTMENT OF PUBLIC WORKS

PORTIONS OF NORTH COLONIAL AVENUE AND  
WEST SAN JOSE AVENUE TO BE VACATED

PROJ. ID. _____	KRA _____
FUND NO. _____	RES TYPE _____
ORG. NO. _____	
DR. BY <u>BCJ</u>	SHEET NO. <u>1</u>
CH. BY <u>PDC</u>	OF <u>1</u> SHEETS
DATE <u>10/31/2018</u>	
SCALE <u>1" = 80'</u>	
JOB NO. <u>18-221</u>	

**EXHIBIT "C"**  
**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.