

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO VACATE EAST TOWNSEND
AVENUE, SOUTH GARDEN AVENUE, AND EAST HEATON
AVENUE, LYING WEST OF SOUTH WINERY AVENUE IN
TRACT NUMBER 1552 – CAMPUS HOMESITES

WHEREAS, pursuant to Resolution of Intention No. 1144-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on January 13, 2021, 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 East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 – Campus Homesites, situated within the City; and

WHEREAS, Fresno Pacific University is requesting the proposed vacation of East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 – Campus Homesites, described in Exhibit A and as shown on Exhibit B, which are attached and incorporated in this Resolution; and

WHEREAS the purpose of this vacation is to incorporate those areas into the University's daily use; and

WHEREAS, the Traffic and Engineering Services Division, 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 on Exhibit B are unnecessary for present or prospective public street purposes subject to the conditions of approval as listed in Exhibit C, said exhibits are 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

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

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 East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 – Campus Homesites, as described in Exhibit A and as shown on Exhibit B are unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of January 13, 2021 the public street easement as described in Exhibit A and as shown on Exhibit B 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 C, 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, TODD STERMER, 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 _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney

Attachments:
Exhibit A – Street Easement Vacation Legal Description
Exhibit B – Street Easement Vacation
Exhibit C – Vacation Condition of Approval

Exhibit "A"
Street Easement Vacation
Legal Description

South Garden Avenue

A portion of East Heaton Avenue and East Townsend Avenue


The land referred to herein is situated in the City of Fresno, County of Fresno, State of California and described as follows:

Those portions of South Garden Avenue, East Heaton Avenue and East Townsend Avenue, all being 60.00 feet wide, lying westerly of the West right-of-way line of South Winery Avenue, a 60.00 foot wide avenue, and lying adjacent to Lots 53 through 79 of the Map of Tract No. 1552 "Campus Homesites" according to the map recorded in Volume 18 of Plats, at Page 76, Fresno County Records.

The above-described vacation is graphically depicted on the attached Exhibit "B" and made a part of this description by reference thereto.

END DESCRIPTION

This legal description was prepared by me, or under my direction, in accordance with the Professional Land Surveyors' Act.

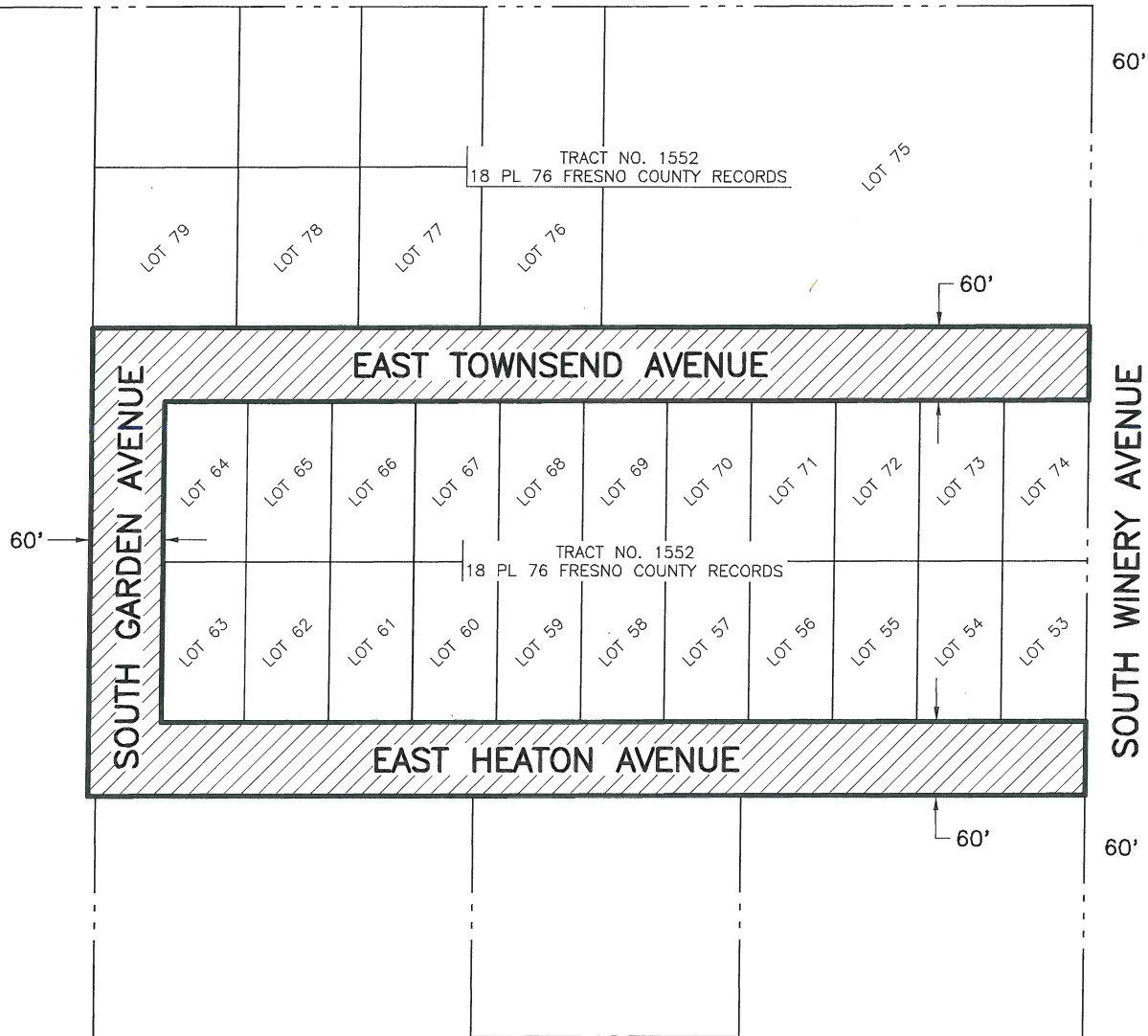


Analisa Raquel Gonzales, PLS 9496
Blair, Church & Flynn

November 17, 2021
Date



EAST BUTLER AVENUE



0 150 300
SCALE IN FEET

OWNER:

FRESNO PACIFIC UNIVERSITY
1717 CHESTNUT AVENUE
FRESNO, CA 93702



AREA TO BE VACATED
±113833 S.F./ 2.61 AC.



11/17/21
Date Signed:

REF. & REV.
PW FILE NO. _____
PLAT NO. _____

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PROJ. ID. _____
FUND NO. _____
ORG. NO. _____

EXHIBIT "B"
STREET EASEMENT VACATION
S. GARDEN AVE., E. HEATON AVE. & E. TOWNSEND AVE.

DRAWN BY: DRG
CHECKED BY: ARG
DATE: 11/17/21
SCALE: 1"=150'

SHEET NO. 1
OF 1 SHEETS

EXHIBIT "C"
VACATION CONDITION OF APPROVAL

1. The City's Traffic Management Division requires that a Site plan be submitted for further analysis. If you have any questions or concerns about the requirements please contact Louise at (559) 621-8678.
2. Pacific Gas and Electric Company is requesting that a permanent easement be reserved for their existing facilities. If you have any question regarding this condition, please contact Doug Snyder of P.G. & E. at (661) 398-5902.
3. Comcast has existing facilities in this area. They are requesting coordination to ensure that their facilities are not being affected. Please contact Cory Sue of Comcast at (559) 455-4221.
4. The City of Fresno Water Division requires that all on-site water facilities shall be private. Developer shall be financially responsible for the abandonment of the existing 6 inch water mains, public fire hydrants and meters located in East Townsend Avenue, South Garden Avenue, and East Heaton Avenue. If you have any question regarding this condition, please contact Robert Diaz at (559) 263-1623.
5. The City Fire department has reviewed this proposed street vacation and has the following comments. The current water main infrastructure is 6 inch and supplies water to multiple single family home lots (all but one owned by the University) that are currently used for student housing as well as several campus buildings. The main also supplies 4 public fire hydrants and three fire sprinkler services. Planning has not seen any master plan on what the University proposes to construct south of E. Townsend, but unless they are proposing to immediately demolish all the houses, water services need to be maintained for domestic water to the houses and university buildings and fire protection. Any proposal to continue to use the 6 inch water service infrastructure would require the installation of 6 inch master meters at the two points of connection in South Winery Avenue and normally the installation of reduced pressure backflow devices after each meter as commercial buildings are being served. This would severely affect fire flow for fire hydrants and not provide adequate pressure to meet the original designs of the 3 fire sprinkler systems due to the 10-11 psi pressure drop in a reduced pressure backflow device. In order to maintain adequate fire protection pending unknown demolition timelines, the options are to install a new dedicated fire service water main for the fire hydrants and fire sprinkler systems or negotiate with the Water Division on accepting the reduced pressure devices on the existing "commercial" domestic services (or if not currently present, install same) in lieu of installing master RPs on each connection in South Winery Avenue. Additional backflow protection could be provided with installation of a 6 inch testable double check assembly (non-reduced pressure, Wilkins 350A or equivalent) after each master meter which have a significantly lower pressure drop than RP devices and will have

minimal impact on fire hydrant flow and fire sprinkler demand. If you have any questions regarding this condition, please contact Byron Beagles at (559) 621-4112.

6. The proposed street vacation area lies within the Fresno Metropolitan Flood Control District's Drainage Area "A". The District has existing storm drainage facilities within the area of the proposed vacation as detailed on the exhibit provided to the District. The District's facilities are shown on the included Exhibit No. 1. The District is requiring that the applicant retain a public utility easement or provide the District with a fifteen-foot (15') wide exclusive storm drainage easement centered on the pipeline. No encroachments into the 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 reviewed and approved by the District prior to implementation. If you have any questions regarding this matter, please do not hesitate to contact Gary Chapman at (559) 456-3292.
7. The City of Fresno Planning and Development Department require that all lots have frontage on a public street, except under the following circumstances:
 - a) Adequate internal circulation is provided by a private street or streets in an approved Planned Unit Development. Private streets are prohibited except where approved as part of a Planned Unit Development or otherwise approved by the City Council. All widths and alignments of private streets shall be shown on any precise or other plan of streets adopted by the City Council and shall conform to the private street details and development criteria of the Standard Drawings and Standard Specifications. Private streets that serve multi-family units shall comply with Section 15-4105, Lot Access;
 - i. If existing single family residential lots are to remain, then conversion of the existing public streets into private streets must occur through a Planned Unit Development or City Council approval prior to or concurrent with the proposed vacation of the public street.
 - ii. Alternatively, merge all single family and/or convert to on-campus housing through approval of a Development Permit Application with the Planning and Development Department prior to the vacation of the public streets.
 - b) Reserve easements as necessary for the existing utilities, facilities, etc.

If you have any question regarding this condition, please contact Will Tackett at (559) 621-8679.
8. The City of Fresno Solid Waste Division requires that the access to the location for solid waste services be maintained. If you have any question regarding this condition, please contact Su Fang at (559) 621-1824.

9. The City of Fresno Engineering Services Division requires that street improvement plans be submitted for review and approval for any improvements in the public street right of way associated with this project at South Winery Avenue. If you have any question regarding this condition, please contact Francisco Magos at (559) 621-8679.

PW File 12513