

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ORDERING THE VACATION OF PORTIONS OF EAST THOMAS AVENUE AND THE THOMAS-HARVEY ALLEY, BOTH BETWEEN NORTH ORCHARD AVENUE AND STATE ROUTE FREEWAY 41, AND NORTH ORCHARD AVENUE BETWEEN EAST THOMAS AVENUE (TO THE EAST) AND STATE ROUTE FREEWAY 41

WHEREAS, pursuant to Resolution of Intention No. 1100-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on August 20, 2015, at a regular meeting of the Council of the City of Fresno, California (the City), at which evidence was heard for and against the vacation of the hereinafter described public street and alley rights-of-way, situated within the City; and

WHEREAS, the City's Parks, After School, Recreation and Community Services (PARCS) Department is requesting the vacation of portions of East Thomas Avenue and the Thomas-Harvey Alley, both between North Orchard Avenue and State Route Freeway 41, and North Orchard Avenue between East Thomas Avenue (to the east) and State Route Freeway 41, as described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation is to eliminate the public rights-of-way and incorporate the area into Frank Romain Playground Park to accommodate proposed improvements to the park; and

WHEREAS, East Thomas Avenue and the Thomas-Harvey Alley, both between North Orchard Avenue and State Route Freeway 41, and the west half of North Orchard

Avenue, were dedicated as easements for public street or public alley purposes by the map of Fresno Home Addition recorded in Volume 1 of Plats at Page 54, Fresno County Records. The east half of North Orchard Avenue was dedicated as an easement for public street purposes by the map of Union Addition recorded in Volume 1 of Plats at Page 61, Fresno County Records; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the rights-of-way proposed for vacation are unnecessary for present or prospective public street or public alley purposes subject to the reservation of a public utility easement over the area described in Exhibit "C" and shown on Exhibit "D", and the conditions listed on Exhibit "E", said Exhibits are attached and incorporated in this resolution; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 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 portions of East Thomas Avenue and the Thomas-Harvey Alley, both between North Orchard Avenue and State Route Freeway 41, and North Orchard Avenue between East Thomas Avenue (to the east) and State Route Freeway as described in Exhibit "A" and shown on Exhibit "B", is unnecessary for present and prospective public street or alley purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1100-D adopted by the Council on July 16, 2015, the public street and public alley rights-of-way as described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated herein, be and are hereby vacated and abandoned.

3. The City reserves a portion of the area to be vacated as a permanent easement, to be used any time, to construct, maintain, operate, replace, remove and renew sanitary sewers, water mains, storm drains, and appurtenant structures in, upon, and over the public street easement proposed to be vacated and, pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia and water, and for incidental purposes, including access to protect such works from all hazards in, upon, and over the public street right-of-way to be vacated. The area to be reserved pursuant to this paragraph is described in Exhibit "C" and shown on Exhibit "D", which are attached and incorporated herein.

4. All proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the conditions listed herein. All work required by such conditions shall be completed in compliance with City Standard Specifications and approved by the Public Works Department.

5. 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.

7. The City Clerk shall file a certified copy of the resolution for recordation in the Office of the Recorder of Fresno County, but not until the City Engineer determines that the conditions listed in Exhibit "E", which is attached and incorporated herein, have been satisfied and the required conditions are accepted by the City.

8. This vacation shall become effective on the date this resolution is recorded.

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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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
Raj Singh Badhesha [Date]
Deputy

Attachments: Exhibits "A" through "E"

PW File 11845

EXHIBIT "A"

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Area to be vacated

A portion of Orchard Street (formally Muller Avenue or Street) as shown on the maps of Fresno Home Addition, recorded in Volume 1 of Plats at Page 54, Fresno County Records, and Union Addition, recorded in Volume 1 of Plats at Page 61, Fresno County Records, together with a portion of Thomas Street as shown on the map of said Fresno Home Addition, also together with a portion of the 16 foot wide alley lying in Block 2 of said Fresno Home Addition, said portions being more particularly described as follows:

BEGINNING at the northeast corner of Lot 25 in Block 3 of said Fresno Home Addition; thence N 89°40'45" W, along the north line of Lots 25 through 29, inclusive, in said Block 3, also being the south line of said East Thomas Street, a distance of 113.46 feet to the easterly right-of-way line of State Route Freeway 41 as shown on the unrecorded Caltrans District 6 right-of-way maps of State Route Freeway 41, Post Mile R24.22, Sheet No. 76B and Post Mile R24.53, Sheet No. 78; thence N 6°39'56" E, along said easterly right-of-way line, a distance of 60.37 feet to the south line of Lot 20 in Block 2 of said Fresno Home Addition; thence S 89°40'45" E, along the south line of Lots 20 through 24, inclusive, in said Block 2, also being the north right-of-way line of said East Thomas Avenue, a distance of 106.93 feet to the southeast corner of said Lot 24; thence N 0°27'12" E, along the east line of said Lot 24, also being the west right-of-way line of said North Orchard Avenue, a distance of 149.92 feet to the northeast corner of said Lot 24; thence N 89°40'29" W, along the north line of Lots 24 through 21, inclusive, in said Block 2, also being the south line of the alley lying in said Block 2, a distance of 86.75 feet to a point on said easterly right-of-way line of State Route Freeway 41, said point being on the arc of a non-tangent curve concave southeasterly and having a radius of 700.00 feet, a radial to said point bears N 66°51'56" W; thence northeasterly, along the arc of said curve and along said easterly right-of-way line, through a central angle of 1°25'42", an arc distance of 17.45 feet to a point of the south line of Lot 28 in said Block 2; thence S 89°40'29" E, non-tangent to last said curve and along the south line of Lots 28 through 25, inclusive, in said Block 2, also being the north line of said alley, a distance of 79.83 feet to the southeast corner of last said Lot 25; thence N 0°27'12" E, along the east line of last said Lot 25, also being the west right-of-way line of said North Orchard Avenue, a distance of 135.07 feet to a point on said easterly right-of-way line of State Route Freeway 41, said point being on the arc of a non-tangent curve concave southeasterly and having a radius of 700.00 feet, a radial to said point bears N 52°33'21" W; thence northeasterly, along the arc of said curve and along said easterly right-of-way line, through a central angle of 0°14'35", an arc distance of 2.97 feet; thence N 37°41'14" E, along said easterly right-of-way line, a distance of 96.20 feet to the west line of Block 2 of said Union Addition; thence S 0°27'12" W, along the said west line, also being the east right-of-way line of North Orchard Avenue, a distance of 439.50 feet to a line that is parallel with and 30.00 feet north of the south line of last said Block 2, said parallel line being the north right-of-way line of that portion of East Thomas Avenue dedicated for public street purposes by City of Fresno Resolution No. 3859

Continued on next page

EXHIBIT "A"

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recorded March 31, 1954, as Document No. 19938 in Book 3425 at Page 110, Official Records of Fresno County; thence S 89°25'40" E, along said parallel line, a distance of 0.12 feet to a point of cusp of a tangent curve concave southeasterly and having a radius of 60.00 feet; thence southwesterly, along the arc of said curve, through a central angle of 90°07'08", an arc distance of 94.37 feet to a point of cusp on the east line of Lot 25 in Block 3 of said Fresno Home Addition, also being the west right-of-way line of said North Orchard Avenue; thence N 0°27'12" E, along last said east line and tangent to last said curve, a distance of 59.56 feet to the POINT OF BEGINNING.

Contains an area of 32,719 square feet, more or less.



6/4/15

EXHIBIT "B"



INDICATES AREA PROPOSED
TO BE VACATED (32,719 S.F. ±)

NOTE:
DATA SHOWN WAS DERIVED FROM
VARIOUS STATE HIGHWAY RIGHT-OF-
WAY MAPS OF FREEWAYS 41 AND 180.

R=700.00'
D=0°14'35"
L=2.97'

N 52°33'21" W
RADIAL

28

27

26

25

BLOCK 2

16' ALLEY

R=700.00'
D=1°25'42"
L=17.45'

N 66°51'56" W
RADIAL

R=700.00'
D=1°08'39"
L=13.98'

FRESNO HOME
ADDITION

APN 452-252-24T

STATE ROUTE FREEWAY 41

FREEWAY RIGHT-OF-WAY LINE
N 6°39'56" E 137.83'

20

21

22

23

24

N 6°39'56" E 60.37'

E. THOMAS AVE.

POINT OF BEGINNING

VOL. 1, PG. 54
OF PLATS, F.C.R.

BLOCK 3

29

28

27

26

25

APN 452-331-37T

N 0°27'12" W
S 0°27'12" W

NORTH ORCHARD AVENUE

S 0°27'12" W 439.50'

SEE DETAIL "A"

E. THOMAS AVE.

SOUTH LINE OF BLOCK 2 OF UNION ADDITION

DETAIL "A"
NO SCALE

NORTHWEST CORNER OF THE SOUTH
30.00' OF BLOCK 2 OF UNION ADDITION

R=60.00'
D=90°07'08"
L=94.37'

E. THOMAS AVE.



6/4/15

36

35

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* = DEDICATED FOR PUBLIC STREET PURPOSES BY CITY OF
FRESNO RESOLUTION NO. 3859 RECORDED 3/31/1954 AS
DOCUMENT NO. 19938 IN BOOK 3425 AT PAGE 110, O.R.F.C.

PW FILE 11845

EXHIBIT "C"

Area to be vacated as public street and reserved as a public utility easement.

A portion of Orchard Street (formally Muller Avenue or Street) as shown on the maps of Fresno Home Addition, recorded in Volume 1 of Plats at Page 54, Fresno County Records, and Union Addition, recorded in Volume 1 of Plats at Page 61, Fresno County Records, said portion being more particularly described as follows:

BEGINNING at the northeast corner of Lot 25 in Block 3 of said Fresno Home Addition; thence S 89°40'45" E, along the easterly prolongation of the north line of Lots 25 through 29, inclusive, in said Block 3, a distance of 40.00 feet to a line that is parallel with and 20.00 feet west of the west line of Block 2 of said Union Addition; thence N 0°27'12" E, along said parallel line, a distance of 413.54 feet to the easterly right-of-way line of State Route Freeway 41 as shown on the unrecorded Caltrans District 6 right-of-way maps of State Route Freeway 41, Post Mile R24.22, Sheet No. 76B and Post Mile R24.53, Sheet No. 78; thence N 37°41'14" E, along said easterly right-of-way line, a distance of 33.05 feet to the west line of Block 2 of said Union Addition; thence S 0°27'12" W, along the said west line, also being the east right-of-way line of North Orchard Avenue, a distance of 439.50 feet to a line that is parallel with and 30.00 feet north of the south line of last said Block 2, said parallel line being the north right-of-way line of that portion of East Thomas Avenue dedicated for public street purposes by City of Fresno Resolution No. 3859 recorded March 31, 1954, as Document No. 19938 in Book 3425 at Page 110, Official Records of Fresno County; thence S 89°25'40" E, along said parallel line, a distance of 0.12 feet to a point of cusp of a tangent curve concave southeasterly and having a radius of 60.00 feet; thence southwesterly, along the arc of said curve, through a central angle of 90°07'08", an arc distance of 94.37 feet to a point of cusp on the east line of Lot 25 in Block 3 of said Fresno Home Addition, also being the west right-of-way line of said North Orchard Avenue; thence N 0°27'12" E, along last said east line and tangent to last said curve, a distance of 59.56 feet to the POINT OF BEGINNING.

Contains an area of 9,283 square feet, more or less.

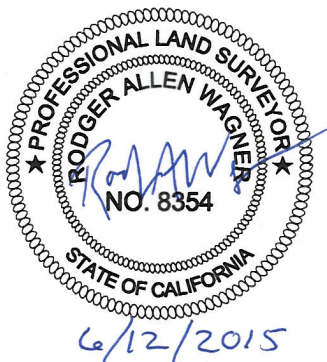


EXHIBIT "E"

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 proposed vacation area, 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. Gates need to be locked in a manner that will provide unrestricted 24 hour access to all utility agencies and the City of Fresno Department of Public Utilities.
2. The Department of Public Utilities (DPU) states that there is an existing 6 inch water main, gate valve and fire hydrant existing within the proposed vacation area and require that the Applicant abandon the 6 inch water main within the area proposed to be vacated, and 2) relocate the fire hydrant from the northeast corner of East Thomas Avenue and North Orchard Street to outside of the area proposed to be vacated.
3. The Fresno Fire Department reviewed this project only for requirements related to water supply, fire hydrants and fire apparatus access to the building(s) on site. They require that the Applicant provide: 1) approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch modal 1W7B2) on drive access gate(s); and 2) unobstructed access to the fire hydrant at the northeast corner of East Thomas Avenue and North Orchard Street at all times. The Fire Department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. A 3 foot clear space shall be maintained around the circumference of fire hydrants.
4. The City of Fresno's Street Department states that there are two street lights on joint poles along the east side of Orchard in the proposed vacation area, one at the Thomas-Harvey Alley and one at the north end of Orchard (it appears that the one at Thomas will still be in un-vacated right-of-way). They require that the Applicant either; 1) remove the street lights and notify PG&E (contact Streets to find out where to salvage them to), or 2) if the intention is to keep the lights, contact PG&E to convert them from the roadway lighting rate.
5. The City of Fresno's Traffic and Engineering Services Division requires that the Applicant: 1) remove all public improvements from the area to be vacated and salvage all utilities, signage, etc. to the appropriate departments; and 2) construct full offsite improvements across Orchard along the frontage of the new alignment on the north side of Thomas (to the east).
6. The State of California's Department of Transportation (DOT) states that Caltrans will need access to the existing maintenance gate located at the north end of Orchard adjacent to the SR 41-SR 180 connector. They require coordination between Caltrans and PARCS regarding providing that access. They also require that the fence and relinquishment of direct access to the freeway right-of-way along said connector remain in place.
7. The Fresno Metropolitan Flood Control District states that there are no Master Plan facilities within the proposed vacation area and requires that existing drainage patterns remain as designed per the District's Master Plan. The District will need to review and approve any improvement plans associated with the project (i.e. grading plan and street plans) for conformance with the Master Plan drainage patterns prior to implementation.