

RESOLUTION OF INTENT NO. 1114-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION ARROYO AVENUE AND A PORTION OF AN ALLEY NORTHEAST OF NORTH "H" STREET BETWEEN FREEWAY 180 AND THE DRY CREEK CANAL

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of a portion of Arroyo Avenue and a portion of an alley northeast of North "H" Street between Freeway 180 and the Dry Creek Canal 180. The portion of the alley which is 6 feet, more or less, as shown in Exhibit "A" is owned by the City of Fresno in fee simple title and is a portion of a parcel acquired in fee by the City of Fresno by Resolution 1029, recorded April 4, 1937 in Book 1585, at Page 237, Official Record Fresno County and made a remnant by Deed recorded July 16, 1968 as Document No. 49742, Official Records Fresno County. The westerly 14 feet of the alley proposed for vacation as shown in Exhibit "B" is a portion of an alley dedicated as an easement by Resolution No. 1176, recorded September 6, 1938, in Book 1716, at Page 203, Official Records Fresno Count. The portion of East Arroyo Avenue proposed for vacation as shown in Exhibit "C" was dedicated as an easement by the map of La Sierra Tract, recorded in Book 5 in Record of Surveys, at Page 49, Fresno County Records 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

WHEREAS, John Valentino is requesting the proposed vacation; and

WHEREAS, the purpose of the vacation is to accommodate development as

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: SGM

Resolution No.

proposed by Development Plan D-16-046.

WHEREAS, a portion of the proposed alley to be vacated is owned in fee simple title as shown as Exhibit "A" and is to be sold to the applicant.

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 as shown in Exhibit "D" is unnecessary for present or prospective public alley purposes subject to the reservation of a public utility easement over the entire area being vacated and the conditions listed on Exhibit "E" 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 March 23, 2017, 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 March 23, 2017, hearing, the Council may proceed to make a final determination, at the public hearing, that the public alley be vacated as provided herein.

///

///

* * * * *

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 _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

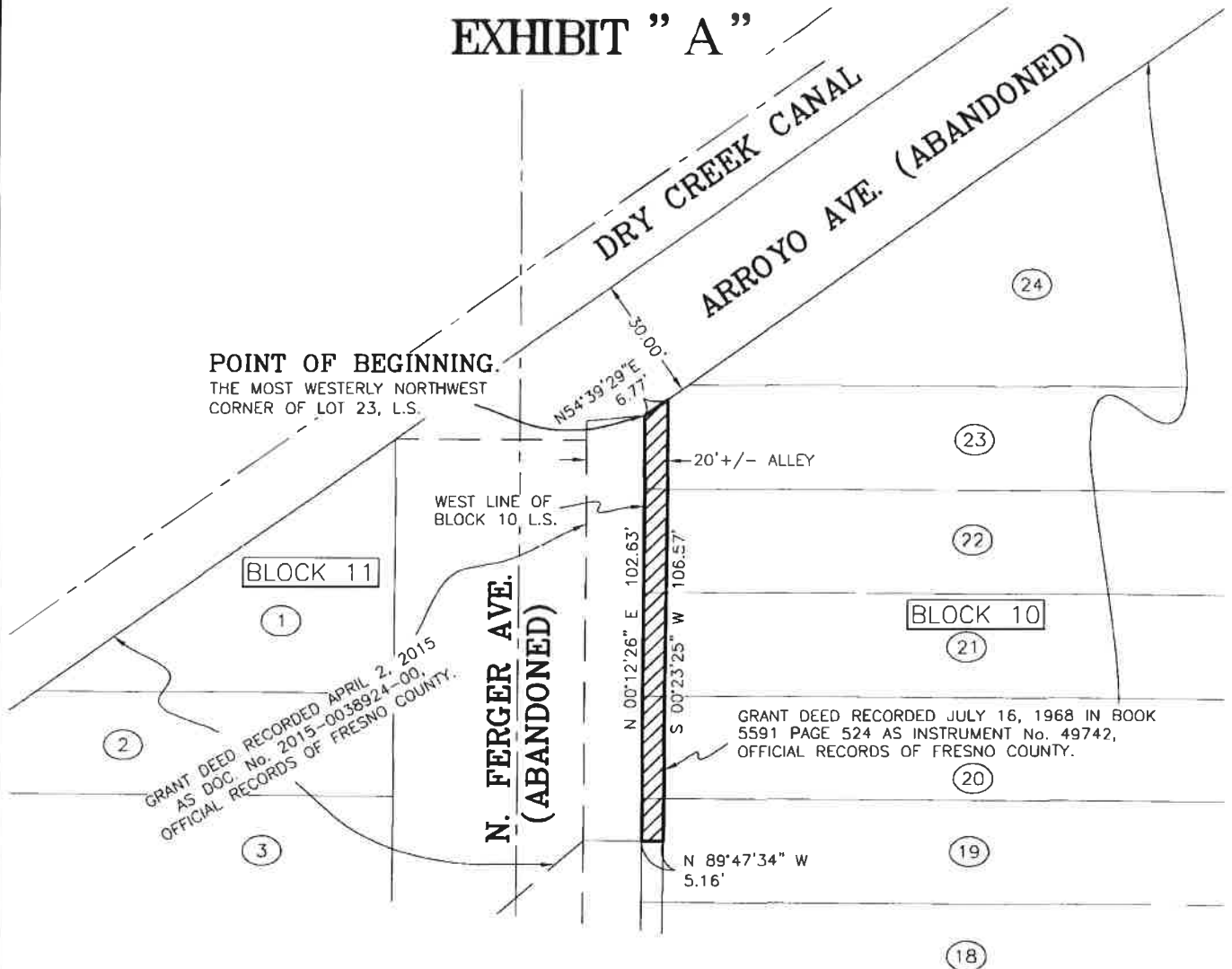
APPROVED AS TO FORM:

DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
Seth Mehrten
Deputy

Attachment: Exhibits "A" through "E"
PW File No. 11969

EXHIBIT "A"



LEGEND



INDICATES AREA TO BE VACATED.



LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

L.S. MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.



SCALE: 1" = 40'

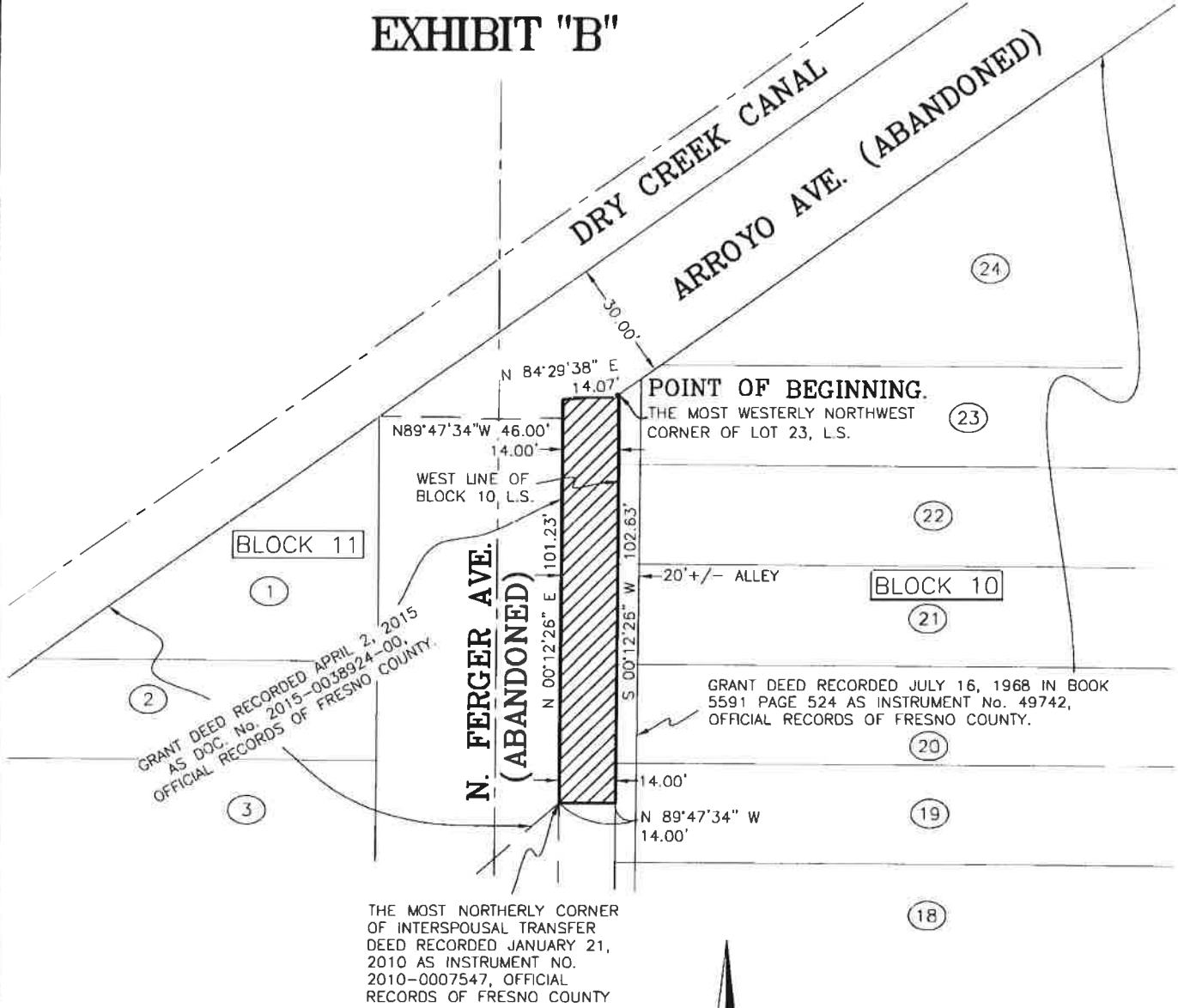


15-062

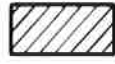

1-16-17

<p>Ref. & Rev. PW File No: 11969 Plot No: 2554</p>	<p>CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS</p>	<p>Proj. ID: - Fund No.: - Org. No.: -</p>	<p>SHEET NO. 1 OF 1 SHEETS</p>
<p>PORTIONS OF BLOCK 10 OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS, TO BE VACATED.</p>		<p>Dr.By: GMR Ck.By: Date: Dec. 21, 2016 Scale: 1" = 40'</p>	

EXHIBIT "B"



LEGEND

-  INDICATES A PORTION OF ALLEY EASEMENT TO BE VACATED.
-  LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.
- L.S. MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.



SCALE: 1" = 40'

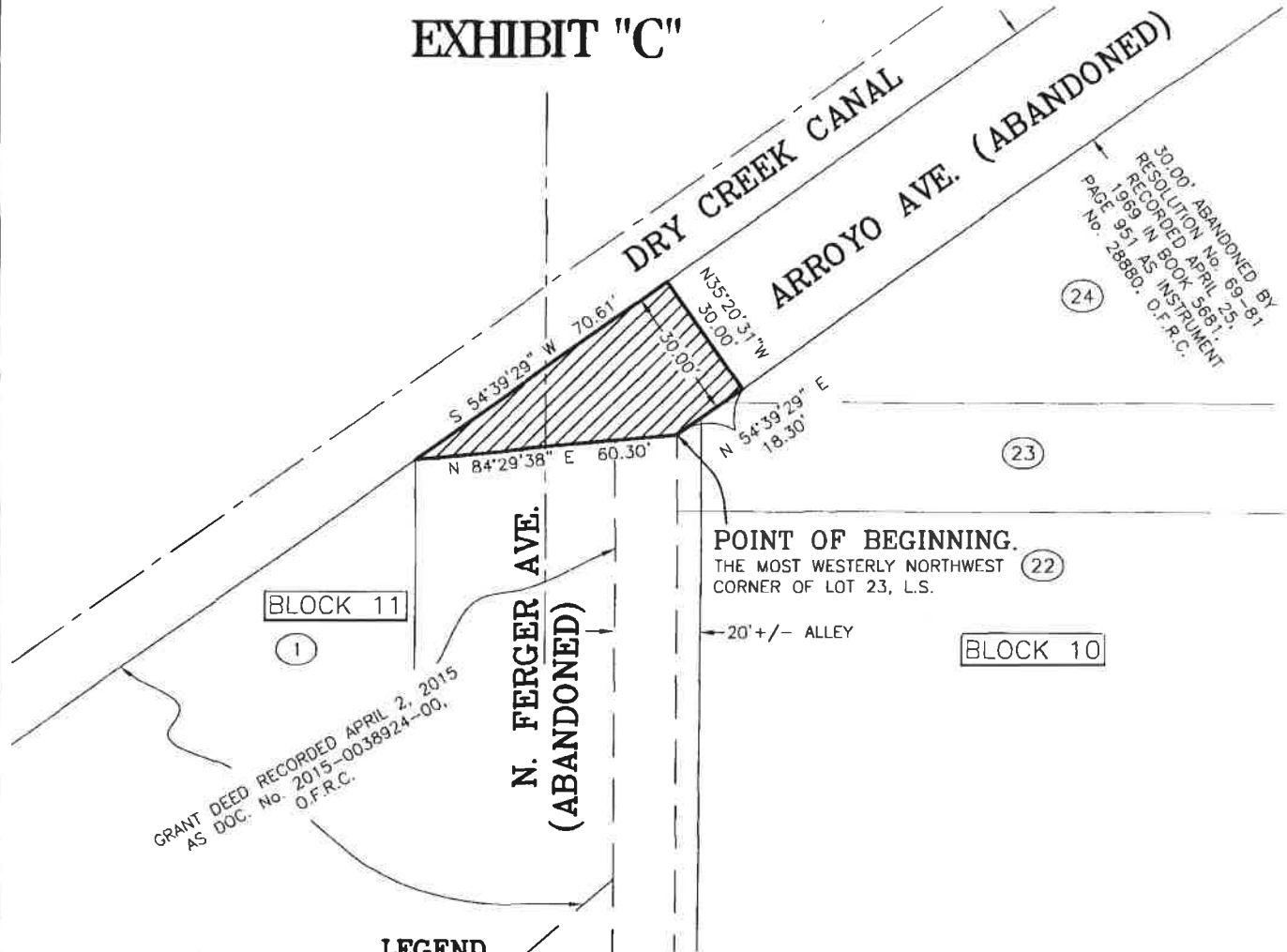


1-16-17

15-062

<p>Ref. & Rev.</p> <p>PW File No: 11969</p> <p>Plat No: 2554</p>	<p>CITY OF FRESNO</p> <p>DEPARTMENT OF PUBLIC WORKS</p> <p>PORTIONS OF BLOCK 10 OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS, TO BE VACATED.</p>	<p>Proj. ID: -</p> <p>Fund No.: -</p> <p>Org. No.: -</p> <p>Dr. By: GMR</p> <p>Ck. By:</p> <p>Date: Dec. 21, 2016</p> <p>Scale: 1" = 40'</p>	<p>SHEET NO. 1</p> <p>OF 1 SHEETS</p>
--	---	--	---------------------------------------

EXHIBIT "C"

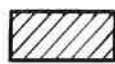


30.00' ABANDONED BY
RESOLUTION No. 69-81
RECORDED APRIL 25,
1969 IN BOOK 566,
PAGE 951 AS INSTRUMENT
No. 28880. D.F.R.C.

GRANT DEED RECORDED APRIL 2, 2015
AS DOC. No. 2015-0038924-00,
O.F.R.C.

POINT OF BEGINNING.
THE MOST WESTERLY NORTHWEST
CORNER OF LOT 23, L.S.

LEGEND

 INDICATES AREA TO BE VACATED.

(XX) LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

L.S. MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

O.R.F.C. OFFICIAL RECORDS OF FRESNO COUNTY.



SCALE: 1" = 40'



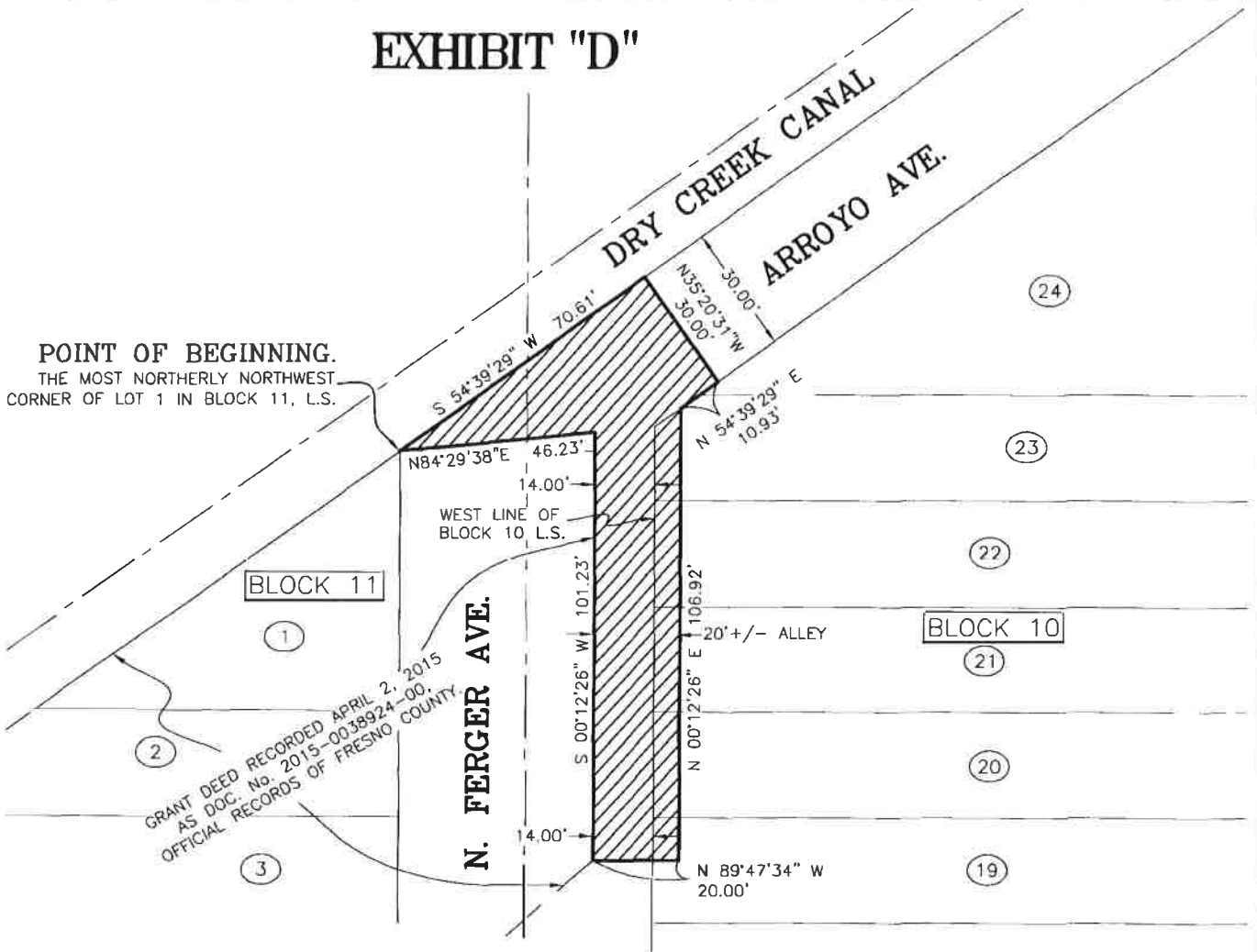
1-16-19

15-062

<p>Ref. & Rev. PW File No: 11969 Plot No: 2554</p>	<p>CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS</p> <p>PORTIONS OF BLOCK 63 OF THE MAP OF THE TOWN (NOW CITY) OF FRESNO, RECORDED IN VOLUME 1 OF PLATS AT PAGE 2, FRESNO COUNTY RECORDS, TO BE VACATED.</p>	<p>Proj. ID: - Fund No.: - Org. No.: -</p> <p>Dr. By: GMR Ck. By: Date: Dec. 21, 2016 Scale: 1" = 40'</p>	<p>SHEET NO. 1 OF 1 SHEETS</p>
--	--	---	------------------------------------

EXHIBIT "D"

POINT OF BEGINNING.
THE MOST NORTHERLY NORTHWEST
CORNER OF LOT 1 IN BLOCK 11, L.S.



LEGEND



INDICATES AREA TO BE VACATED.



LOT NUMBER OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.

L.S.

MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS.



SCALE: 1" = 40'

1-16-17

15-062

Ref. & Rev.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	Proj. ID: -	SHEET NO. 1 OF 1 SHEETS
PW File No:		Fund No.: -	
Plot No:	PORTIONS OF BLOCK 10 OF THE MAP OF THE LA SIERRA TRACT RECORDED IN BOOK 5 OF RECORD OF SURVEYS AT PAGE 49, FRESNO COUNTY RECORDS, TO BE VACATED.	Org. No.: -	
		Dr. By: GMR Ck. By: Date: Dec. 21, 2016 Scale: 1" = 40'	

EXHIBIT "E"
VACATION CONDITIONS

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

1. Record a grant deed transferring land from the City of Fresno to the applicant for the area described in Exhibit "A" and as shown in Exhibit "B".
2. Record a Quitclaim deed from the City of Fresno to the applicant for the area described in Exhibit "C" and as shown in Exhibit "D".
3. Several utility companies and the City of Fresno have facilities in the proposed area to be vacated, 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.