

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO VACATE THE "F" - "G" ALLEY
BETWEEN STANISLAUS STREET AND TUOLUMNE
STREET, AND A PORTION OF TUOLUMNE STREET

WHEREAS, pursuant to Resolution of Intention No. 1110-D, on file in the Office of the City Clerk of the City of Fresno (the "City Clerk"), a public hearing was held on November 17, 2016, 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 right-of-way, situated within the City; and

WHEREAS, the Ellis Family Partnerships is requesting the proposed vacation; as described on Exhibit "A" and as shown on Exhibit "B," which is attached and incorporated in this Resolution; and

WHEREAS, the proposed vacation is mitigate impacts to the adjacent properties northerly of the Tuolumne Street overpass reconstruction; and

WHEREAS, the right-of-way is described as a portion of Tuolumne Street and the 20-foot wide "F" – "G" alley in Block 16 of the map of the Town of Fresno in Book 1 of Plats at Page 2, 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 portion right-of-way easement proposed for vacation is unnecessary for present or prospective public street purposes as described in Exhibit "A," and as shown in Exhibit "B," subject to the reservation of a public utility easement over the entire area proposed for vacation and the conditions listed on Exhibit "C" attached and incorporated

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval:

SM

Resolution No.

in this Resolution; 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 follows:

1. The Council finds from all the evidence submitted that the vacation of the “F” – “G” alley between Stanislaus Street and Tuolumne Street and a portion Tuolumne Street as described in Exhibit “A,” and as shown in Exhibit “B” is unnecessary for present and prospective public street and public utility purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1110-D adopted by the Council on October 20, 2016, the public street right-of-way as described in Exhibit “A,” and as shown in Exhibit “B,” be and are hereby vacated and abandoned.

3. The City reserves the entire area being 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 road 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.

4. All proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the conditions 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.

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.

6. 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 "C," which is attached and incorporated herein, have been satisfied and the required conditions are accepted by the City.

7. 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 _____, 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: _____
Seth Mehrten
Deputy City Attorney

Attachments: Exhibits "A" through "C"

PW File 12014

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of lots 17 & 18 and Alley within Block 46, as shown on the "Map of the Town of Fresno", filed in Volume 1 of Maps at Page 2, Fresno County Records, California, situated in the Northeast Quarter of Section 9, Township 14 South, Range 20 East, Mount Diablo Meridian, in the City of Fresno, said County of Fresno, described as follows:

COMMENCING at the South corner of Lot 16 of said Block 46, also being the intersection of the northeast Alley right-of-way, (20-foot wide), with the northwest right-of-way of Tuolumne Street, (80-foot wide), as shown on said "Map of the Town of Fresno";

Thence along the Southwesterly line of said Lot 16 and said Northeast Alley right-of-way, North $41^{\circ}02'33''$ West a distance of 23.20 feet, to the true **POINT OF BEGINNING**;

thence continuing along said Northeast Alley right-of-way, North $41^{\circ}02'33''$ West a distance of 376.81 feet, to the West corner of Lot 1 of said Block 46, also being on the Southeasterly right-of-way of Stanislaus Street, (80-foot wide);

thence along the Southeasterly right-of-way of Stanislaus Street, South $48^{\circ}59'46''$ West a distance of 20.00 feet, to the North corner of Lot 32, of said Block 46 also being on the Southwesterly right-of-way of said Alley;

thence along said Southwesterly Alley right-of-way, South $41^{\circ}02'33''$ East a distance of 360.99 feet, to the East corner of Parcel B, as shown on Parcel Map No. 73-23, as filed in Book 7 of Parcel Maps, at Page 76, Fresno County Records;

thence along the Southeasterly line of said Parcel B, South $48^{\circ}57'27''$ West a distance of 0.50 feet, to the beginning of a non-tangent curve, concave westerly, having a radius of 30.00 feet to which beginning of curve a radial bears South $48^{\circ}57'27''$ West;

thence southeasterly and southwesterly along said curve and Easterly line of said Parcel B, through a central angle of $31^{\circ}31'14''$, an arc distance of 16.50 feet;

thence departing said Easterly line, North $48^{\circ}58'19''$ East a distance of 23.05 feet;

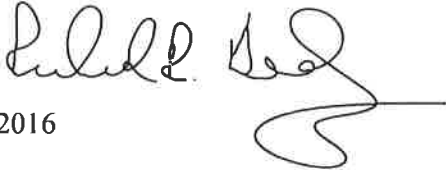
thence North $53^{\circ}15'40''$ East a distance of 1.89 feet, to the **POINT OF BEGINNING**.

Bearings and distances in the above description are based on the California Coordinate System 1983, Zone 4, Epoch 2007.00, as shown on Record of Survey recorded in Book 58 of Record of Surveys at Pages 71 and 72, inclusive, Fresno County Records. Divide grid distances herein above by 0.99993349 to obtain ground level distances.

END OF DESCRIPTION

This real property description has been prepared by me, or under my Direction, in conformance with the Professional Land Surveyors' Act.

Signature:



Date: 5/23/2016



EXHIBIT "A"
LEGAL DESCRIPTION

That portion of Tuolumne Street, (80.00-feet wide) and Alley, (20.00-feet wide) within Block 46, as shown on the "Map of the Town of Fresno", as recorded in Volume 1 of Maps at Page 2, Fresno County Records, California, situated in the Northeast Quarter of Section 9, Township 14 South, Range 20 East, Mount Diablo Meridian, in the City of Fresno, in said County of Fresno, described as follows:

COMMENCING at the South corner of Lot 16 of said Block 46, also being the intersection of the Northeast Alley right-of-way, with the Northwest right-of-way of Tuolumne Street, as shown on said "Map of the Town of Fresno";

Thence northwesterly along the Southwesterly line of said Lot 16 and said Northeast Alley right-of-way, North $41^{\circ}02'33''$ West a distance of 9.00 feet, to the South corner of Parcel 2 as described in a Grant Deed to Ellis Family Partnership et al. recorded as DOC-2014-0112664, on October 10, 2014, Official Records of said Fresno County, said South corner of Parcel 2 being the true **POINT OF BEGINNING**;

thence along the Southeasterly line of said Parcel 2, North $48^{\circ}59'46''$ East a distance of 141.83 feet, to the beginning of a tangent curve, concave westerly, having a radius of 8.00 feet;

thence northeasterly and northwesterly along said curve and Southeasterly line, through a central angle of $90^{\circ}01'57''$, an arc distance of 12.57 feet, to the Northeasterly line of said Lot 16;

thence along said Northeasterly line, South $41^{\circ}02'11''$ East a distance of 8.60 feet;

thence leaving the Northeasterly line of said Lot 16, South $38^{\circ}48'16''$ East a distance of 9.00 feet;

thence South $48^{\circ}58'19''$ West a distance of 31.93 feet;

thence South $53^{\circ}15'40''$ West a distance of 117.88 feet, to a point on the Southwesterly line of said Lot 16;

thence South $53^{\circ}47'47''$ West a distance of 10.04 feet, to the intersection of the Northeasterly prolongation of the Southeasterly line of Parcel B, as shown on Parcel Map No. 73-23, filed in Book 7 of Parcel Maps, at Page 76, Fresno County Records, with the centerline of said 20-foot Alley;

thence along said northeasterly prolongation of said Southeasterly line, South $48^{\circ}59'46''$ West a distance of 40.52 feet, to a corner on the Easterly line of said Parcel B, being the beginning of a non-tangent curve, concave westerly, having a radius of 30.00 feet, to which beginning of curve a radial bears North $41^{\circ}00'14''$ West;

thence northeasterly and northwesterly along said curve and Easterly line of Parcel B, through a central angle of $58^{\circ}31'05''$, an arc distance of 30.64 feet;

thence North 48°58'19" East a distance of 23.05 feet;

thence North 53°15'40" East a distance of 1.89 feet, to the Southwesterly line of said Parcel 2 and the Northeasterly right-of-way of said Alley;


thence along said Southwesterly line and Northeasterly right-of-way of said Alley, South 41°02'33" East a distance of 14.20 feet, to the **POINT OF BEGINNING**.

Bearings and distances in the above description are based on the California Coordinate System 1983, Zone 4, Epoch 2007.00, as shown on Record of Survey recorded in Book 58 of Record of Surveys at Pages 71 and 72, inclusive, Fresno County Records. Divide grid distances herein above by 0.99993349 to obtain ground level distances.

END OF DESCRIPTION

This real property description has been prepared by me, or under my Direction, in conformance with the Professional Land Surveyors' Act.

Signature:



Date: 5/23/2016



EXHIBIT "B" (1 of 2)

G STREET

CITY OF FRESNO
 COUNTY OF FRESNO
 T.14S. R.20E. M.D.M.
 SECTION 9

465-091-38

465-091-371

465-091-34
 PARCEL MAP
 PM 1/22

465-091-33

S.E. 1/4 R/W
 STANISLAUS STREET
 PER PB 1/2
 20.00'

10
 FRESNO
 BLDK 46
 PB 1/2

DF

N.E. 1/4 ALLEY R/W

N41°02'33"W 216.81'
 S41°02'33"E 360.99'

ALLEY

TOWN

S.W. 1/4 ALLEY R/W

465-091-35
 PARCEL MAP
 No. 73-36
 PM 2/68

24 25 26 27 28 29 30 31 32

465-091-36
 PARCEL A
 PARCEL MAP No. 73-23
 PM 7/76

33 34 35 36 37 38 39 40 41 42

465-091-37
 PARCEL B
 PARCEL MAP No. 73-23
 PM 7/76

43 44 45 46 47 48 49 50 51 52

PARCEL A

PARCEL B

PARCEL



RIGHT OF WAY
 VACATION
 EXHIBIT B



F STREET

SHEET NO. TOTAL SHEETS
 1 1



465-095-011

N41°02'33"W 23.20'
 P.O.B.

P.O.C.
 S. COR.
 LOT 16

N53°15'40"E 1.89'
 N48°28'19"E 23.05'

S48°57'27"W 0.50'
 N48°57'27"E 11.81'
 R=30.00
 Δ=31°31'14"
 L=16.50
 N40°28'40"E 11.11'

TUOLUMNE STREET

E. 1/4 LINE
 PARCEL B

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, and in Tuolumne Street, 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. There is one City of Fresno streetlight located in the alley (SL 23979). The City requires that the Applicant contact the City's Traffic Signal and Street Lighting Division to disconnect the streetlight from the current circuit. Please contact Dave Row to make arrangement for the process at (559) 621-1312
3. Coordinate all construction with the approved street plans for Tuolumne Street overpass.
4. 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.