

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF A 16 FOOT-WIDE ALLEY ADJACENT AND SOUTH OF LOT 1 AND A PORTION OF LOT 2 OF WALLING TRACT

WHEREAS, pursuant to Resolution of Intention No. 1151-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on March 30, 2023, 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 a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract; and

WHEREAS, the area proposed for vacation as described in Exhibit A and as shown on Exhibit B, are attached, and incorporated in this Resolution; and

WHEREAS, Juan Alvarez Macias, owner of Vibez Lounge is requesting the proposed vacation; and


WHEREAS, the proposed vacation is to eliminate an encroachment into the alley from existing patio improvements per site plan number P20-01790; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public alley right-of-way easement proposed for vacation as described in Exhibit A and as shown on Exhibit B is unnecessary for present or prospective public alley purposes, subject to the reservation of a public utility easement over the entire area proposed to be vacated and conditions of approval as listed in attached 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

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. _____

Hall, 2600 Fresno Street, Fresno, California, 93721.

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 a portion of a 16-foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract as described in Exhibit A and as shown on Exhibit B are unnecessary for present and prospective public alley purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of March 30, 2023, the public alley 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 reservation of a public utility easement over the entire area proposed to be vacated and conditions of approval as listed in attached 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 _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Tracy N. Parvanian Date
Supervising Deputy City Attorney

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

PW File No. 13038

EXHIBIT "A"

Alley Vacation

That portion of the alley as dedicated as an easement for public street purposes by Walling Tract, according to the map thereof recoded in Volume 11 of Plats at Page 44, Official Records Fresno County, more particularly described as follows:

Beginning at the southeast corner of Lot 1 of said Walling Tract, said point also being the southeast corner of Parcel A of Lot Line Adjustment No. 2012-10, City of Fresno, and recorded as Document No. 2012-0119862, Official Records Fresno County; thence S 89°53'00" W, along the south line of said Parcel A, a distance of 48.96 feet, more or less, to the southwest corner of said Parcel A; thence S 00°09'00" W, along the southerly prolongation of the west line of said Parcel A, a distance of 16.00 feet to a point on the north line of Lot 4 of said Walling Tract; thence N 89°53'00" E, along the north line of said Lot 4, a distance of 48.77 feet, more or less, to the northeast corner of said Lot 4; thence N 00°50'00" E, along the northerly prolongation of the east line of said Lot 4, a distance of 16.00 feet, to the Point of Beginning.

Containing an area of 782 square feet, more or less.

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: _____

Frank J. Mungia, RCE 26317

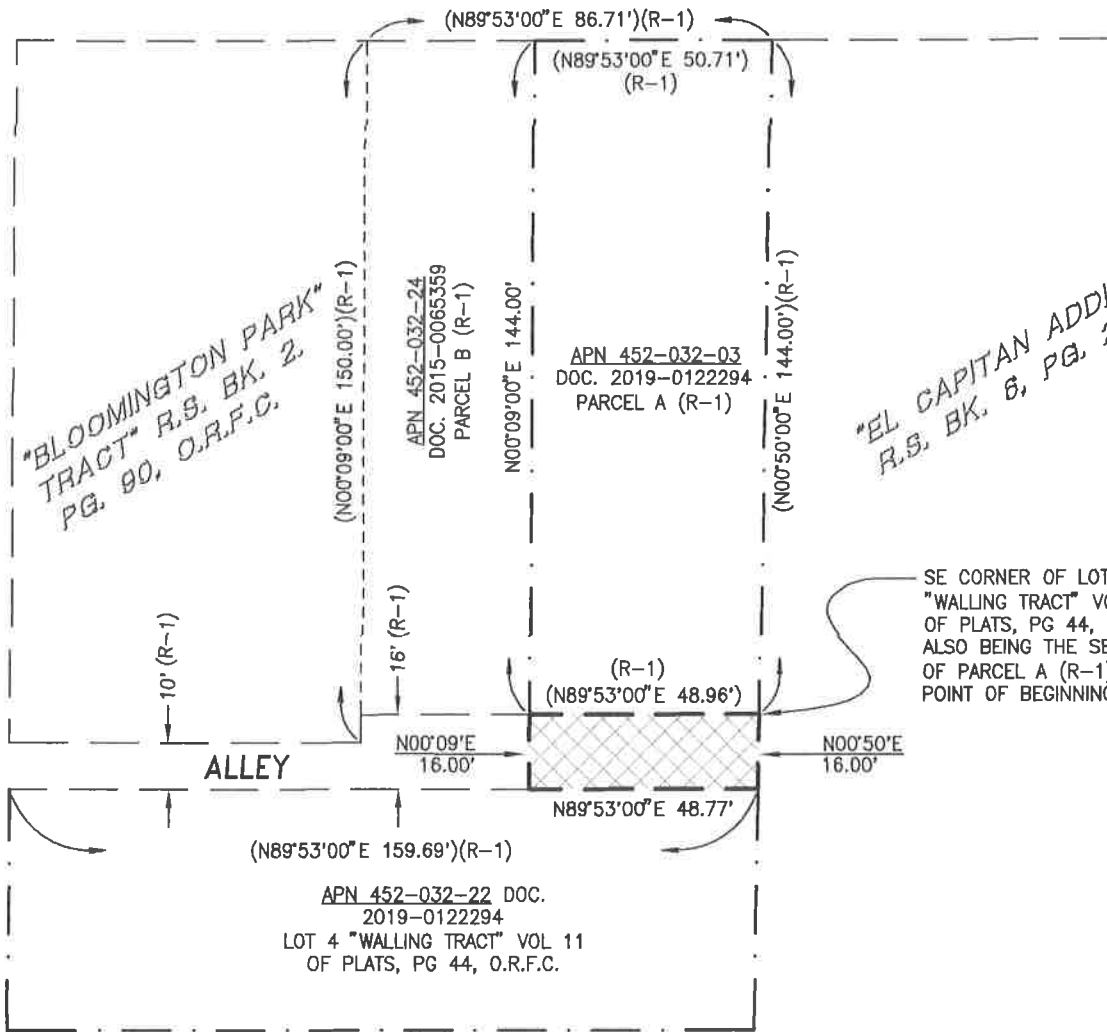
Date: February 1, 2022






EXHIBIT "B"

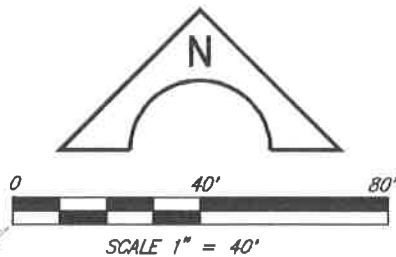
EAST OLIVE AVENUE

NORTH BROADWAY AVENUE



LEGEND:

-  INDICATES AREA TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT.
-  SUBJECT PARCEL BOUNDARY.
-  RIGHT OF WAY
- (R-1) RECORD DATA PER LOT LINE ADJUSTMENT No. 2012-10, DOC. No. 2012-0119862, O.R.F.C.
- APN: 452-032-03
- OWNER: JUAN ALVAREZ MACIAS
- AREA: 782 SQUARE FEET ±.
- O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY.



PUBLIC STREET RIGHT OF WAY TO BE VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT BY THE CITY OF FRESNO

ESP SURVEYING, INC.
 2598 N. MIAMI AVE.
 FRESNO, CA
 Tel. 559.442.0883
 Fax 559.442.0884
 www.espls.com

| | |
|----------------|------------|
| DATE OF SURVEY | N/A |
| ESP JOB No. | 22006 |
| DRAWN BY | 6335 |
| DRAWN DATE | 01/25/2022 |
| REV 0 | 02/01/2022 |
| SHEET | 1_OF_1 |

EXHIBIT "C"
VACATION CONDITION OF APPROVAL

1. A.T. & T. has existing facilities within the area proposed to be vacated. They are requesting a public utility easement be reserved over the entire area to be vacated. They will require 24 hour access to this public utility easement. If you have any questions concerning this condition, please contact Brian Weldon of A.T. & T. at (559) 548-0736.
2. Comcast has existing facilities within the area proposed to be vacated. They are requesting a public utility easement be reserved over the entire area to be vacated. They will require 24 hour access to this public utility easement. If you have any questions concerning this condition, please contact Cory Sue of Comcast at (559) 455-4221.
3. Fresno Metropolitan Flood Control District has no existing or proposed Master Plan facilities within this Drainage Area "RR". The District requires the Master Plan drainage patterns remain as designed for the proposed vacation area. Please contact Rick Lyons of FMFCD if you have any questions at (559) 456-3292.
4. Pacific Gas and Electric has existing facilities within the area proposed to be vacated. They are requesting a public utility easement be reserved over the entire area to be vacated. They will require 24 hour access to this public utility easement. If you have any questions concerning this condition, please contact Mike Galvan of P.G. E. at (559) 263-5649.