

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF NORTH THORNE AVENUE, SOUTH OF WEST BELMONT AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1122-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on March 22, 2018, 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 the hereinafter described public street right-of-way, situated within the City; and

WHEREAS, Calaveras, Inc. is requesting the proposed vacation of North Thorne Avenue, south of West Belmont Avenue, as described in Exhibit "A" and as shown on Exhibit "B", which is attached and incorporated in this Resolution; and

WHEREAS the purpose of the vacation is to accommodate ingress and egress to the adjacent property, as well as, onsite traffic circulation impacted by the construction of the California High Speed Rail; and

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

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

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 a portion of North Thorne Avenue, south of West Belmont Avenue, as described in Exhibit "A" and as shown in Exhibit "B" is unnecessary for present and prospective public street purpose.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1122-D adopted by the Council on March 1, 2018, the public street right-of-way easement as described in Exhibit "A" and as shown in Exhibit "B" be vacated.

3. The City further reserves a public utility easement over the entire area proposed to be vacated as described in Exhibit "A" and as shown in Exhibit "B" be vacated.

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, 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 _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC, CRM
City Clerk

BY: _____
Deputy

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

BY: _____
John Hastrup
Deputy City Attorney

Date

Attachments: Exhibits "A" through "C"
PW File 12247

EXHIBIT A

LEGAL DESCRIPTION THORNE AVENUE VACATION

That portion of North Thorne Avenue situated in the north half of the northwest quarter of the northeast quarter of Section 5, Township 14 South, Range 20 East, Mount Diablo Base and Meridian, situate in the City of Fresno, State of California, being more particularly described as follows:

Beginning at a point on the east line of North Thorne Avenue, said point also being the southwest corner of Lot 17 of Block 1 of the Plat of "The American Addition to Fresno City", recorded in Book 1 of Plats, at Page 35, Official Records of Fresno County, thence

1. North 00° 13' 20" West, along said east line of North Thorne Avenue, a distance of 258.98 feet, thence leaving said east line
2. North 42° 47' 06" West, a distance of 71.39 feet to the east line of the previously vacated portion of North Thorne Avenue per Resolution No. 94-222, recorded as Document No. 2005-0171421, Official Records of Fresno County, thence
3. South 00° 44' 39" East, along said east line, a distance of 311.60 feet to the intersection with the easterly prolongation of the north line of West Franklin Avenue, thence
4. North 89° 45' 00" East, along said easterly prolongation, a distance of 45.45 feet to the Point of Beginning.

Containing an area of 13,334 square feet, more or less.

END OF DESCRIPTION



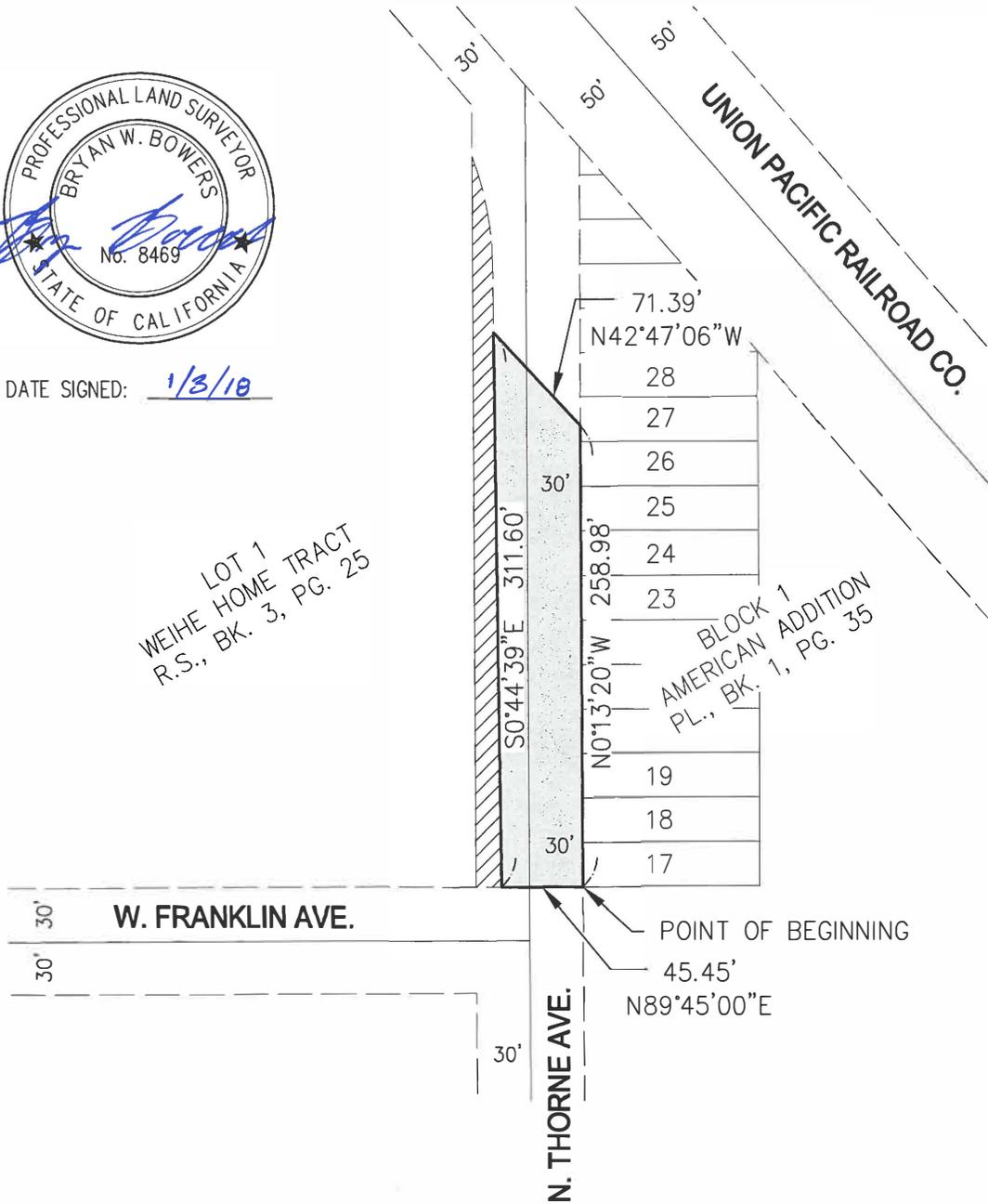
Date
Signed 1/3/18



DATE SIGNED: 1/3/18

LOT 1
WEIHE HOME TRACT
R.S., BK. 3, PG. 25

BLOCK 1
AMERICAN ADDITION
PL., BK. 1, PG. 35



LEGEND



INDICATES PORTION OF NORTH THORNE AVENUE TO BE VACATED.



INDICATES PORTION OF NORTH THORNE AVENUE PREVIOUSLY VACATED PER RESOLUTION NO. 94-222, RECORDED AS DOCUMENT NO. 2005-0171421, OFFICIAL RECORDS OF FRESNO COUNTY.



SCALE IN FEET



EXHIBIT "C" VACATION CONDITIONS

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

1. The proposed vacation area lies within the District's Drainage Area "RR". The District has future Master Plan facilities within the Thorne Avenue alignment as shown on attached map. The future Master Plan facilities can be relocated south of the Calaveras Materials Inc. driveway in Thorne Avenue. Therefore, the proposed vacation area will not impact the future Master Plan facilities.

With the proposed vacation, the westerly 15.45 feet of street right-of-way will revert back to the District (refer to Exhibit No. 1). Requests to purchase the District's portion of the proposed vacation area shall be submitted to District's General Manager-Secretary, Alan Hofmann.

The District has concerns with the location of the proposed gate and maintaining access to the existing District drive gate along the east property line and requires that the proposed gate be located north of the existing District gate. The District will need to approve the improvement plans prior to the gate installation.

The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area.

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.

If you have any questions, please contact Sarai Yanovsky at (559) 456-3292.

2. Level 3 has facilities in this area and will need to be coordinated with to confirm if such facilities may be relocated through the California High Speed Rail Authority. Please contact Caleb King for more details. (918) 547-0007.
3. Comcast has facilities in this area and will need to be coordinated with to confirm if such facilities may be relocated through the California High Speed Rail Authority. Please contact Michael Sue for more details. (559) 455-4221.
4. The City of Fresno Street Maintenance Division has a street light on P.G. & E. pole no. 40166. They require this light to be taken off the data base and listed as a private owner ship. Please contact Bill Shoemaker for further details (559) 621-1312.