

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ORDERING THE VACATION OF  
THE ALLEYS SOUTH OF EAST FRANKLIN AVENUE  
BETWEEN NORTH BROADWAY AVENUE AND STATE  
ROUTE FREEWAY 180

WHEREAS, pursuant to Resolution of Intention No. 1103-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on April 21, 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 alley rights-of-way, situated within the City; and

WHEREAS, the Belmont Congregation of Jehovah's Witness of Fresno is requesting the vacations of the alleys south of East Franklin Avenue between North Broadway Avenue and State Route Freeway 180 as described in Exhibit "A", and as shown on Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, the Belmont Congregation of Jehovah's Witness of Fresno is requesting the proposed vacation and owns the entire parcel affected by it; and

WHEREAS, the purpose of the vacation is to eliminate the public rights-of-way to accommodate development as proposed by Conditional Use Permit (CUP) No. C-10-191; and

WHEREAS, the north-south 20 foot wide alley was dedicated as an easement by the map of Forthcamp Addition No. 2, recorded in Book 4 of Record of Surveys at Page 52, Fresno County Records, and an additional portion at the north end was dedicated by that Deed of Easement recorded July 14, 1980 as Document No. 65332, in Book

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

7548 at Page 471, Official Records of Fresno County. The east-west 10 foot wide alley was dedicated as an easement by the map of North Park Extension, recorded in Book 2 of Record of Surveys at Page 26, Fresno County Records, all lying northwesterly of State Route Freeway 180; 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 alley purposes subject to the reservation of a public utility easement over the entire area to be vacated and the conditions listed on Exhibit "C", which is 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 the alleys south of East Franklin Avenue between North Broadway Avenue and State Route Freeway 180 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 contemplated by Resolution of Intention No. 1103-D adopted by the Council on March 17, 2016, the 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 the entire 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 alley easements 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 alley rights-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

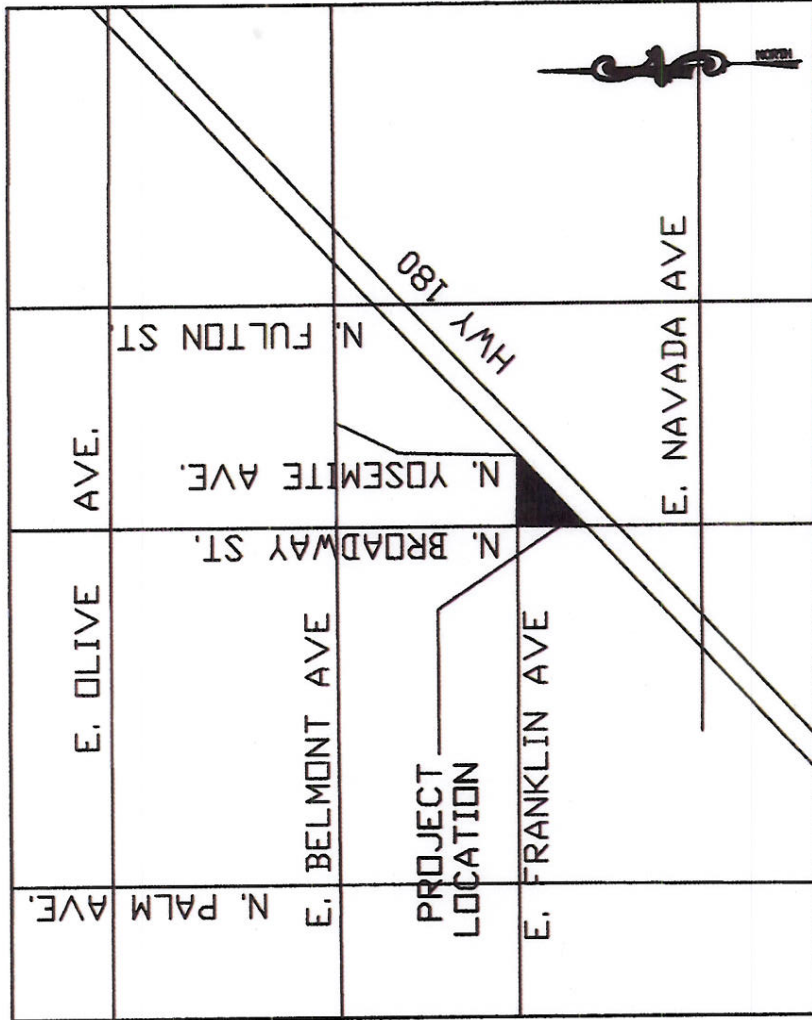
YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

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

BY: \_\_\_\_\_  
Raj Singh Badhesha  
Deputy

Attachments: Exhibits "A" through "C"



**VICINITY MAP**

NTS

## EXHIBIT "A"

### ALLEY VACATION

COMMENCING AT THE NORTHEAST CORNER OF LOT 13 OF FORTHCAMP ADDITION NO. 2, RECORDED IN BK. 4 OF RECORD OF SURVEYS, PG. 52, FRESNO COUNTY RECORDS; THENCE NORTH  $89^{\circ}47'24''$  WEST, ALONG THE NORTH LINE OF SAID LOT 13, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF EAST FRANKLIN AVENUE, A DISTANCE OF 111.25 FEET; THENCE SOUTH  $59^{\circ}00'04''$  WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 13, A DISTANCE OF 31.54 FEET TO A POINT BEING THE NORTHEAST CORNER OF THAT ALLEY AND RIGHT-OF-WAY EASEMENT AS RECORDED JULY 14, 1980 AS INSTRUMENT No. 65332, IN BOOK 7548, PAGE 471, OFFICIAL RECORDS FRESNO COUNTY, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH  $26^{\circ}48'53''$  WEST, ALONG THE SOUTHEASTERLY LINE OF SAID ALLEY AND RIGHT-OF-WAY EASEMENT, A DISTANCE OF 32.03 FEET, TO A POINT LYING ON THE EAST LINE OF A 20' WIDE ALLEY IN BLOCK 3 AS SHOWN ON SAID FORTHCAMP ADDITION No. 2 MAP;

THENCE SOUTH  $00^{\circ}21'17''$  WEST, ALONG SAID EAST LINE, A DISTANCE OF 194.63 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 180, AS SHOWN ON CALTRANS RIGHT-OF-WAY MAP IN DISTRICT 6, FRESNO COUNTY, ROUTE 180, SHEETS 15 & 16, ON FILE WITH THE CALTRANS RIGHT-OF-WAY OFFICE IN DISTRICT 6;

THENCE CONTINUING SOUTH  $00^{\circ}21'17''$  WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 68.23 FEET;

THENCE SOUTH  $54^{\circ}38'20''$  WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 41.81 FEET;

THENCE NORTH  $89^{\circ}47'24''$  WEST, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 97.37 FEET;

THENCE NORTH  $89^{\circ}47'24''$  WEST, LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 41.16 FEET;

THENCE NORTH  $00^{\circ}21'17''$  EAST, A DISTANCE OF 10.00 FEET, TO THE SOUTHWEST CORNER OF LOT 24 OF SAID BLOCK 3;

THENCE SOUTH  $89^{\circ}47'24''$  EAST, ALONG THE SOUTH LINE OF LOT 24 OF SAID BLOCK 3, A DISTANCE OF 152.48 FEET TO THE SOUTHEAST CORNER OF LOT 24 OF SAID BLOCK 3;

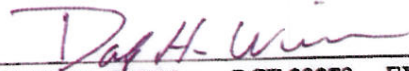
THENCE NORTH  $00^{\circ}21'17''$  EAST, ALONG THE WEST LINE OF A 20' WIDE ALLEY IN BLOCK 3 OF SAID FORTHCAMP ADDITION, A DISTANCE OF 292.19 FEET TO THE NORTHEAST CORNER OF LOT 14 IN SAID BLOCK 3;

THENCE NORTH  $76^{\circ}15'35''$  EAST, A DISTANCE OF 20.62 FEET TO THE SOUTHWEST CORNER OF LOT 13 IN SAID BLOCK 3;

THENCE NORTH 59°00'04" EAST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 13,  
A DISTANCE OF 16.71 FEET TO THE POINT OF BEGINNING;

AREA CONTAINS APPROXIMATELY 8,061 SQUARE FEET

PREPARED BY:



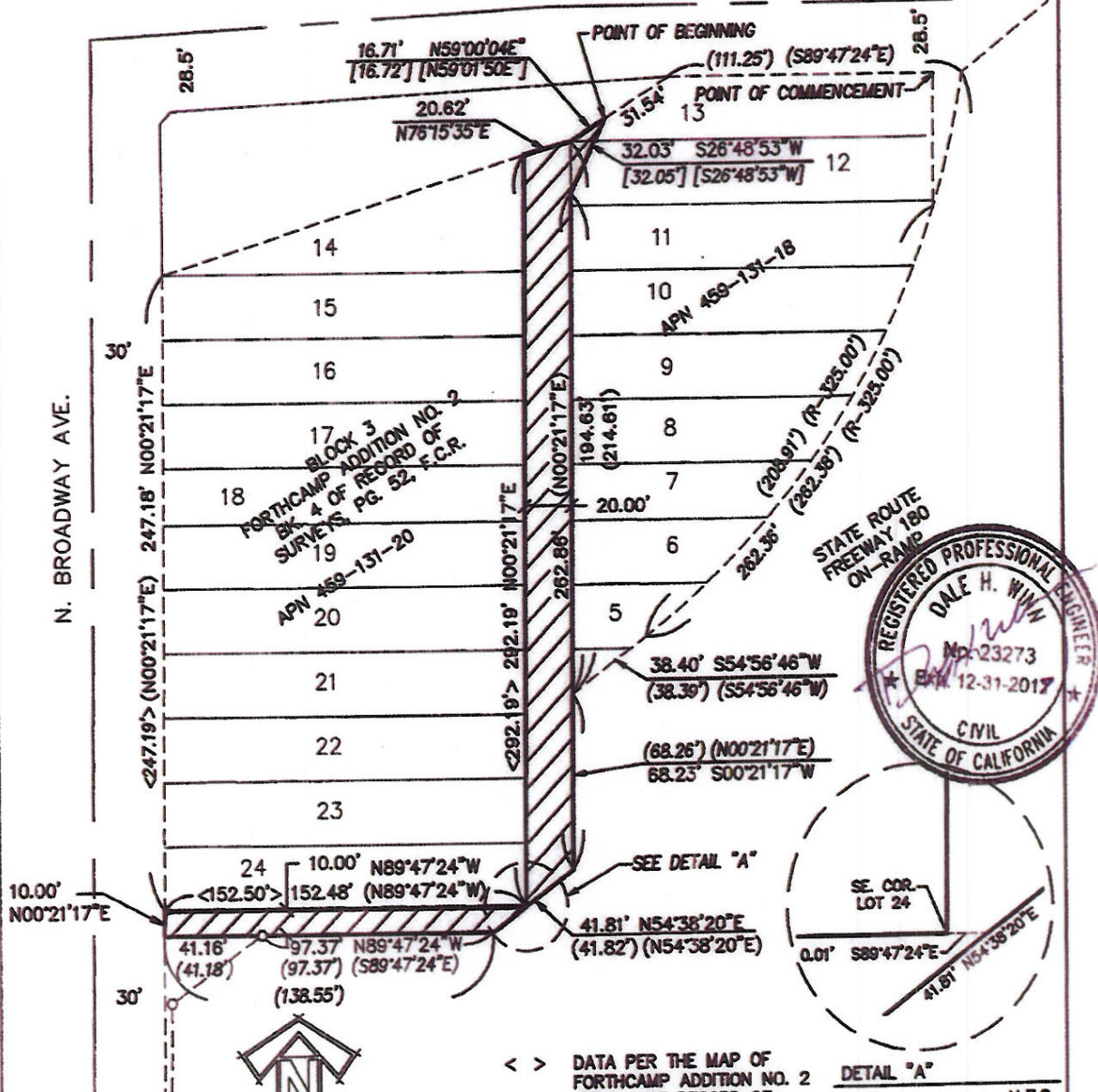
DALE H. WINN RCE 23273 EXP: 12/31/17





# EXHIBIT "B"

E. FRANKLIN AVE.



N. BROADWAY AVE.



SCALE: 1" = 60'

( ) RECORDED DATA PER CALTRANS MAP IN DISTRICT 6, FRESNO COUNTY, ROUTE 180, POST MILE 57.2, SHEETS No. 15 & 16

ALLEY TO BE ABANDONED. AREA = 7,348 SF

- < > DATA PER THE MAP OF FORTHCAMP ADDITION NO. 2 BOOK 4 OF RECORD OF SURVEYS AT PAGE 52, F.C.R. DETAIL "A" N.T.S.
- [ ] RECORD DATA PER INSTRUMENT No. 65332, RECORDED 7/14/1980 IN BOOK 7548, PAGE 471, OFFICIAL RECORDS OF FRESNO COUNTY
- FOUND 1/4" IRON PIPE 6" DOWN, NO TAG

EXHIBIT "B"  
ALLEY VACATION

**HARBISON INTERNATIONAL INC.,**  
ENGINEERS - SURVEYORS - PLANNERS  
2755 E. SHAW AVE., SUITE 101, FRESNO, CA 93710  
PHONE: (559) 294-7485 FAX: (559) 294-7481

**EXHIBIT "C"**  
**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, 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. The City of Fresno Department of Public Utilities requires a 20 wide unobstructed easement to service a sanitary sewer line and manhole. This requires a 10 foot wide PUE to be dedicated and adjoining the north line of the 10 wide alley to be vacated and reserved as a PUE. No trees shall be located within 8 feet of the sewer main.
3. The Traffic Engineering Division requires that the developer remove all existing alley improvements from the area proposed to be vacated including the alley approach on North Broadway Avenue. The contractor must construct curb, gutter, and sidewalk to Public Works Standards across the approach area.