

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ORDERING THE VACATION OF
THE R-S ALLEY BETWEEN TULARE AND MARIPOSA
STREETS

WHEREAS, pursuant to Resolution of Intention No. 1099-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on August 20, 2015, 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 right-of-way, situated within the City; and

WHEREAS, the Roman Catholic Bishop of Fresno is requesting the vacation of the R-S Alley between Tulare and Mariposa Streets, as shown on Exhibit "A", which is attached and incorporated in this resolution, and described as that certain 20 foot wide alley lying in Block 163 as shown on the Map of Block No. 163 of the Town (now City) of Fresno recorded October 14, 1887, in Volume 1 of Plats at Page 38, Fresno County Records, excepting therefrom the southeasterly 5.00 feet thereof; and

WHEREAS, the purpose of the vacation is to fence the alley proposed to be vacated and construct two vehicular access gates to alleviate increasing concerns regarding vandalism and employee safety; and

WHEREAS, the Roman Catholic Bishop of Fresno owns the entire block affected by the proposed vacation; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: MRD

Resolution No.

that the right-of-way proposed for vacation 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 "B", 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 R-S Alley between Tulare and Mariposa Streets as shown on Exhibit "A", which is attached and incorporated in this resolution, is 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. 1099-D adopted by the Council on July 16, 2015, the public alley right-of-way shown on Exhibit "A" and described as that certain 20 foot wide alley lying in Block 163 as shown on the Map of Block No. 163 of the Town (now City) of Fresno recorded October 14, 1887, in Volume 1 of Plats at Page 38, Fresno County Records, excepting therefrom the southeasterly 5.00 feet thereof, be and is 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 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 alley 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 "B", 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 "B", 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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
Mary Raterman-Doidge [Date]
Assistant / Deputy

Attachments: Exhibits "A" and "B"

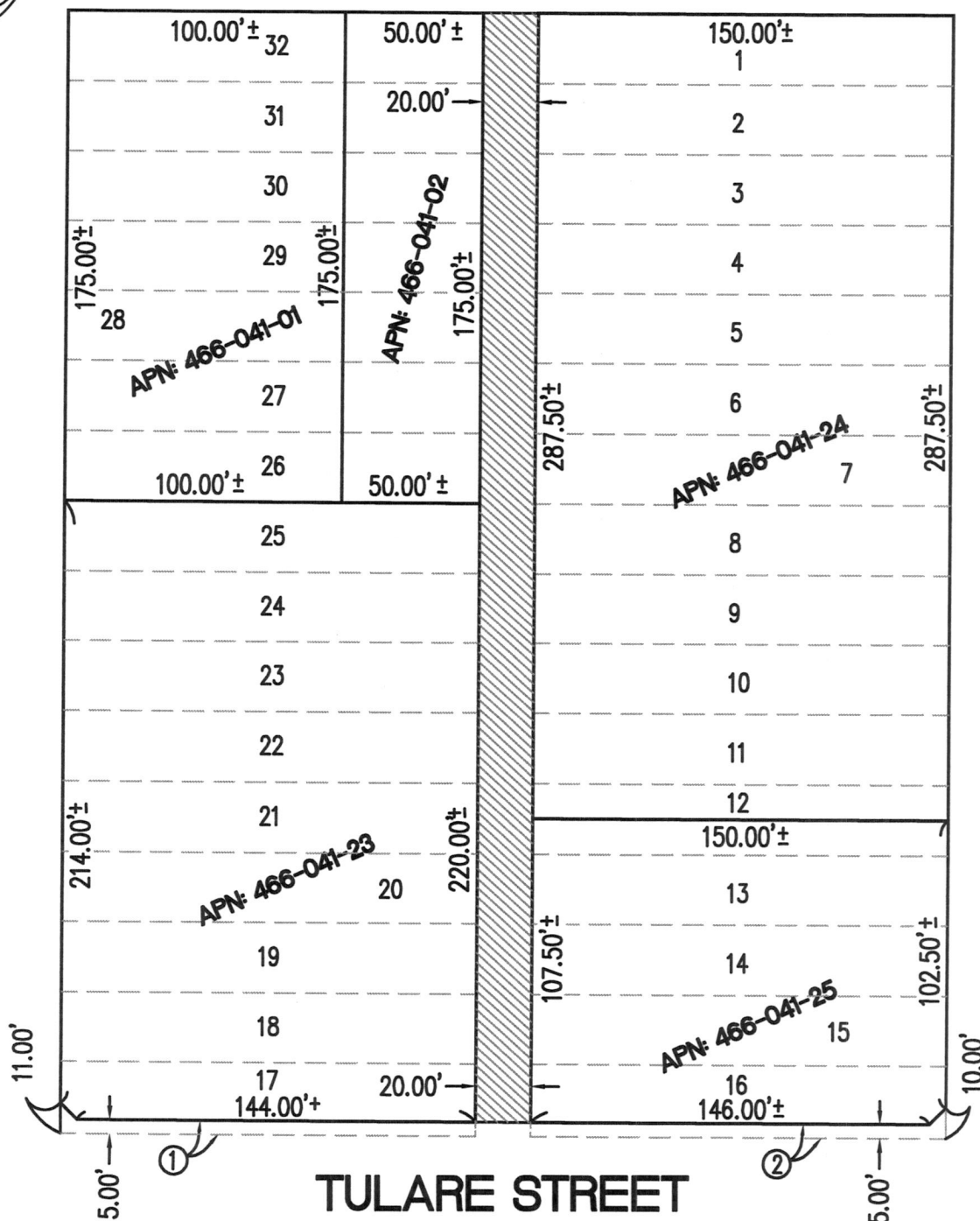
SCALE: 1"=60'

EXHIBIT "A"

MARIPOSA STREET

"R" STREET

"S" STREET



① PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES BY THAT DEED OF EASEMENT RECORDED APRIL 26, 1976 AS DOCUMENT NO. 34559 IN BOOK 6584 AT PAGE 646, OFFICIAL RECORDS OF FRESNO COUNTY

② PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES BY THAT DEED OF EASEMENT RECORDED FEBRUARY 15, 1983 AS DOCUMENT NO. 83012695, OFFICIAL RECORDS OF FRESNO COUNTY

BLOCK 163
TOWN (NOW CITY) OF FRESNO
VOL. 1, PG. 38 OF PLATS, F.C.R.

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, 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 are two PG&E streetlights on poles in the alley (numbers 7662 and 8983) that are not on meters and are currently being paid for by the City. The City requires that the Applicant contact the City's Traffic Signal and Street Lighting Division if and when the vacation is approved and to either have the streetlights removed, or contact PG&E to take over the payments for the streetlights if it desired to keep them.
3. The City of Fresno requires a "No Right Turn" sign for the southwesterly bound traffic on the northwesterly side of Tulare Street, northeasterly from the alley being vacated. Applicant must coordinate the location and sign type with the City of Fresno's Traffic and Engineering Services Division.
4. The proposed gates must be installed and locks provided in such a way as to allow access to the gated area by Police, Fire, garbage collection, the City of Fresno, and utility agencies. The City will need written verification from those agencies that they are satisfied with the access provided.
5. 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.