

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ORDERING THE VACATION OF PORTIONS OF THE NORTHWEST SIDE OF STANISLAUS STREET NORTHEAST OF FULTON STREET AND THE NORTHEAST SIDE OF FULTON STREET NORTHWEST OF STANISLAUS STREET, AND A PORTION OF THE FULTON-VAN NESS ALLEY NORTHWEST OF STANISLAUS STREET

WHEREAS, pursuant to Resolution of Intention No. 1097-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on October 23, 2014, 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 and alley rights-of-way, situated within the City; and

WHEREAS, FFDA Properties, LLC is requesting the vacation of portions of the northwest four feet of Stanislaus Street northeast of Fulton Street and the northeast four feet of Fulton Street northwest of Stanislaus Street as described in Exhibit "A" and shown on Exhibit "B" of the attached resolution, and a portion of the Fulton-Van Ness Alley from Stanislaus Street to approximately 250 feet northwest, as described in Exhibit "E" and shown on Exhibit "F", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation is to accommodate development as proposed by Conditional Use Permit No. C-13-137 and Tentative Tract Nos. 6059 and 6060; 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 street or alley purposes subject to the reservation of a public utility easement over a portion of the area being vacated as described in Exhibits "C" and "E" and shown on Exhibits "D" and "F" of the attached resolution; and

WHEREAS, the proposed vacation is included in the project description of Environmental Assessment No. C-13-137/T-6059/T-6060 prepared for this project with a finding of Mitigated Negative Declaration that the proposed project will not have a significant adverse effect on the environment. The project was approved by the Planning Commission on May 21, 2014. A Notice of Determination was filed on July 3, 2014; and

WHEREAS, this action is taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 8300 et seq.).

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 portions of the northwest four feet of Stanislaus Street northeast of Fulton Street and the northeast four feet of Fulton Street northwest of Stanislaus Street as described in Exhibit "A" and shown on Exhibit "B", which are attached to and incorporated in this Resolution, are unnecessary for present and prospective public street purposes.

2. The Council finds from all the evidence submitted that the Fulton-Van Ness Alley from Stanislaus Street to approximately 250 feet northwest, as described in

Exhibit "E" and shown on Exhibit "F", is unnecessary for present and prospective public alley purposes.

3. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1097-D adopted by the Council on October 2, 2014, the public street rights-of-way described shown on Exhibit "A" and described in Exhibit "B, and the public alley right-of-way as described in Exhibit "E" and shown on Exhibit "F", be and are hereby vacated and abandoned.

4. The City reserves portions of the 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 street 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. The portions of the area being vacated that are being reserved pursuant to this paragraph are described in Exhibits "C" and "E" and shown on Exhibits "D" and "F", which are attached and incorporated in this Resolution.

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. The 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 _____, 2014.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
Tracy N. Parvanian, Deputy
Dated:

Attachments: Exhibits "A" through "F"

Exhibit "A"
Page 1 of 2

Parcel 1

That portion of Fulton Street lying adjacent to Block 88 of the Town (now City) of Fresno, recorded in Volume 1 of Plats, Page 2, Fresno County Records, described as follows:

BEGINNING at the most Westerly corner of said Block 88; thence Southeasterly along the Southwesterly line of said Block 88, said Southwesterly line also being the Northeasterly line of the Fulton Street right-of-way, a distance of 100.00 feet to the Southerly corner of Lot 29 of said Block 88; thence Southwesterly, along the Southwesterly prolongation of the Southeasterly line of said Lot 29, a distance of 4.00 feet; thence Northwesterly, parallel with and 4.00 feet Southwesterly of said Southwesterly line, a distance of 96.00 feet, more or less, to a point being 4.00 feet Southeasterly from the Southwesterly prolongation of the Northwesterly line of Lot 32 of said Block 88; thence Northerly, a distance of 5.66 feet, more or less, to the Point of Beginning.



Exhibit "A"
Page 2 of 2

Parcel 2

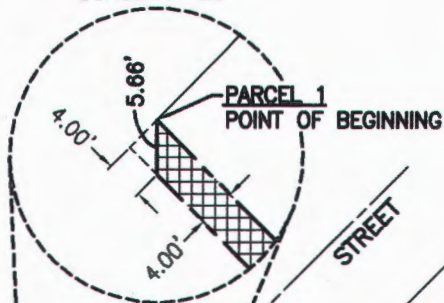
That portion of Fulton Street and Stanislaus Street lying adjacent to Block 88 of the Town (now City) of Fresno, recorded in Volume 1 of Plats, Page 2, Fresno County Records, described as follows:

BEGNNING a the most Westerly corner of Lot 26 of said Block 88; thence Southeasterly along the Southwesterly line of said Block 88, said Southwesterly line also being the Northeasterly line of the Fulton Street right-of-way, a distance of 250.00 feet to the most Southerly corner of said Block 88; thence Northeasterly along the Southeasterly line of said Block 88, said Southeasterly line also being the Northwesternly line of the Stanislaus Street right-of-way, a distance of 320.00 feet to the most Easterly corner of said Block 88; thence Southeasterly, along the Southeasterly prolongation of the Northeasterly line of said Block 88, a distance of 4.00 feet; thence Southwesterly, parallel with and 4.00 feet Southeasterly of said Southeasterly line, a distance of 316.80 feet, more or less, to a point that lies 7.20 feet Northeasterly from the intersection of said line parallel with and 4.00 feet Southeasterly of said Southeasterly line of Block 88, with a line parallel with and 4.00 feet Southwesterly of said Southwesterly line of Block 88; thence Westerly, a distance of 10.18 feet, more or less, to a point on said line parallel with and 4.00 feet Southwesterly of said Southwesterly line of Block 88, that lies 7.20 feet Northwesternly from said intersection; thence Northwesternly, along last said parallel line, a distance of 246.80 feet, more or less, to the intersection with the Southwesterly prolongation of the Northwesternly line of Lot 26 of said Block 88; thence Northeasterly, along said Southwesterly prolongation, a distance of 4.00 feet to the Point of Beginning.



EXHIBIT "B"

DETAIL A
SCALE: 1"=20'

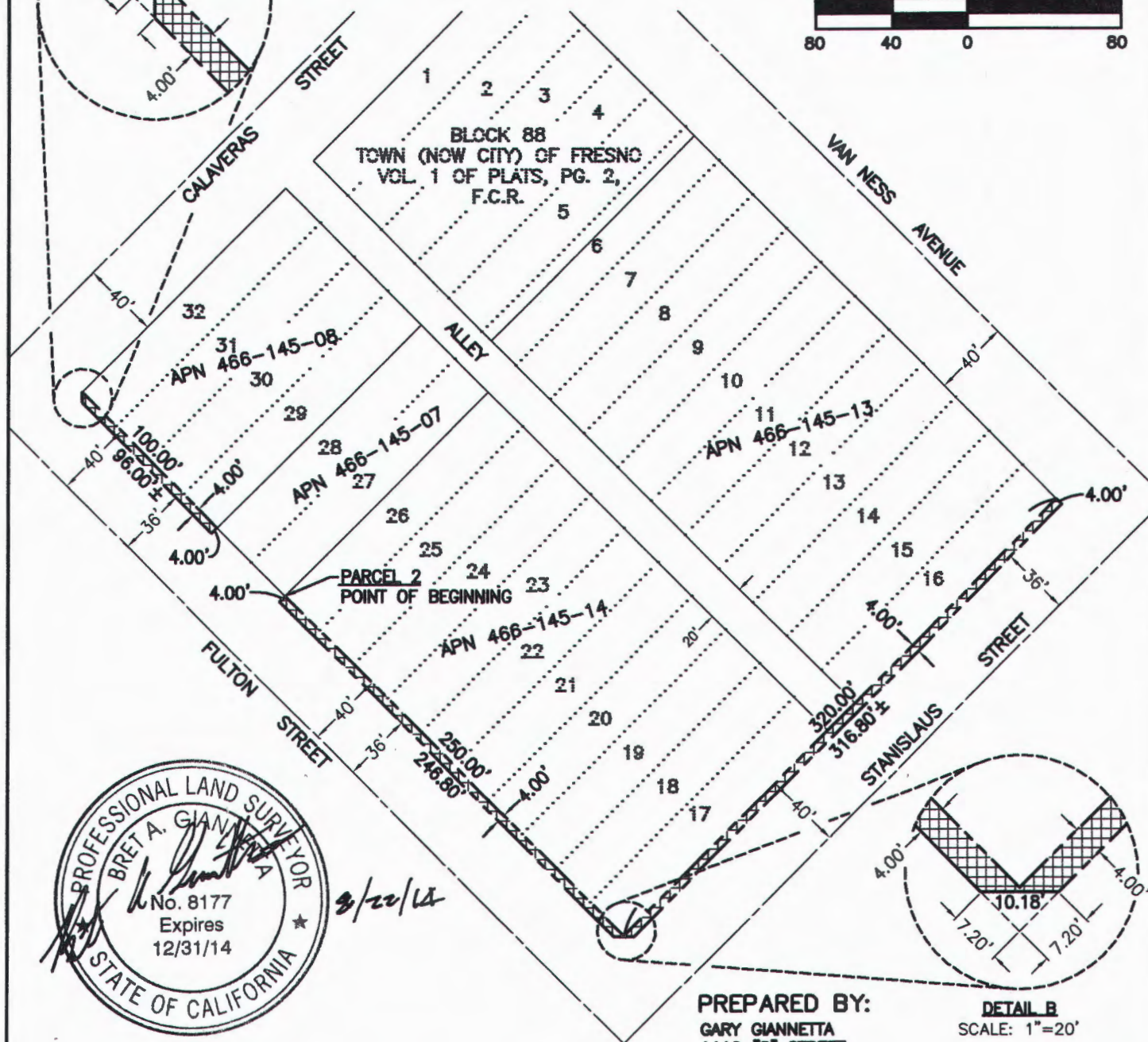
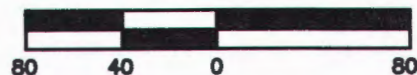


HATCHED AREA TO BE VACATED

PARCEL 1 AREA = 392± SQ. FT.
PARCEL 2 AREA = 2,270± SQ. FT.



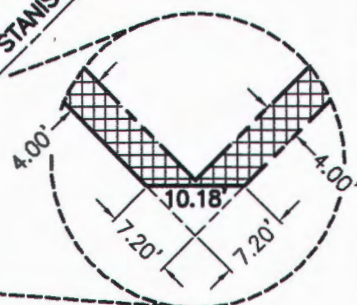
SCALE: 1' = 80'



8/22/14

PREPARED BY:
GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 284-3590

DETAIL B
SCALE: 1"=20'



8/22/14

<p>REF. & REV.</p> <p>FILE NO. C-13-137 TT 6059 TT 6060</p>	<p>CITY OF FRESNO</p> <p>A PORTION OF THE TOWN (NOW CITY) OF FRESNO</p>	<p>PROJ. ID. _____</p> <p>FUND NO. _____</p> <p>ORG. NO. _____</p> <p>DR. BY: B. GIANNETTA</p> <p>CH BY: _____</p> <p>DATE: _____</p> <p>SCALE: AS NOTED</p>	<p>SHEET NO. 1 OF 1 SHEET 15-A-</p>
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Exhibit "C"

That portion of Stanislaus Street lying adjacent to Block 88 of the Town (now City) of Fresno, recorded in Volume 1 of Plats, Page 2, Fresno County Records, described as follows:

BEGNNING a the most Easterly corner of Lot 17 of said Block 88; thence Northeasterly along the Southeasterly line of said Block 88, said Southeasterly line also being the Northwesterly line of the Stanislaus Street right-of-way, a distance of 20.00 feet to the most Southerly corner of Lot 16 of said Block 88; thence Southeasterly, along the Southeasterly prolongation of the Southwesterly line of Lots 1 through 16, inclusive, of said Block 88, a distance of 4.00 feet; thence Southwesterly, parallel with and 4.00 feet Southeasterly of said Southeasterly line, a distance of 20.00 feet, more or less, to the intersection with the Southeasterly prolongation of the Northeasterly line of Lots 17 through 32, inclusive, of said Block 88; thence Northeasterly, along last said Southeasterly prolongation, a distance of 4.00 feet to the Point of Beginning.



EXHIBIT "D"

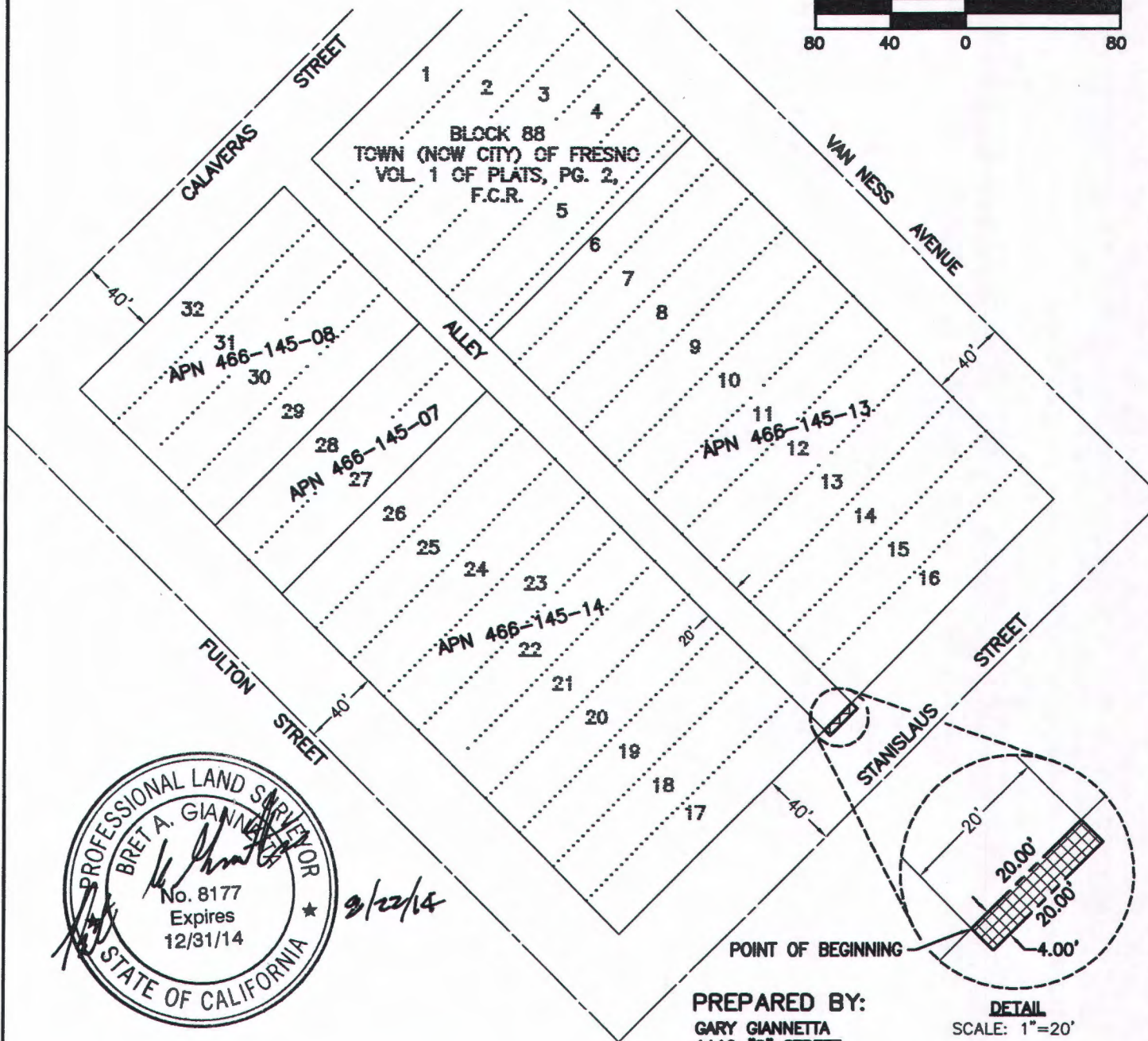


HATCHED AREA TO BE RESERVED
AS A PUBLIC UTILITY EASEMENT

AREA = 80± SQ. FT.



SCALE: 1" = 80'



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DETAIL
SCALE: 1"=20'

8/22/14

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Exhibit "E"

That portion of the Alley, lying within Block 88 of the Town (now City) of Fresno, recorded in Volume 1 of Plats, Page 2, Fresno County Records, described as follows:

BEGINNING at the Westerly corner of Lot 7 of said Block 88; thence Southeasterly along the Southwesterly line of Lots 7 through 16, inclusive, of said Block 88, said Southwesterly line also being the Northeasterly line of said Alley, a distance of 250.00 feet to the Southerly corner of Lot 16 of said Block 88; thence Southwesterly along the Northwesterly line of the Stanislaus Street right-of-way, a distance of 20.00 feet to the Easterly corner of Lot 17 of said Block 88; thence Northwesterly along the Northeasterly line of Lots 17 through 26, inclusive, of said Block 88, said Northeasterly line also being the Southwesterly line of said Alley right-of-way; thence Northeasterly, a distance of 20.00 feet to the Point of Beginning.



EXHIBIT "F"

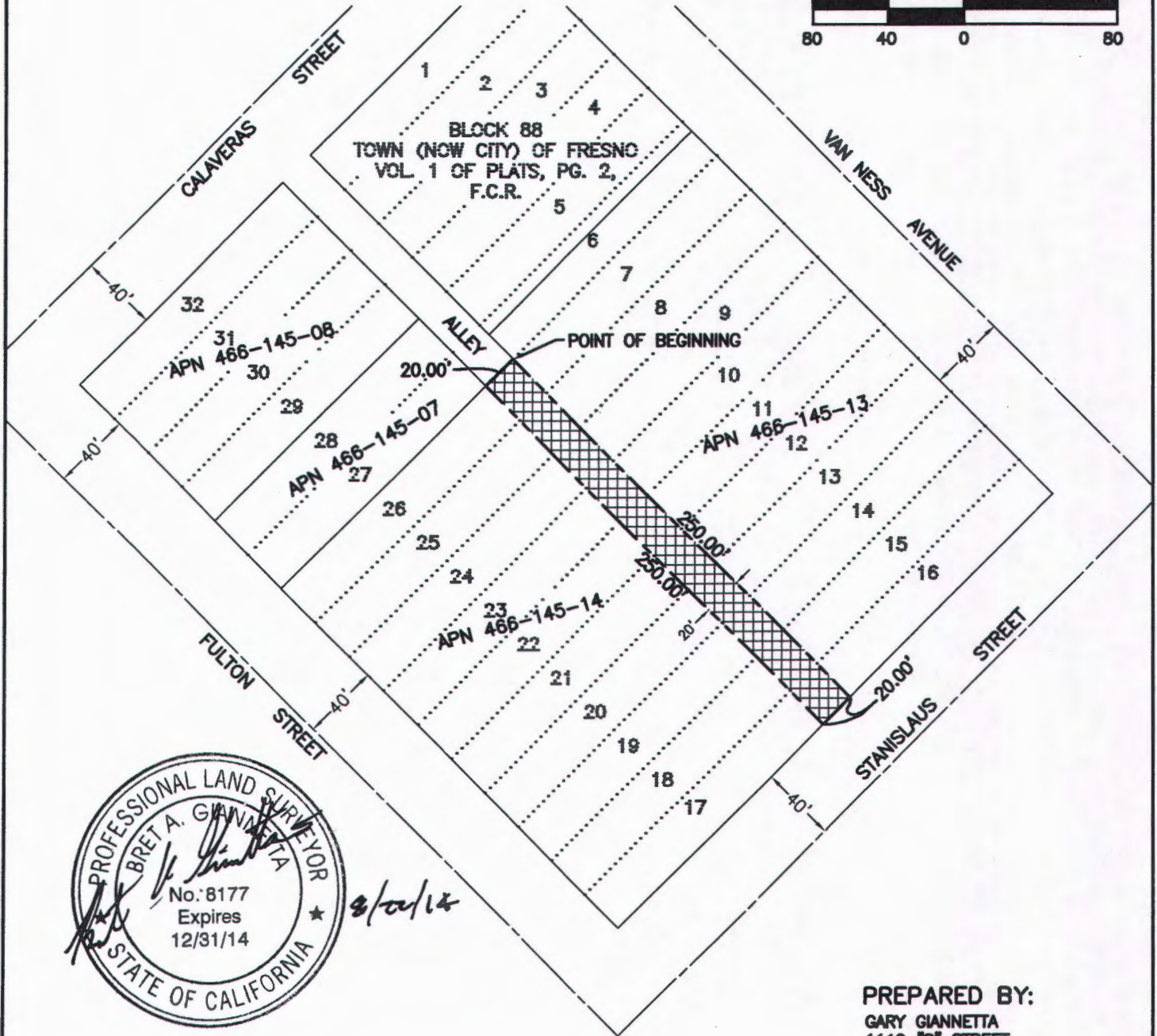
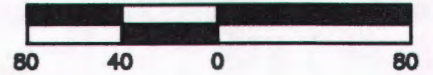


HATCHED AREA TO BE VACATED AS A PUBLIC ALLEY
AND RESERVED AS A PUBLIC UTILITY EASEMENT

AREA = 5,000± SQ. FT.



SCALE: 1" = 80'



8/22/14

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8/22/14

<p>REF. & REV.</p> <p>FILE NO. C-13-137 TT 6060</p>	<p>CITY OF FRESNO</p> <p>A PORTION OF THE TOWN (NOW CITY) OF FRESNO</p>	<p>PROJ. ID. _____</p> <p>FUND NO. _____</p> <p>ORG. NO. _____</p> <p>DR. BY: B. GIANNETTA</p> <p>CH BY: _____</p> <p>DATE: _____</p> <p>SCALE: AS NOTED</p>	<p>SHEET NO. 1</p> <p>OF 1 SHEET</p> <p>15-A-</p>
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