

RESOLUTION NO. _____

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF AN ALLEY BETWEEN NORTH BLACKSTONE AVENUE AND NORTH EFFIE STREET NORTH OF EAST CORNELL AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1109-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on January 12, 2017, 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, Jimmie Policarpo as Trustee of the Jimmie Policarpo Trust, U/D/T, dated June 1, 2007 is requesting the vacation a portion of an alley between North Blackstone Avenue and North Effie Street north of East Cornell Avenue as described in Exhibit "A", and as shown on Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, Jimmie Policarpo as Trustee of the Jimmie Policarpo Trust, U/D/T, dated June 1, 2007 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-16-015; and

WHEREAS, the 16 foot wide alley lying in Block 1 of the Blackstone Avenue Tract No. 1 in Book 10 of Plats at Page 51, Fresno County Records, together with

additional alley dedications per document recorded in Book 6682, Page 854, Official Records Fresno County; 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 a portion of an alley between North Blackstone Avenue and North Effie Street north of East Cornell Avenue 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. 1109-D adopted by the Council on December 8, 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". 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.

* * * * *

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 _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
Deputy

Attachments: Exhibits "A" through "C"

PW File 12001

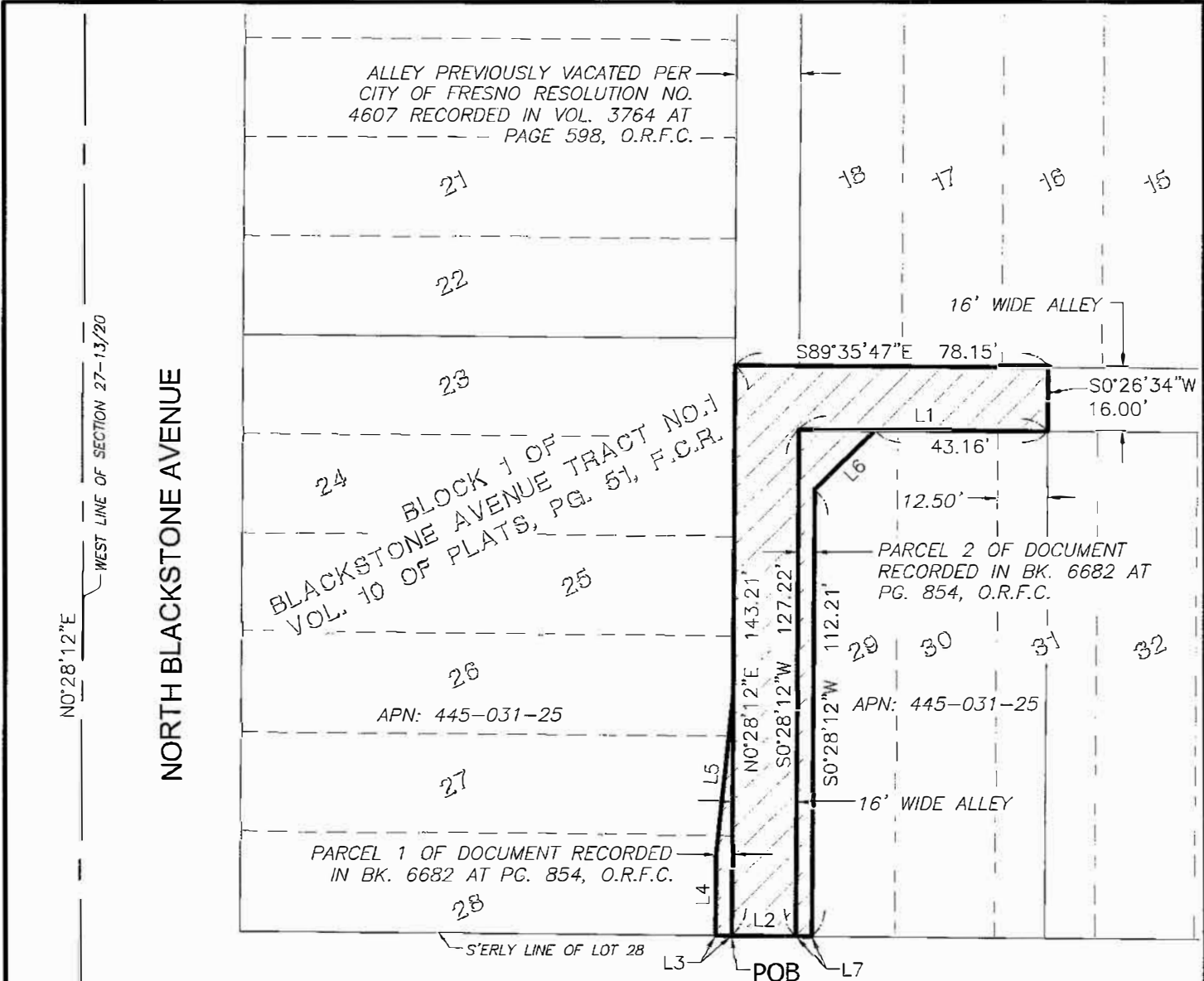
EXHIBIT 'A'

Being a portion of the 16' wide Alley in Block 1 as shown on Blackstone Avenue Tract No. 1, filed for record in Volume 10 of Plats at Page 51, Fresno County Records, situated in Section 27, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, in the City of Fresno, County of Fresno, State of California, being more particularly described as follows:

BEGINNING at southeast corner of Lot 28 of Block 1 of said Blackstone Avenue Tract No. 1, thence along the easterly line of Lots 28, 27, 26, 25, 24, and 23 of Block 1 of said Tract, North $0^{\circ}28'12''$ East, a distance of 143.21 feet to a point on the westerly prolongation of the southerly line of Lot 18 of Block 1 of said Tract; thence along said westerly prolongation and the southerly line of Lot 18 and the southerly line of Lots 17 and 16 of Block 1 of said Tract, South $89^{\circ}35'47''$ East, a distance of 78.15 feet to a point on the northerly projection of a line that is parallel with and 12.50 feet east of the westerly line of Lot 31 of Block 1 of said Tract; thence along said line, South $00^{\circ}26'34''$ West, a distance of 16.00 feet a point on the northerly line of said Lot 31, said point being 12.50 feet east of the northwesterly corner of said Lot 31; thence along the northerly line of Lots 31, 30, and 29 of Block 1 of said Tract, North $89^{\circ}35'47''$ West, a distance of 62.16 feet to the northwest corner of Lot 29 of Block 1 of said Tract; thence along the westerly line of said Lot 29, South $00^{\circ}28'12''$ West, a distance of 127.22 feet to the southwest corner of said Lot 29; thence along the westerly prolongation of the southerly line of said Lot 29, North $89^{\circ}34'59''$ West, a distance of 16.00 feet to the **POINT OF BEGINNING**.

TOGETHER WITH all the those portions of Parcel 1 and Parcel 2 as granted to the City of Fresno per Deed of Easement recorded November 1, 1976 in Book 6682 at Page 854, Official Record of Fresno County, situated in Section 27, Township 13 South, Range 20 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, in the City of Fresno, County of Fresno, State of California.

Area contains $\pm 4,067$ square feet.



N0°28'12"E
WEST LINE OF SECTION 27-13/20

NORTH BLACKSTONE AVENUE

ALLEY PREVIOUSLY VACATED PER
CITY OF FRESNO RESOLUTION NO.
4607 RECORDED IN VOL. 3764 AT
PAGE 598, O.R.F.C.

21 22 23 24 25 26 27 28

18 17 16 15

16' WIDE ALLEY

S89°35'47"E 78.15'

S0°26'34"W 16.00'

L1

43.16'

12.50'

PARCEL 2 OF DOCUMENT
RECORDED IN BK. 6682 AT
PG. 854, O.R.F.C.

29 30 31 32

APN: 445-031-25

16' WIDE ALLEY

N0°28'12"E 143.21'

S0°28'12"W 127.22'

S0°28'12"W 112.21'

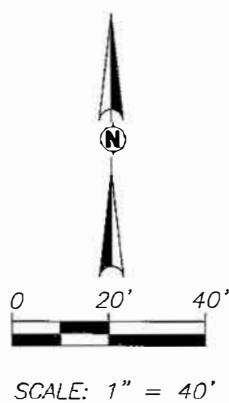
APN: 445-031-25

16' WIDE ALLEY

L5 L4 L3 L2 L7

POB

EAST CORNELL AVENUE



Line Table		
Line #	Direction	Length
L1	N89°35'47"W	62.16'
L2	N89°34'59"W	16.00'
L3	N89°34'59"W	4.00'
L4	N00°28'12"E	20.00'
L5	N06°10'48"E	40.20'
L6	S45°25'29"W	21.23'
L7	N89°34'59"W	4.00'

LEGEND

- = AREA OF ALLEY TO BE VACATED
AREA = ±4,067 sq ft
- POB** = POINT OF BEGINNING

REF. & REV.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ CO _____ FUND NO. _____ RES. TYPE _____ ORD. NO. _____	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
PLAT 2156	EXHIBIT 'B' PORTIONS OF 16' WIDE ALLEY TO BE VACATED	DR. BY <u>CRB</u> CH. BY <u>AKM</u> DATE <u>4/6/16</u> SCALE <u>1" = 40'</u>	---

EXHIBIT "C"
VACATION CONDITIONS

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

1. A reservation of a Public Utility Easement will be required over the entire area proposed for vacation to accommodate existing facilities.
2. A public alley dedication is required to replace access being vacated to East Cornell Avenue per Conditions of Approval for CUP C-16-015.
3. Remove all City of Fresno improvements from the area being vacated and replace alley approach at the new alley alignment.
4. All sewer and water requirements must be in compliance with the Conditions of Approval for CUP C-16-015.