

RESOLUTION NO. _____

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE THE BROADWAY DIAGONAL BETWEEN "H" STREET AND BROADWAY PLAZA AND THE BROADWAY PLAZA - "H" STREET ALLEY BETWEEN MERCED STREET AND THE BROADWAY DIAGONAL

WHEREAS, pursuant to Resolution of Intention No. 1111-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on November 17, 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 APEC International is requesting the vacations of the Broadway Diagonal between "H" Street and Broadway Plaza and the Broadway Plaza - "H" Street alley between Merced Street and the Broadway Diagonal as described in Exhibit "A", and as shown on Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation is to eliminate the public rights-of-way to accommodate development as proposed by proposed by Site Plan No. S-14-076; and

WHEREAS a portion of the Broadway Diagonal right-of-way was dedicated in fee simple title by grant deed recorded May 9, 1967 in Book 5437, at Page 79, Official Records Fresno County. The remaining portion of the Broadway Diagonal right-of-way was dedicated in easement by deed recorded June 29, 1981 in Book 7754, at Page 797, Official Record Fresno County. The Broadway Plaza - "H" Street alley between Merced Street and the Broadway Diagonal is a 20-foot alley in Block 63 of the map of

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: SM

Resolution No.

the Town of Fresno in Book 1 of Plats at Page 2, Fresno County Records; 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 and 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 (Cal. Sts. & Hy. Code, § 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 Broadway Diagonal between "H" street and Broadway Plaza and the Broadway Plaza - "H" Street alley between Merced Street and the Broadway Diagonal as described in Exhibit "A", and as shown on Exhibit "B" are unnecessary for present and prospective public street and alley purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1111-D adopted by the Council on October 20, 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.

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 _____, 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: _____
Deputy

Attachments: Exhibits "A" through "C"

PW File 12066

EXHIBIT "A"

LEGAL DESCRIPTION

Parcels "D" and "E" per DEED OF EASEMENT recorded June 29, 1981 in Book 7745, Page 797 as recorder's instrument No. 57580, Official Records of Fresno County, described, in said DEED OF EASEMENT, as follows:

Parcel "D"

Portions of Lots 23 through 30, inclusive, of Block 63 as shown on the Map of the Town of Fresno, as recorded in Book 1 of Plats, at Page 2, of Fresno County Records, described as follows:

BEGINNING at a point that lies North 41°36'14" West, along the Southwesterly line of said Block 63, a distance of 165.42 feet from the Southerly corner of said Block 63; thence North 41°36'14" West, along said Southwesterly line of said Block 63, a distance of 66.04 feet, to a point on a non-tangent curve, concave Northeasterly, having a radial bearing of North 52°59'00" East, from said point; thence Northerly along the arc of said curve, a distance of 83.66 feet, said curve having a central angle of 48°42'46" and a radius of 98.40 feet; thence North 11°41'46" East, a distance of 47.89 feet; thence South 87°01'48" East, a distance of 38.23 feet to a point on a curve, concave Westerly, having a radial bearing from said point of North 33°43'41" West, thence Northerly along the arc of said curve, a distance of 68.04 feet, said curve having a central angel of 97°52'49" and a radius of 39.83 feet, to a point on the Northeasterly line of said Lot 30; thence South 41°36'30" East, along the Northeasterly lines of said Lots 30, 29 and 28, a distance of 44.64 feet, to a point on a curve, concave Northwesterly, said point having a radial bearing of North 83°21'02" West; thence Southwesterly, along the arc of said curve, a distance of 29.85 feet, said curve having a central angle of 28°35'00" and a radius of 59.83 feet; thence South 87°01'48" East, a distance of 36.80 feet to the Northeasterly line of said Lot 27; thence South 41°36'30" East, along the Northeasterly lines of said Lots 27, 26 and 25, a distance of 58.40 feet to a point on a curve concave Northerly and having a radial bearing from said point of North 30°42'43" West; thence Westerly along the arc of said curve, a distance of 72.89 feet, said curve having a central angel of 33°40'55" and a radius of 124.00 feet; thence North 87°01'48" West, a distance of 82.08 feet to a point on a curve concave Easterly and having a radial bearing from said point of North 73°24'46" East; thence Southeasterly along the arc of said curve, a distance of 130.99 feet, said curve having a central angle of 25°01'00" and a radius of 300.00 feet, to the **TRUE POINT OF BEGINNING.**

Parcel "E"

Lot 8 and portions of Lots 7 and 9, in Block 63 of the Town (now City) of Fresno, as recorded in Book 1 of Plats at Page 2, of Fresno County Records, described as follows:

BEGINNING at the East corner of Lot 16, being also the Easterly corner of said Block 63; thence North 41°36'45" West, along the Northeasterly line of Lots 16 through 9, inclusive, a distance of 179.05 feet to the **TRUE POINT OF BEGINNING;**

Thence North 41°36'45" West, along the Northeasterly line of said Lots 9 through 7, inclusive, a distance of 69.96 feet, to the intersection with a line which is parallel with and 0.99 feet Southeasterly of the Northwesterly line



EXHIBIT "A"

LEGAL DESCRIPTION

Parcel "E" continued

of said Lot 7; thence South 48°22'26" West, along said line, a distance of 150.20 feet to the intersection with the Southwesterly line of said Lot 7; thence South 41°36'30" East, along said Southwesterly line, a distance of 49.91 feet, to the intersection with a point on a non-tangent curve whose radius bears North 40°01'05" West; thence Northeasterly along said non-tangent curve, concave to the Northwest and having a radius of 124.00 feet, through an interior angle of 01°36'29", an arc distance of 3.48 feet, to the intersection with a line which is parallel with and 0.95 feet Southeasterly of the Southeasterly line of said Lot 8; thence North 48°22'26" East, along said line, a distance of 126.73 feet to the intersection with a tangent curve; thence Northeasterly and Southeasterly along said tangent curve, concave to the South, and having a radius of 20.00 feet, through an interior angle of 90°00'49", an arc distance of 31.42 feet, to the intersection with the Northeast line of said Block 63, being also the **TRUE POINT OF BEGINNING**.

TOGETHER WITH Parcel "E" per GRANT DEED recorded May 9, 1967 in Book 5437, Page 79 as recorder's instrument No. 31098, Official Records of Fresno County, described as follows:

Parcel "E"

Portions of Lots 26 to 32, inclusive, in Block 63 of said Town (now City) of Fresno, and more particularly described, in said GRANT DEED, as follows:

BEGINNING at the West corner of said Lot 32, being also the West corner of said Block 63; thence North 48°20'00" East, along the Northwest line of said Lot 32, a distance of 150.00 feet to the North corner of said Lot 32; thence South 41°40'00" East, along the Northeast line of said Lot 32, a distance of 14.91 feet; thence South 11°38'00" West, across said Lots 29 to 32, inclusive, a distance of 138.34 feet; thence Southerly and Southeasterly, along a tangent curve concave to the East, and having a radius of 98.40 feet, through an interior angle of 47°22'49", an arc distance of 81.37 feet, to its intersection with the Southwest line of said Lot 26; thence North 41°40'00" West, along the Southwest lines of said Lots 26 to 32, inclusive, a distance of 166.33 feet to the **POINT OF BEGINNING**.

EXCEPTING THEREFROM that portion of said Lot 32, described as follows:

BEGINNING at the West corner of said Lot 32; thence North 48°20'00" East, along the Northwesterly line of said Lot 32, a distance of 1.82 feet; thence South 02°57'26" West, a distance of 2.59 feet to a point on the Southwesterly line of said Lot 32; thence North 41°40'00" West, along the Southwesterly line of said Lot 32, a distance of 1.84 feet.

TOGETHER WITH that portion of the 20 foot wide Alley in said Block 63, lying Northwesterly of that portion of said Alley vacated per Resolution No. 81-12, recorded January 20, 1981 in Book 7660, Page 329, as recorder's instrument No. 5856, Official Records of Fresno County.

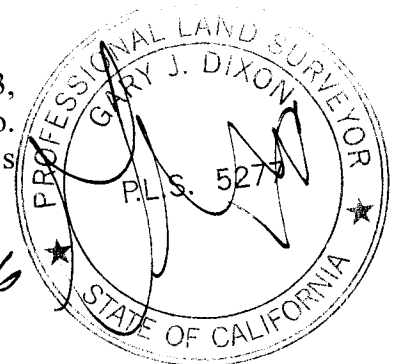
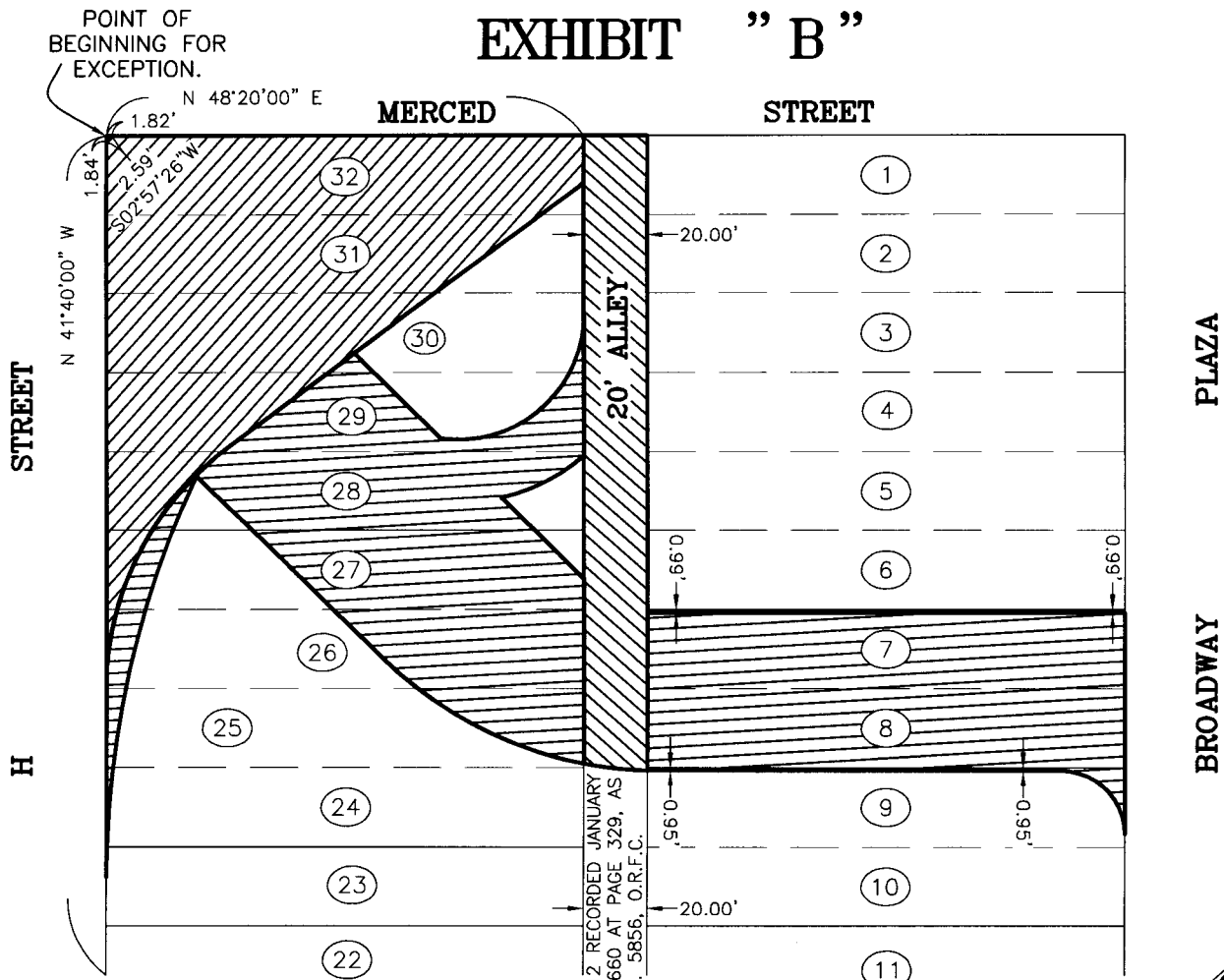


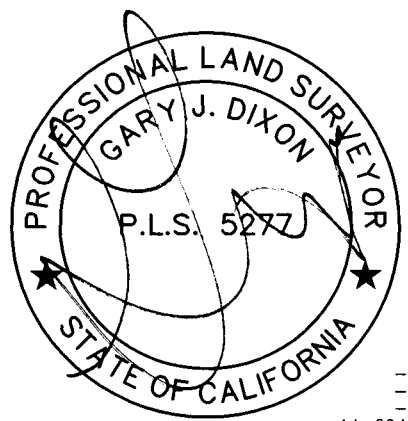
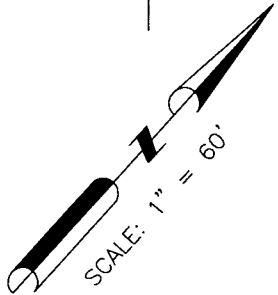
EXHIBIT " B "



LEGEND

- INDICATES AREA PREVIOUSLY GRANTED TO THE CITY OF FRESNO PER GRANT DEED RECORDED MAY 9, 1967 IN BOOK 5437, AT PAGE 79, OFFICIAL RECORDS OF FRESNO COUNTY, TO BE VACATED.
- INDICATES AREA PREVIOUSLY DEEDED TO THE CITY OF FRESNO PER DEED OF EASEMENT RECORDED JUNE 29, 1981 IN BOOK 7754, AT PAGE 797, OFFICIAL RECORDS OF FRESNO COUNTY TO BE VACATED.
- INDICATES PORTION OF THE 20' WIDE ALLEY IN BLOCK 63 OF THE MAP OF THE TOWN (NOW CITY) OF FRESNO, RECORDED IN VOLUME 1 OF PLATS AT PAGE 2, FRESNO COUNTY RECORDS, TO BE VACATED.
- INDICATES LOT NUMBER OF BLOCK 63 OF THE MAP OF THE TOWN (NOW CITY) OF FRESNO, RECORDED IN VOLUME 1 OF PLATS AT PAGE 2, FRESNO COUNTY RECORDS.

RESOLUTION No. 81-12 RECORDED JANUARY 20, 1981 IN BOOK 7660 AT PAGE 329, AS INSTRUMENT No. 5856, O.R.F.C.



9.30-16

14-094

Ref. & Rev. PW File No: Plat No:	<h2 style="margin: 0;">CITY OF FRESNO</h2> <h3 style="margin: 0;">DEPARTMENT OF PUBLIC WORKS</h3> <p style="margin: 5px 0;">PORTIONS OF BLOCK 63 OF THE MAP OF THE TOWN (NOW CITY) OF FRESNO, RECORDED IN VOLUME 1 OF PLATS AT PAGE 2, FRESNO COUNTY RECORDS, TO BE VACATED.</p>	Proj. ID: - Fund No.: - Org. No.: -	SHEET NO. 1 OF 1 SHEETS
Dr. By: GMR Ck. By: Date: Sept. 20, 2016 Scale: 1" = 60'			

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, and in Tuolumne Street, 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.
2. The Broadway Diagonal Street will need to be closed to all public vehicular traffic. The method of this street closer will need to be approved and coordinated with the City of Fresno Public Works Traffic Division. For specific information please contact Andrew Benelli at (559) 621-8723.
3. “H” Street will need to be constructed for through traffic. The construction and removal of all street improvements to accommodate this condition will need to be coordinated with Brian Russell, City of Fresno Public Works manager. Brian can be reached at (559) 621-1309.