

RESOLUTION NO. 1099-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF
THE CITY OF FRESNO, CALIFORNIA, TO VACATE THE
R-S ALLEY BETWEEN TULARE AND MARIPOSA
STREETS

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of the R-S Alley between Tulare and Mariposa Streets as shown on Exhibit "A" of the attached 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, said exhibit incorporated herein by reference and on file in the Office of the City Clerk of the City at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721; and

WHEREAS, the Roman Catholic Bishop of Fresno is requesting the proposed vacation and now owns the entire block affected by it; 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.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The hour of 2:00 p.m. on August 20, 2015, in the Council Chambers in Fresno City Hall, is hereby fixed as the time and place when and where all persons interested in or objecting to the proposed vacation may appear before the Council and be heard in

relation thereto.

2. The Council elects to proceed under the provisions of Chapter 3, commencing with Section 8320, of the Public Streets, Highways, and Service Easements Vacation Law of the State of California (California Street and Highways Code Sections 8300 et seq.).

3. The Public Works Director of the City is directed to cause notices of the proposed vacation to be published and posted for the time and in the manner prescribed by the provisions of Sections 8322 and 8323 of the California Streets and Highways Code.

4. The Council preliminarily determines that the public alley proposed to be vacated is not useful as a bicycle path or route under applicable general, specific, or community plans and policies. If the Council does not rescind such preliminary determination, based on evidence or public testimony presented to it, orally or in writing, at or before the August 20, 2015, hearing, the Council may proceed to make a final determination, at the public hearing, that the public alley be vacated as provided herein.

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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

Attachment: Exhibit "A"

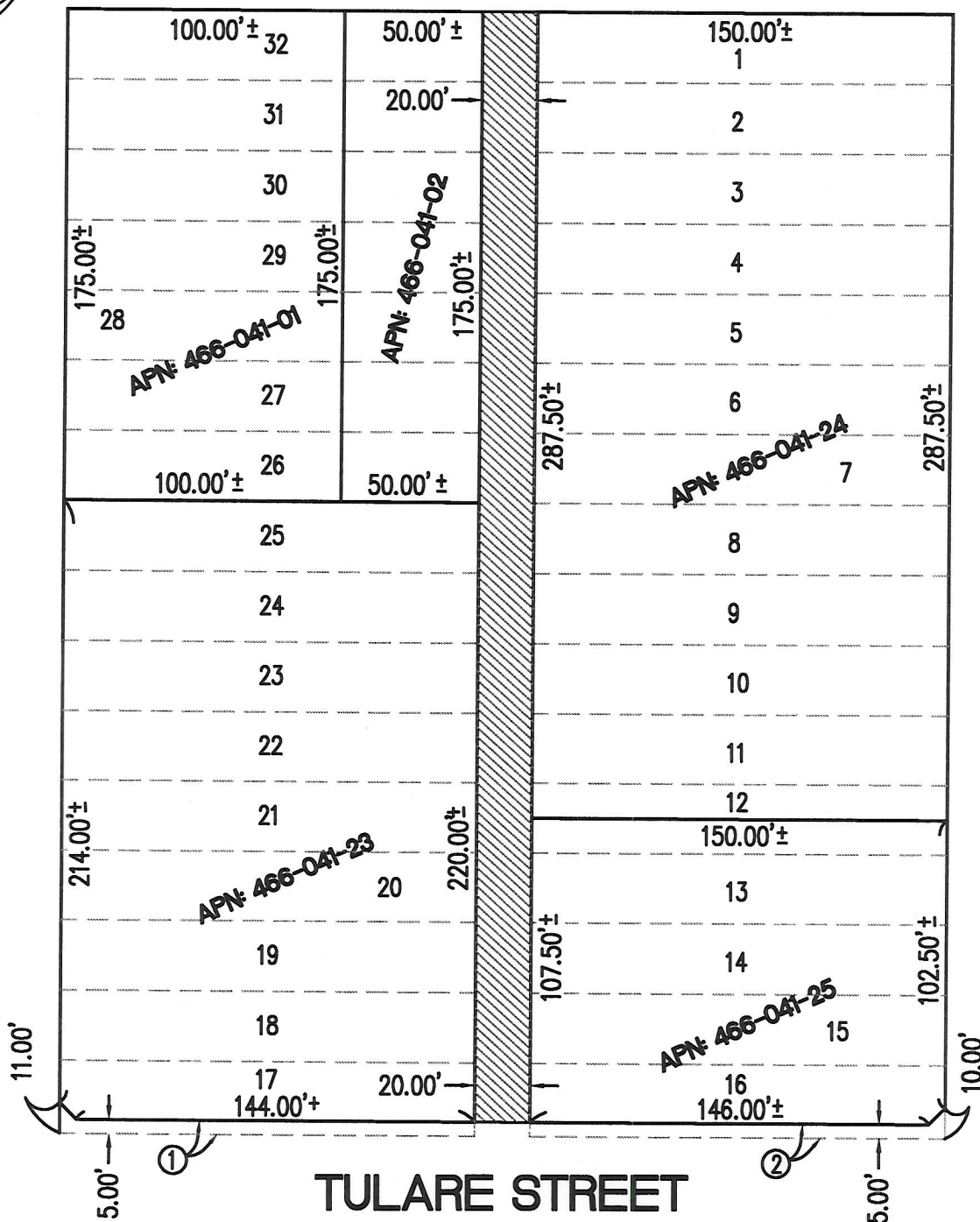
SCALE: 1"=60'

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.