

RESOLUTION NO. 1100-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE PORTIONS OF EAST THOMAS AVENUE AND THE THOMAS-HARVEY ALLEY, BOTH BETWEEN NORTH ORCHARD AVENUE AND STATE ROUTE FREEWAY 41, AND NORTH ORCHARD AVENUE BETWEEN EAST THOMAS AVENUE (TO THE EAST) AND STATE ROUTE FREEWAY 41

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of portions of East Thomas Avenue and the Thomas-Harvey Alley, both between North Orchard Avenue and State Route Freeway 41, and North Orchard Avenue between East Thomas Avenue (to the east) and State Route Freeway 41, as shown on Exhibit "A", 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 City's Parks, After School, Recreation and Community Services (PARCS) Department is requesting the proposed vacation; and

WHEREAS, the purpose of the vacation is to eliminate the public right-of-way and incorporate the area into Frank Romain Playground Park to accommodate proposed improvements to the park; 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 public alley purposes subject to the reservation of a public utility

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

easement over the area shown on Exhibit "B", and the conditions listed on Exhibit "C", which are attached and incorporated herein.

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

1. The hour of 2:15 p.m. on August 20, 2015, in the Council Chambers in Fresno City Hall, 2600 Fresno Street, Fresno, CA 93721, 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 streets and alley proposed to be vacated are 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 streets and alley be vacated as provided herein.

* * * * *

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: _____
Raj Singh Badhesha [Date]
Deputy

Attachments: Exhibits "A", "B" and "C"

EXHIBIT "A"



INDICATES AREA PROPOSED
TO BE VACATED (32,719 S.F. ±)

NOTE:
DATA SHOWN WAS DERIVED FROM
VARIOUS STATE HIGHWAY RIGHT-OF-
WAY MAPS OF FREEWAYS 41 AND 180.

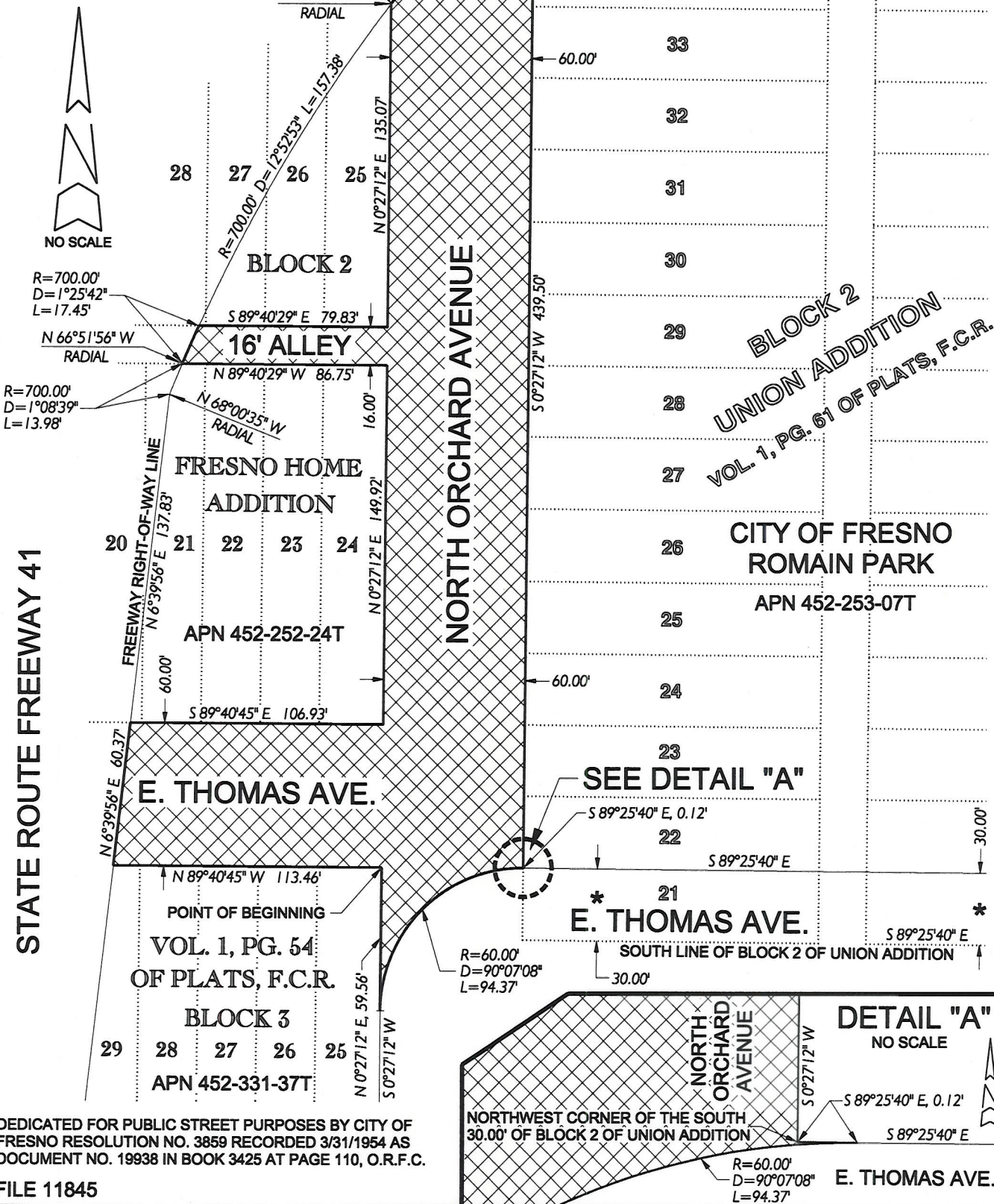


EXHIBIT "B"



INDICATES AREA PROPOSED
TO BE VACATED AND RESERVED
AS A PUBLIC UTILITY EASEMENT

NOTE:
DATA SHOWN WAS DERIVED FROM
VARIOUS STATE HIGHWAY RIGHT-OF-
WAY MAPS OF FREEWAYS 41 AND 180.

R=700.00'
D=0°14'35"
L=2.97'

N 52°33'21" W
RADIAL



NO SCALE

R=700.00'
D=1°25'42"
L=17.45'

N 66°51'56" W
RADIAL

R=700.00'
D=1°08'39"
L=13.98'

28

27

26

25

BLOCK 2

16' ALLEY

FRESNO HOME
ADDITION

APN 452-252-24T

E. THOMAS AVE.

POINT OF BEGINNING
VOL. 1, PG. 54
OF PLATS, F.C.R.

BLOCK 3

APN 452-331-37T

NORTH ORCHARD AVENUE

36

35

34

33

32

31

30

29

28

27

26

25

24

23

22

21

SEE DETAIL "A"

E. THOMAS AVE.

CITY OF FRESNO
ROMAIN PARK

APN 452-253-07T

BLOCK 2
UNION ADDITION
VOL. 1, PG. 61 OF PLATS, F.C.R.

DETAIL "A"
NO SCALE



NORTHWEST CORNER
OF THE SOUTH 30.00'
OF BLOCK 2 OF
UNION ADDITION

R=60.00'
D=90°07'08"
L=94.37'

E. THOMAS AVE.

* = DEDICATED FOR PUBLIC STREET PURPOSES BY CITY OF
FRESNO RESOLUTION NO. 3859 RECORDED 3/31/1954 AS
DOCUMENT NO. 19938 IN BOOK 3425 AT PAGE 110, O.R.F.C.

PW FILE 11845

EXHIBIT "C"

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 proposed vacation area, 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. Gates need to be locked in a manner that will provide unrestricted 24 hour access to all utility agencies and the City of Fresno Department of Public Utilities.
2. The Department of Public Utilities (DPU) states that there is an existing 6 inch water main, gate valve and fire hydrant existing within the proposed vacation area and require that the Applicant abandon the 6 inch water main within the area proposed to be vacated, and 2) relocate the fire hydrant from the northeast corner of East Thomas Avenue and North Orchard Street to outside of the area proposed to be vacated.
3. The Fresno Fire Department reviewed this project only for requirements related to water supply, fire hydrants and fire apparatus access to the building(s) on site. They require that the Applicant provide: 1) approved police/fire bypass lock ("Best" padlock model 21B700 series or electric cylinder switch modal 1W7B2) on drive access gate(s); and 2) unobstructed access to the fire hydrant at the northeast corner of East Thomas Avenue and North Orchard Street at all times. The Fire Department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. A 3 foot clear space shall be maintained around the circumference of fire hydrants.
4. The City of Fresno's Street Department states that there are two street lights on joint poles along the east side of Orchard in the proposed vacation area, one at the Thomas-Harvey Alley and one at the north end of Orchard (it appears that the one at Thomas will still be in un-vacated right-of-way). They require that the Applicant either; 1) remove the street lights and notify PG&E (contact Streets to find out where to salvage them to), or 2) if the intention is to keep the lights, contact PG&E to convert them from the roadway lighting rate.
5. The City of Fresno's Traffic and Engineering Services Division requires that the Applicant: 1) remove all public improvements from the area to be vacated and salvage all utilities, signage, etc. to the appropriate departments; and 2) construct full offsite improvements across Orchard along the frontage of the new alignment on the north side of Thomas (to the east).
6. The State of California's Department of Transportation (DOT) states that Caltrans will need access to the existing maintenance gate located at the north end of Orchard adjacent to the SR 41-SR 180 connector. They require coordination between Caltrans and PARCS regarding providing that access. They also require that the fence and relinquishment of direct access to the freeway right-of-way along said connector remain in place.
7. The Fresno Metropolitan Flood Control District states that there are no Master Plan facilities within the proposed vacation area and requires that existing drainage patterns remain as designed per the District's Master Plan. The District will need to review and approve any improvement plans associated with the project (i.e. grading plan and street plans) for conformance with the Master Plan drainage patterns prior to implementation.