

AGENDA ITEM NO.

COUNCIL MEETING
APPROVED BY
DEPARTMENT DIRECTOR

CITY MANAGER

March 13, 2007

FROM: JON R. RUIZ, Interim Director
Public Works Department

BY: SCOTT L. MOZIER, PE, Assistant Director
Public Works Department

SUBJECT: ADOPT A RESOLUTION OF INTENTION TO VACATE A PORTION OF THE
CLINTON-TERRACE ALLEY EAST OF BLACKSTONE AVENUE (LOCATED IN
COUNCIL DISTRICT NO. 7)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1056-D for the vacation of a portion of the Clinton-Terrace Alley east of Blackstone Avenue and set the required public hearing at 10:15 a.m. on April 10, 2007.

EXECUTIVE SUMMARY

Sol Development is requesting the vacation of a portion of the Clinton-Terrace Alley east of Blackstone Avenue, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to accommodate the construction of a super drug store with a drive-thru window.

KEY OBJECTIVE BALANCE

The proposed vacation balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. The proposed vacation provides for Customer Satisfaction by allowing for the construction of a super drug store. Financial Management is achieved when the Customer who requested the vacation pays the City to process it, which relieves the City from incurring any future costs by initiating the vacation itself.

BACKGROUND

Sol Development is requesting the vacation of a portion of the Clinton-Terrace Alley east of Blackstone Avenue, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to accommodate the construction of a super drug store with a drive-

thru window in accordance with Rezone Application No. R-05-37 and Plan Amendment No. A-05-08.

The City Attorney's Office has approved the attached Resolution of Intention as to form.

The Traffic Division, other City Departments and utility agencies have reviewed this proposal and determined that the right-of-way proposed for vacation is unnecessary for present or prospective public alley purposes, subject to the conditions for approval detailed in Attachment "A".

Environmental Assessment No. A-05-08/R-05-37 shows that, with the imposition and fulfillment of the conditions noted therein, there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment. Accordingly, a mitigated negative declaration is the appropriate environmental finding for this project.

The vacation, if approved by the Council at the public hearing, will become effective when the vacating Resolution is recorded in the office of the Fresno County Recorder.

The proposed development could not proceed as designed if the vacation is denied.

FISCAL IMPACT

There will be no impact to the City's General Fund.

JRR/SLM/DHC/AJ/eam
Adopt Reso Vac Por Clinton-Terrace Alley 3-13-07

P.W. File No. 11135

Attachments: 1. Resolution of Intention
2. Attachment A

RESOLUTION OF INTENTION NO. 1056-D

RESOLUTION OF INTENTION TO VACATE A PORTION OF THE
CLINTON-TERRACE ALLEY EAST OF BLACKSTONE AVENUE

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of a portion of the Clinton-Terrace Alley east of Blackstone Avenue, located exclusively within the City; for further particulars as to the proposed vacation, reference is hereby made to the attached 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.

WHEREAS, the purpose of the vacation is to allow for the construction of a super drug store with a drive-thru window in accordance with Rezone Application No. R-05-37 and Plan Amendment No. A-05-08; and

WHEREAS, Environmental Assessment No. A-05-08/R-05-37 shows that, with the imposition and fulfillment of the conditions noted therein, there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment. Accordingly, a mitigated negative declaration is the appropriate environmental finding for this project.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

1. The hour of 10:15 a.m. on April 10, 2007 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.

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 easement 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 April 10, 2007 hearing, the Council may proceed to make a final determination, at the public hearing, that the public alley easement be vacated as provided herein.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ day of _____, 2007.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2007
Mayor Approval/No Return: _____, 2007
Mayor Veto: _____, 2007
Council Override Vote: _____, 2007

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

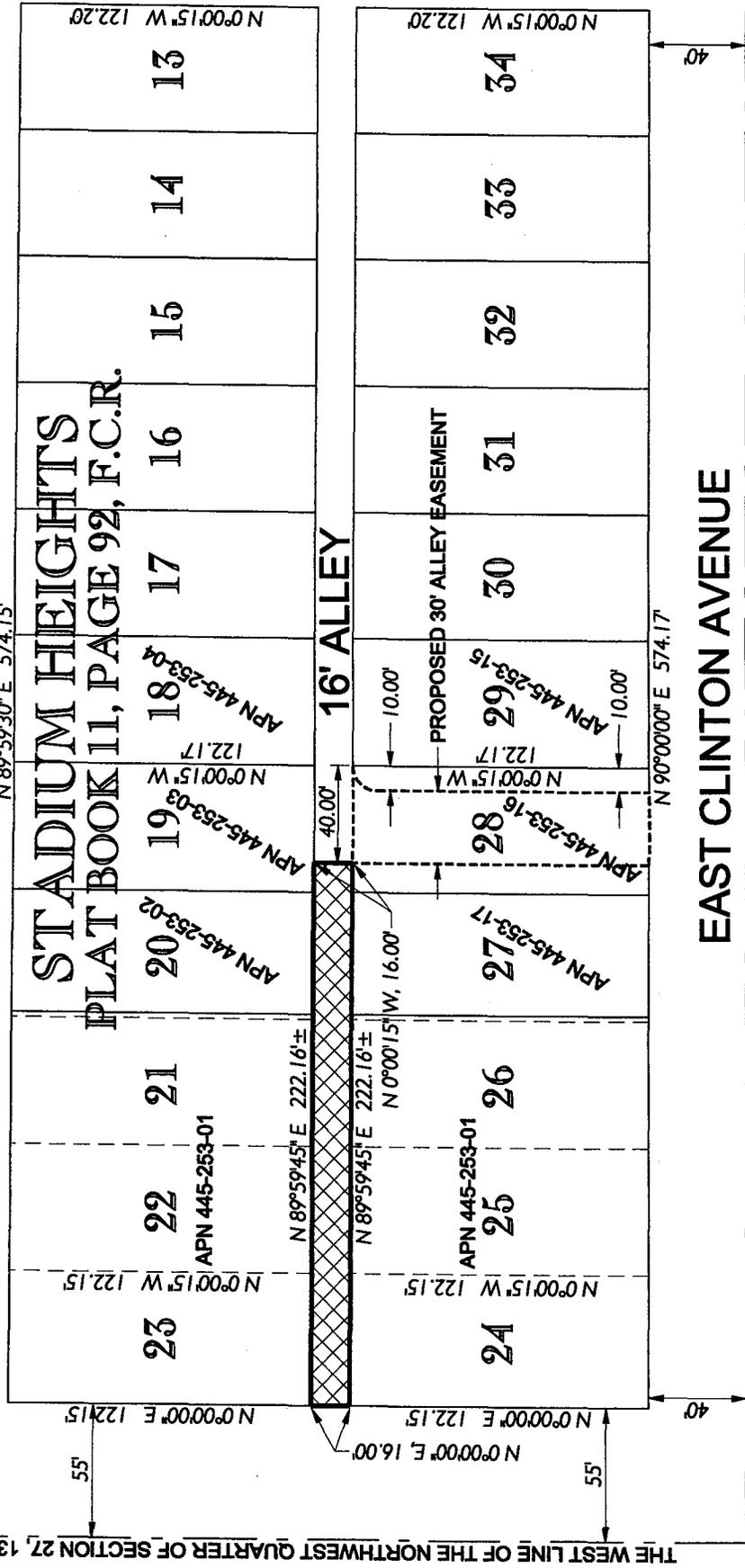
JAMES C. SANCHEZ
CITY ATTORNEY

By:  _____
Deputy

P.W. FILE 11135

EAST TERRACE AVENUE

N 89°59'30" E 574.15'



STADIUM HEIGHTS
PLAT BOOK 11, PAGE 92, F.C.R.

NORTH BLACKSTONE AVENUE

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 27, 13/20

EAST CLINTON AVENUE

THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 27, 13/20

WEST 1/4 CORNER
SECTION 27, 13/20



INDICATES AREA TO BE VACATED



NO SCALE

EXHIBIT "A"

PW FILE NO. 11135

THE VACATION OF A PORTION OF THE CLINTON-TERRACE ALLEY EAST OF BLACKSTONE AVENUE

ATTACHMENT A

CONDITIONS FOR APPROVAL

1. PG&E has facilities within the area proposed to be vacated and requires that their facilities be relocated into a replacement easement. Any relocation of those facilities shall be at the expense of the Developer. Public Works must receive written notification from PG&E that their requirement has been fulfilled.
2. The City's Traffic Division requires that the Developer dedicate a replacement public alley easement south to Clinton. The design of the replacement alley shall be approved by the Traffic Division of the City's Public Works Department. The Developer shall be responsible for the removal of all existing alley improvements from the area proposed to be vacated. The Developer shall also remove the existing alley approach at Blackstone Avenue and replace it with concrete curb, gutter, and sidewalk constructed to Public Works Standard P-5, as needed. The Developer shall also comply with all conditions per Conditional Use Permit No. C-06-004.
3. The Developer shall provide the appropriate signage for the relocated alley.
4. The City's Water Division requires that the Applicant shall abandon the 6" water main that lies within the area proposed to be vacated. The Applicant shall construct a replacement 6" water main south through the proposed replacement alley easement to the existing 10" water main in Clinton Avenue.
5. The City's Department of Public Utilities requires that the Applicant shall abandon the 10" sewer main from the existing 15" sewer in Blackstone Avenue through the area to be vacated to the proposed alley replacement easement. The Developer shall construct a replacement 10" sewer main south through the proposed replacement alley easement to Clinton Avenue and then west to the existing 15" sewer main in Blackstone Avenue. Engineered improvement plans shall be submitted to the Department of Public Utilities for review and approval before construction can commence.
6. The Fresno Metropolitan Flood Control District requires that the drainage from the area proposed to be vacated shall be directed towards Clinton Avenue.