

AGENDA ITEM NO.

COUNCIL MEETING
APPROVED BY
DEPARTMENT DIRECTOR

CITY MANAGER

June 5, 2007

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

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

SUBJECT: ADOPT A RESOLUTION OF INTENTION TO VACATE ALL STREET, PEDESTRIAN, AND UTILITY EASEMENTS IN THE AREA KNOWN AS FUNSTON PLACE LOCATED SOUTHEAST OF CLINTON AVENUE AND FRESNO STREETS (LOCATED IN COUNCIL DISTRICT NO. 7)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1060-D for the vacation of all street, pedestrian, and utility easements in the area known as Funston Place located southeast of Clinton Avenue and Fresno Streets and set the required public hearing at 10:15 a.m. on June 26, 2007.

EXECUTIVE SUMMARY

The Housing Authority of the City of Fresno is requesting the vacation of all street, pedestrian, and utility easements in the area known as Funston Place located southeast of Clinton Avenue and Fresno Streets, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to accommodate the development of a 477 unit mixed income multifamily complex in a private community.

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 mixed income multifamily housing complex.

BACKGROUND

The Housing Authority of the City of Fresno is requesting the vacation of all street, pedestrian, and utility easements in the area known as Funston Place located southeast of Clinton Avenue and Fresno Streets, as shown on Exhibit "A" of the attached Resolution of Intention. The street and sewer easements were dedicated for public use in 1946 and the pedestrian easements

were dedicated for public use in 1984. All were dedicated by the documents referenced on said Exhibit "A".

The purpose of the vacation is to accommodate the development of a 477 unit mixed income multifamily complex in a private community which will include 2 story townhouses and 3 story apartments. The Housing Authority is demolishing and removing all existing buildings, streets, sidewalks, curbs, gutters, sewer lines, water lines, gas lines, and overhead utility lines. The new development will be constructed using a completely different configuration than what now exists and all proposed utilities will be private.

The Traffic Division, other City Departments and utility agencies have reviewed this proposal and determined that the various rights-of-way proposed for vacation are unnecessary for present or prospective public purposes. The proposed vacation is subject to 1) the requirement that curb, gutter, and sidewalk be constructed across the existing street entrances at Cambridge Avenue and Fresno Street and at Drexel and Clinton Avenues and 2) the requirement that the existing City street lights be removed and salvaged to the City.

Environmental Assessment No. HA-2006-09 shows with certainty that the project is categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (b) and (c) of the State CEQA guidelines.

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

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 applicant's proposed plans for development would require modification if the vacation is denied.

FISCAL IMPACT

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

JRR/SLM/AJ/eam
Adopt Reso Vac Var Easements Clinton-Fresno 6-5-07

Attachments: 1. Resolution of Intention

P.W. File No. 11191

RESOLUTION OF INTENTION NO. 1060-D

RESOLUTION OF INTENTION TO VACATE ALL STREET, PEDESTRIAN, AND UTILITY EASEMENTS IN THE AREA KNOWN AS FUNSTON PLACE LOCATED SOUTHEAST OF CLINTON AVENUE AND FRESNO STREETS

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of all street, pedestrian, and utility easements in the area known as Funston Place located southeast of Clinton Avenue and Fresno Streets, 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; and

WHEREAS, the purpose of the vacation is to accommodate the development of a 477 unit mixed income multifamily complex in a private community; and

WHEREAS, the Housing Authority is demolishing and removing all existing buildings, streets, sidewalks, curbs, gutters, sewer lines, water lines, gas lines, and overhead utility lines. The new development will be constructed using a completely different configuration than what now exists and all proposed utilities will be private; and

WHEREAS, Environmental Assessment No. HA-2006-09 shows with certainty that the project is categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (b) and (c) of the State CEQA guidelines.

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

1. The hour of 10:15 a.m. on June 26, 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 street easements 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 June 26, 2007 hearing, the Council may proceed to make a final determination, at the public hearing, that the public street, utility, and pedestrian easements 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:

CITY ATTORNEY'S OFFICE
James C. Sanchez

By: Laurie A. Avedisian
Laurie A. Avedisian, Deputy

Adopt Reso Vac Var Easements Clinton-Fresno 6-5-07

P.W. FILE 11191

