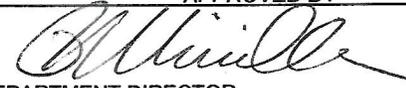


AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

August 21, 2007

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

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



SUBJECT: ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF THE "60 FOOT RESTRICTED ACCESS STRIP "A" OFFERED FOR DEDICATION FOR FUTURE ROAD PURPOSES" AS SHOWN ON THE MAP OF PARCEL MAP NO. 3894 LOCATED IN THE EAST POWERS AVENUE ALIGNMENT, WEST OF NORTH MAPLE AVENUE (LOCATED IN COUNCIL DISTRICT NO. 6)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATIONS

Staff recommends that the Council approve this vacation.

EXECUTIVE SUMMARY

Harbour and Associates on behalf of George Goddard is requesting the vacation of the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 recorded in Book 26 of Parcel Maps at Page 4, Fresno County Records, and also as shown on Exhibit "A" of the attached Resolution. The 60 foot wide strip is located in the East Powers Avenue alignment (between Teague and Shepherd Avenues), west of North Maple Avenue. The purpose of the proposed vacation is to satisfy a condition of approval for Tentative Tract No. 5564 in accordance with Conditional Use Permit No. C-06-19 and Rezone No. R-05-63.

KEY OBJECTIVE BALANCE

The proposed vacation balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. Customer Service is achieved by satisfying a condition of approval for Tentative Tract No. 5564 in accordance with Conditional Use Permit No. C-06-19 and Rezone No. R-05-63. 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

Harbour and Associates on behalf of George Goddard is requesting the vacation of the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 recorded October 28, 1977 in Book 26 of Parcel Maps at Page 4, Fresno County Records, and also as shown on Exhibit "A" of the attached Resolution. The 60 foot wide strip is located in the East Powers Avenue alignment (between Teague and Shepherd Avenues), west of North Maple Avenue. The 60 foot wide access strip appears to have been created to provide for a limited second point of access from the west side of Parcel Map No. 3894. In 1987 Tract No. 3844, a condominium development was constructed west of Parcel Map No. 3894, which severed access to the 60 foot access strip and eliminated the need for any future road right-of-way. The purpose of the proposed vacation is to satisfy a condition of approval for Tentative Tract No. 5564 in accordance with Conditional Use Permit No. C-06-19 and Rezone No. R-05-63.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public service easement that has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. A summary vacation is also authorized when there are in-place utilities that are in use, but will not be affected by the vacation. This vacation does not affect the existing utility pole line easement or the underground gas pipeline easement, both in favor of PG&E, pursuant to Section 8352 of the California Streets and Highways Code that states a vacation of a street, highway, or public service easement does not affect a private easement, including easements in favor of a public utility. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

Environmental Assessment No. EA-07-24 shows with certainty that the project is categorically exempt and there is no possibility that the proposed summary vacation may have a significant adverse effect on the environment, and the proposed summary vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c)/Class 1 of the CEQA guidelines.

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

FISCAL IMPACT

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

JRR/SLM/AJ/eam
Adopt Reso Apprv Sum Vac Strip A Powers Ave Align 8-21-07

Attachments: 1. Resolution

P.W. File No. 11215

Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

When Recorded, Mail To:
City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. _____

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF THE "60 FOOT RESTRICTED ACCESS STRIP "A" OFFERED FOR DEDICATION FOR FUTURE ROAD PURPOSES" AS SHOWN ON THE MAP OF PARCEL MAP NO. 3894 LOCATED IN THE EAST POWERS AVENUE ALIGNMENT, WEST OF NORTH MAPLE AVENUE

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate of the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 recorded October 28, 1977 in Book 26 of Parcel Maps at Page 4, Fresno County Records, located exclusively within the City of Fresno; and

WHEREAS, the "60 foot restricted access strip "A" offered for dedication for future road purposes" proposed to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the area to be vacated appears to have been created to provide for a limited second point of access from the west side of Parcel Map No. 3894; and

WHEREAS, In 1987 Tract No. 3844, a condominium development was constructed west of Parcel Map No. 3894, which severed access to the 60 foot access strip and eliminated the need for any future road right-of-way; and

WHEREAS, the purpose of the proposed vacation is to satisfy a condition of approval for Tentative Tract No. 5564 in accordance with Conditional Use Permit No. C-06-19 and Rezone No. R-05-63; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public service easement that has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. A summary vacation is also authorized when there are in-place utilities that are in use, but will not be affected by the vacation. This vacation does not affect the existing utility pole line easement or the underground gas pipeline easement, both in favor of PG&E, pursuant to Section 8352 of the California Streets and Highways Code that states a vacation of a street, highway, or public service easement does not affect a private easement, including easements in favor of a public utility. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, Environmental Assessment No. EA-07-24 shows with certainty that the project is categorically exempt and there is no possibility that the proposed summary vacation may have a significant adverse effect on the environment, and the proposed summary vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c)/Class 1 of the CEQA guidelines; and

WHEREAS, the Council desires to summarily vacate the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894.

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

1. The "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 and as shown on Exhibit "A" is hereby vacated.

2. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

3. This vacation shall become effective on the date this resolution is recorded.

4. From and after the date this resolution is recorded, the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 shall no longer constitute a 60 foot restricted access strip "A" offered for dedication for future road purposes.

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N. MAPLE AVE.

EXHIBIT "A"

APN 403-022-18

10' WIDE EASEMENT FOR UNDERGROUND GAS PIPELINE AS PER INSTRUMENT RECORDED IN BOOK 5980, PAGE 547, O.R.F.C., IN FAVOR OF P.G. & E.

APN 403-022-07

E. POWERS AVE.

N00°01'15"E
46.19'

60' RESTRICTED ACCESS STRIP AND OFFER FOR FUTURE ROAD PURPOSES PER PARCEL MAP NO. 3894 TO BE ABANDONED.

APN 403-022-03
PARCEL MAP L 3894 2
(26 PM 4)

PARCEL LOT 6 3
PARCEL MAP NO. 3894

PRIVATE STREET EASEMENT & PUBLIC UTILITY EASEMENT

LINE FOR UTILITY POLES PER INSTRUMENT RECORDED IN BOOK 5980, PAGE 544 O.R.F.C. IN FAVOR OF P.G. & E.

APN 403-022-06

60' RESTRICTED ACCESS STRIP AND OFFER FOR FUTURE ROAD PURPOSES PER PARCEL MAP NO. 3894.

LOT 4
LOT 3

SCALE: 1" = 60'

LOCATION:
SOUTH SIDE OF EAST POWERS AVENUE WEST OF NORTH MAPLE AVENUE BETWEEN EAST SHEPHERD AND EAST TEAGUE AVENUES

OWNER:
GEORGE GODDARD

EXISTING CONDOMINIUMS

PLATS VOL. 45, PG. 71-75 F.C.R.
APN 403-022-17



Harbour & Associates
Civil Engineers

389 Clovis Avenue, Suite 300, Clovis, CA 93612
(559) 325-7676 Fax (559) 325-7699

REF. & REV. PW FILE NO. PLAT NO.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
	PROPOSED ABANDONMENT OF EXISTING 60' RESTRICTED ACCESS STRIP AND OFFER FOR FUTURE ROAD PURPOSES PER P.M. NO. 3894	DR. BY <u>CLJ</u> CH. BY _____ DATE <u>3-21-07</u> SCALE <u>1" = 60'</u>	