

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 OF INTENTION TO VACATE A PORTION OF THE
FOWLER AVENUE FRONTAGE ROAD AT ILLINOIS AVENUE (LOCATED IN
COUNCIL DISTRICT NO. 5)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1062-D for the vacation of a portion of the Fowler Avenue frontage road at Illinois Avenue and set the required public hearing at 10:00 a.m. on September 18, 2007.

EXECUTIVE SUMMARY

Bonnadelle Homes is requesting the vacation of a portion of the Fowler Avenue frontage road at Illinois Avenue, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to accommodate the development of Tract No. 5499.

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 development of Tract No. 5499.

BACKGROUND

Bonnadelle Homes is requesting the vacation of a portion of the Fowler Avenue frontage road at Illinois Avenue, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to accommodate the development of Tract No. 5499. The area proposed to be vacated was dedicated and constructed by Tract No. 3748. The frontage road requirement along Fowler Avenue has been eliminated for current and future development, making the area proposed to be vacated excess right-of-way.

Report to the City Council
Adopt Resolution of Intention to Vacate Portion of the
Fowler Avenue Frontage Road at Illinois Avenue
August 21, 2007
Page 2

The Traffic Division, other City Departments and utility agencies have reviewed this proposal and determined that the street right-of-way proposed for vacation is unnecessary for present or prospective public purposes. The proposed vacation is subject to the removal of the existing street improvements from within the area proposed to be vacated and the construction of new improvements in the proper location in accordance with approved street plans.

Environmental Assessment No. EA-06-41 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(c)/Class 1 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\SLMDHC/AJ/eam
Adopt Reso of Intent Port of Fowler-Illinois 8-21-07

P.W. File No. 11144

Attachments: 1. Resolution of Intention

RESOLUTION OF INTENTION NO. 1062-D

RESOLUTION OF INTENTION TO VACATE A PORTION OF
THE FOWLER AVENUE FRONTAGE ROAD AT ILLINOIS 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 Fowler Avenue frontage road at Illinois 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; and

WHEREAS, the purpose of the vacation is to accommodate Bonnadelle Homes' development of Tract No. 5499; and

WHEREAS, the area proposed to be vacated was dedicated and constructed by Tract No. 3748; and

WHEREAS, the frontage road requirement along Fowler Avenue has been eliminated for current and future development, making the area proposed to be vacated excess right-of-way; and

WHEREAS, Environmental Assessment No. EA-O6-41 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(c)/ Class 1 of the State CEQA guidelines.

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

1. The hour of 10:00 a.m. on September 18, 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 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 September 18, 2007 hearing, the Council may proceed to make a final determination, at the public hearing, that the public street 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:
CITY ATTORNEY'S OFFICE
James C. Sanchez

By: 
K. BRADLEY, Deputy

Adopt Reso of Intent Port of Fowler-Illinois 8-21-07

P.W. FILE 11144

POINT OF COMMENCEMENT
NW COR. OF THE SW 1/4
OF THE NW 1/4 OF
SEC. 3-14/21

NORTH LINE OF THE SW 1/4
OF THE NW 1/4
OF SECTION 3-14/21

NORTH FOWLER AVENUE

(N89°54'05"E 117.82')

TRUE POINT OF BEGINNING

(S89°59'56"E 44.40')

OUTLOT A

N89°09'37.7"W(R)

(S89°59'56"E 62.00')

(NORTH) 122.99'

$\Delta=0^{\circ}17'18.7''$ R=19505.00'
L=98.22'

TRACT No. 3748
VOLUME 45 OF PLATS AT
PAGES 6-8, F.C.R.

(S00°03'52"W 110.13')

N89°26'56.4"W(R)

N90°00'00"W
65.90'

(N14°12'54"E 88.99')

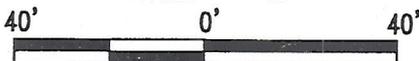
(S89°56'08"E 67.58')



EAST ILLINOIS AVENUE

(54')

SCALE: 1" = 40'



LEGEND

INDICATES AREA PREVIOUSLY DEDICATED FOR PUBLIC STREET PURPOSES PER MAP OF TRACT No. 3748, RECORDED IN VOLUME 45 OF PLATS, PAGES 6-8, F.C.R. TO BE VACATED, CONTAINING 3,646 SQUARE FEET, MORE OR LESS.

F.C.R. FRESNO COUNTY RECORDS

(R) RADIAL BEARING

() RECORD DATA PER MAP OF TRACT No. 3748 RECORDED IN VOLUME 45 OF PLATS AT PAGES 6-8, F.C.R.

LINE TABLE		
LINE	BEARING	LENGTH
L1	(N44°44'01"W)	(16.89')
L2	N89°56'08"W	28.19'
L3	N44°44'01"W	16.63'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	(13°35'40")	(60.00')	(14.24')
C2	(00°04'01")	(19424.00')	(22.70')

L:\Projects\2006\060144\Acad\Exhibits\Street Vacation South Half.dwg 6/4/2007 3:44:44 PM PDT

DATE: AS SHOWN

JOB NO. 060144

DWG. NAME:
Street Vacation South Half.dwg

SCALE: 1"=40'

SHEET NO.: 1 OF 1

EXHIBIT "A"

PROPOSED VACATION OF STREET DEDICATION

PREPARED BY:



Quad Knopf

8405 N. FRESNO ST.
STE. 300
FRESNO, CA 93720
TEL: (559) 449-2400
FAX: (559) 435-2905

DRW BY: IBM

CHK BY: MRM