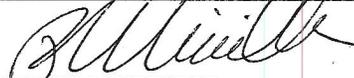


AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

January 6, 2009

FROM: PATRICK N. WIEMILLER, Director 
Public Works Department

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

SUBJECT: ADOPT A RESOLUTION OF INTENTION TO VACATE THE CALIFORNIA – ATCHISON ALLEY BETWEEN WALNUT AND PLUMAS AVENUES, THE ATCHISON – LORENA ALLEY BETWEEN WALNUT AND PLUMAS AVENUES, EAST ATCHISON BETWEEN WALNUT AND PLUMAS AVENUES, AND A PORTION OF LORENA AVENUE BETWEEN WALNUT AND PLUMAS AVENUES (LOCATED IN COUNCIL DISTRICT NO. 3)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1071-D for the vacation of the California – Atchison Alley between Walnut and Plumas Avenues, the Atchison – Lorena Alley between Walnut and Plumas Avenues, East Atchison Avenue between Walnut and Plumas Avenues and a portion of East Lorena Avenue between Walnut and Plumas Avenues and set the required public hearing at 10:20 a.m. on January 27, 2009.

EXECUTIVE SUMMARY

Brian Glover is requesting the vacation of the California – Atchison Alley between Walnut and Plumas Avenues, the Atchison – Lorena Alley between Walnut and Plumas Avenues, East Atchison Avenue between Walnut and Plumas Avenues and a portion of East Lorena Avenue between Walnut and Plumas Avenues, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the proposed vacation is to allow for the development of the City of Fresno Redevelopment Agency's West Fresno Regional Center.

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 the City of Fresno Redevelopment Agency's West Fresno Regional Center.

BACKGROUND

Brian Glover is requesting the vacation of the California – Atchison Alley between Walnut and Plumas Avenues, the Atchison – Lorena Alley between Walnut and Plumas Avenues, East Atchison Avenue between Walnut and Plumas Avenues and a portion of East Lorena Avenue between Walnut and Plumas Avenues, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the proposed vacation is to allow for the development of the City of Fresno Redevelopment Agency's West Fresno Regional Center.

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 rights-of-way proposed for vacation are unnecessary for present or prospective public street or alley purposes, subject to conditions for approval detailed in Attachment "A".

Environmental Assessment No. EA-08-077 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 Subsection 15301(c)/Class 1 of the CEQA guidelines.

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.

FISCAL IMPACT

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

PNW/SLM/JCP/eam
Adopt Reso of Intent Vac Calif Atchison Alley 1-6-09

P.W. File No. 11386

Attachments: 1. Attachment "A" – Conditions of Approval
2. Resolution of Intention

RESOLUTION OF INTENTION NO. 1071-D

RESOLUTION OF INTENTION TO VACATE THE CALIFORNIA – ATCHISON ALLEY BETWEEN WALNUT AND PLUMAS AVENUES, THE ATCHISON – LORENA ALLEY BETWEEN WALNUT AND PLUMAS AVENUES, EAST ATCHISON BETWEEN WALNUT AND PLUMAS AVENUES, AND A PORTION OF LORENA AVENUE BETWEEN WALNUT AND PLUMAS AVENUES

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of the California – Atchison Alley between Walnut and Plumas Avenues, the Atchison – Lorena Alley between Walnut and Plumas Avenues, East Atchison Avenue between Walnut and Plumas Avenues and a portion of East Lorena Avenue between Walnut and Plumas Avenues, 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 proposed vacation is to allow for the development of the City of Fresno Redevelopment Agency's West Fresno Regional Center; and

WHEREAS, Environmental Assessment No. EA-08-077 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 Subsection 15301(c)/Class 1 of the CEQA guidelines.

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

1. The hour of 10:20 a.m. on January 27, 2009 in the Council Chamber 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 January 27, 2009 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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P.W. File 11386

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 _____, 2009.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2009
Mayor Approval/No Return: _____, 2009
Mayor Veto: _____, 2009
Council Override Vote: _____, 2009

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By:  _____
Deputy *GRADNEY*

Adopt Reso of Intent Vac Calif Atchison Alley

P.W. FILE 11386

ATTACHMENT A

CONDITIONS FOR APPROVAL

1. PG&E has facilities within the area proposed to be vacated and requests that a public utility easement be reserved over the entire area proposed to be vacated to provide for their facilities. Any relocation of those facilities shall be at the expense of the Applicant.
2. The Fresno Metropolitan Flood Control District (FMFCD) states that revisions to the existing drainage patterns and processing of street improvement plans will need to be reviewed and approved by the District prior to implementation.
3. City's Traffic Management Division requires that existing public improvements be removed and off site improvements be constructed to City standards.
4. City's Traffic Signal and Street Lighting Division states that four wood poles will need to be removed. These poles have 70 watt luminaries.
5. Comcast indicated that they have existing facilities in the area which need to be protected.
6. City's Public Works Department requires that right-of-way on the Plumas Street alignment be reserved in accordance with the draft OPL for the Walnut Avenue 4-lane roadway.
7. City's Fire Department requires that access and water supply be reviewed when the proposed regional center is submitted for site plan review
8. City's Department of Public Utilities requires that all the existing public sewer and water lines to be abandoned and removed from the area proposed to be vacated. The plans for the abandonment and removal of said lines will be subject to review and approval by Department of Public Utilities.
9. The proposed vacation will eliminate access to several record lots in Block 1 and 2 of Long Brothers Addition. It appears that a Parcel Map or Voluntary Parcel Merger will be needed to eliminate the record lot lines.
10. City's Department of Public Utilities – Water Division requires that Applicant shall have existing water mains and services abandoned by City forces at his expense prior to vacation of public right-of-way.

CALIFORNIA HEIGHTS
BOOK 12 OF PLATS AT PAGE 59, FRESNO COUNTY RECORDS

10

15

16

SOUTH WALNUT AVENUE
(PROPOSED ALIGNMENT)
SOUTH PLUMAS STREET
(EXISTING ALIGNMENT)

EAST CALIFORNIA AVENUE

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

OFFICIAL PLAN LINE

2.5'

BLOCK 1

25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

EAST ATCHISON STREET

LONG BROTHER'S ADDITION
BOOK 1 OF PLATS AT PAGE 59
FRESNO COUNTY RECORDS

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

OFFICIAL PLAN LINE

BLOCK 2

EAST LORENA AVENUE

120 60 0 120

SCALE IN FEET

26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50
BLOCK 3
LONG BROTHER'S ADDITION
BOOK 1 OF PLATS AT PAGE 59
FRESNO COUNTY RECORDS
(SHEET 10)

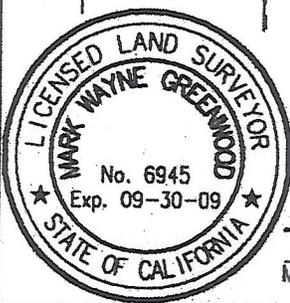
LEGEND



INDICATES AREA TO BE VACATED



EASEMENT FOR PUBLIC ALLEY AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF FRESNO, RECORDED FEBRUARY 16, 1965 IN BOOK 5133, PAGE 353, DOCUMENT No. 13489, OFFICIAL RECORDS OF FRESNO COUNTY.



Mark W. Greenwood 12/23/08
MARK W. GREENWOOD LS 6945

REV. 12/23/08 P.W.L.
REV. 12/22/08 P.W.L.
REV. 10/06/08 S.F.
REV. 08-27-2008 R.N.M.
PLOT VIEW: PLOT VAC 01
AUTOCAD ID: 07129 PM.dwg

EXHIBIT "A"
(VACATION REQUEST)

OF A PORTION OF LONGS BROTHER'S ADDITION
RECORDED IN BOOK 1 OF PLATS AT PAGE 59,
FRESNO COUNTY RECORDS

PREPARED FOR

REDEVELOPMENT AGENCY
OF THE CITY OF FRESNO

R.W.GREENWOOD ASSOCIATES, INC.

CIVIL ENGINEERING - LAND SURVEYING
2558 E. OLIVE AVE. - FRESNO, CALIFORNIA 93701 - Tel. (559) 268-7831

W.O. No. 07129 DECEMBER 2008

Notes by M. COLLINGS

F.B. No. 248 Pg. 61

Dr. by NPF

Checked by

Drawing No.

Sheet 1 of 2