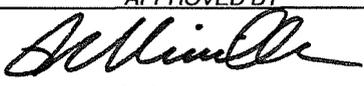


AGENDA ITEM NO.	1E
COUNCIL MEETING	11/08/12
APPROVED BY	
	
DEPARTMENT DIRECTOR	
CITY MANAGER 	

November 8, 2012

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division 

SUBJECT: ADOPT A RESOLUTION OF INTENTION TO VACATE NORTH BARTON AVENUE BETWEEN EAST PONTIAC WAY AND EAST HAMPTON WAY AND EAST PONTIAC WAY BETWEEN NORTH BARTON AVENUE AND STATE ROUTE FREEWAY 168 AND A PEDESTRIAN WALKWAY EASEMENT ON THE EAST SIDE OF NORTH BARTON AVENUE SOUTH OF EAST HAMPTON WAY (LOCATED IN COUNCIL DISTRICT NO. 4)

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1094-D for the proposed vacation of North Barton Avenue between East Pontiac Way and East Hampton Way and East Pontiac Way between North Barton Avenue and State Route Freeway 168 and a pedestrian walkway easement on the east side of North Barton Avenue south of East Hampton Way, and set the required public hearing at 10:00 a.m. on December 6, 2012.

EXECUTIVE SUMMARY

Derrel's Mini Storage is requesting the vacation of North Barton Avenue and East Pontiac Way as shown on Exhibit "A" of the attached resolution, and a public pedestrian walkway easement as shown on Exhibit "B" of the attached resolution. The purpose of the vacation is to eliminate the public street and public pedestrian walkway rights-of-way of North Barton Avenue that are no longer needed and to incorporate a portion thereof into the Derrel's Mini Storage expansion and to incorporate the remaining portion of North Barton Avenue that will not be used by Derrel's Mini Storage, together with East Pontiac Way, into the City owned property lying west and south of Derrel's Mini Storage. The Traffic and Engineering Services 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 use subject to conditions as listed on Page 2 of this report.

BACKGROUND

Derrel's Mini Storage is requesting the vacation of North Barton Avenue between East Pontiac Way and East Hampton Way and East Pontiac Way between North Barton Avenue and State Route Freeway 168 as shown on Exhibit "A" of the attached resolution, and a public pedestrian walkway easement on the east side of North Barton Avenue south of East Hampton Way as shown on Exhibit "B" of the attached resolution. North Barton Avenue and East Pontiac Way that are proposed to be vacated were dedicated for public use by several maps and deeds as shown on Exhibit "A". The public pedestrian walkway easement was dedicated by a Deed of Easement as shown on said Exhibit "B".

In anticipation of this proposed vacation, North Barton Avenue is no longer in use or accessible because full improvements have been constructed across Barton at the north end at East Hampton Way and curb and gutter has been constructed across Barton at the south end at East Dakota Avenue. There is still

REPORT TO THE CITY COUNCIL

Resolution of Intention to Vacate Barton and Pontiac

November 8, 2012

Page 2

some of the original pavement left in North Barton Avenue adjacent to Derrel's Mini Storage. All of the East Pontiac Way improvements were removed during the construction of State Route Freeway 168.

The purpose of the vacation is to eliminate the public street and public pedestrian walkway rights-of-way of North Barton Avenue no longer needed and to incorporate a portion of it into the Derrel's Mini Storage expansion as proposed by Plan Amendment No. A-08-28; Rezone Application No. R-08-38, Site Plan Review Application No. S-08-120, and Lot Line Adjustment No. 2011-13, and to incorporate the remaining portion of North Barton Avenue that will not be used by Derrel's Mini Storage, together with East Pontiac Way, into the City owned property lying west and south of Derrel's Mini Storage as proposed by said Lot Line Adjustment No. 2011-13.

The Traffic and Engineering Services 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 public pedestrian walkway purposes subject to: 1) the condition that the Developer is to remove all existing street improvements such as pavement, etc., from the area proposed to be vacated; 2) the issuance of a Perfection Letter from the City of Fresno certifying the perfection of Lot Line Adjustment No. 2011-13; and 3) the reservation of a public utility easement over a portion of the area proposed to be vacated as shown on Exhibit "C" of the attached resolution. Another condition of approval for the vacation has been satisfied by the construction of curb, gutter, sidewalk, and street lights across North Barton Avenue at East Hampton Way.

During the December 6, 2012 hearing the Council will also consider affirming the adoption of a Mitigated Negative Declaration for Plan Amendment No. A-08-28, Rezone Application No. R-08-38, and Site Plan Review Application No. S-08-120 prepared for Environmental Assessment No. A-08-28/R-08-38/S-08-120, said EA was adopted by the City Council on April 30, 2009.

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

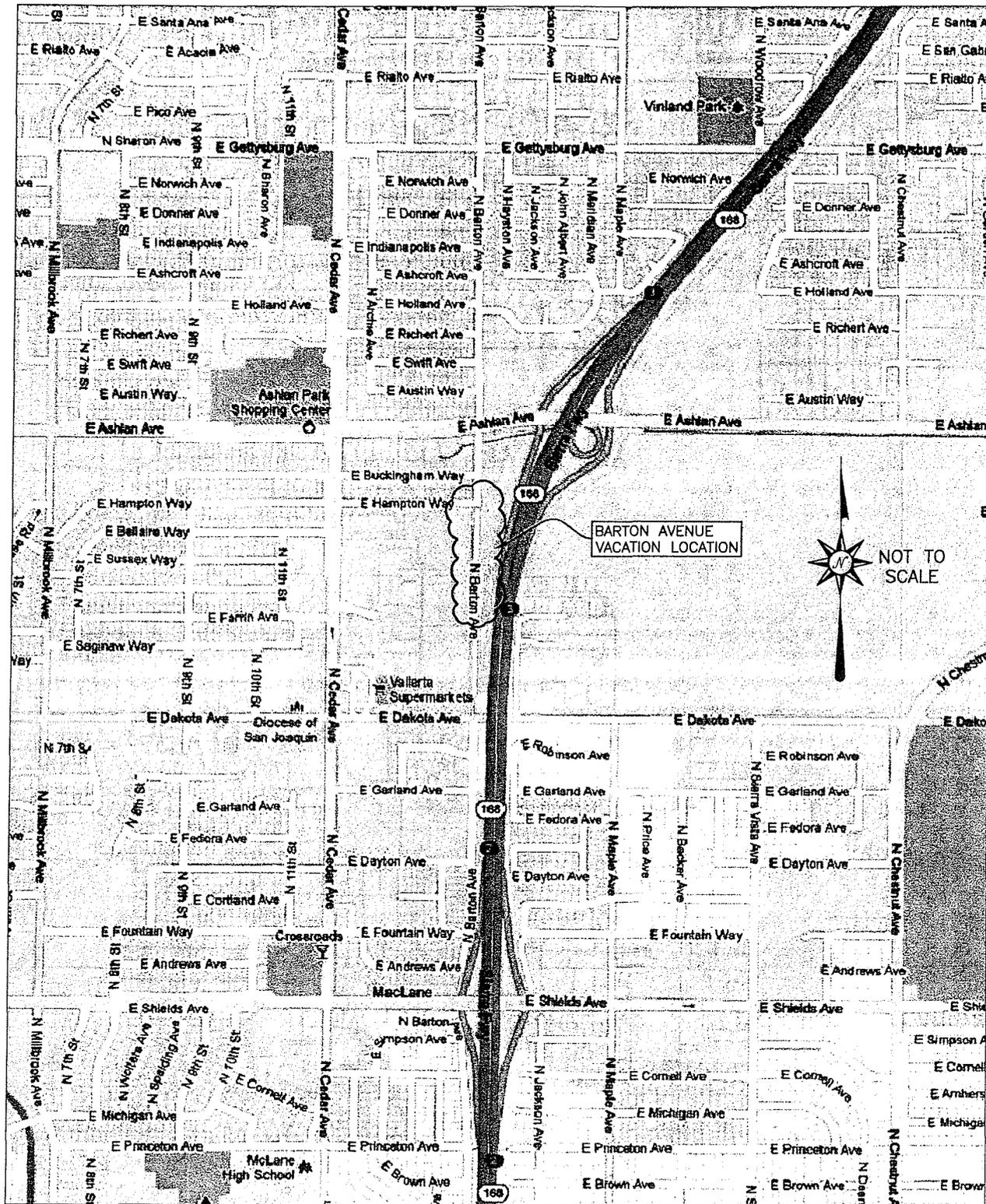
The vacation, if approved by the Council at the public hearing, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

FISCAL IMPACT

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

Attachments: 1. Vicinity Map
 2. Resolution of Intention

P.W. File No. 10054



07-095
Barton Avenue - Correll's Mini Storage

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

ATTACHMENT 1
VICINITY MAP

This page intentionally left blank.

RESOLUTION OF INTENTION NO. 1094-D

A RESOLUTION OF INTENTION TO VACATE NORTH BARTON AVENUE BETWEEN EAST PONTIAC WAY AND EAST HAMPTON WAY AND EAST PONTIAC WAY BETWEEN NORTH BARTON AVENUE AND STATE ROUTE 168 AND A PUBLIC PEDESTRIAN WALKWAY EASEMENT ON THE EAST SIDE OF NORTH BARTON AVENUE SOUTH OF EAST HAMPTON WAY

WHEREAS, Council of the City of Fresno, State of California (the "City"), intends to vacate North Barton Avenue between East Pontiac Way and East Hampton Way and East Pontiac Way between North Barton Avenue and State Route 168 and a public pedestrian walkway easement on the east side of North Barton Avenue south of East Hampton Way, located exclusively within the City and more specifically shown and described in Exhibits "A" and "B," attached hereto and incorporated herein by this reference; and

WHEREAS, the purpose of the vacation is to eliminate the public street and public pedestrian walkway rights-of-way of North Barton Avenue which are no longer needed and to incorporate a portion thereof into the Derrel's Mini Storage expansion as proposed by Plan Amendment No. A-08-28, Rezone Application No. R-08-38, Site Plan Review Application No. S-08-120, and Lot Line Adjustment No. 2011-13, and to incorporate the remaining portion of North Barton Avenue that will not be used by Derrel's Mini Storage, together with East Pontiac Way, into the City-owned property lying west and south of Derrel's Mini Storage as proposed by Lot Line Adjustment No. 2011-13; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and determined that the rights-of-way proposed for

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval:



Resolution of Intention to Vacate Barton
and Pontiac
Resolution of Intention No. 1094-D

vacation are unnecessary for present or prospective public street or public pedestrian walkway purposes subject to the following conditions: (1) the reservation of a public utility easement over a portion of the area proposed to be vacated as shown in Exhibit "C" attached hereto and incorporated herein by this reference; (2) Derrel's Mini Storage's removal of all existing street improvements including pavement, etc., from the area proposed to be vacated; and (3) the issuance of a Perfection Letter from the City of Fresno certifying the perfection of Lot Line Adjustment No. 2011-13; and

WHEREAS, the City will also consider affirming the adoption of a Mitigated Negative Declaration for Plan Amendment No. A-08-28, Rezone Application No. R-08-38, and Site Plan Review Application No. S-08-120 prepared for Environmental Assessment No. A-08-28/R-08-38/S-08-120, which assessment was adopted by Council on April 30, 2009.

NOW, THEREFORE, BE IT RESOLVED by Council of the City of Fresno as follows:

1. The City hereby proposes to vacate North Barton Avenue between East Pontiac Way and East Hampton Way and East Pontiac Way between North Barton Avenue and State Route 168 and a public pedestrian walkway easement on the east side of North Barton Avenue south of East Hampton Way and reserve a public utility easement over a portion of the area proposed to be vacated as more specifically shown and described in Exhibits "A," "B," and "C" attached hereto.

2. The hour of 10:00 a.m. on December 6, 2012, in the Council Chambers at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721, is hereby fixed as the time and place when and where all persons interested in or objecting to the proposed vacation may appear before Council and be heard in relation thereto.

3. The City 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.

4. The proposed vacation shall be conditioned upon (1) the reservation of a public utility easement over a portion of the area proposed to be vacated as shown on Exhibit "C" attached hereto; (2) Derrel's Mini Storage's removal of all existing street improvements such as pavement, etc., from the area proposed to be vacated; and (3) the issuance of a Perfection Letter from the City of Fresno certifying the perfection of Lot Line Adjustment No. 2011-13.

5. 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.

6. Council preliminarily determines that the public street proposed to be vacated is not useful or necessary as a bicycle path or route under applicable general, specific, or community plans and policies. If Council does not rescind such preliminary determination, based on evidence or public testimony presented to it, orally or in writing, at or before the December 6, 2012 hearing, Council may proceed to make a final determination, at the public hearing, that the public street be vacated as provided herein.

* * * * *

R=50.00'
D=89°58'25"
L=78.52'



SCALE: 1" = 100'

EAST
HAMPTON WAY

S89°16'11"E
26.02'

S00°45'24"W
49.98'

PER GRANT OF EASEMENT
RECORDED MAY 23, 1988
AS DOCUMENT NO.
88055602, O.R.F.C.

PER PARCEL MAP NO.
2002-13, BOOK 62 OF
PARCEL MAPS AT PAGES
14-15, F.C.R.

APN: 438-021-13
DOCUMENT NO. 2000-0030034,
RECORDED MARCH 15, 2000,
O.R.F.C.

PARCEL "A"
PARCEL MAP NO. 2002-13
BOOK 62 OF PARCEL MAPS
PAGES 14 & 15, F.C.R.

NORTH BARTON AVENUE

N00°45'24"E 823.64'

S01°50'52"W 210.04'

BARTON AVENUE
CENTERLINE

LEGEND



INDICATES PORTION OF NORTH BARTON AVENUE AND
EAST PONTIAC WAY TO BE VACATED FOR PUBLIC
STREET PURPOSES BY THE CITY OF FRESNO.
AREA = 67,568 SF: 1.551 ACRES

PER SCANDINAVIAN
COLONY, VOLUME 2 OF
PLATS, PAGE 3, F.C.R.

DOCUMENT NO. 1999-0037900
RECORDED MARCH 11, 1999, O.R.F.C.

STATE ROUTE 168



PER GRANT OF EASEMENT
RECORDED DECEMBER 22,
1983 AS DOCUMENT NO.
83119780, O.R.F.C.

LOT 91
SCANDINAVIAN COLONY
VOL.2 OF PLATS, PG.3, F.C.R.

VACATION AREAS OF
NORTH BARTON AVENUE
AND
EAST PONTIAC WAY

DOCUMENT NO.
1999-0037900,
RECORDED MARCH
11, 1999, O.R.F.C.

LOT 10
TRACT NO. 1072
VOL.15 OF PLATS,
PG.2, F.C.R.

LOT 85
SCANDINAVIAN
COLONY
VOL.2 OF PLATS,
PG.3, F.C.R.

PONTIAC WAY
CENTERLINE

WEST RIGHT OF WAY LINE
OF STATE ROUTE 168

S89°21'32"E 149.79'

EAST
PONTIAC WAY

N89°21'32"W 214.79'

S08°43'40"W
50.50'

PER TRACT NO. 1072, VOLUME
15 OF PLATS, PAGE 2, F.C.R.

EXHIBIT "A"

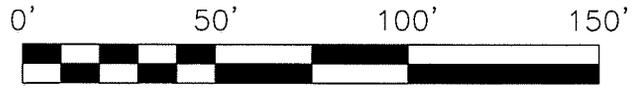
DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

07-095
Barton Avenue - Derret's Mini Storage

EAST
HAMPTON WAY



SCALE: 1" = 50'

LEGEND



INDICATES PORTION OF PUBLIC PEDESTRIAN EASEMENT
ALONG NORTH BARTON AVENUE TO BE VACATED FOR
PUBLIC PEDESTRIAN PURPOSES BY THE CITY OF
FRESNO.

AREA = 74± SF

APN: 438-021-13
DOCUMENT NO. 2000-0030034,
RECORDED MARCH 15, 2000,
O.R.F.C.

NORTH BARTON AVENUE

N00°45'24"E 330.81'

PARCEL "A"
PARCEL MAP NO. 2002-13
BOOK 62 OF PARCEL MAPS
PAGES 14 & 15, F.C.R.

42'

30'

30'

BARTON AVENUE
CENTERLINE



**VACATION OF PEDESTRIAN
EASEMENT AREA ALONG
NORTH BARTON AVENUE**

N00°45'24"E 36.80'

S89°14'37"E 2.00'

N00°45'24"E 26.90'

N89°14'37"W 2.00'

PER DEED OF EASEMENT
RECORDED MAY 23, 1988
AS DOCUMENT NO.
88055606, O.R.F.C.

DOCUMENT NO.
1999-0037900, RECORDED
MARCH 11, 1999, O.R.F.C.

Barton Avenue - Derrel's Mini Storage 07-095

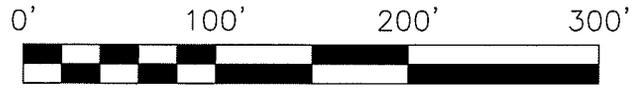
DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

EXHIBIT "B"

R=50.00'
D=89°58'25"
L=78.52'



SCALE: 1" = 100'

**EAST
HAMPTON WAY**

S89°16'11"E
26.02'

S00°45'24"W
49.98'

S01°50'52"W
210.04'

APN: 438-021-13
DOCUMENT NO. 2000-0030034,
RECORDED MARCH 15, 2000,
O.R.F.C.

PARCEL "A"
PARCEL MAP NO. 2002-13
BOOK 62 OF PARCEL MAPS
PAGES 14 & 15, F.C.R.

NORTH BARTON AVENUE
N00°45'24"E 823.64'

BARTON AVENUE
CENTERLINE

STATE ROUTE 168

S00°45'24"W 563.53'

DOCUMENT NO. 1999-0037900,
RECORDED MARCH 11, 1999, O.R.F.C.

LOT 91
SCANDINAVIAN COLONY
VOL.2 OF PLATS, PG.3, F.C.R.

DOCUMENT NO.
1999-0037900,
RECORDED MARCH
11, 1999, O.R.F.C.

LOT 10
TRACT NO. 1072
VOL.15 OF PLATS,
PG.2, F.C.R.

S89°21'32"E
15.00'

PONTIAC WAY
CENTERLINE

LOT 85
SCANDINAVIAN
COLONY
VOL.2 OF PLATS,
PG.3, F.C.R.

N89°21'32"W
87.00'

S00°45'24"W
50.00'

**EAST
PONTIAC WAY**

LEGEND



INDICATES PORTION OF NORTH BARTON AVENUE AND
A PORTION OF EAST PONTIAC AVENUE TO BE
RESERVED FOR PUBLIC UTILITY PURPOSES BY THE
CITY OF FRESNO.
AREA = 61,004 SF; 1.400 ACRES



**UTILITY RESERVATION
AREAS OF
NORTH BARTON AVENUE
AND
EAST PONTIAC WAY**

07-095
Barton Avenue - Derrel's Mini Storage

DIXON & ASSOCIATES, INC.
LAND SURVEYING

620 DEWITT, #101
CLOVIS, CALIFORNIA, 93612

PH: (559)297-4200 FAX: (559)297-4272

EXHIBIT "C"

This page intentionally left blank.