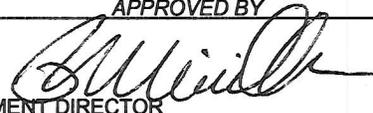


AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

February 12, 2008

FROM: PATRICK N. WIEMILLER, Director
Public Works Department



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



SUBJECT: ADOPT A RESOLUTION OF INTENTION TO VACATE FULTON LANE
BETWEEN BROADWAY AND FULTON STREETS AND THE BROADWAY-
FULTON/BROADWAY-DIVISADERO ALLEY BETWEEN FULTON LANE AND
YOSEMITE AVENUE (LOCATED IN COUNCIL DISTRICT 3)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1063-D for the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite Avenue and set the required public hearing at 10:00 a.m. on March 25, 2008.

EXECUTIVE SUMMARY

Granville Homes is requesting the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite Avenue, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to accommodate the construction of a mixed use project.

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 use project. 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

Granville Homes is requesting the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite Avenue, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the

vacation is to accommodate the construction of a mixed use project in accordance with Site Plan Review No. S-06-435, Plan Amendment No. A-06-24 and Variance No. V-06-33.

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 the conditions for approval detailed in Attachment "A".

Environmental Assessment No. A-06-24/S-06-435/V-06-33/PW File No. 11190 shows that, with the imposition and fulfillment of the conditions noted therein, there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment. Accordingly, a mitigated negative declaration is the appropriate environmental finding for this project.

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 proposed development could not proceed as designed if the vacation is denied.

FISCAL IMPACT

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

PNW/SLM/DHC/ AJ/eam
Adopt Reso Vac Fulton Ln Bet Brdwy & Fulton 2-12-08

P.W. File No. 11190

Attachments: 1. Resolution of Intention
2. Attachment A

RESOLUTION OF INTENTION NO. 1063-D

RESOLUTION OF INTENTION TO VACATE FULTON LANE BETWEEN
BROADWAY AND FULTON STREETS AND THE BROADWAY-FULTON/BROADWAY-DIVISADERO
ALLEY BETWEEN FULTON LANE AND YOSEMITE AVENUE

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite 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.

WHEREAS, the purpose of the vacation is to allow for the construction of mixed use project in accordance with Site Plan Review No. S-06-435, Plan Amendment No. A-06-24 and Variance No. V-06-33; and

WHEREAS, Environmental Assessment No. A-06-24/S-06-435/V-06-33/PW File No. 11190 shows that, with the imposition and fulfillment of the conditions noted therein, there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment. Accordingly, a mitigated negative declaration is the appropriate environmental finding for this project.

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

1. The hour of 10:00 a.m. on March 25, 2008, 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 and alley 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 March 25, 2008 hearing, the Council may proceed to make a final determination, at the public hearing, that the public street and alley easements be vacated as provided herein.

P.W. File 11190

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 _____, 2008.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2008
Mayor Approval/No Return: _____, 2008
Mayor Veto: _____, 2008
Council Override Vote: _____, 2008

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: 
Deputy K. BRADLEY

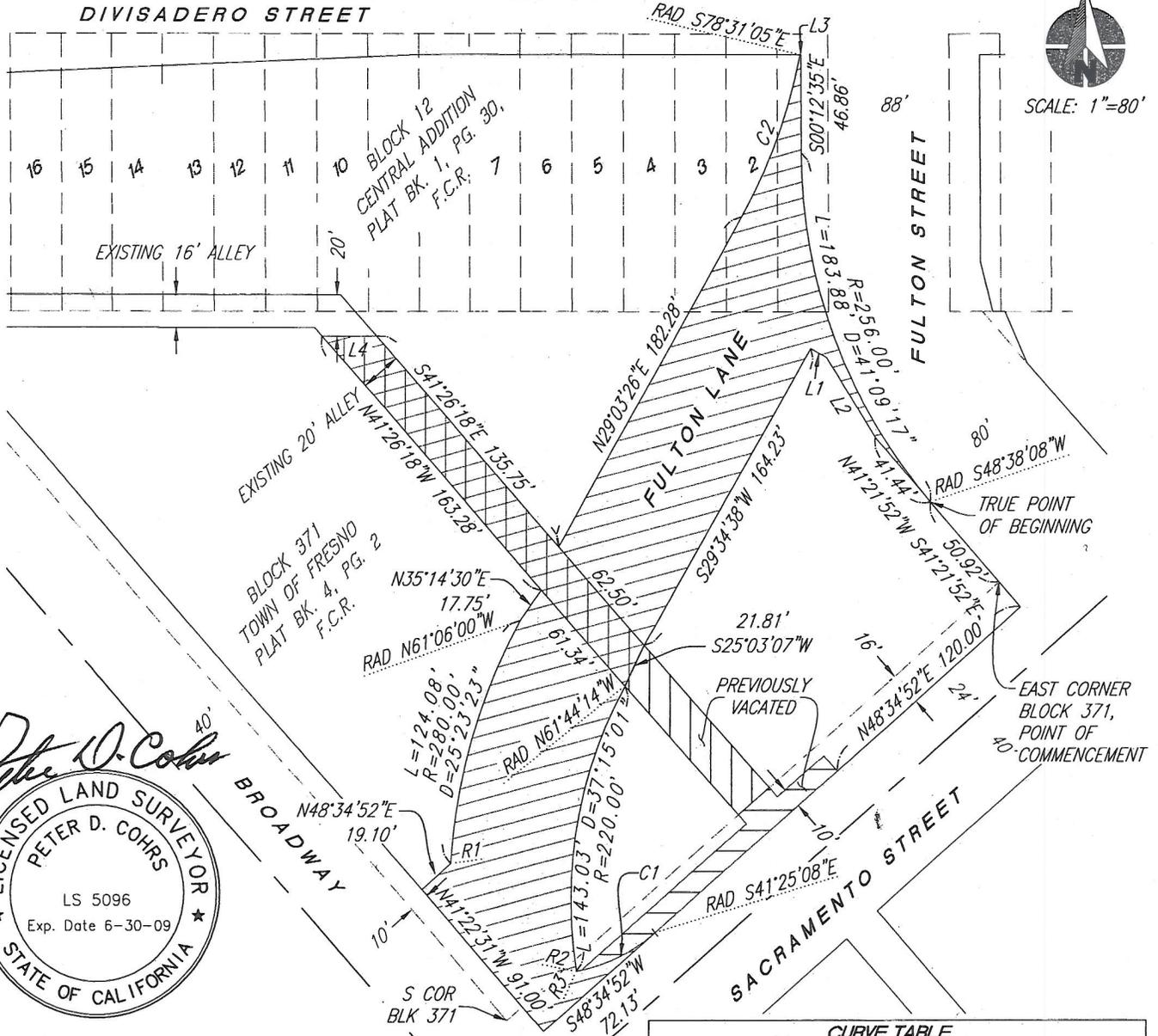
Adopt Reso Vac Fulton Ln Bet Brdwy & Fulton

P.W. FILE 11190

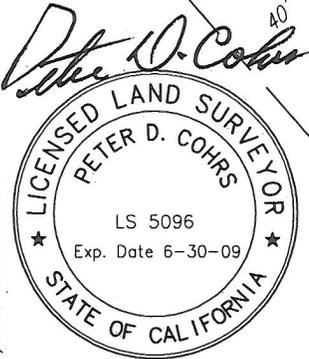
ATTACHMENT A
CONDITIONS FOR APPROVAL

1. PG&E has facilities within the area proposed to be vacated and requires that an easement be reserved from the vacation to provide for their facilities. Any relocation of those facilities shall be at the expense of the Developer.
2. AT&T has facilities within the area proposed to be vacated and requires that an easement be reserved from the vacation to provide for their facilities. Any relocation of those facilities shall be at the expense of the Developer.
3. The City's Traffic Division requires that the developer shall be responsible for the removal of all existing alley improvements from the area proposed to be vacated. The Applicant shall also remove the existing alley approaches and replace them with concrete curb, gutter, and sidewalk constructed to Public Works Standard P-5, along with transitional asphaltic paving as needed, in order to block public access to the vacated alley.
4. The City's Water Division requires that a portion of the existing water main in the Alley be relocated into an easement to be provided by the Developer.
5. The City's Department of Public Utilities requires the abandonment of the 6-inch sanitary sewer main in the Broadway-Fulton Alley and Fulton Lane from Sacramento Street to the Divisadero-Broadway Alley. Any relocation of the main shall be at the expense of the developer. If any parcels adjacent to the vacated alley require a new sewer service, developer shall be responsible for submitting engineered improvement plans for the new service(s) and/or mains to the Department of Public Utilities for review and approval before construction can commence. If you have any questions regarding these requirements, please contact Robert Diaz of the Department of Public Utilities at 621-8691. Public Works must receive written notification from the Department of Public Utilities if there is any change to this requirement.
6. The Fresno Metropolitan Flood Control District requires that the drainage from the area proposed to be vacated shall be maintained in accordance with the District's Master Plan.
7. Bill Shoemaker of the City's Traffic Signal/Street Light Division requires that the developer shall remove all the street lights within the portion of Fulton Lane and the Broadway-Fulton Alley proposed to be vacated and return them to the City's Corporation Yard. The electrical service that provides for these street lights must be traced and rerouted as necessary, at developer's expense, to ensure that street light service to Divisadero, Fulton, and Sacramento Streets is maintained. If you have any question regarding this issue, please contact Bill Shoemaker of the Traffic Signal/Street Light Division at 621-6205. Public Works must receive written notification from Mr. Shoemaker acknowledging that this issue has been resolved to his satisfaction.
8. The City appears to have fee simple title to portions of the area to be vacated. The City must execute deeds, approved to form by the City Attorney's office, in favor of the adjacent owner in order that title to those portions of the vacated areas would pass to the owner. The vacating resolution, if adopted by Council at the public hearing, will authorize and direct the Public Works Director to execute such deeds on behalf of the City.

EXHIBIT "A"



SCALE: 1"=80'



P:\drawings\2007\07-075\Exhibits\07-075 VUE Exhibit.dwg 1/14/2008 3:01:55 PM PST

NOTES:

- INDICATES EXISTING PUBLIC STREET TO BE VACATED
AREA = 23,903 SF
- INDICATES EXISTING PUBLIC STREET OR ALLEY TO BE VACATED AND RESERVED FOR PUBLIC UTILITY PURPOSES
AREA = 4,229 SF
- INDICATES ALLEY VACATED BY RESOLUTION NO. 6369 RECORDED IN BOOK 4499, PAGE 153 OF OFFICIAL RECORDS AND RESERVED FOR PUBLIC UTILITY PURPOSES
- INDICATES PORTION OF SACRAMENTO STREET VACATED BY RESOLUTION NO. 71-259 RECORDED IN BOOK 5928, PAGE 3 OF OFFICIAL RECORDS AND RESERVED AS PUBLIC UTILITY EASEMENT

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	43.08'	80.00'	30°51'18"
C2	82.82'	270.00'	17°34'31"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N60°25'22"W	8.85'
L2	N31°49'05"W	45.75'
L3	N90°00'00"E	0.48'
L4	S89°59'00"E	26.69'

RADIAL TABLE	
LINE	BEARING
R1	N86°29'24"W
R2	S81°00'45"W
R3	S10°33'51"E

PRECISION CIVIL ENGINEERING, INC.
 (559) 449-4500
 653 W. FALLBROOK #101
 FRESNO, CA 93711

REF. & REV.

CITY OF FRESNO
 DEPARTMENT OF PUBLIC WORKS

PROPOSED VACATION OF FULTON LANE BETWEEN BROADWAY AND FULTON STREETS AND THE BROADWAY-FULTON/BROADWAY-DIVISADERO ALLEY BETWEEN FULTON LANE AND YOSEMITE AVENUE

PROJ. ID. _____
 FUND NO. _____
 ORG. NO. _____

DR. BY MTC
 CH. BY PDC
 DATE 1-14-08
 SCALE 1"=80'

SHEET NO. _____
 OF _____ SHEETS
 15-A-