

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

February 24, 2009

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 A PORTION OF THE
"M" – "N" ALLEY SOUTHEAST OF LOS ANGELES STREET (LOCATED IN
COUNCIL DISTRICT NO. 3)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1072-D for the vacation of a portion of the "M" – "N" alley southeast of Los Angeles Street and set the required public hearing at 10:00 a.m. on March 24, 2009.

EXECUTIVE SUMMARY

Gusmer Enterprises, Inc., is requesting the vacation of a portion of the "M" – "N" alley southeast of Los Angeles Street as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the proposed vacation is to accommodate the expansion of an existing building and the installation of water storage tanks for their manufacturing process.

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 expansion of an existing building and the installation of water storage tanks for their manufacturing process.

BACKGROUND

Gusmer Enterprises, Inc., is requesting the vacation of a portion of the "M" – "N" alley southeast of Los Angeles Street as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the proposed vacation is to accommodate the expansion of an existing building and the installation of water storage tanks for their manufacturing process.

Report to the City Council
Adopt Resolution of Intention to Vacate a Portion
of "M" – "N" Alley Southeast of Los Angeles Street
February 24, 2009
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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.

Environmental Assessment No. EA-08-034 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 RI Vac Por M-N Alley SE o Los Angeles St 2-24-09

P.W. File No. 11377

Attachments: 1. Resolution of Intention

RESOLUTION OF INTENTION NO. 1072-D

RESOLUTION OF INTENTION TO VACATE A PORTION OF THE
"M" – "N" ALLEY SOUTHEAST OF LOS ANGELES STREET

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 "M" – "N" alley southeast of Los Angeles Street, 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 accommodate the expansion of an existing building and the installation of water storage tanks for the owners manufacturing process; and

WHEREAS, Environmental Assessment No. EA-08-034 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 10:00 a.m. on March 24, 2009 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 March 24, 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 11377

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

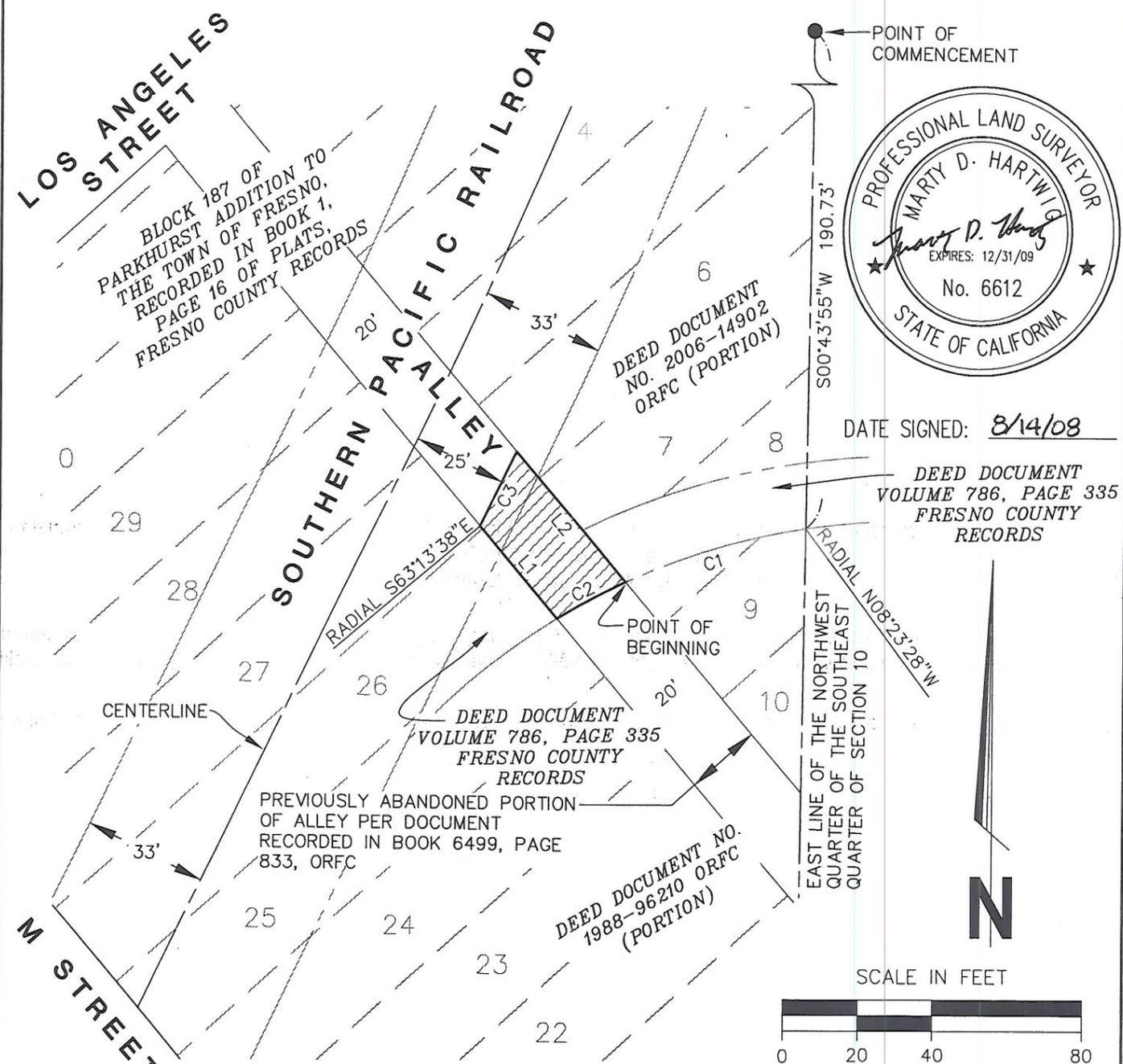
By:  _____
Deputy *BRADLEY*

Adopt RI Vac Por M-N Alley SE o Los Angeles St 2-24-09

P.W. FILE 11377

EXHIBIT "A"

PARKHURST ADDITION ALLEY ABANDONMENT



DATE SIGNED: 8/14/08
 DEED DOCUMENT
 VOLUME 786, PAGE 335
 FRESNO COUNTY
 RECORDS

LEGEND

- NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10 14/20.
- ORFC OFFICIAL RECORDS FRESNO COUNTY
- INDICATES AREA TO BE VACATED, AS SHOWN ON PARKHURST ADDITION TO THE TOWN OF FRESNO, RECORDED IN BOOK 1, PAGE 16 OF PLATS, FRESNO COUNTY RECORDS.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N41°00'35"W	31.44
L2	S41°00'35"E	44.60

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	182.51	49.98	15°41'30"
C2	182.51	20.60	6°27'57"
C3	2231.19	21.65	0°33'21"

CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS		PROJ. ID. FUND NO. ORG. NO.	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
PORTION OF SECTION 10 T.14 S., R.20 E., M.D.B.&M. ABANDONMENT EXHIBIT		DR. BY CH. BY DATE SCALE	
		BWB MDH 08/11/08 1" = 40'	