

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

April 17, 2007

FROM: JON R. RUIZ, Interim Director
Public Works Department

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

SUBJECT: ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF AN EASEMENT FOR FUTURE STREET PURPOSES LOCATED IN PARCEL "A" OF PARCEL MAP NO. 71-19 LOCATED EAST OF ARMSTRONG AVENUE NORTH OF DAKOTA AVENUE

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATIONS

Staff recommends that the Council approve this vacation.

EXECUTIVE SUMMARY

Dunmore Homes is requesting the vacation of a portion of an easement for future street purposes located east of Armstrong Avenue and north of Dakota Avenue, as shown on Exhibit "A" of the attached Resolution. The purpose of the vacation is to accommodate the development of Tract No. 5461.

KEY OBJECTIVE BALANCE

The proposed vacation balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. Customer service is achieved by removing the encumbrance of the easement from the affected property to allow for the development of Tract No. 5461.

BACKGROUND

Dunmore Homes is requesting the vacation of a portion of an easement for future street purposes located east of Armstrong Avenue and north of Dakota Avenue, as shown on Exhibit "A" of the attached Resolution. The easement was dedicated by the recording of Parcel Map No. 71-19 on October 12, 1971 in Book 3 of Parcel Maps at Page 7, Fresno County Records. The area proposed to be vacated has never been accepted for public street purposes and no other public facilities have been placed within the area.

The Public Works Department, Development Department and public utility agencies have reviewed the vacation proposal and determined that the portion of an easement for future street purposes located in Parcel "A" of Parcel Map No. 71-19, as shown on Exhibit "A" of the attached Resolution, is not needed for present or future public use and recommended approval of the vacation proposal with no conditions.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is excess right-of-way of a street or highway not required for street or highway purposes. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

Environmental Assessment No. EA-07-06 shows with certainty that the project is categorically exempt and there is no possibility that the proposed summary vacation may have a significant adverse effect on the environment, and the proposed summary vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c)/Class 1 of the CEQA guidelines.

The City Attorney's Office has reviewed and approved the attached Resolution as to form.

FISCAL IMPACT

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

JRR/SLM/eam
Adopt Reso Apprv Sum Vac Por Esmnt Armstrong 4-17-07

Attachments: 1. Resolution

P.W. File No. 11171

Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

When Recorded, Mail To:
City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. _____

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF AN EASEMENT FOR FUTURE STREET PURPOSES LOCATED IN PARCEL "A" OF PARCEL MAP NO. 71-19 LOCATED EAST OF ARMSTRONG AVENUE NORTH OF DAKOTA AVENUE

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate a portion of an easement for future street purposes located in Parcel "A" of Parcel Map No. 71-19, located exclusively within the City of Fresno; and

WHEREAS, the easement for future street purposes proposed to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the area to be vacated was offered for future street purposes by the recording of Parcel Map No. 71-19 on October 12, 1971; and

WHEREAS, the portion of the future street easement proposed to be vacated was never accepted by the City of Fresno for the purpose it was intended for; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is excess right-of-way of a street or highway not required for street or highway purposes. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, Environmental Assessment No. EA-07-06 shows with certainty that the vacation is categorically exempt and there is no possibility that the proposed summary vacation may have a significant adverse effect on the environment, and the proposed summary vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c)/Class 1 of the CEQA guidelines; and

WHEREAS, the Council desires to summarily vacate a portion of an easement for future street purposes located in Parcel "A" of Parcel Map No. 71-19 located east of Armstrong Avenue and north of Dakota Avenue.

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

1. A portion of an easement for future street purposes located in Parcel "A" of Parcel Map No. 71-19 located east of Armstrong Avenue and north of Dakota Avenue as shown on Exhibit "A" is hereby vacated.
2. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.
3. This vacation shall become effective on the date this resolution is recorded.
4. From and after the date this resolution is recorded, the easement for future street purposes shall no longer constitute an easement for future street purposes.

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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:

JAMES C. SANCHEZ
City Attorney

By:  _____
Deputy

