

AGENDA ITEM NO.
COUNCIL MEETING
APPROVED BY

DEPARTMENT DIRECTOR
CITY MANAGER

April 8, 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 THE "N"- "O" ALLEY AND THE NORTHEASTERLY HALF OF "N" STREET BETWEEN VENTURA STREET AND INYO STREET AND MONO STREET BETWEEN "N" STREET AND "O" STREET (LOCATED IN COUNCIL DISTRICT NO. 3)

**KEY RESULT AREA**

Customer Satisfaction

**RECOMMENDATION**

Recommend the Council adopt Resolution of Intention No. 1064-D for the vacation of the "N"- "O" Alley and the northeasterly half of "N" Street between Ventura Street and Inyo Street and Mono Street between "N" Street and "O" Street and set the required public hearing at 10:00 a.m. on April 29, 2008.

**EXECUTIVE SUMMARY**

LREG Partners, L.P. is requesting the vacation of the "N"- "O" Alley and the northeasterly half of "N" Street between Ventura Street and Inyo Street and Mono Street between "N" Street and "O" Street, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to allow for the construction of The Fresno Legacy Project which is a mixed use project, and the City of Fresno parking garage that was constructed in 2005.

**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 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**

LREG Partners, L.P. is requesting the vacation of the "N"- "O" Alley and the northeasterly half of "N" Street between Ventura Street and Inyo Street and Mono Street between "N" Street and "O" Street, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the

Report to the City Council

Adopt a Resolution of Intention to Vacate the "N"- "O" Alley and the Northeastly half of "N" Street Between Ventura Street and Inyo Street and Mono Street Between "N" and "O" Street

April 8, 2008

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vacation is to allow for the construction of The Fresno Legacy Project which is a mixed use project consisting of six buildings that will provide approximately 15,788 square feet of office space, 46,923 square feet of commercial spaces, 171 multiple family dwelling units in 267,849 square feet, and a 38,539 square foot commercial/recreational space designed to be a skating rink available for public and private use, in accordance with Plan Amendment Application No. A-08-002, Rezone Application No. 08-002, and Conditional Use Permit Application No. C-08-002. The vacation will also accommodate the City of Fresno Parking garage constructed in 2005. The proposed area to be vacated lies in the Fresno Convention Center Parking lot that was constructed in the mid 1960s.

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 condition that a Public Utility Easement be reserved from the area proposed to be vacated as shown on Exhibit "B" of the attached Resolution of Intention.

Environmental Assessment No. A-08-002/R-08-002/C-08-002 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/AJ/eam

Adopt Reso of Intent to Vac N-O Alley & NE Half N St 4-8-08

P.W. File No. 10659

Attachments: 1. Resolution of Intention

RESOLUTION OF INTENTION NO. 1064-D

RESOLUTION OF INTENTION TO VACATE THE "N"- "O" ALLEY AND THE NORTHEASTERLY HALF OF "N" STREET BETWEEN VENTURA STREET AND INYO STREET AND MONO STREET BETWEEN "N" STREET AND "O" STREET

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of the "N"- "O" Alley and the northeasterly half of "N" Street between Ventura Street and Inyo Street and Mono Street between "N" Street and "O" Street, located exclusively within the City; for further particulars as to the proposed vacation, reference is hereby made to the attached Exhibits "A" and "B", 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 vacation is to allow for the construction of The Fresno Legacy Project which is a mixed use project consisting of six buildings that will provide approximately 15,788 square feet of office space, 46,923 square feet of commercial space, 171 multiple family dwelling units in 267,849 square feet, and a 38,539 square foot commercial/recreational space designed to be a skating rink available for public and private use, in accordance with Plan Amendment Application No. A-08-002, Rezone Application No. 08-002, and Conditional Use Permit Application No. C-08-002. The vacation will also accommodate the City of Fresno Parking garage constructed in 2005; and

WHEREAS, 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 condition that a Public Utility Easement be reserved from the area proposed to be vacated as shown on the attached Exhibit "B"; and

WHEREAS, Environmental Assessment No. A-08-002/R-08-002/C-08-002 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 April 29, 2008, 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 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 April 29, 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 10659

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:

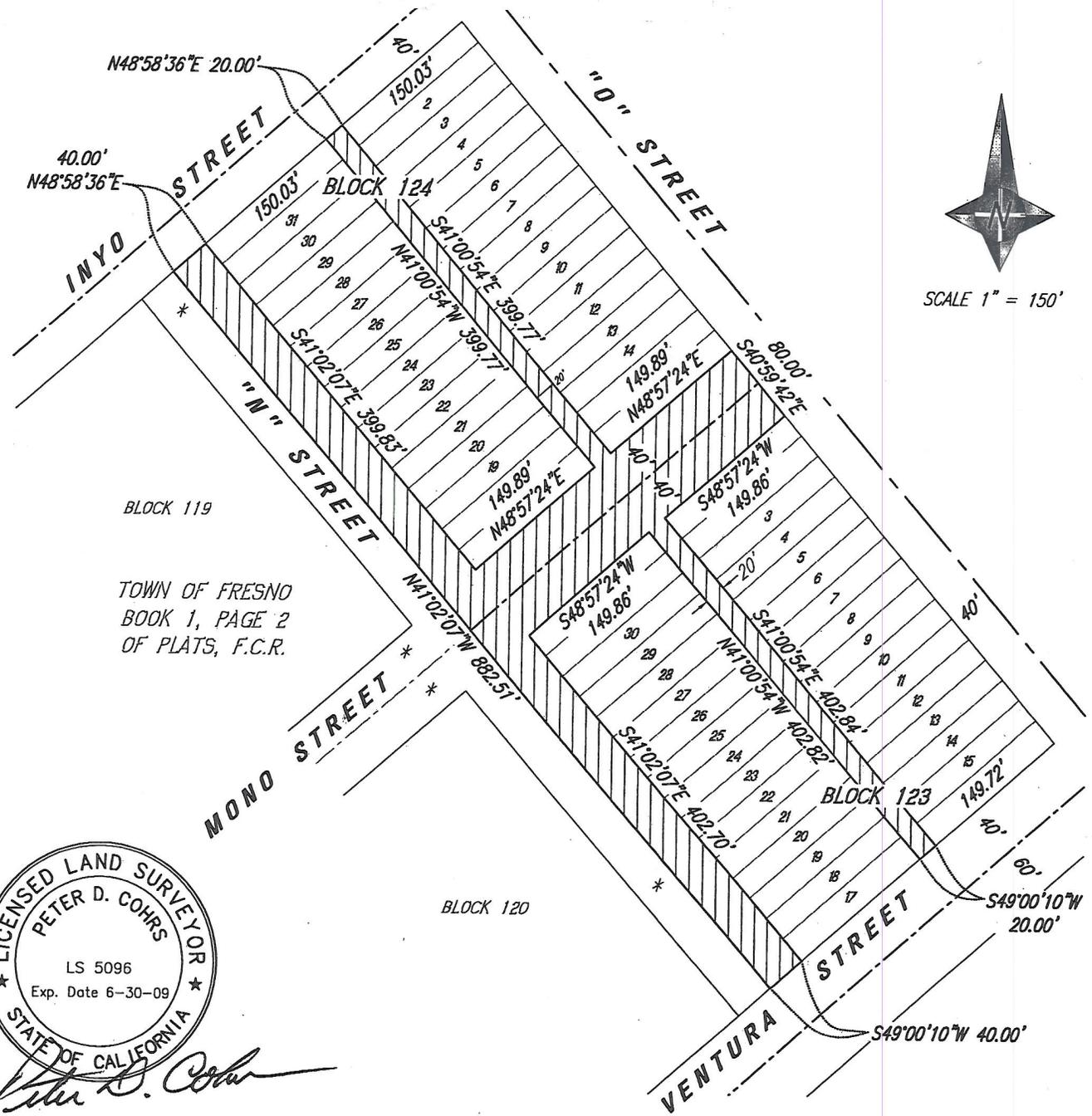
JAMES C. SANCHEZ  
CITY ATTORNEY

By:   
Deputy  
Laurie A. Avedisian

Adopt Reso of Intent to Vac N-O Alley & NE Half N St

P.W. FILE 10659

# EXHIBIT "A"



SCALE 1" = 150'

BLOCK 119

TOWN OF FRESNO  
BOOK 1, PAGE 2  
OF PLATS, F.C.R.

BLOCK 120

BLOCK 123



*Peter D. Cohrs*

\* STREET OR ALLEY PREVIOUSLY VACATED BY CITY OF FRESNO RESOLUTION NO. 8330 RECORDED JANUARY 5, 1965 IN BOOK 5115 AT PAGE 708 O.R.F.C.

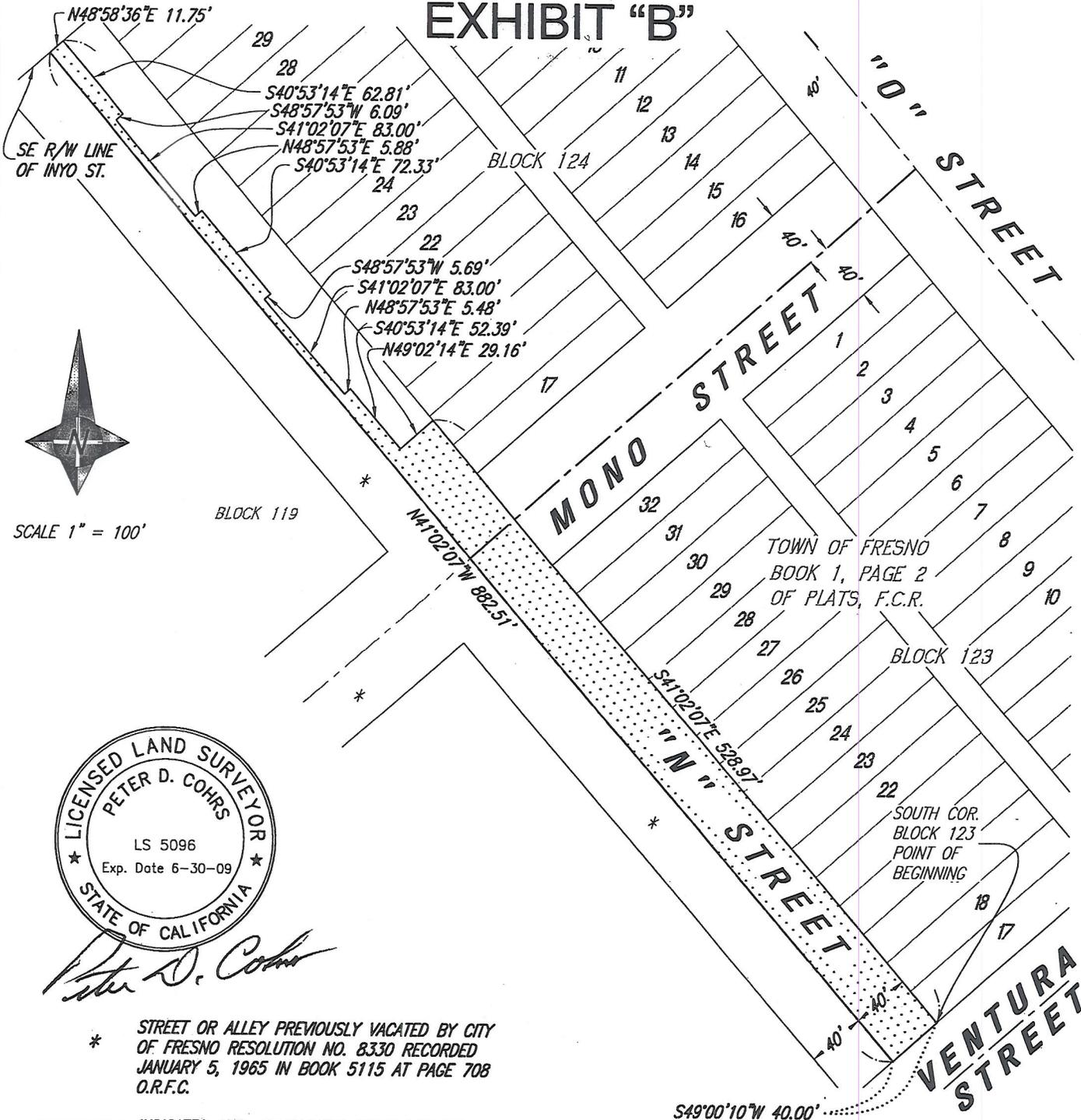


INDICATES AREA OF PUBLIC STREETS AND ALLEYS TO BE VACATED WITH A PORTION RESERVED AS AN EASEMENT FOR PUBLIC UTILITIES AS SHOWN ON SHEET TWO AREA: 76,933 SQ. FT.

**PRECISION**  
CIVIL ENGINEERING, INC.  
PLANNING • SURVEYING • CIVIL ENGINEERING  
653 W. FALLBROOK AVENUE, # 101, FRESNO, CALIFORNIA 93711  
PHONE: (559) 449-4500 FAX: (559) 449-4515

ACCT. NO. _____ FILE NO. _____ PROG. NO. _____	<h2>CITY OF FRESNO</h2>	<h2>DEPARTMENT OF PUBLIC WORKS</h2>
REF. & REV.	<p>PORTIONS OF "N" AND MONO STREETS AND ALLEYS IN BLOCKS 123 AND 124 OF TOWN OF FRESNO, BOOK 1 OF PLATS, PAGE 2, FRESNO COUNTY RECORDS, TO BE VACATED FOR PUBLIC STREET PURPOSES WITH PORTIONS RETAINED AS PUBLIC UTILITY EASEMENT</p>	<p style="text-align: center;">APPROVED</p> <p>CONST. ENG. _____ OFFICE ENG. _____          CITY DESIGN ENG. _____</p> <p>DR. BY: <u>HAD</u> SHEET NO. <u>1</u>          CH. BY: <u>PDC</u> OF <u>2</u> SHEETS</p> <p>DATE: <u>2-20-08</u>          SCALE: <u>1" = 150'</u>          JOB NO: <u>07-097</u></p>

# EXHIBIT "B"

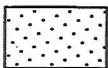


SCALE 1" = 100'

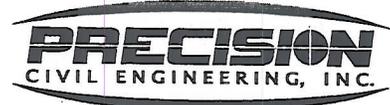


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INDICATES AREA OF VACATED STREET TO BE RESERVED AS A PUBLIC UTILITY EASEMENT  
AREA: 24,193



PLANNING • SURVEYING • CIVIL ENGINEERING  
653 W. FALLBROOK AVENUE, # 101, FRESNO, CALIFORNIA 93711  
PHONE: (559) 449-4500 FAX: (559) 449-4515

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