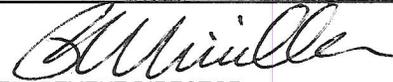


AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

May 6, 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 APPROVING THE SUMMARY VACATION OF A PORTION OF PUBLIC STREET EASEMENT ON THE EAST SIDE OF NORTH POLK AVENUE, NORTH OF WEST ASHLAN AVENUE (LOCATED IN COUNCIL DISTRICT NO. 1)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATIONS

Staff recommends that the Council approve this vacation.

EXECUTIVE SUMMARY

Blair, Church, and Flynn Consulting Engineers on behalf of Armstrong Development is requesting the vacation of a portion of public street easement on the east side of North Polk Avenue, north of West Ashlan Avenue, as shown on Exhibit "A" of the attached Resolution. The purpose of the proposed vacation is to eliminate excess right-of-way resulting from changes to the City of Fresno's street design standards regarding bus bay lengths.

KEY OBJECTIVE BALANCE

The proposed vacation balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. Customer Service is achieved by satisfying a condition of approval for the customer's 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

Blair, Church, and Flynn Consulting Engineers on behalf of Armstrong Development is requesting the vacation of a portion of public street easement on the east side of North Polk Avenue, north of West Ashlan Avenue, as shown on Exhibit "A" of the attached Resolution. The area proposed to be vacated is a portion of that area dedicated as an easement for public street purposes by a

Deed of Easement recorded on May 21, 1999 as Document No. 1999-0077495, Official Records of Fresno County. The purpose of the proposed vacation is to eliminate excess right-of-way resulting from changes to the City of Fresno's street design standards regarding bus bay lengths. When vacated, the area proposed to be vacated will be incorporated into the developer's project area.

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 has been determined to be in excess of the City's needs and there are no other public facilities within the easement. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

Environmental Assessment No. EA-08-07 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.

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.

PNW/SLM/AJ/eam
Adopt Reso Apprv Sum Vac N Polk Av 5-6-08

Attachment: 1. Resolution

P.W. File No. 11278

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 THE EAST SIDE OF NORTH POLK AVENUE, NORTH OF WEST ASHLAN 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 public street easement on the east side of North Polk Avenue, north of West Ashlan Avenue, located exclusively within the City of Fresno; and

WHEREAS, the portion of the area proposed to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the area proposed to be vacated is a portion of that area dedicated as an easement for public street purposes by a Deed of Easement recorded on May 21, 1999, as Document No. 1999-0077495, Official Records of Fresno County; and

WHEREAS, the purpose of the proposed vacation is to eliminate excess right-of-way resulting from changes to the City of Fresno's street design standards regarding bus bay lengths; and

WHEREAS, there are no public facilities located within the portion of the easement proposed to be vacated; 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 has been determined to be in excess of the City's needs and there are no public facilities located within the portion of the easement to be vacated. 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-08-07 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; and

WHEREAS, the Council desires to summarily vacate the portion of the easement proposed to be vacated as shown on Exhibit "A".

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

1. That portion of public street easement on the east side of North Polk Avenue, north of West Ashlan Avenue and 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, that portion of the east side of North Polk Avenue, north of West Ashlan Avenue as shown on Exhibit "A" shall no longer constitute a public street easement.

P.W. File 11278

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

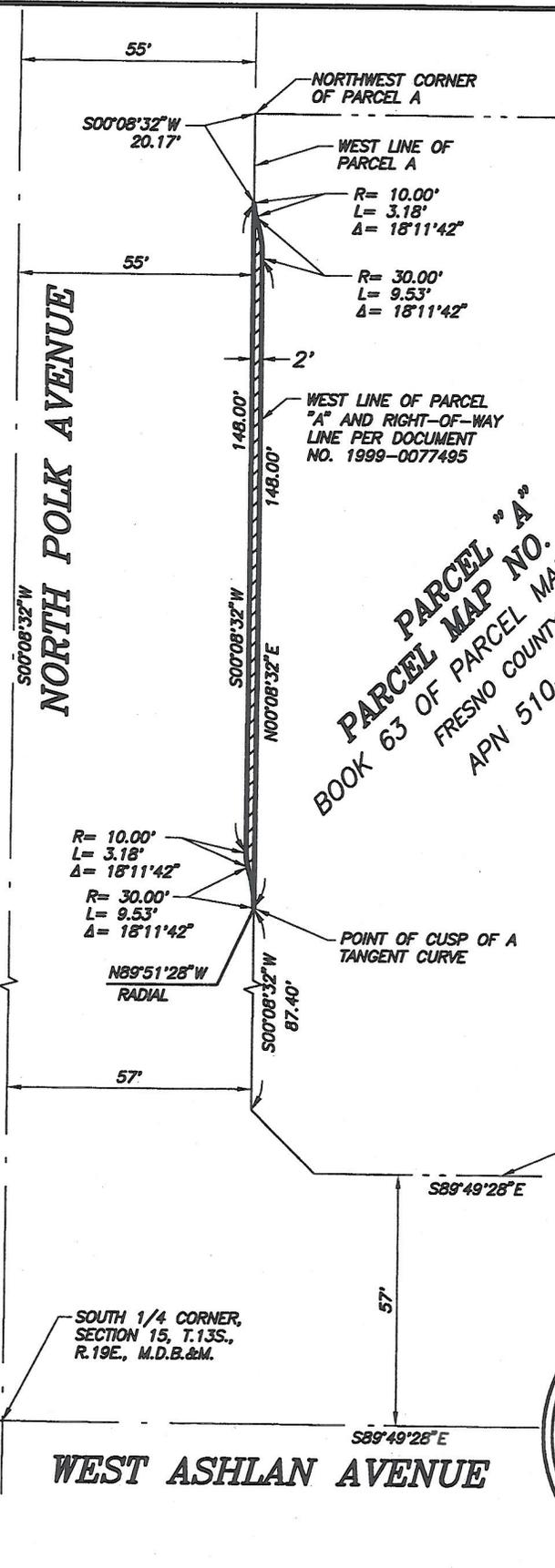
By: Laurie Avedisian
Deputy
Laurie Avedisian

Adopt Reso Apprv Sum Vac N Polk Av

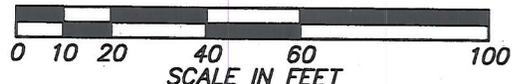
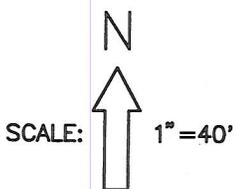
PW File No. 11278

EXHIBIT "A"

FEBRUARY 20, 2008



PARCEL "A"
PARCEL MAP NO. 99-14
 BOOK 63 OF PARCEL MAPS AT PAGE 17
 FRESNO COUNTY RECORDS
 APN 510-022-76



LEGEND:

- STREET CENTERLINE OR SECTIONLINE
- PROPERTY OR RIGHT-OF-WAY LINE
- RIGHT-OF-WAY TO BE VACATED



**Blair,
 Church
 & Flynn**
 CONSULTING ENGINEERS

REF. & REV. PW FILE NO. 11278 PLAT NO. 1845	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS VACATION OF PUBLIC RIGHT OF WAY A PORTION OF THE SOUTHEAST QUARTER SECTION 15, T.13 S., R.19 E., M.D.B.&M.	PROJ. ID. _____ PROJ. ID. <u>10660</u> FUND NO. _____ ORG. NO. _____ DR. BY <u>HB</u> CH. BY <u>LRB</u> DATE <u>2/20/2008</u> SCALE <u>AS NOTED</u>
		SHEET NO. <u>1</u> OF <u>1</u> SHEETS

Drawing: P:\206-0340\dwg-legal\dwg\206340-APN31103276-vacation.dwg; LAYOUT - BCF.ctb
 Plot by: jscholz Apr 02, 2008 - 12:00pm