

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. 2009-134

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA
ORDERING THE VACATION OF A PORTION OF "C" STREET BETWEEN
SAN BENITO STREET AND EAST CALIFORNIA AVENUE AND THE
FREEWAY 99 - "C" STREET ALLEY BETWEEN EAST CALIFORNIA AVENUE
AND THE SANTA CLARA STREET - SAN BENITO STREET ALLEY

WHEREAS, pursuant to Resolution of Intention No. 1074-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on June 11, 2009 at a regular meeting of the Council of the City of Fresno, California (the City), at which evidence was heard for and against the vacation of the hereinafter described public street and alley easements, situated within the City; and

WHEREAS, The Fresno County Economic Opportunities Commission is requesting the vacation of a portion of "C" Street between San Benito Street and East California Avenue and the Freeway 99 - "C" Street Alley between East California Avenue and the Santa Clara Street - San Benito Street Alley; and

WHEREAS, the purpose of the proposed vacation is to satisfy conditions imposed on Conditional Use Permit C-03-253 for the development of a Youth Center; and

WHEREAS, Environmental Assessment No. C-03-253, that addresses the area to be vacated, shows that, with the implementation of the mitigation measures specified therein,

Adopted 6/11/09
Approved 6/18/09
Effective See Sec. 6

2009-134



there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment and that a mitigated negative declaration is the appropriate environmental finding for this project in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2); 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 conditions for approval detailed in Exhibit "C" which is attached and incorporated in this Resolution and subject to the reservation of a public utility easement as shown on Exhibit "B" which is attached and incorporated in this Resolution; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 8300-8363).

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

1. The Council finds from all the evidence submitted that a portion of "C" Street between San Benito Street and East California Avenue and the Freeway 99 – "C" Street Alley between East California Avenue and the Santa Clara Street - San Benito Street Alley is unnecessary for present and prospective public street and alley purposes. The public street and alley easements to be vacated are shown on Exhibit "A", which is attached and incorporated in this Resolution.

2. The public interest and convenience require, and it is hereby ordered, that, as contemplated by Resolution of Intention No. 1074-D adopted by the Council on May 14, 2009, the public street and alley easements shown on Exhibit "A" be and are hereby vacated and abandoned.



3. The City reserves a portion of the area to be vacated as a permanent easement, to be used anytime, to construct, maintain, operate, replace, remove and renew sanitary sewers, water mains, storm drains, and appurtenant structures in, upon, and over the public street easement proposed to be vacated and, pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia and water, and for incidental purposes, including access to protect such works from all hazards in, upon, and over the public street easement to be vacated. The area to be reserved pursuant to this paragraph is depicted in Exhibit "B", which is attached and incorporated in this Resolution.

4. All proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to the conditions listed on Exhibit "C", which is attached and incorporated in this Resolution. All work required by such conditions shall be completed in compliance with City Standard Specifications and will require engineered construction plans prepared by a registered civil engineer and approved by the Public Works Department.

5. The City Clerk shall certify to the passage of this Resolution and shall file a certified copy, attested by the City Clerk under the seal of the City, in the Office of the City Clerk.

6. The City Clerk shall file a certified copy of the Resolution for recordation in the Office of the Recorder of Fresno County. The vacation shall become effective on the date this Resolution is recorded.



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 11th day of June, 2009.

AYES: Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
NOES: None
ABSTAIN: None
ABSENT: None

Mayor Approval: June 18, 2009
Mayor Approval/No Return: N/A, 2009
Mayor Veto: N/A, 2009
Council Override Vote: N/A, 2009

REBECCA E. KLISCH
City Clerk

BY: Rebecca E Klisch
Deputy

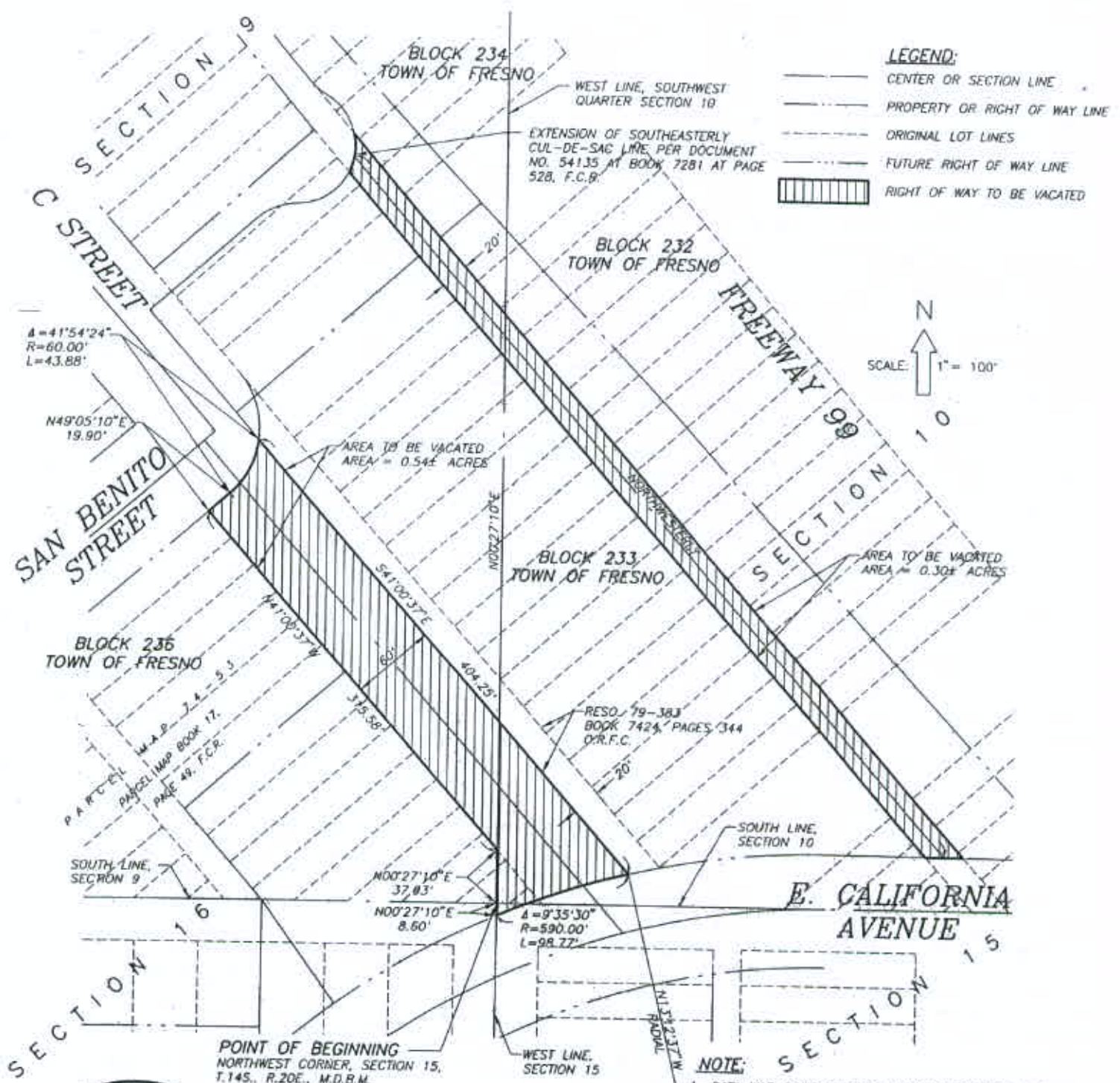
APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: [Signature]
Deputy BEADLEY

Reso Ord Vac Por C St Bet San Benito & E Calif 10674

PW File No. 10674



LEGEND:

- CENTER OR SECTION LINE
- - - PROPERTY OR RIGHT OF WAY LINE
- - - ORIGINAL LOT LINES
- - - FUTURE RIGHT OF WAY LINE
- ▨ RIGHT OF WAY TO BE VACATED

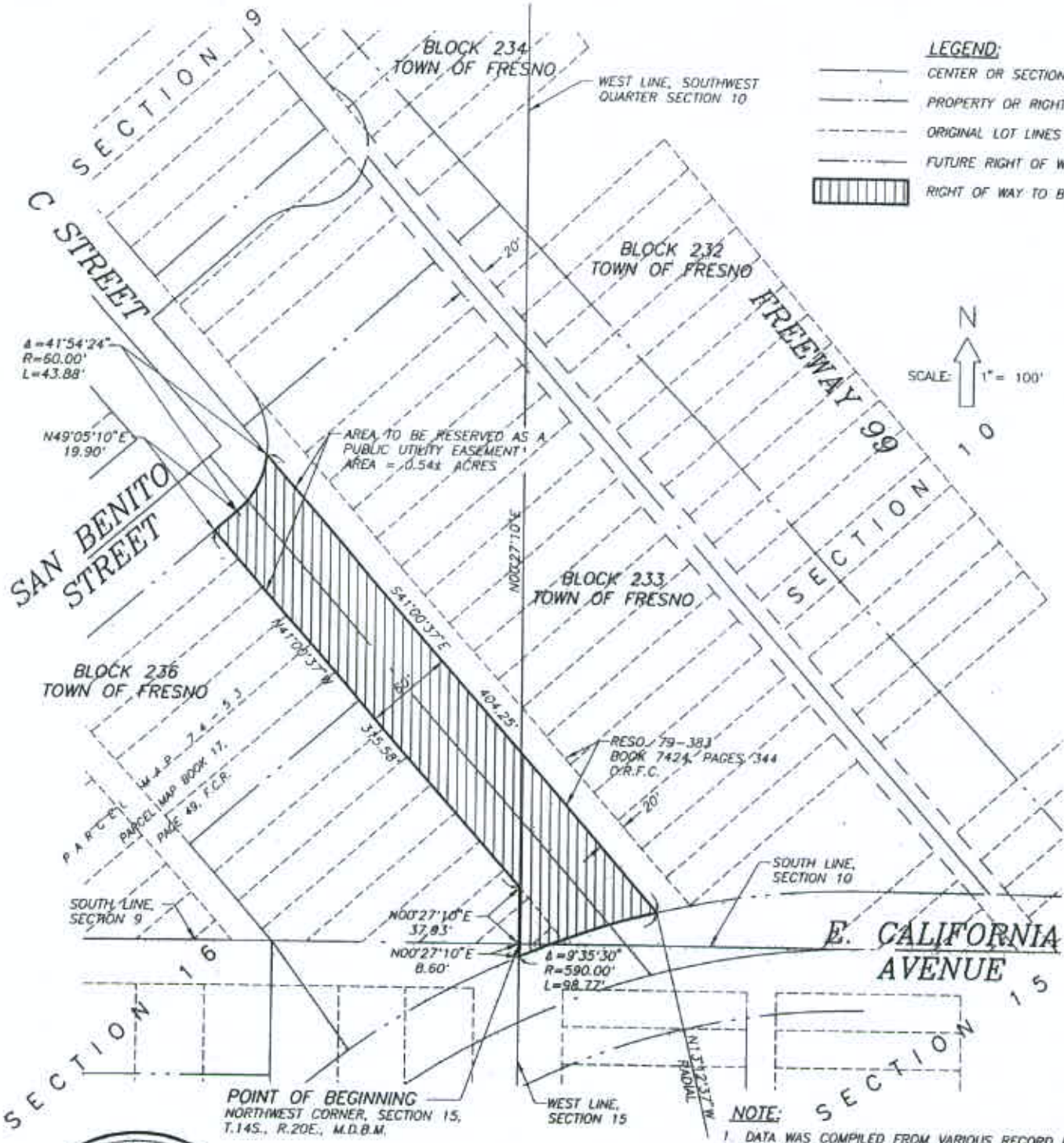
N
SCALE: 1" = 100'

- NOTE:**
1. DATA WAS COMPILED FROM VARIOUS RECORD MAPS AND DEEDS. A SURVEY WAS NOT PERFORMED BY BLAIR, CHURCH AND FLYNN FOR THE PREPARATION OF THIS EXHIBIT.
 2. "F.C.R." DENOTES "FRESNO COUNTY RECORDS."
 3. THE MAP OF THE TOWN OF FRESNO WAS RECORDED IN BOOK 1 OF PLATS AT PAGE 7, F.C.R.

EXHIBIT "A"
VACATION OF
STREET AND ALLEY
RIGHT OF WAY
 MARCH 15, 2005

BLAIR, CHURCH & FLYNN
CONSULTING ENGINEERS
 451 CLOVIS AVENUE, SUITE 200, CLOVIS, CA 93612
 TEL. (559) 326-1400 FAX. (559) 326-1500





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- - - PROPERTY OR RIGHT OF WAY LINE
- - - ORIGINAL LOT LINES
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EXHIBIT "B"
PUBLIC UTILITY EASEMENT
 MARCH 15, 2005

BLAIR, CHURCH & FLYNN
CONSULTING ENGINEERS
 451 CLOVIS AVENUE, SUITE 200, CLOVIS, CA 93612
 TEL. (559) 326-1400 FAX. (559) 326-1500



EXHIBIT "C"

CONDITIONS FOR APPROVAL

1. SBC has facilities within the area proposed to be vacated and require that either an exclusive easement or public utility easement to reserve their rights to remain.
2. PG&E has facilities within the area proposed to be vacated and require that either an exclusive easement or a public utility easement shall be reserved over a portion of the area to be vacated to accommodate their facilities. Any relocation of PG&E's facilities shall be at the expense of the developer.
3. The City of Fresno's Planning and Development Department require that the developer comply with the Conditions of Approval for Conditional Use Permit Application No. C-03-253.
4. The City of Fresno's Department of Public Utilities (DPU) require retaining at least a 30 foot wide public utility easement for the 8 inch water main and 8 inch sanitary sewer main in "C" Street between California Avenue and San Benito Street.
5. The Fresno Irrigation District (F.I.D.) has facilities that will require relocation.

PW File 10674

RECEIVED

Council Adoption: 6/11/09

2009 JUN 18 PM 4:20

Mayor Approval:

Mayor Veto:

Override Request:



June 12, 2009

TO: MAYOR ASHLEY SWEARENGIN

FROM: REBECCA E. KLISCH, CMC
City Clerk

REK

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 6/11/09, Council adopted the attached Resolution No. 2009-134, entitled **Ordering vacation of portion of C between San Benito and E. CA, & Freeway 99-C Street alley**, Item No. **9:30 A.M. a**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before June 22, 2009. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: 6-18-09

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	