

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

June 26, 2007

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

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



SUBJECT: ADOPT A RESOLUTION OF INTENTION TO RESCIND AND REPLACE RESOLUTION NOS. 2002-298, 2002-299 AND 2002-300, WHICH ORDERED THE VACATION OF VARIOUS STREETS AND ALLEYS BETWEEN ILLINOIS AVENUE AND MCKENZIE AVENUE WEST OF FRESNO STREET TO ACCOMMODATE THE CONTINUING EXPANSION OF THE REGIONAL MEDICAL CENTER (LOCATED IN COUNCIL DISTRICT NO. 3)

KEY RESULT AREA

Customer Satisfaction

RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1061-D which recommends rescinding and replacing Resolution Nos. 2002-298, 2002-299 and 2002-300 to accommodate the Regional Medical Center's development schedule. Resolution of Intention No. 1061-D sets the required public hearing at 10:00 a.m. on July 24, 2007.

EXECUTIVE SUMMARY

The Regional Medical Center is continuing with its expansion project that began about a decade ago. The expansion required the vacation of all the streets and alleys within the boundaries of the project. The first phase of the project necessitated the vacation of all the streets and alleys south of Illinois Avenue and east of Diana Street, which was accomplished with the recordation of Resolution No. 95-77 in 2001. In 2002, as the project proceeded northward, Resolution Numbers 2002-298, 2002-299 and 2002-300 were adopted by Council in September, 2002. These Resolutions ordered the vacation of the remaining streets and alleys and were intended to record as the various phases of the expansion were completed. The remaining areas proposed to be vacated are shown on Exhibit "A", which is attached and incorporated in this Resolution of Intention. The timing of the phases has changed and construction requirements have changed along McKenzie Avenue, which necessitates changes in the areas proposed to be vacated by all three Resolutions.

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 accommodating the continuing expansion of the Regional Medical Center.

BACKGROUND

The Regional Medical Center is continuing with its expansion project that began about a decade ago. The expansion required the vacation of all the streets and alleys within the boundaries of the project. The first phase of the project necessitated the vacation of all the streets and alleys south of Illinois Avenue, which was accomplished with the recordation of Resolution No. 95-77 in 2001. In 2002, as the project proceeded northward, Resolution Numbers 2002-298, 2002-299 and 2002-300 were adopted by Council in September, 2002. These Resolutions ordered the vacation of the remaining streets and alleys and were intended to record as the various phases of the expansion were completed. The remaining areas proposed to be vacated are shown on Exhibit "A", which is attached and incorporated in this Resolution of Intention. The timing of the phases has changed and construction requirements have changed along McKenzie Avenue, which necessitates changes in the areas proposed to be vacated by all three Resolutions.

The areas proposed to be vacated by Resolution No. 2002-298 must be modified to exclude Illinois Avenue from the area to be vacated, as well as excluding sufficient right-of-way along McKenzie Avenue to provide for its future widening. The Resolution that replaces 2002-298 will be recorded to accommodate the Medical Center's current project schedule. Illinois Avenue between Fresno and Diana Streets will be removed from 2002-298 and made the subject of a separate resolution and the portion of Illinois between Diana and Clark Streets will be included in a Resolution replacing 2002-300. The areas proposed to be vacated by Resolution No. 2002-299 must be modified to exclude Valeria Avenue along with sufficient right-of-way along McKenzie Avenue to provide for its future widening. Valeria Avenue between Illinois and McKenzie Avenues will be made the subject of a separate resolution. The new vacating resolutions will be subject to the same conditions that were placed on all the original resolutions.

The Council, by Resolution No. 95-55, certified the Final Master Environmental Impact Report No. 10120 for the Central California Regional Medical Center Project, and found that the project, including the subject vacations, is consistent with the General Plan.

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

The vacations, if approved by Council at the public hearing, will become effective when the vacating Resolutions are recorded in the office of the Fresno County Recorder.

The Regional Medical Center's proposed plans for development would require modification if the vacation is denied.

FISCAL IMPACT

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

JRR/SLM/DC/AJ/eam
Adopt Reso Rescind Var Resos Strs & Alleys Regional Med Ctr 6-26-07

PW File No. 9755

Attachment: Resolution of Intention No. 1061-D

RESOLUTION OF INTENTION NO. 1061-D

RESOLUTION OF INTENTION TO RESCIND AND REPLACE RESOLUTION NOS. 2002-298
2002-299 AND 2002-300, WHICH ORDERED THE VACATION OF VARIOUS STREETS AND
ALLEYS BETWEEN ILLINOIS AVENUE AND MCKENZIE AVENUE FROM FRESNO STREET TO
DIANA STREET TO ACCOMMODATE THE CONTINUING EXPANSION OF THE
REGIONAL MEDICAL CENTER (LOCATED IN COUNCIL DISTRICT NO. 3)

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of all street and alley easements in the area roughly bounded by Illinois Avenue, Fresno Street, McKenzie Avenue, and Diana 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 at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721; and

WHEREAS, the Regional Medical Center is continuing with its expansion project that began about a decade ago, which required the vacation of all the streets and alleys within the boundaries of the project; and

WHEREAS, the first phase of the project necessitated the vacation of all the streets and alleys south of Illinois Avenue and east of Clark Street, which was accomplished with the recordation of Resolution No. 95-77 in 2001; and

WHEREAS, in September, 2002, as the project proceeded northward, Resolution Numbers 2002-298, 2002-299 and 2002-300 were adopted by Council; and

WHEREAS, these Resolutions ordered the vacation of the remaining streets and alleys and were intended to record as the various phases of the expansion were completed; and

WHEREAS, the timing of the phases has changed and construction requirements have changed along McKenzie Avenue, which necessitates changes in the areas proposed to be vacated by all three Resolutions; and

WHEREAS, Public Works is recommending that Resolution Nos. 2002-298, 2002-299, and 2002-300 be rescinded and replaced with vacating Resolutions that will accommodate the Regional Medical Centers development schedule.

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

1. The hour of 10:00 a.m. on July 24, 2007, 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 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 July 24, 2007 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.

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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:
CITY ATTORNEY'S OFFICE
James C. Sanchez

BY: *Laurie Avedisian*
Deputy
Laurie Avedisian

EXHIBIT "A"

FRESNO COMMUNITY HOSPITAL AND MEDICAL CENTER VACATION OF STREETS AND ALLEYS

