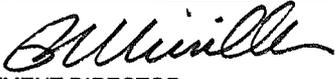


|  |          |
|--|----------|
| AGENDA ITEM NO.  | 1C       |
| COUNCIL MEETING  | 03/07/12 |
| APPROVED BY  |          |
|               |          |
| DEPARTMENT DIRECTOR  |          |
| CITY MANAGER  |          |

March 7, 2013

**FROM:** PATRICK N. WIEMILLER, Director  
Public Works Department

**BY:** SCOTT L. MOZIER, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division 

**SUBJECT:** ADOPT A RESOLUTION ORDERING THE SUMMARY VACATION OF A PORTION OF SAN JOAQUIN STREET NORTHEASTERLY OF "L" STREET AND A PORTION OF "L" STREET NORTHWESTERLY OF SAN JOAQUIN STREET (LOCATED IN COUNCIL DISTRICT NO. 3)

**RECOMMENDATION**

Staff recommends that the City Council adopt the attached resolution ordering the summary vacation of a portion of San Joaquin Street northeasterly of "L" Street and a portion of "L" Street northwesterly of San Joaquin Street.

**EXECUTIVE SUMMARY**

Granville Homes is requesting the vacation of a four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and a nine foot wide strip along the northeasterly side of "L" Street northwesterly of San Joaquin Street as shown on Exhibit "B" of the attached resolution. The purpose of the proposed vacation is to eliminate these strips of public street easement so that they can be incorporated into the development of the adjacent property in accordance to Conditional Use Permit No. C-11-014. The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

**BACKGROUND**

Granville Homes is requesting the vacation of a four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and a nine foot wide strip along the northeasterly side of "L" Street northwesterly of San Joaquin Street as shown on Exhibit "B" of the attached resolution. Along the northwesterly side of San Joaquin Street the existing distance between the existing curb and the street right-of-way line is now 14 feet. The existing curb is to remain on San Joaquin Street so the proposed vacation would result in a distance of 10 feet between the existing curb and the proposed street right-of-way line. Along the northeasterly side of "L" Street the existing curb, gutter and sidewalk are being removed and replaced such that it would result in a distance of 10 feet between the new curb and the proposed street right-of-way line. Therefore the existing curb to curb width of "L" Street will be reduced by 5 feet. The purpose of the proposed vacation is to eliminate these strips of public street easement so that they can be incorporated into the development of the adjacent property in accordance to Conditional Use Permit No. C-11-014. The development proposed for CUP No. C-11-014 is to construct 28 two-story town home units in 14 multiple dwelling structures located on approximately 1.29 acres.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

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 considered excess right-of-way, is not required for street or highway purposes, and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

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

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

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

#### **ENVIRONMENTAL FINDING**

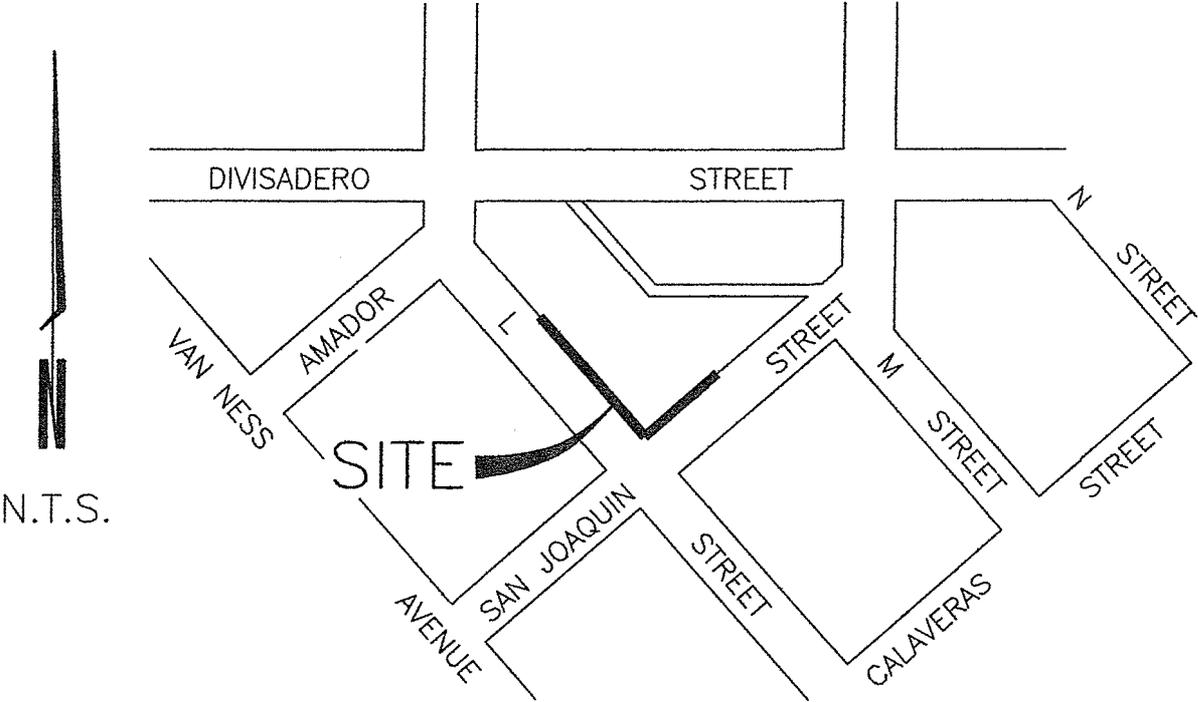
This matter has already been environmentally assessed. An initial study and Revised Mitigated Negative Declaration for Environmental Assessment No. C-11-014/T-5994 ("RMND") was prepared and approved by Council on December 6, 2012, in connection with the "L" Street project. The proposed vacation is included in the project description and was assessed by the RMND. An analysis has been performed pursuant CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for the vacation. Based upon this analysis, no subsequent environmental review is required as no substantial changes are proposed in the project which will require major revisions of the RMND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Additionally, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the RMND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Finally, there is no new information, which was not known and could not have been known at the time of the RMND was adopted that the project will have significant effect not discussed in that document. Based upon these findings, no further environmental assessment is required for the vacation.

#### **FISCAL IMPACT**

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

Attachments:       1. Vicinity Map  
                          2. Resolution

ATTACHMENT 1  
VICINITY MAP



**PREPARED BY:**  
GARY GIANNETTA  
1119 "S" STREET  
FRESNO, CA. 93721  
(559) 264-3590

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, APPROVING THE SUMMARY  
VACATION OF A PORTION OF SAN JOAQUIN STREET  
NORTHEASTERLY OF "L" STREET AND A PORTION OF "L"  
STREET NORTHWESTERLY OF SAN JOAQUIN STREET

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 four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of "L" Street and a nine foot wide strip along the northeasterly side of "L" Street northwesterly of San Joaquin Street; and

WHEREAS, the portions of the public street easement proposed to be vacated are described in Exhibit "A" and shown on Exhibit "B", which are attached and incorporated in this Resolution; and

WHEREAS, the purpose of the proposed vacation is to eliminate these strips of public street easement so that they can be incorporated into the development of the adjacent property in accordance to Conditional Use Permit No. C-11-014; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes; and

Date Adopted:  
Date Approved:  
Effective Date:  
City Attorney Approval: 

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 considered excess right-of-way, is not required for street or highway purposes, and has no public utility facilities within the area 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, the proposed vacation was included in the project description of Environmental Assessment No. C-11-014/T-5994, a Revised Mitigated Negative Declaration, and has therefore already been environmentally assessed; and

WHEREAS, the Council desires to summarily vacate a four foot wide strip of public street easement along the northwesterly side of San Joaquin Street northeasterly of “L” Street and a nine foot wide strip along the northeasterly side of “L” Street northwesterly of San Joaquin Street as described in Exhibit “A” and shown on Exhibit "B".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The portions of public street easement along the northwesterly side of San Joaquin Street northeasterly of “L” Street and along the northeasterly side of “L” Street northwesterly of San Joaquin Street as described in Exhibit “A” and shown on Exhibit "B" are 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 portions of public street easement along the northwesterly side of San Joaquin Street northeasterly of “L” Street and along the northeasterly side of “L” Street northwesterly of San Joaquin Street as described in Exhibit

“A” and shown on Exhibit "B" shall no longer constitute a public street easement.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2013  
Mayor Approval/No Return: \_\_\_\_\_, 2013  
Mayor Veto: \_\_\_\_\_, 2013  
Council Override Vote: \_\_\_\_\_, 2013

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

FRANCINE M. KANNE  
INTERIM CITY ATTORNEY

BY: \_\_\_\_\_  
Talia Kolluri-Barbick, Deputy

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EXHIBIT "A"

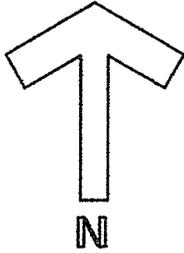
LEGAL DESCRIPTION  
STREET AREA TO BE VACATED

That portion of San Joaquin and L Streets lying adjacent to Block 341 of the Map of the Re-subdivision of Blocks 4, 9 and 11 of Central Addition and Block 341 of the City of Fresno, recorded in Volume 4 of Plats at Page 76, Fresno County Records, described as follows:

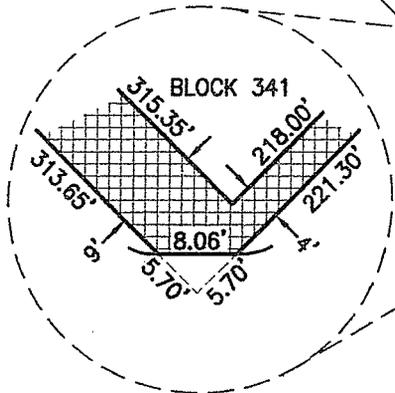
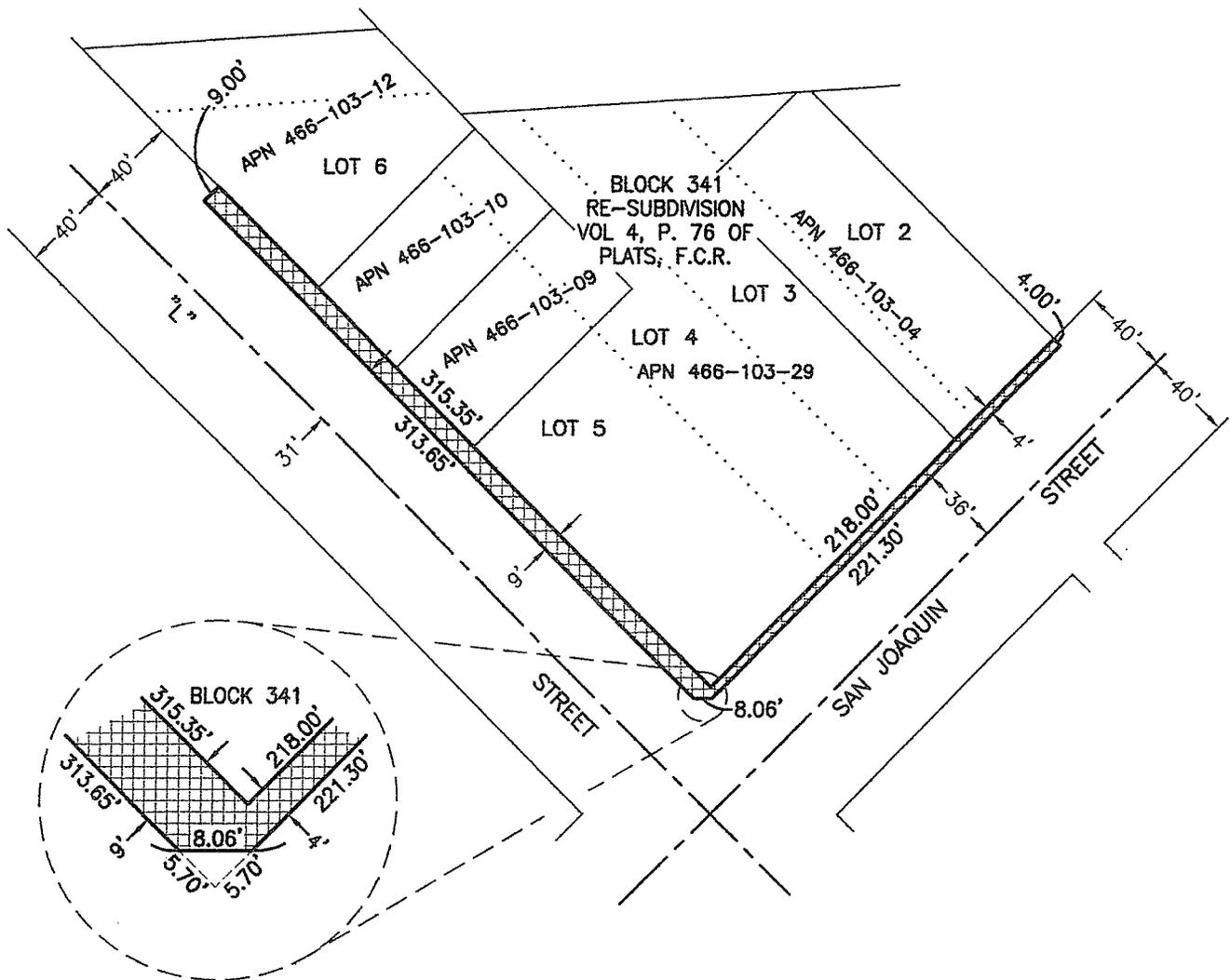
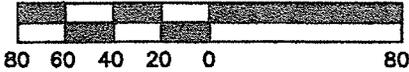
BEGINNING at the most Easterly corner of Lot 2 of said Block 341; thence Southwesterly along the Southeasterly line of said Block 341, said Southeasterly line also being the Northwesterly line of said San Joaquin Street, a distance of 218.00 feet, more or less, to the most Southerly corner of said Block 341; thence Northwesterly along the Southwesterly line of said Block 341, said Southwesterly line also being the Northeasterly line of said L Street, a distance of 315.35 feet; thence Southwesterly, perpendicular to said Southwesterly line of Block 341, a distance of 9.00 feet; thence Southeasterly, parallel with and 9.00 feet Southwesterly of said Southwesterly line of Block 341, a distance of 313.65 feet, more or less, to a point that lies 5.70 feet Northwesterly from the intersection of said line parallel with and 9.00 feet Southwesterly of said Southwesterly line of Block 341, and a line parallel with and 4.00 feet Southeasterly of said Southeasterly line of Block 341; thence Easterly, a distance of 8.06 feet, more or less, to a point on said line parallel with and 4.00 feet Southeasterly of said Southeasterly line of Block 341, that lies 5.70 feet Northeasterly from said intersection; thence Northeasterly, along last said parallel line, a distance of 221.30 feet, more or less, to the intersection with the Southeasterly prolongation of the Northeasterly line of said Lot 2; thence Northwesterly, along said Southeasterly prolongation, a distance of 4.00 feet to the Point of Beginning.



# EXHIBIT "B"



SCALE: 1" = 80'



**DETAIL**  
SCALE: 1" = 20'



INDICATES AREA TO BE VACATED

**PREPARED BY:**

GARY GIANNETTA  
1119 "S" STREET  
FRESNO, CA. 93721  
(559) 264-3590

5/01/12

REF. & REV.  
ACC'T NO.  
FILE NO.  
C-11-014  
TT-5994

## CITY OF FRESNO

A PORTION OF THE TOWN (NOW CITY) OF FRESNO

PROJ. ID. \_\_\_\_\_  
FUND NO. \_\_\_\_\_  
ORG. NO. \_\_\_\_\_

DR. BY: B. GIANNETTA  
CH BY:  
DATE:  
SCALE: AS NOTED

SHEET NO. 1  
OF 1 SHEET  
**15-A-**