



RESOLUTION NO. 2016-172

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF NORTH BLYTHE AVENUE, AND A PORTION OF A LANDSCAPE AND PUBLIC UTILITY EASEMENT, NORTH OF WEST MINARETS AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1107-D, on file in the Office of the City Clerk of the City of Fresno (the "City Clerk"), a public hearing was held on September 15, 2016, 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 right-of-way, situated within the City; and

WHEREAS, the adjacent property owners (Jeffrey S. Argyilan, Stan Rosenthal, and J. Todd Armas) are requesting the proposed vacation of a portion of North Blythe Avenue, and a portion of a landscape and public utility easement, north of West Minarets Avenue as shown on Exhibit "A," which is attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation purpose is to remove a sidewalk area within the right-of-way, and vacate a portion of a landscape and public utility easement that is not needed; and

WHEREAS, that portion of the westerly 20 foot wide North Blythe Avenue as dedicated by Parcel Map 90-14, recorded in Book 51 of Parcel Maps at pages 98 and 99, Fresno County Records. The landscape and public utility easement is described as a portion that 10 foot wide easement as dedicated by Tract Map No. 4173, recorded in Volume 152 of Plats at Pages 89-92, Fresno County Records; and

1 of 4

Date Adopted: 09/15/2016  
Date Approved: 09/20/2016  
Effective Date: See Section 7

Resolution No. 2016-172



WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the portion of right-of-way and the portion of the landscape and public utility easement are unnecessary for present or prospective public street, landscape, and utility purposes, subject to the reservation of a public utility easement over the northerly 20 feet of the area being vacated as shown in Exhibit "B" and conditions listed in Exhibit "C," which are 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, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds from all the evidence submitted that the vacation of that portion of North Blythe Avenue, and a portion of a landscape and public utility easement, north of West Minarets Avenue as shown on Exhibit "A" is unnecessary for present and prospective public street and public utility purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1107-D adopted by the Council on August 18, 2016, the public street right-of-way as shown in Exhibit "A," be and are hereby vacated and abandoned.

3. The City reserves that portion of land as shown in Exhibit "B," as a permanent easement, to be used any time, to construct, maintain, operate, replace, remove and renew sanitary sewers, water mains, storm drains, and appurtenant



structures in, upon, and over the public road 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 right-of-way to be vacated.

4. All proceedings for the vacation of that portion of such right-of-way and that portion of the public utility and landscape easement are intended to be and shall be taken subject all conditions as listed in Exhibit "C." All work required by such conditions shall be completed in compliance with City Standard Specifications 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, but not until the City Engineer determines that all conditions as listed in Exhibit "C" have been satisfied.

7. This vacation shall become effective on the date this resolution is recorded.



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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 15<sup>th</sup> day of September, 2016.

AYES : Baines, Brandau, Olivier, Quintero, Soria, Caprioglio  
NOES : None  
ABSENT : Brand  
ABSTAIN : None

YVONNE SPENCE, CMC  
City Clerk

BY:   
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
CITY ATTORNEY'S OFFICE

BY:   
Seth Mehrten Date 9/29/16  
Deputy City Attorney

Attachments: Exhibits "A" through "C"

PW File 11986

September 16, 2016

RECEIVED

Council Adoption: 9/15/2016

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC  
City Clerk

SEP 20 PM 1 58

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 9/15/16, Council adopted the attached Resolution No. 2016-172, entitled, **RESOLUTION – Ordering the vacation of a portion of N. Blythe Avenue, and a portion of a landscape and public utility easement, north of W Minarets Avenue.** Item No. 2:00 p.m.#1 ID#16-898, by the following vote:

Ayes	:	Baines, Brandau, Caprioglio, Olivier, Quintero, Soria
Noes	:	None
Absent	:	Brand
Recused	:	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 September 26, 2016. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> 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.

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**APPROVED/NO RETURN:** \_\_\_\_\_

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

Ashley Swearengin, Mayor

Date: 9/20/16

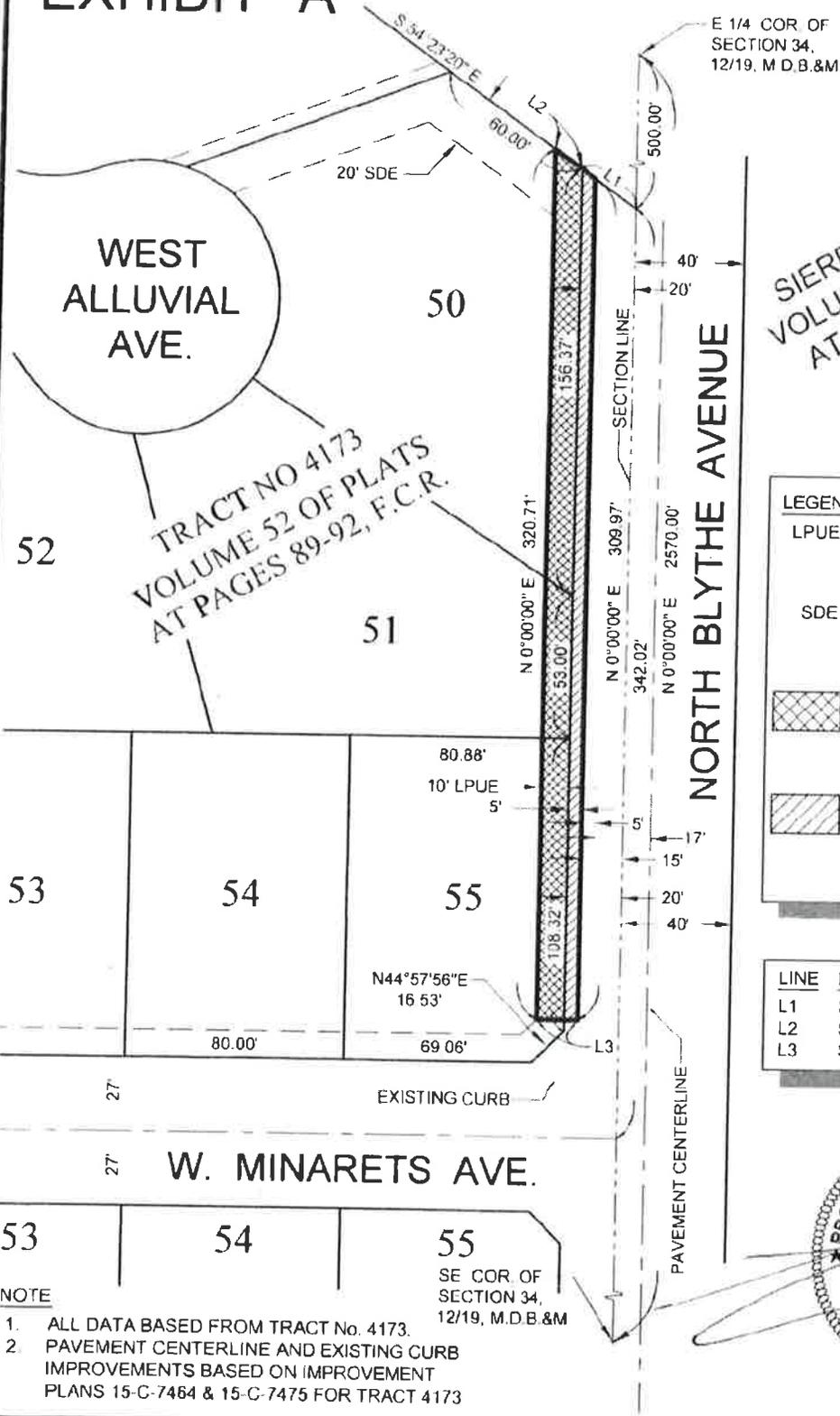
**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes	:
Noes	:
Absent	:
Abstain	:



# EXHIBIT "A"



SIERRA SKY PARK  
VOLUME 18 OF PLATS  
AT PAGE 27, F.C.R.

**LEGEND**

LPUE INDICATES LANDSCAPE AND PUBLIC UTILITY EASEMENT DEDICATED PER TRACT No. 4173

SDE INDICATES STORM DRAIN EASEMENT DEDICATED PER TRACT No. 4173

INDICATES LANDSCAPE AND PUBLIC UTILITY EASEMENT AREA TO BE VACATED. CONTAINING: 3172 SQ. FT.

INDICATES PUBLIC STREET EASEMENT AREA TO BE VACATED. CONTAINING: 2178 SQ. FT.

LINE	BEARING	DISTANCE
L1	S 54°23'20" E	24.60'
L2	S 54°23'20" E	12.30'
L3	S 00°00'00" E	15.00'



7-21-2016

- NOTE**
- ALL DATA BASED FROM TRACT No. 4173.
  - PAVEMENT CENTERLINE AND EXISTING CURB IMPROVEMENTS BASED ON IMPROVEMENT PLANS 15-C-7464 & 15-C-7475 FOR TRACT 4173

REF. & REV	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID PW00044	CO#
		FUND NO 22508	RES TYPE 44019
PLAT 1246	PUBLIC STREET RIGHT-OF-WAY, LANDSCAPE AND PUBLIC UTILITY EASEMENT TO BE VACATED BY THE CITY OF FRESNO	DR BY J. CAMIT	SHEET NO 1
		CH BY	OF 1 SHEETS
		DATE 7-01-2016	
		SCALE 1" = 60'	



# EXHIBIT "B"



SIERRA SKY PARK  
VOLUME 18 OF PLATS  
AT PAGE 27, F.C.R.



**LEGEND**

LPUE INDICATES LANDSCAPE AND PUBLIC UTILITY EASEMENT DEDICATED PER TRACT No 4173

SDE INDICATES STORM DRAIN EASEMENT DEDICATED PER TRACT No 4173

INDICATES PUBLIC UTILITY RETAINED. CONTAINING: 370 SQ FT

LINE	BEARING	DISTANCE
L1	S 54°23'20" E	24.60'
L2	S 54°23'20" E	12.30'
L3	S 00°00'00" E	15.00'



7-21-2016

- NOTE**
- ALL DATA BASED FROM TRACT No. 4173.
  - PAVEMENT CENTERLINE AND EXISTING CURB IMPROVEMENTS BASED ON IMPROVEMENT PLANS 15-C-7464 & 15-C-7475 FOR TRACT 4173

REF. & REV  PLAT 1246	<b>CITY OF FRESNO</b> DEPARTMENT OF PUBLIC WORKS	PROJ ID PWC0044 FUND NO 22508 ORG NO 189901	CO# RES TYPE 44019
	PUBLIC STREET RIGHT-OF-WAY, LANDSCAPE AND PUBLIC UTILITY EASEMENT TO BE VACATED BY THE CITY OF FRESNO	DR BY J CAMIT CH BY DATE 7-01-2016 SCALE 1" = 60'	SHEET NO 1 OF 1 SHEETS



## EXHIBIT "C" VACATION CONDITIONS

The following conditions must be met before the vacation resolution can be recorded:

1. The Fresno Metropolitan Flood Control District (FMFCD) has existing facilities in the proposed vacation area. The District requires that the existing 20 foot wide Public Utility Easement be retained or provide the District with a 20 foot wide exclusive drainage easement. The District does require that existing drainage patterns be maintained as per the District's Master Plan and that they will need to review and approve any improvement plans associated with the project for conformance with the Master Plan drainage patterns.
2. The City of Fresno Traffic and Engineer Services Division requires maintenance of a 30 foot visibility triangle. A ten foot visibility triangle may be acceptable if approved by the Public Works Director. The Division will also require the removal of all existing street improvements from the area proposed to be vacated.
3. The City of Fresno Public Works Department requires that the landscape area being vacated be maintained by the adjacent property owners. The relocation of fence lines and/or block walls shall also be the responsibility of the adjacent property owners.
4. The City of Fresno Landscape Maintenance Division requires the remaining landscape area be capped by concrete or decomposed granite. Any irrigation lines and/or valves within the proposed area shall be removed and capped.