



RESOLUTION NO. 2016-201

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 SAN BENITO STREET BETWEEN THE "F"- "G" ALLEY, AND THE "F"- "G" ALLEY BETWEEN SANTA CLARA AND SAN BENITO STREETS

WHEREAS, pursuant to Resolution of Intention No. 1108-D, on file in the Office of the City Clerk of the City of Fresno (the "City Clerk"), a public hearing was held on October 13, 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 Fresno Rescue Mission and the Poverello House are requesting the proposed vacation; as described on Exhibit "A" and as shown on Exhibit "B," which is attached and incorporated in this Resolution; and

WHEREAS, the proposed vacation is to accommodate the future relocation of a portion of the Rescue Mission's facilities due to High Speed Rail; and

WHEREAS, the right-of-way is described as that portion San Benito Street which is 80-foot wide and the 20-foot wide "F"- "G" ally as dedicated by the map of the Town of Fresno in Book 1 of Plats at Page 7, Fresno County Records; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the portion right-of-way easement proposed for vacation is unnecessary for present or prospective public street purposes as described in Exhibit "A," and as shown in Exhibit "B," subject to the reservation of a public utility easement over the entire area

1 of 4

Date Adopted: 10/13/2016
Date Approved: 10/19/2016
Effective Date: See Section 7

Resolution No. 2016-201



proposed for vacation; 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 San Benito street between the "F"- "G" alley and "G" Street, and the "F"- "G" alley between Santa Clara and San Benito Streets as described in Exhibit "A," and as shown in Exhibit "B" 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. 1108-D adopted by the Council on September 15, 2016, the public street right-of-way as described in Exhibit "A," and as shown in Exhibit "B," be and are hereby vacated and abandoned.

3. The City reserves the entire area being vacated 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 subject all to the removal of all existing street improvements and the installment of concrete curb, gutter, sidewalk and asphalt paving as necessary across the vacated area to block public access. 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 have been satisfied.

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



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 13th day of October, 2016.

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

Mayor Approval: October 19th, 2016
Mayor Approval/No Return: N/A, 2016
Mayor Veto: N/A, 2016
Council Override Vote: N/A, 2016

YVONNE SPENCE, CMC
City Clerk

BY: *Yvonne Spence*
Deputy

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

BY: *Seth Mehrten* 10/25/16
Seth Mehrten Date
Deputy City Attorney

Attachments: Exhibits "A" and "B"

PW File 11983

October 14, 2016

RECEIVED

Council Adoption: 10/13/16

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN

2016 OCT 19 PM 2 50

FROM: YVONNE SPENCE, CMC
City Clerk

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/13/16, Council adopted the attached Resolution No. 2016-201, entitled, **RESOLUTION – Ordering the vacation of a portion of San Benito Street between the “F” – “G” alley and “G” Street, and the “F” – “G” alley between Santa Clara and San Benito Streets** Item No. 10:00 A.M., ID#16-1033, by the following vote:

Ayes : Baines, Olivier, Quintero, Caprioglio :
Noes: None
Absent : Brand, Brandau, Soria
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 October 24, 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 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/NO RETURN: _____

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

Ashley Swearingin, Mayor

Date: 10/19/16

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :

EXHIBIT "A"



Legal Description

All that portion of San Benito Street as shown on the Supplemental Map of the Town (now City) of Fresno, in the City of Fresno, County of Fresno, according to the map thereof recorded June 9, 1884 in Book 1 of Plats at Page 7, Fresno County Records, lying Northeasterly of the Southeasterly prolongation of the Northeasterly line of lots 17 through 32 of Block 220 and Southwesterly of G Street as shown on said Supplemental Map of the Town (now City) of Fresno.

TOGETHER WITH the Alley lying within said Block 220.

Containing 21,600 square feet, more or less.



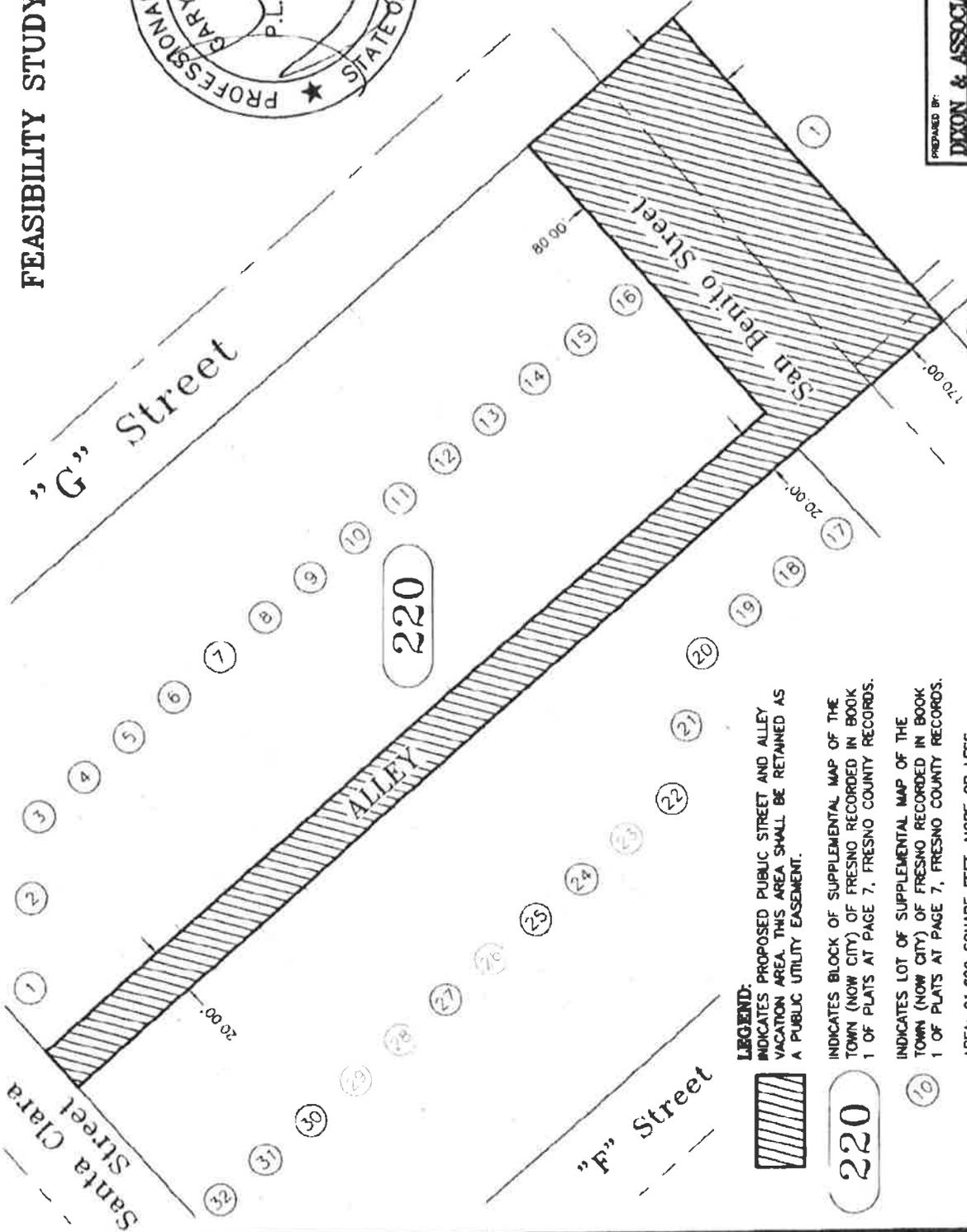
7-05-16

EXHIBIT "B"

FEASIBILITY STUDY EXHIBIT



7-05-16



SCALE: 1" = 60'

DATE: APR 5, 2016	SCALE: 1"=60'	BY: GJD
NO. OF SHEETS: 1	NO. OF LOTS: 35	NO. OF PAGES: 1
PREPARED BY: DIXON & ASSOCIATES, INC. LAND SURVEYING 620 DEWITT, #101 CLOVIS, CALIFORNIA, 93612 PH: (559)297-4200 FAX: (559)297-4272		



LEGEND:
 INDICATES PROPOSED PUBLIC STREET AND ALLEY VACATION AREA. THIS AREA SHALL BE RETAINED AS A PUBLIC UTILITY EASEMENT.
 INDICATES BLOCK OF SUPPLEMENTAL MAP OF THE TOWN (NOW CITY) OF FRESNO RECORDED IN BOOK 1 OF PLATS AT PAGE 7, FRESNO COUNTY RECORDS.
 INDICATES LOT OF SUPPLEMENTAL MAP OF THE TOWN (NOW CITY) OF FRESNO RECORDED IN BOOK 1 OF PLATS AT PAGE 7, FRESNO COUNTY RECORDS.
 AREA: 21,600 SQUARE FEET, MORE OR LESS.

