RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF THE SOUTHEASTERLY SIDE NORTH STATE STREET BETWEEN WEST MISSION AVENUE AND GOLDEN STATE BOULEVARD

WHEREAS, pursuant to Resolution of Intention No. 1149-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on December 1, 2022, at a regular meeting of the Council of the City of Fresno, California (City), at which time evidence was heard for and against the vacation of a portion of the southeasterly side of North State Street between West Mission Avenue and Golden State Boulevard; and

WHEREAS, the area proposed for vacation as described in Exhibit A and as shown on Exhibit B, which are attached and incorporated in this Resolution; and

WHEREAS, Star Project Housing, Inc. is requesting the proposed vacation; and

WHEREAS, the purpose of this vacation is to dispose of excess right of way and accommodate Development Permit Application Number P19-02037 which is the proposed construction of a multiple family residential development consisting of six dwelling units located in two-story, detached townhouse buildings with private garages; and

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

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

subject to reservation of a public utility easement and a public pedestrian easement as shown in said Exhibit B and subject to conditions of approval as listed in attached Exhibit C, said exhibits are incorporated herein by reference and on file in the Office of the City Clerk of the City at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721.

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 a portion of the southeasterly side of North State Street between West Mission Avenue and Golden State Boulevard as described in Exhibit A and as shown on Exhibit B are unnecessary for present and prospective public street purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of December 1, 2022, the public street easement as described in Exhibit A and as shown on Exhibit B be vacated.

3. The proceedings for the vacation of such right-of-way are intended to be and shall be taken subject to reservation of a public utility easement and a public pedestrian easement as shown in said Exhibit B and subject to conditions of approval as listed in attached Exhibit C, which is attached and incorporated herein. All work required by such conditions shall be completed in compliance with City Standard Specifications and approved by the Public Works Department.

4. 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.

5. The City Clerk shall file a certified copy of the resolution for recordation in

the Office once all work associated with this requirement has been accepted by the City Engineer or the Public Works Director.

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

* * * * * * * * * * * * * *

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

I, TODD STERMER, 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 _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney

Attachments:
Exhibit A – Street Easement Vacation Legal Description
Exhibit B – Street Easement Vacation
Exhibit C – Vacation Condition of Approval

PW File No. 12696

EXHIBIT "A"
STREET ABANDONMENT

That portion of North State Street as shown on the map of Highway City, in the City of Fresno, County of Fresno, State of California, according to the map thereof recorded in Volume 11 of Plats at Page 16, Fresno County Records, described as follows:

BEGINNING at the West corner of Lot 3 of said Highway City; thence North 49°52'56" West, along the Northwesterly prolongation of the Southwesterly line of said Lot 3, a distance of 23.00 feet; thence North 40°06'08" East, parallel with and 23.00 feet Northwesterly of the Northwesterly line of said Lot 3, a distance of 99.99 feet to a point on the Northwesterly prolongation of the Northeasterly line of said Lot 3; thence South 49°53'08" East, along the Northwesterly prolongation of said Northeasterly line, a distance of 23.00 feet to the North corner of said Lot 3; thence South 40°06'08" West, along the Northwesterly line of said Lot 3, a distance of 99.99 feet to the **POINT OF BEGINNING.**

RESERVING THEREFROM, for public utility easement purposes, that portion thereof, described as follows:

COMMENCING at the West corner of said Lot 3; thence North 49°52'56" West, along the Northwesterly prolongation of said Southwesterly line, a distance of 13.00 feet to the **TRUE POINT OF BEGINNING FOR PUBLIC UTILITY EASEMENT RETENTION;**
Thence North 49°52'56" West, continuing along the Northwesterly prolongation of said Southwesterly line, a distance of 10.00 feet; thence North 40°06'08" East, parallel with and 23.00 feet Northwesterly of said Northwesterly line, a distance of 99.99 feet to a point on the Northwesterly prolongation of said Northeasterly line; thence South 49°53'08" East, along the Northwesterly prolongation of said Northeasterly line, a distance of 10.00 feet to a point being 13.00 feet Northwesterly of said Northwesterly line; thence South 40°06'08" West, parallel with and 13.00 feet Northwesterly of said Northwesterly line, a distance of 99.99 feet to the **TRUE POINT OF BEGINNING FOR PUBLIC UTILITY EASEMENT RETENTION.**

ALSO RESERVING THEREFROM, for pedestrian easement purposes, that portion thereof, described as follows:

COMMENCING at the West corner of said Lot 3; thence North 49°52'56" West, along the Northwesterly prolongation of said Southwesterly line, a distance of 20.00 feet to the **TRUE POINT OF BEGINNING FOR PEDESTRIAN EASEMENT RETENTION;**

Thence North 49°52'56" West, continuing along the Northwesterly prolongation of said Southwesterly line, a distance of 3.00 feet; thence North 40°06'08" East, parallel with and 23.00 feet Northwesterly of said Northwesterly line, a distance of 34.40 feet; thence South 49°53'52" East, a distance of 3.00 feet to a point being 20.00 feet Northwesterly of said Northwesterly line; thence South 40°06'08" West, parallel with and 20.00 feet Northwesterly of said Northwesterly line, a distance of 34.40 feet to the **TRUE POINT OF BEGINNING FOR PEDESTRIAN EASEMENT RETENTION.**

Abandonment area: 2,300 square feet, more or less.

Public utility easement retention: 1,000 square feet, more or less.

Pedestrian easement retention: 103 square feet, more or less.

PROFESSIONAL LAND SURVEYOR
AARON D. SPRAY
P.L.S. 9484
STATE OF CALIFORNIA

5-12-22

EXHIBIT "B"

LEGEND

INDICATES PORTION OF NORTH STATE STREET TO BE ABANDONED.

INDICATES PORTION OF ABANDONED STREET TO BE RETAINED AS A PUBLIC UTILITY EASEMENT.

INDICATES PORTION OF ABANDONED STREET TO BE RETAINED AS A PUBLIC UTILITY EASEMENT AND PUBLIC PEDESTRIAN EASEMENT.

(X) INDICATES LOT OF BLOCK E OF THE MAP OF HIGHWAY CITY RECORDED IN VOLUME 11 OF PLATS AT PAGE 16, FRESNO COUNTY RECORDS.

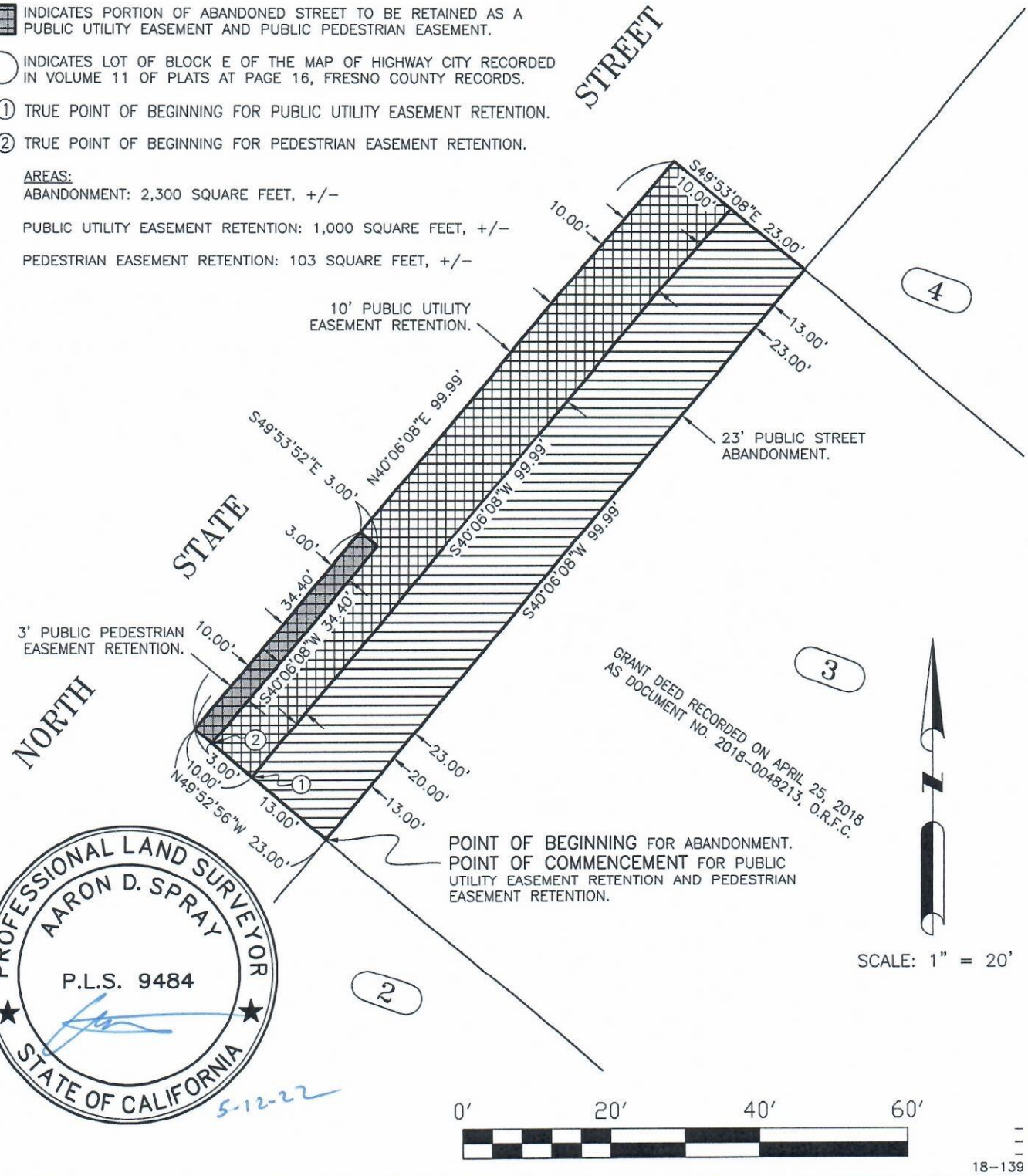
① TRUE POINT OF BEGINNING FOR PUBLIC UTILITY EASEMENT RETENTION.

② TRUE POINT OF BEGINNING FOR PEDESTRIAN EASEMENT RETENTION.

AREAS:
ABANDONMENT: 2,300 SQUARE FEET, +/-

PUBLIC UTILITY EASEMENT RETENTION: 1,000 SQUARE FEET, +/-

PEDESTRIAN EASEMENT RETENTION: 103 SQUARE FEET, +/-



PROFESSIONAL LAND SURVEYOR
AARON D. SPRAY
P.L.S. 9484
STATE OF CALIFORNIA
5-12-22

18-139

Ref. & Rev. _____	**CITY OF FRESNO** **DEPARTMENT OF PUBLIC WORKS**	Proj. ID: – Fund No.: – Org. No.: –
Plat No: _____ _____-_____ 15-C_____	PORTION OF NORTH STATE STREET TO BE ABANDONED WITH A PUBLIC UTILITY EASEMENT AND A PEDESTRIAN EASEMENT TO BE RETAINED.	Dr.By: GMR Ck.By: Date: May 10, 2022 Scale: 1" = 20'
		SHEET NO. 1 OF 1 SHEETS 15-A-_____

EXHIBIT "C"
VACATION CONDITION OF APPROVAL

1. The City of Fresno Utilities Planning and Engineering Division has requested the developer shall be financially responsible for fees associated with relocation of water meter boxes. If you have any questions, please contact Robert Diaz at (559) 621-1623.

2. CVIN, LLC has several remarks that will need to be fully addressed before the vacation proceeds. CVIN, LLC a Broadband Fiber Optic Company has a fiber optic cable running transversely across North State Street on North Golden State Boulevard directionally north bound and south bound-north bound from West Barstow Avenue continuing south bound on North Golden State Boulevard to North Cornelia Avenue at which point the fiber cable transversely crosses West Shaw Avenue to the south side of West Shaw Avenue where said path ends in a 48x84x48 shared City of Fresno vault. On North State Street fiber optic conduit and fiber cable are between 47 feet to 49 feet off edge of pavement and within area of concern fiber optic and conduit are buried between 94 inches (approximately 7.5 feet in depth) to 112 inches (approximately 9.5 feet in depth). This installation was completed within the time frame of November 2017 and serves our customer-T-Mobile. Please see attached As-Built pertaining to North State Street and North Golden State Boulevard. Additionally, please see attached Engineering Staking Cutsheets. If you have any questions, please contact Barbara Nelson at (559) 554-9119.

3. The Fresno Irrigation District (FID) has the following conditions:

    a. FID does not own, operate, or maintain any facilities located in the Vacation area, as shown on the attached FID exhibit map.
    b. For informational purposes, FID's Herndon No.39 runs westerly, crosses Golden State Boulevard approximately 1,500 feet northwest of the subject property, and crosses SR 99 approximately 1,800 feet west of the subject property, as shown on the attached FID exhibit map. Should this project include any street and or utility improvements along Gates Avenue, Golden State Boulevard, SR99 or in the vicinity of this canal, FID requires it review approve all plans. If you have any questions, please contact Jeremy Landrith at (559) 233-7161 extension 7407 or jlandrith@fresnoirrigation.com..

4. Lumen has indicated assets are located in proximity of the proposed right away. An existing CenturyLink structure, owned by Lumen is located in proximity and is within the railroad right of way in proximity to North Golden State Boulevard. In addition, one of Lumen's cable providing service is within 3rd party AT&T structure in which AT&T is required to manage with notice to Lumen for any future maintenance requirement. If you have any questions, please contact Brandon

Stout at (916) 591-8050.

5. The Fresno Metropolitan Flood Control District has comments regarding the proposed vacation. The proposed vacation area lies within the District area "AH". There are no existing or proposed Master Plan facilities within the proposed vacation area as detailed on the Exhibit provided to the District. The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area. If you have any questions, please contact Rick Lyons at (559) 456-3292.
6. The City of Fresno Traffic Planning Division has requested has indicated the subject vacation proposal is approved subject to the following conditions:
    a. Provide a reference to the permit number on the vacation document and in the summary. Verify that this is being submitted according to P19-02037.
    b. Provide a dimension for the length of the proposed vacation.
    c. Reserve 3' of street right away at the proposed approach to accommodate a 4' clear path at 2%. Identify on the exhibit.
    d. Dimension the approach to allow for a cross reference of the vacation to the site plan.
    e. Provide a dimension from the face of curb to the proposed r/w.

    If you have any questions, please contact Louise Gilio at (559) 621-8678.

7. PG&E has indicated the subject vacation proposal is approved subject to the following conditions. An investigation indicates that PG&E is presently operating and maintaining utility facilities within the proposed street vacation area. If the street vacation is approved by the City Council/Board of Supervisors, PG&E respectfully requests that the following reservation be inserted in the Resolution of Vacation or Street Vacation Ordinance for the proposed street vacated area: Reserving pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time, and from time to time, to excavate for, construct, reconstruct, replace (of initial or any other size), maintain, remove, inspect and use public utility facilities, including, but not limited to electric, gas and communication facilities, including ingress to and egress from the public utility facilities, and also the right to trim and cut down trees and other vegetation that may be a hazard to the public utility facilities and the area shall be kept open and free of buildings, structures, wells or other obstructions. This reservation will allow PG&E to continue to operate and maintain its facilities installed pursuant to our franchise agreement. Upon approval of the street vacation by the City Council/Board of Supervisors, please send a certified copy of the Resolution of Vacation or Street Vacation Ordinance to the referenced address. If you have any questions, please contact Alison Mele at (559) 800-1243.

PW File 12931