

**Recording Requested By:**  
Public Works Department  
City of Fresno  
No Fee-Gov't. Code Sections  
6103 and 27383

**When Recorded, Mail To:**  
City Clerk  
City of Fresno  
2600 Fresno Street  
Fresno, CA. 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. 2007-228



RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA  
ORDERING THE VACATION OF ALL STREET, PEDESTRIAN, AND UTILITY  
EASEMENTS IN THE AREA KNOWN AS FUNSTON PLACE LOCATED  
SOUTHEAST OF CLINTON AVENUE AND FRESNO STREETS

WHEREAS, pursuant to Resolution of Intention No. 1060-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on June 26, 2007 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, pedestrian and utility easements, situated within the City; and

WHEREAS, the purpose of the vacation is to accommodate the development of a 477 unit mixed income multifamily complex in a private community; and

WHEREAS, the Housing Authority is demolishing and removing all existing buildings, streets, sidewalks, curbs, gutters, sewer lines, water lines, gas lines, and overhead utility lines. The new development will be constructed using a completely different configuration than what now exists and all proposed utilities will be private; and

WHEREAS, Environmental Assessment No. HA-2006-09 shows with certainty that the project is categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore

Adopted 6-26-07

Approved 7-6-07

Effective See Sec 5, upon recordation

2007-228



exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (b) and (c) of the State CEQA guidelines; and

WHEREAS, the Traffic Division, other City Departments and utility agencies have reviewed this proposal and determined that the right-of-ways proposed for vacation are unnecessary for present or prospective public street, pedestrian or utility purposes, 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, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

1. The Council finds from all the evidence submitted that all street, pedestrian, and utility easements in the area known as Funston Place located southeast of Clinton Avenue and Fresno Streets are unnecessary for present and prospective public street purposes. The public street, pedestrian and utility easements to be vacated are shown on Exhibit "A", which is attached and incorporated in this Resolution.
2. The public interest and convenience require, and it is hereby ordered, that, as contemplated by Resolution of Intention No. 1060-D adopted by the Council on June 5, 2007, the public street, pedestrian and utility easements shown on Exhibit "A" be and are hereby vacated and abandoned.
3. All proceedings for the vacation of such right-of-ways are intended to be and shall be taken subject to the conditions listed on Exhibit "B". All work required by such conditions shall be completed in compliance with City Standard Specifications and will require engineered construction plans prepared by a registered civil engineer 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 of the Recorder of Fresno County, but not until the Director of Public Works of the City determines that the conditions specified in Section 3 above have been satisfied and accepted by the City. The vacation shall become effective on the date this Resolution is recorded.

////

////

////

////

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 26th day of June, 2007.

AYES: Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
NOES: None  
ABSTAIN: None  
ABSENT: Perea

Mayor Approval: July 6, 2007  
Mayor Approval/No Return: N/A, 2007  
Mayor Veto: N/A, 2007  
Council Override Vote: N/A, 2007

REBECCA E. KLISCH  
City Clerk

BY: Rebecca Klisch  
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
CITY ATTORNEY

By: R 6-19-07  
Deputy Coyle

Pub Hrg Adopt Reso Vac Var Esmnts Clinton-Fresno 6-26-07

PW File No. 11191

## CONDITIONS FOR APPROVAL



1. PG&E has a large amount of gas and electrical facilities within the area proposed to be vacated and requests that the vacation of any public utility easement not occur until either the facilities are removed, or contracts and monies have been collected to remove the facilities. Any removal and relocation of those facilities shall be at the expense of the Developer. If you have any questions about this condition, please contact Mr. Derrick Hallum of PG&E at 263-7374.
2. The Fresno Metropolitan Flood Control District requires that the proposed drainage patterns shall remain consistent with the District's Master Plan inlet boundaries.
3. The City of Fresno's Department of Public Utilities requires that the Developer removes all existing public sewer facilities within the area proposed to be vacated. If you have any questions about this requirement, please contact Mr. Greg Contreras of the Department of Public Utilities at 621-8553.
4. The City of Fresno's Department of Public Utilities Water Division requires that the proposed water system within the project area is to remain Master-Metered and private as the Water Department will not accept the proposed system as a part of the City's distribution system. If you have any questions about this requirement, please contact Ms. Anita Luera of the Water Division at 621-8553.
5. The City of Fresno's Public Works Traffic Engineering Division requires that the Developer removes the existing improvements at Clinton and Drexel Avenues and at Fresno Street and Cambridge Avenue. It is also required that when the project is complete it should appear as if no public street is existing. If you have any questions regarding these requirements, please contact Ms. Louise Gilio of the Traffic Engineering Division at 621-8678.

# EXHIBIT "A"



EAST CLINTON AVENUE

EXISTING PROPERTY LINE

EXISTING PROPERTY LINE

EXISTING PEDESTRIAN WALKWAY AND PUBLIC UTILITIES EASEMENTS (TYP) PER INSTRUMENT NO. 84032327 OF OFFICIAL RECORDS, RECORDED 4/3/84 TO BE ABANDONED

EXISTING SEWER AND STREET EASEMENTS (TYP) PER DOCUMENT NO. 80474 OF OFFICIAL RECORDS, RECORDED 12/2/48 IN BOOK 2478, PAGE 121 TO BE ABANDONED

DREXEL AVENUE

AUGUSTA AVENUE

EXISTING PEDESTRIAN WALKWAY AND PUBLIC UTILITIES EASEMENTS (TYP) PER INSTRUMENT NO. 84032327 OF OFFICIAL RECORDS, RECORDED 4/3/84 TO BE ABANDONED

EXISTING SEWER AND STREET EASEMENTS (TYP) PER DOCUMENT NO. 80474 OF OFFICIAL RECORDS RECORDED 12/2/48 IN BOOK 2478, PAGE 121 TO BE ABANDONED

EXISTING SEWER AND STREET EASEMENTS PER DOCUMENT NO. 80474 OF OFFICIAL RECORDS, RECORDED 12/2/48 IN BOOK 2478, PAGE 121 TO BE ABANDONED

EXISTING SEWER AND STREET EASEMENTS (TYP) PER DOCUMENT NO. 80474 OF OFFICIAL RECORDS, RECORDED 12/2/48 IN BOOK 2478, PAGE 121 TO BE ABANDONED

EXISTING PEDESTRIAN WALKWAY AND PUBLIC UTILITIES EASEMENTS (TYP) PER INSTRUMENT NO. 84032327 OF OFFICIAL RECORDS, RECORDED 4/3/84 TO BE ABANDONED

EXISTING PEDESTRIAN WALKWAY AND PUBLIC UTILITIES EASEMENTS (TYP) PER INSTRUMENT NO. 84032327 OF OFFICIAL RECORDS, RECORDED 4/3/84 TO BE ABANDONED

EXISTING PEDESTRIAN WALKWAY AND PUBLIC UTILITIES EASEMENTS (TYP) PER INSTRUMENT NO. 84032327 OF OFFICIAL RECORDS, RECORDED 4/3/84 TO BE ABANDONED

EXISTING SEWER AND STREET EASEMENTS (TYP) PER DOCUMENT NO. 80474 OF OFFICIAL RECORDS, RECORDED 12/2/48 IN BOOK 2478, PAGE 121 TO BE ABANDONED

CAMBRIDGE AVENUE

EXISTING PROPERTY LINE

EXISTING PEDESTRIAN WALKWAY AND PUBLIC UTILITIES EASEMENTS (TYP) PER INSTRUMENT NO. 84032327 OF OFFICIAL RECORDS, RECORDED 4/3/84 TO BE ABANDONED

EXISTING SEWER AND STREET EASEMENTS (TYP) PER DOCUMENT NO. 80474 OF OFFICIAL RECORDS, RECORDED 12/2/48 IN BOOK 2478, PAGE 121 TO BE ABANDONED

NORTH FRESNO STREET

AUGUSTA AVENUE

DREXEL AVENUE

NORTH ANGUS STREET

 AREA TO BE VACATED

1" = 200'



LOCATION:  
SOUTH OF EAST CLINTON AVE.  
AND EAST OF NORTH FRESNO AVE.

OWNER:  
HOUSING AUTHORITY OF THE CITY OF FRESNO



**Harbour & Associates**  
Civil Engineers

389 Clovis Avenue, Suite 300, Clovis, CA 93612  
(559) 325-7676 Fax (559) 325-7699

REF. & REV. PW FILE NO. PLAT NO.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS		PROJ. ID. _____
	ABANDONMENT OF EXISTING PUBLIC STREET, PUBLIC UTILITY AND SEWER EASEMENTS		FUND NO. _____
		DR. BY CLJ	SHEET NO. <u>1</u> OF <u>1</u> SHEETS
		CH. BY _____	
		DATE 05-17-07	
		SCALE 1" = 200'	

June 26, 2007

Council Adoption: 6/26/07

TO: MAYOR ALAN AUTRY

RECEIVED

Mayor Approval:

FROM: REBECCA E. KLISCH, CMC  
City Clerk

REC  
2007 JUL -6 PM 1:42

Mayor Veto:

Override Request:



CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 6/26/07, Council adopted the attached Resolution No. 2007-228 entitled **Ordering vacation of street, pedestrian, and utility esmnts at Funston Place, s/w of Clinton and Fresno**, Item No. 10:15 a.m. - a, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
Noes	:	None
Absent	:	Perea
Abstain	:	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 July 6, 2007. 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.

\*\*\*\*\*

**APPROVED:**

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



Alan Autry, Mayor

Date: 7/6/07

**COUNCIL OVERRIDE ACTION:**

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

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	