

RESOLUTION OF INTENT NUMBER 1136-D

A RESOLUTION OF INTENT OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PORTION OF A PUBLIC UTILITY EASEMENT IN NORTH DEARING AVENUE (NOW ABANDONED) BETWEEN EAST FIR AVENUE AND EAST HERNDON AVENUE

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the City), to order the vacation of a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue; and

WHEREAS, the area proposed for vacation as shown in Exhibit "A", said exhibit is 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; and

WHEREAS, Herndon Fir Partners, LLC are requesting the proposed vacation; and

WHEREAS, the purpose of this vacation is to accommodate development associated with site plan P19-00141; and

WHEREAS, the Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public utility easement proposed for vacation as shown in Exhibit "A" is unnecessary for present or prospective public utility purposes subject to conditions of approval as listed in attached Exhibit "B".

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

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

Resolution No.

1. The hour of 10:00 a.m. on May 14, 2020, in the Council Chambers in Fresno City Hall, 2600 Fresno Street, Fresno 93721, is hereby fixed as the time and place when and where all persons interested in or objecting to the proposed vacation may appear before the Council and be heard in relation thereto.

2. The Council elects to proceed under the provisions of Chapter 3, commencing with Section 8320, of the Public Streets, Highways, and Service Easements Vacation Law of the State of California (California Street and Highways Code Sections 8300 et seq.).

3. The Public Works Director of the City is directed to cause notices of the proposed vacation to be published and posted for the time and in the manner prescribed by the provisions of Sections 8322 and 8323 of the California Streets and Highways Code.

4. The Council preliminarily determines that the public street proposed to be vacated is not useful as a bicycle path or route under applicable general, specific, or community plans and policies. If the Council does not rescind such preliminary determination, based on evidence or public testimony presented to it, orally or in writing, at or before the May 14, 2020, hearing, the Council may proceed to make a final determination, at the public hearing, that the public street be vacated as provided herein.

* * * * *

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 _____, 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Kristi Costa Date
Deputy City Attorney

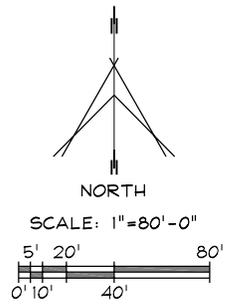
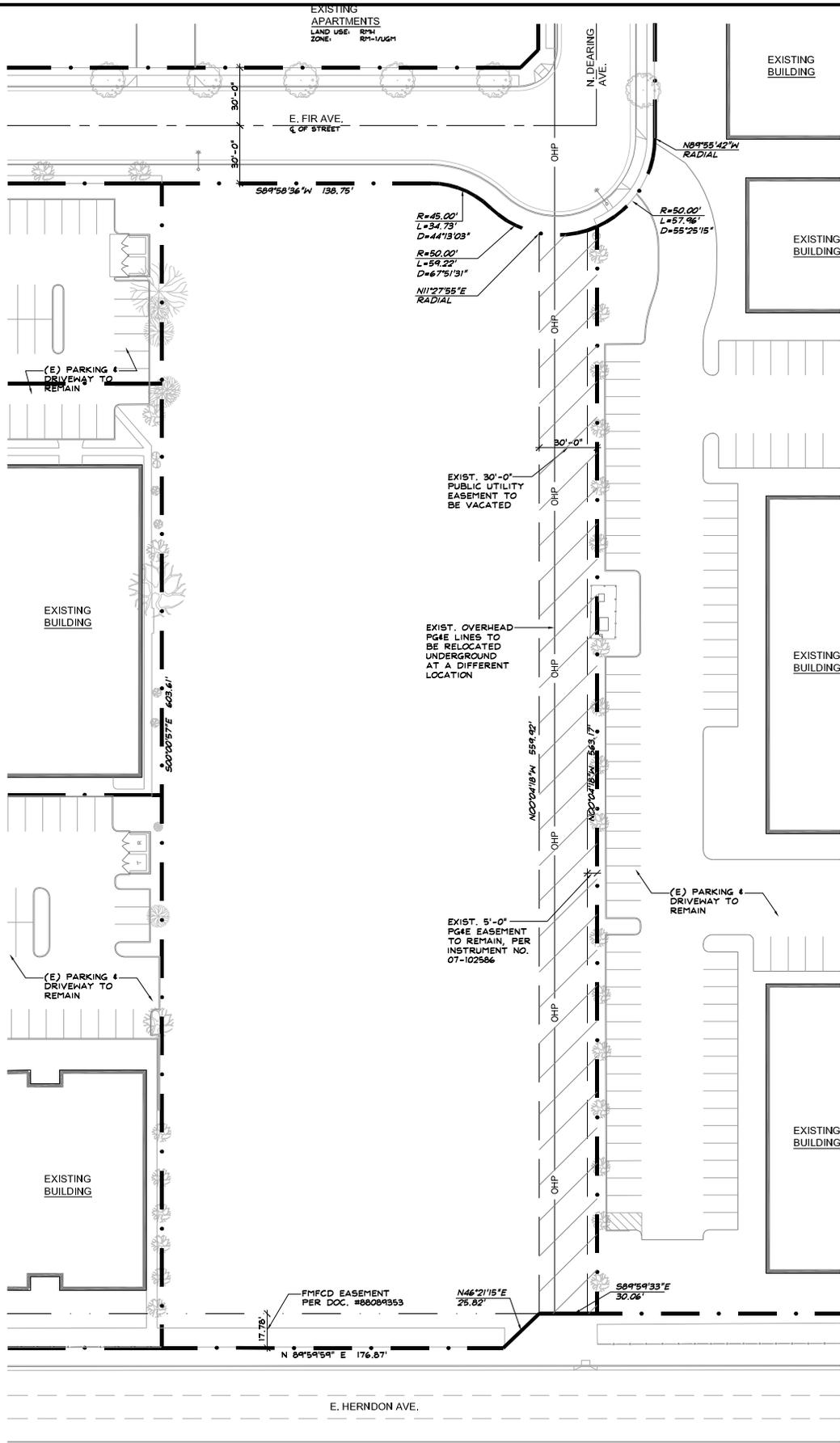
Attachments:
Exhibits "A" and "B"

PW File No. 12478

EXISTING APARTMENTS
 LAND USE: RPA
 ZONE: R1-1/2UGM

LEGAL DESCRIPTION:
 PARCEL E OF PARCEL MAP NO. 90-41, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO SAID PARCEL MAP RECORDED IN BOOK 52 OF PARCEL MAPS, AT PAGES 54 AND 55, FRESNO COUNTY RECORDS.
 TOGETHER WITH THAT PORTION OF PARCEL D OF SAID PARCEL MAP NO. 90-41 LYING EASTERLY OF THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF PARCEL F OF SAID PARCEL MAP NO. 90-41.
 APN: 404-083-29

LEGEND:
 STREET CENTERLINE
 EX. PROPERTY LINE
 EX. RIGHT-OF-WAY



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 Architecture and Planning
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 Fresno, California 93720
 Office: 559.432.6744
 email: rcv@vairfresno.com

REF. & REV.
 PW FILE
 S -
 PM
 PLAT NO.

CITY OF FRESNO
 DEPARTMENT OF PUBLIC WORKS

EXHIBIT 'A'

PUBLIC UTILITY EASEMENT TO BE VACATED

PROJ. ID. _____ RES. TYPE _____
 FUND NO. _____
 ORG. NO. _____

DR. BY _____ NL
 CH. BY _____ RV
 DATE 3-4-20
 SCALE AS NOTED
 JOB NO. 18036

SHEET NO. 1
 OF 1 SHEETS

15-A-_____

EXHIBIT "B"
VACATION CONDITION OF APPROVAL

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

1. Pacific Gas and Electric Company (PG&E) requires that the applicant relocate the existing overhead utilities located within the public utility easement proposed for vacation. PG&E must approve the new area for this relocation. The applicant must procure the easement rights in the relocation area in kind that PG&E possessed prior to this public utility vacation. PG&E must also accept all new construction of the facilities associated with this relocation.

PW File 12478