

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, TO VACATE A PUBLIC UTILITY
EASEMENT ON THE NORTHWEST CORNER OF EAST
CHURCH AVENUE AND SOUTH CHESTNUT AVENUE

WHEREAS, pursuant to Resolution of Intention No. 1123-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on May 10, 2018, at a regular meeting of the Council of the City of Fresno, California (City), at which evidence was heard for and against the vacation of the hereinafter described public utility easement, situated within the City; and

WHEREAS, Embree Asset Group, Inc. is requesting the proposed vacation and is the owner of the subject property; and

WHEREAS, the purpose of the vacation is to satisfy conditions of approval of site plan D-16-111 for the construction of a Dollar General department store; and

WHEREAS, public utility easement 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 is located in Lots 24 and 24, and the south 65.00 feet of Lots 16 and 23 of Tract No. 1026 - Marigold Acres filed April 21, 1948 in Volume 14 of Plat maps, at Page 8, 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 public utility easement proposed for vacation as shown in Exhibit "A" is unnecessary for present or prospective public utility easement purposes, subject to the relocation of all public utilities currently located within the public utility easement



proposed for vacation; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Cal. Sts. & Hy. Code §§ 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 a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue is unnecessary for present and prospective public utility purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1123-D adopted by the Council on April 19, 2018, public utility easement proposed for vacation as shown in Exhibit "A" is hereby vacated and abandoned.

4. The City Clerk shall prepare this Resolution for recordation, but not until the Public Works Director or the City Engineer has approved and accepted all improvements associated with this vacation.

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. 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 _____ day of _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC, CRM
City Clerk

BY: _____
Deputy

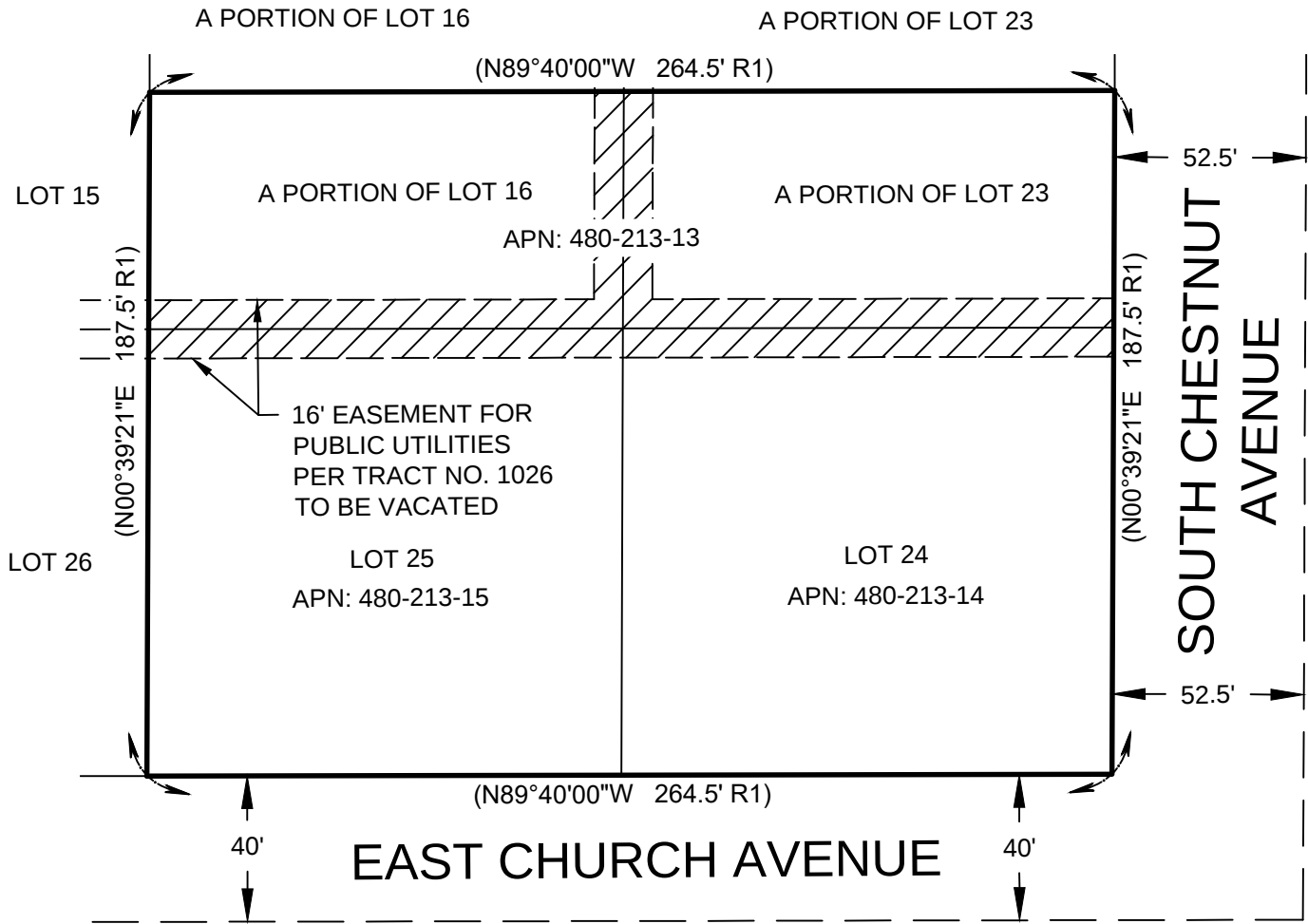
APPROVED AS TO FORM:
DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
Deputy City Attorney

_____ Date

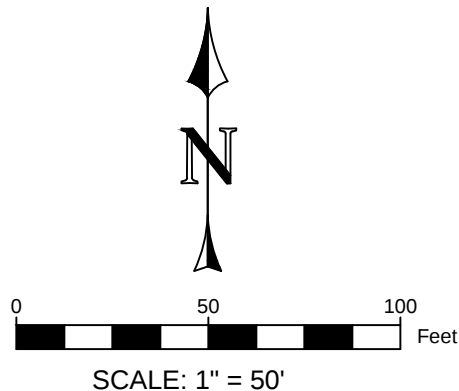
Attachments: Exhibit "A"
PW File 12151

EXHIBIT 'A'



LEGEND

- = EASEMENT VACATION
AREA = +/- 5,144 SQ FT
- = PROPERTY LINE
- = SECTION LINE
- = LOT LINE
- F.C.R. = FRESNO COUNTY RECORDS
- O.R.F.C. = OFFICIAL RECORDS
OF FRESNO COUNTY
- (R1) = MARIGOLD ACRES
TRACT NO. 1026 RECORDED
IN VOLUME 14 OF PLATS
AT PAGE 8, F.C.R.



REF. & REV.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS LOTS 24 AND 25 AND THE SOUTH 65 FEET OF LOTS 16 AND 23 OF TRACT NO. 1026 MARIGOLD ACRES, IN THE CITY OF FRESNO, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF FILED FOR RECORD APRIL 21, 1948 IN BOOK 14 OF MAPS, PAGE 8, FRESNO COUNTY RECORDS.	PROJ. ID. 16001 FUND NO. _____ ORD. NO. _____ DR. BY <u>JDK</u> CH. BY <u>NET</u> DATE <u>04/20/2017</u> SCALE <u>1" = 50'</u>	CO _____ RES. TYPE _____ SHEET NO. <u>1</u> OF <u>1</u> SHEETS
PLAT <u>2961</u>			