

RESOLUTION OF INTENT NO. 1119-D

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO VACATE A PUBLIC WATER MAIN EASEMENT AND AN EMERGENCY ACCESS EASEMENT SOUTH OF PREVIOUSLY VACATED EAST HAMILTON AVENUE BETWEEN SOUTH PARALLEL AVENUE AND SOUTH THIRD AVENUE

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (City), to order the vacation of a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue. The public water easement was previously reserved by Resolution No. 1858, recorded September 12, 1944, in Volume 2191, Page 412, Official Records Fresno County. The emergency access easement was previously dedicated by statement of covenants recorded September 12, 1996, as Instrument No. 96122295, Official Records Fresno County.

WHEREAS, the public water easement proposed for vacation is shown in Exhibit "A" and emergency access easement proposed for vacation is shown in Exhibit "B", 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; and

WHEREAS, Lyons Magnus 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-16-011; and

WHEREAS, the Traffic and Engineering Services Division, other City

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: TNP

Resolution No.

departments and utility agencies have reviewed the proposed vacation and determined that the public water easement proposed for vacation as shown in Exhibit "A" is unnecessary for present or prospective public utility purposes, subject to converting the existing water line within the proposed public utility easement into a private water line and install a meter at the public street right-of-way. The emergency access easement proposed for vacation as shown in Exhibit "B" is being relocated by approved site plan D-16-011 to the south side of the subject property and is no longer needed at its current location.

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

1. The hour of 10:10 a.m. on March 22, 2018, 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 water easement and emergency access easement 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 March 22, 2018, 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 _____, 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:

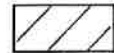
DOUGLAS T. SLOAN
CITY ATTORNEY'S OFFICE

BY: _____
Tracy N. Parvanian Date
Deputy City Attorney

Attachment: Exhibits "A" and "B"
PW File No. 12139

EXHIBIT "A"
VACATION OF
PUBLIC WATER MAIN
EASEMENT

LEGEND



AREA TO BE VACATED FOR
 PUBLIC WATER MAIN
 EASEMENT PURPOSES



EXISTING PARCEL LINE



UNDERLYING PARCEL LINE



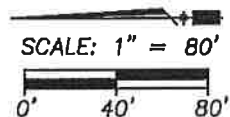
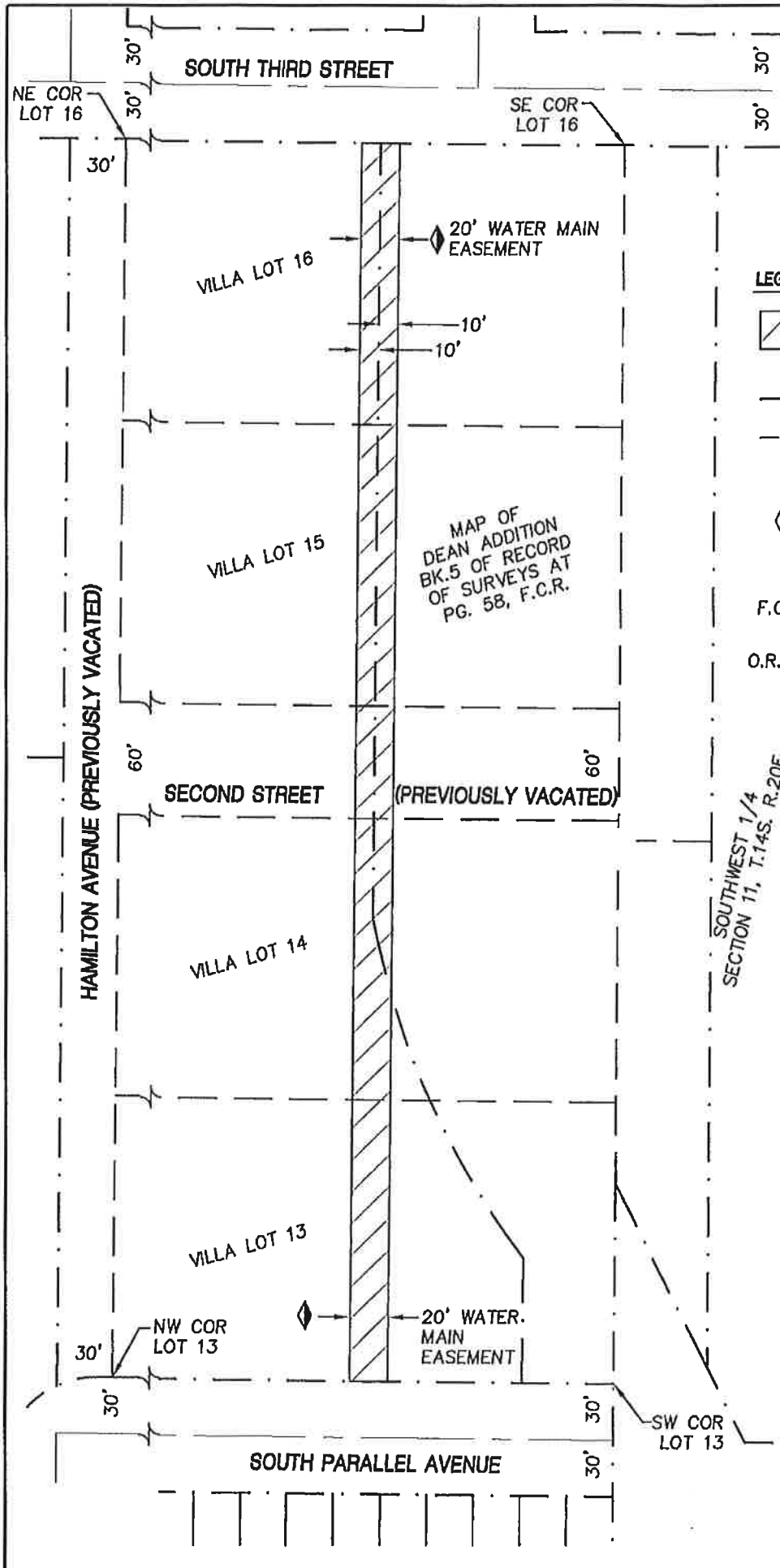
20' WATER MAIN EASEMENT
 PER CITY OF FRESNO
 RESOLUTION NO. 1858
 RECORDED 9/12/1944 IN
 VOL.2191, PG.412, O.R.F.C.

F.C.R.

FRESNO COUNTY RECORDS

O.R.F.C.

OFFICIAL RECORDS
 FRESNO COUNTY



YAMABE & HORN
ENGINEERING, INC.
 2985 N. BURL AVE., STE.101
 FRESNO, CA 93727
 (559) 244-3123

EXHIBIT "B"
VACATION OF
EMERGENCY ACCESS
EASEMENT

LEGEND



INDICATES AREA TO BE VACATED FOR EMERGENCY ACCESS EASEMENT PURPOSES



EXISTING PARCEL LINE



UNDERLYING PARCEL LINE



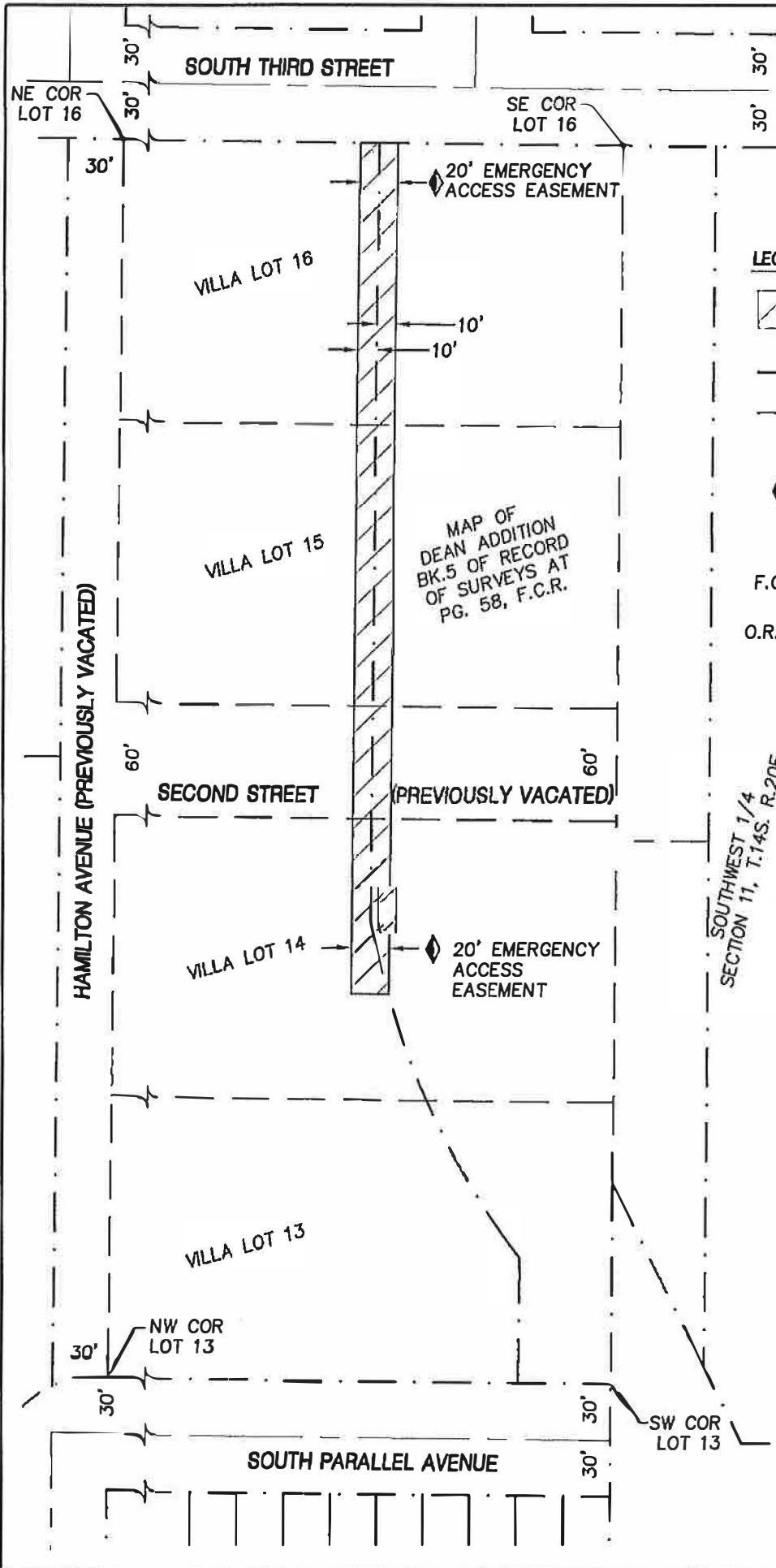
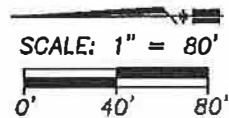
20' EMERGENCY ACCESS EASEMENT PER STATEMENT OF COVENANTS RECORDED 9/12/1996 AS DOC. NO. 96122295, O.R.F.C.

F.C.R.

FRESNO COUNTY RECORDS

O.R.F.C.

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