

RESOLUTION NUMBER \_\_\_\_\_

A RESOLUTION 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, pursuant to Resolution of Intent Number 1136-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on May 14, 2020, 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 a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue, situated within the City; and

WHEREAS, Herndon Fir Partners, LLC is requesting the proposed vacation of a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue, as shown in Exhibit "A" which is attached and incorporated in this Resolution; 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 City 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"; 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 §§

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:     

Resolution No.

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 portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue, as shown in Exhibit "A" is unnecessary for present and prospective public utility purposes.

2. The public interest and convenience require, and it is hereby ordered, that as of May 14, 2020, the public utility easement as shown in Exhibit "A" be vacated.

3. 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.

4. The City Clerk shall file a certified copy of the resolution for recordation in the Office once all work associated with the conditions of approval listed in Exhibit "B" have been accepted by the City Engineer or the Public Works Director.

5. 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 \_\_\_\_\_, 2020.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2020  
Mayor Approval/No Return: \_\_\_\_\_, 2020  
Mayor Veto: \_\_\_\_\_, 2020  
Council Override Vote: \_\_\_\_\_, 2020

YVONNE SPENCE, MMC CRM  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

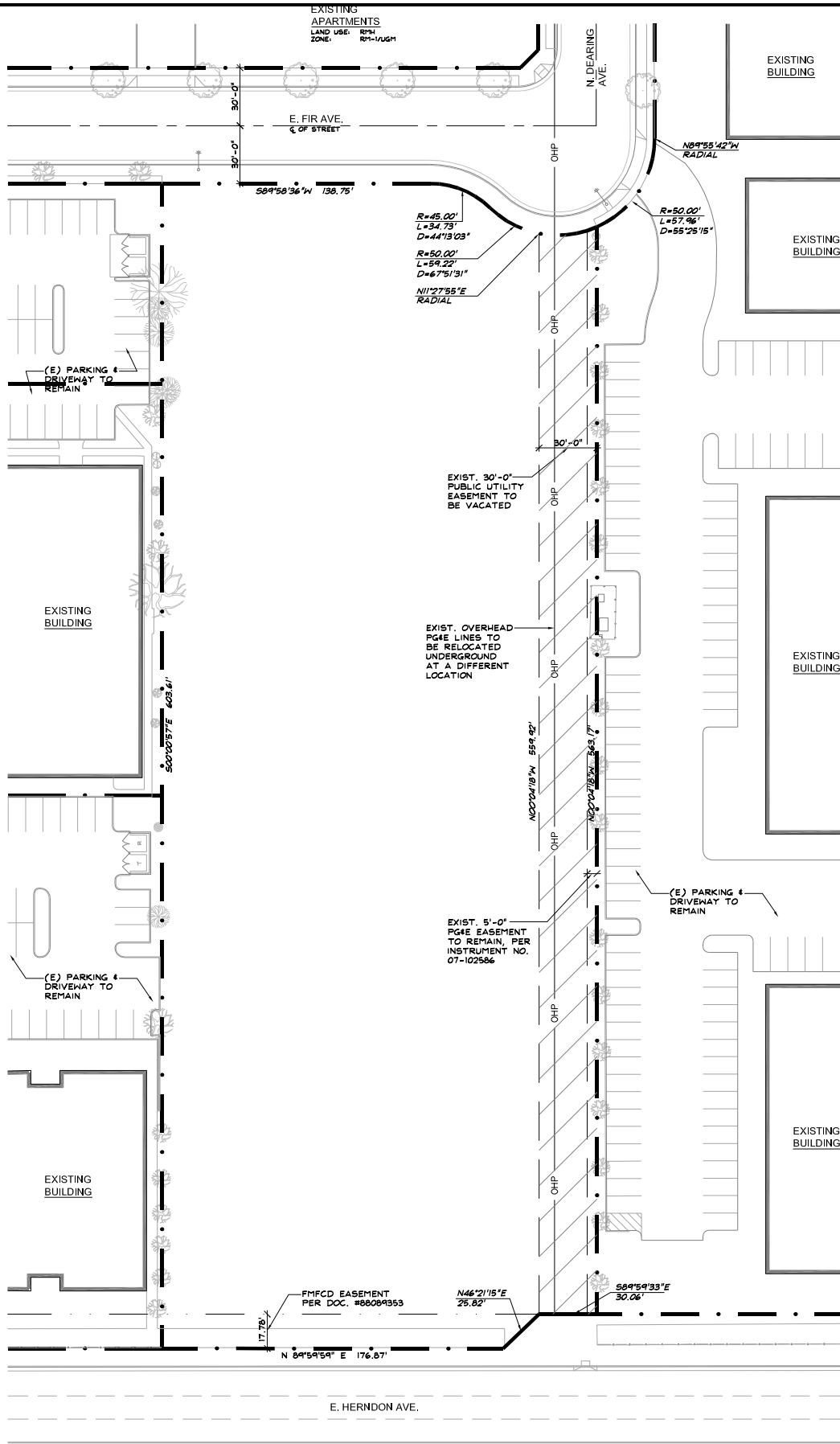
BY: \_\_\_\_\_  
Kristi Costa                      Date  
Deputy City Attorney

Attachment:  
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 ———



**Vermeltoft Architects, Inc.**  
 Architecture and Planning  
 8525 North Cedar Avenue  
 Suite 106  
 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