

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, ORDERING THE VACATION OF THE PUBLIC UTILITY EASEMENT IN THE EAST GEARY AVENUE ALIGNMENT BETWEEN SOUTH PLUMAS AND SOUTH WALNUT AVENUES

WHEREAS, pursuant to Resolution of Intention No. 1104-D, on file in the Office of the City Clerk of the City of Fresno (the City Clerk), a public hearing was held on April 28, 2016, 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 utility easement, situated within the City; and

WHEREAS, Edison Plaza Partners, L.P. is requesting the vacation of a public utility easement in the previously vacated East Geary Avenue, between South Plumas and South Walnut Avenues, as shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the public utility easement proposed to be vacated was reserved in the vacation of East Geary Avenue as ordered by City of Fresno Resolution 2015-203, recorded November 20, 2015, as Document No. 2015-0148678, Official Records Fresno County, to accommodate existing PG&E facilities; and

WHEREAS, the purpose of the vacation is to eliminate the reserved public utility easement held by the City of Fresno and replace it with a smaller specific easement held by PG&E until such time the existing PG&E facilities are relocated outside of the East Geary Avenue alignment. At that time PG&E will quitclaim its easement; and

WHEREAS, the Traffic and Engineering Services Division, and PG&E have reviewed and approved the proposed vacation, subject to the dedication of a specific

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

easement to PG&E to accommodate its facilities; 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, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds from all the evidence submitted that the public utility easement, as shown on Exhibit "A", is unnecessary for present and prospective public utilities after recordation of a specific easement to PG&E.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1104-D adopted by the Council on March 31, 2016, the public utility easement as shown on Exhibit "A", which is attached and incorporated herein, be and are hereby vacated and abandoned.

3. All proceedings for the vacation of such public utility easement are intended to be and shall be taken subject to the recordation of a specific easement to PG&E.

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.

6. The 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 _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

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

BY: _____
Raj Singh Badhesha,
Deputy City Attorney

Attachments: Exhibit "A"

PW File 11991

EXHIBIT "A"

WEST CALIFORNIA AVENUE
NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 17, 14/20

NORTHEAST CORNER OF SECTION 17, T. 14 S., R. 20 E., M.D.B. & M.
 FOUND 1/2" ROD, DOWN 9" WITH 2' SWING TIES
 [652.31'] 652.32' (652.33') CR 6144

[1941.92'] 1956.94' (1956.97')

NORTH 1/4 CORNER OF SECTION 17, T. 14 S., R. 20 E., M.D.B. & M.
 FOUND 3/4" IRON PIPE TAGGED LS 8354
 FLUSH IN PAVEMENT WITH (4) 2-FOOT SWING TIES
 MONUMENT OF RECORD
 FOUND 1" IRON PIPE DOWN 11" IN HANDWELL
 TAGGED LS 5096 CR 7414

SOUTH FRUIT AVENUE
 WEST LINE OF THE NORTHEAST QUARTER OF SECTION 17, 14/20

BASIS OF BEARINGS
 NORTH 2652.84' (NORTH 2652.89')
 1326.42' (1326.44')

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN, WAS TAKEN TO BEAR NORTH, AS SHOWN ON THE MAP RECORDED IN BOOK 48 OF RECORD OF SURVEYS AT PAGE 95, FRESNO COUNTY RECORDS.

RECORD DATA

- [...] PER RECORD OF SURVEY RECORDED IN BOOK 48 OF RECORD OF SURVEYS AT PAGE 95, FRESNO COUNTY RECORDS.
- [...] PER DEED OF EASEMENT RECORDED AS DOCUMENT No. 2009-0095487 ON JULY 14, 2009, O.R.F.C.

FOUND 1" IRON PIPE UP 5", TAGGED LS 6945
 ACCEPTED AS SOUTHEAST CORNER OF LOT 45 OF CALIFORNIA HEIGHTS VOLUME 12 OF PLATS PAGE 51
 FRESNO COUNTY RECORDS



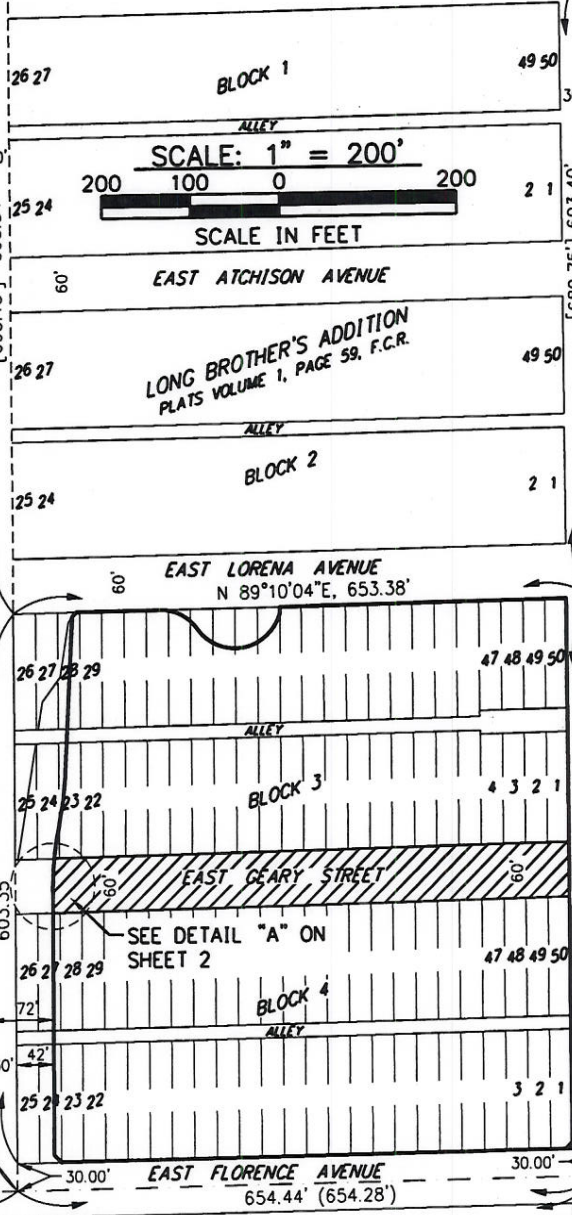
FOUND 1 1/2" IRON PIPE, DOWN 18" WITH BAR IN CENTER, NOT TAGGED
 ACCEPTED AS POINT ON WEST LINE OF LOT 9 OF FRESNO COLONY, VOLUME 2 OF PLATS PAGE 8, FRESNO COUNTY RECORDS
 N 00°16'28"W 0.25' FROM SOUTH LINE OF SAID LOT 9 (SET TAG, LS 6945)

1326.42' (1326.45')

CENTER 1/4 CORNER OF SECTION 17, T. 14 S., R. 20 E., M.D.B. & M.
 FOUND 3/4" IRON PIPE FLUSH WITH PAVEMENT TAG UNREADABLE
 CR 7416

LEGEND
 INDICATES AREAS TO BE VACATED FOR PUBLIC UTILITY PURPOSES.

EAST 1/4 CORNER OF SECTION 17, T. 14 S., R. 20 E., M.D.B. & M.
 POSITION FALLS ON MANHOLE RE-ESTABLISHED PER TIES
 CR 6763



SOUTH WALNUT AVENUE
 EAST LINE OF THE NORTHEAST QUARTER OF SECTION 17, 14/20

BASIS OF BEARINGS
 NORTH 1326.76' (1326.76')
 2653.53' (S 00°21'59"E, 2653.53')

1963.29' (1963.50') N 89°10'19"E 2617.73' (N 89°10'21"E 2617.78')

N 89°10'56"E 2626.20' (S 89°10'54"W 2626.25')
EAST CHURCH AVENUE

REV. 01/29/16 PWL
 PLOT VIEW: SHEET 04
 AUTOCAD ID: 15011 EASEMENT.DWG

REF. & REV. RESOLUTION No. 2015-203	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____	KRA RES TYPE _____
PUBLIC UTILITY EASEMENT IN LONG BROTHER'S ADDITION TO BE VACATED		DR. BY _____ PWL CH. BY _____ DATE _____ SCALE 1" = 200'	SHEET NO. 1 OF 2 SHEETS

EXHIBIT "A"

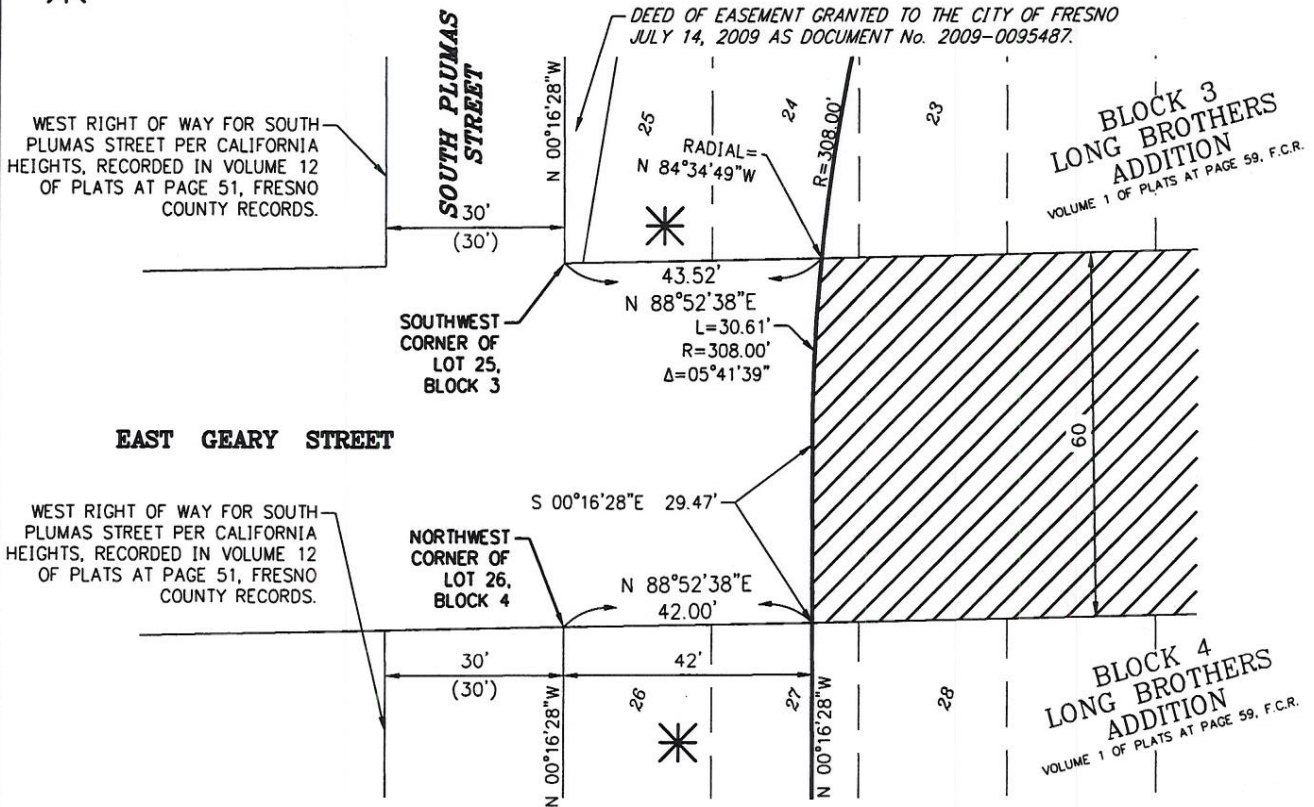
LEGEND



INDICATES AREAS TO BE VACATED FOR PUBLIC UTILITY PURPOSES.

(...) INDICATES RECORD DATA PER DEED OF EASEMENT GRANTED TO THE CITY OF FRESNO JULY 14, 2009 AS DOCUMENT No. 2009-0095487.

* PUBLIC STREET EASEMENT TO BE DEDICATED.

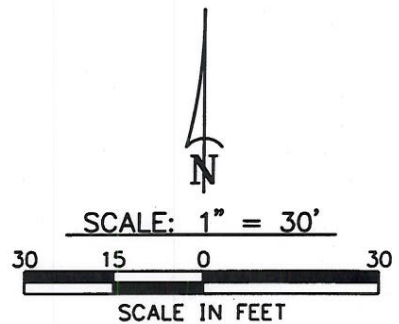


DETAIL "A"

SCALE: 1"=30"



MARK W. GREENWOOD LS 6945



REV. 01/29/16 PWL
PLOT VIEW: SHEET 05
AUTOCAD ID: 15011 EASEMENT.DWG

REF. & REV.
PW FILE 11933

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

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

PUBLIC UTILITY EASEMENT IN
LONG BROTHER'S ADDITION
TO BE VACATED

DR. BY PWL
CH. BY _____
DATE _____
SCALE 1" = 30'

SHEET NO. 2
OF 2 SHEETS