

RESOLUTION NO. _____

A RESOLUTION 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, pursuant to Resolution of Intention No. 1119-D, on file in the Office of the City Clerk of the City of Fresno (City Clerk), a public hearing was held on March 22, 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 street right-of-way, situated within the City; 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, 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; and

WHEREAS, the Traffic and Engineering Services Division, other City 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; 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 water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue is unnecessary for present and prospective public utility and access purposes.

2. The public interest and convenience require, and it is hereby ordered, that as contemplated by Resolution of Intention No. 1119-D adopted by the Council on March 1, 2018, public water easement proposed for vacation as shown in Exhibit “A” and emergency access easement proposed for vacation as shown in Exhibit “B”, be and are hereby vacated and abandoned.

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. 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 :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC, CRM
City Clerk

BY: _____
Deputy

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

BY: _____
Tracy N. Parvanian Date
Deputy City Attorney

Attachments: Exhibits "A" and "B"

PW File 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



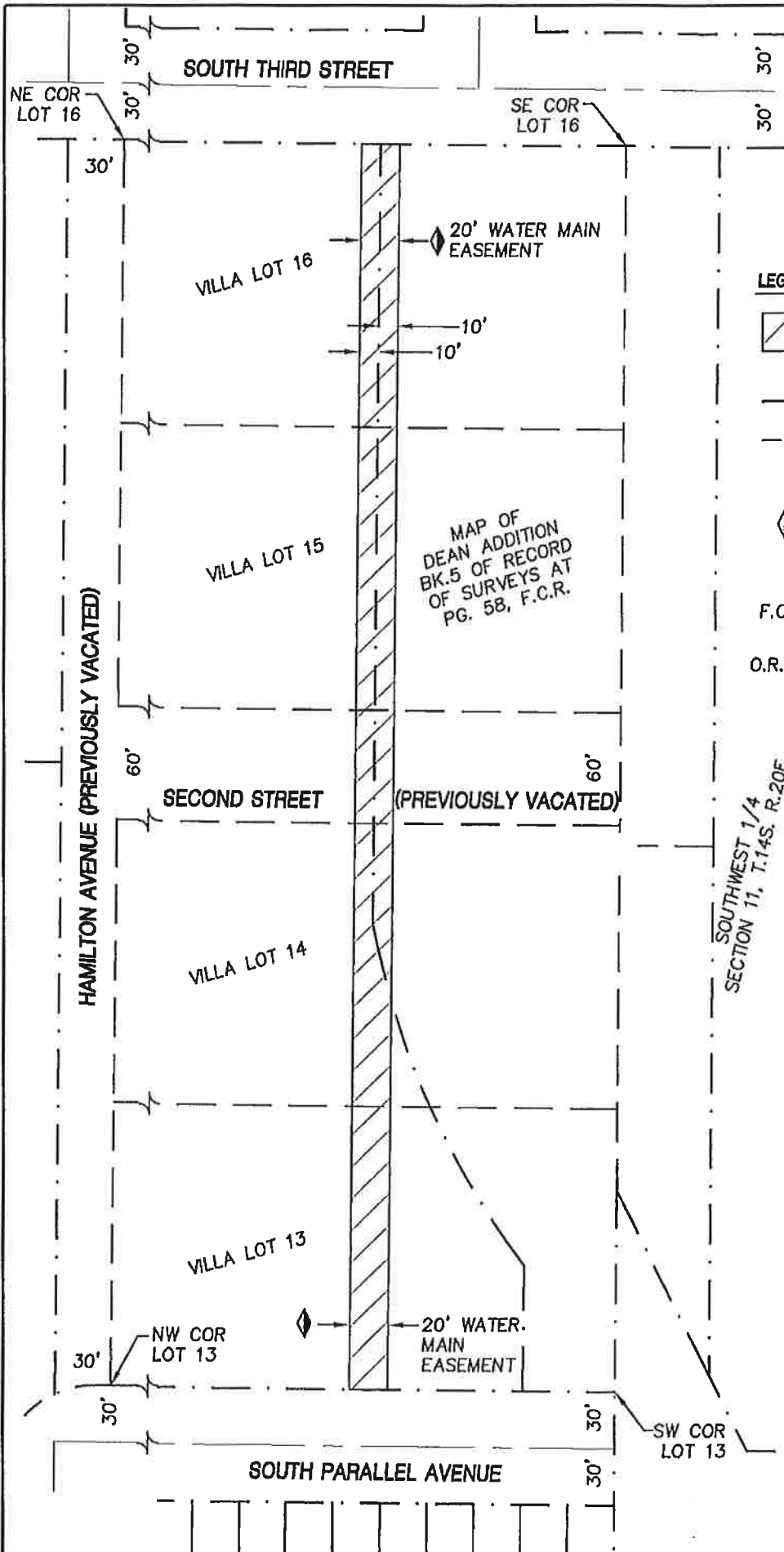
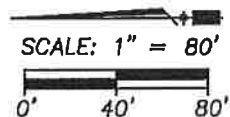
20' WATER MAIN EASEMENT
PER CITY OF FRESNO
RESOLUTION NO. 1858
RECORDED 9/12/1944 IN
VOL.2191, PG.412, O.R.F.C.

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



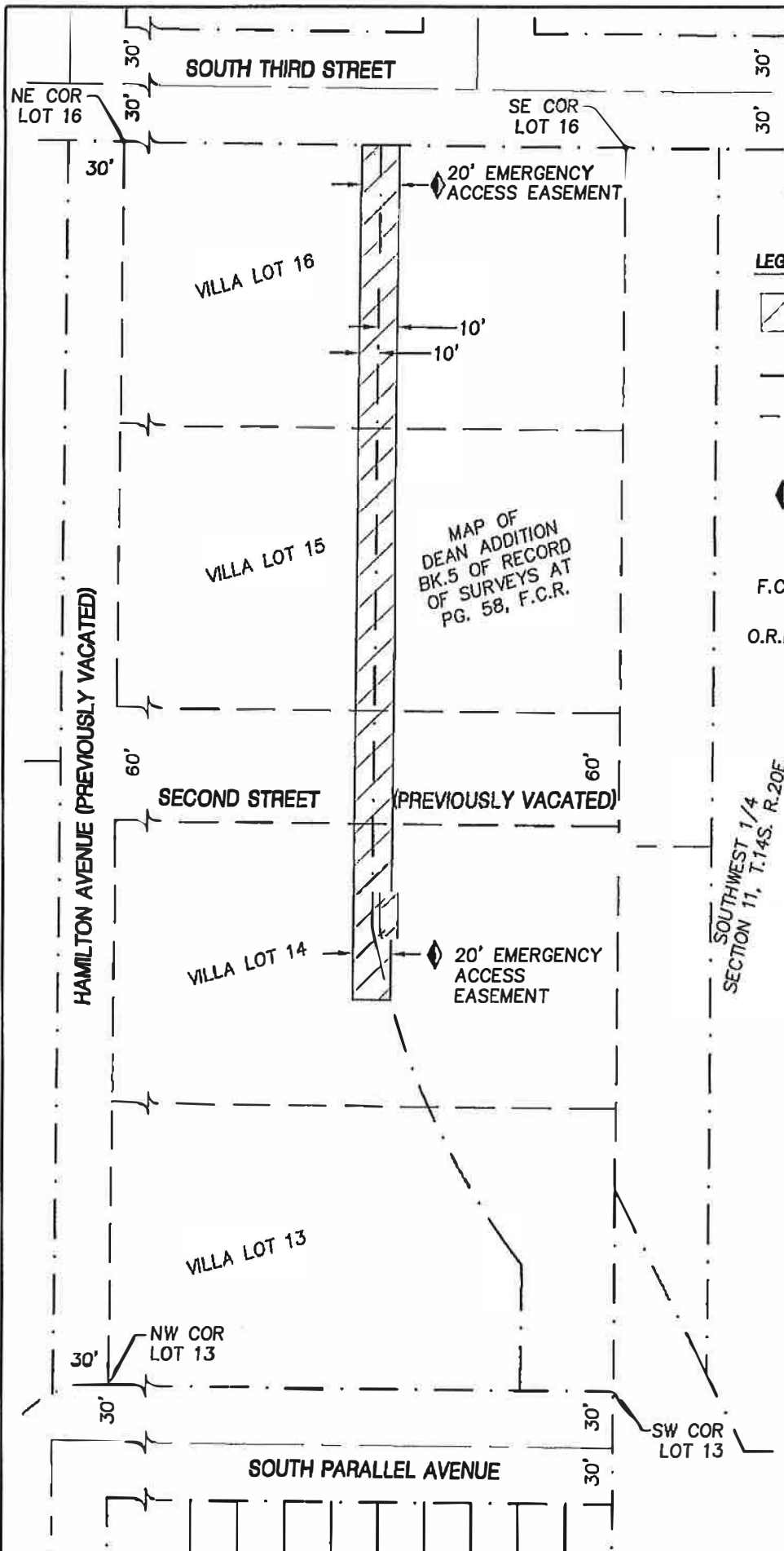
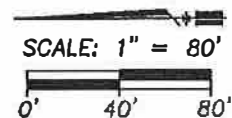
20' EMERGENCY ACCESS
EASEMENT PER STATEMENT OF
COVENANTS RECORDED
9/12/1996 AS
DOC. NO. 96122295, O.R.F.C.

F.C.R.

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