

RESOLUTION OF INTENT NUMBER 1140-D

A RESOLUTION OF INTENT OF THE COUNCIL OF THE
CITY OF FRESNO, CALIFORNIA, TO VACATE A PUBLIC
UTILITY EASEMENT ON LOTS 78 THROUGH 81 OF
CAMPUS HOMESITES TRACT NUMBER 1552

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the City), to order the vacation of a public utility easement on Lots 78 through 81 of Campus Homesites Tract Number 1552; and

WHEREAS, the area proposed for vacation as described in Exhibit "A" and as 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, Fresno Pacific University is requesting the proposed vacation; and

WHEREAS, the purpose of this vacation is to accommodate development associated with conditional use permit number P19-04666; and

WHEREAS, the Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public utility easement proposed for vacation as described in Exhibit "A" and as shown in Exhibit "B" is unnecessary for present or prospective public utility purposes subject to conditions of approval as listed in attached Exhibit "C".

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

1. The hour of 10:00 a.m. on May 13, 2021, in the Council Chambers in

1 of 3

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

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 street 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 May 13, 2021, 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 _____, 2021.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

BY: _____

Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Kristi Costa Date
Deputy City Attorney

Attachments:
Exhibits "A" through "C"

PW File No. 12631

EXHIBIT "A"

**Easement to be Abandoned
Legal Descriptions**

The land referred to herein is situated in the City of Fresno, County of Fresno, State of California and described as follows:

Those portions of Lots 78, 79, 80 and 81 of the Map of Tract No. 1552 "Campus Homes" according to the map recorded in Volume 18 of Plats at Page 76, Fresno County Records being more particularly described as follows:

The West 20 feet of Lots 79 and 80.

Together with the North 8 feet of Lots 78 and 79.

Also together with the South 8 feet of Lots 80 and 81.

E. BUTLER AVENUE

VOLUNTARY PARCEL
MERGER NO. 2020-02

DOCUMENT NO.
2020-0027386
OFFICIAL RECORDS,
FRESNO COUNTY

LOT 80
TRACT NO. 1552

LOT 81
TRACT NO. 1552

LOT 82
TRACT NO. 1552
VOL 18 PG 76

20.00'

16 FOOT EASEMENT
FOR PUBLIC UTILITIES
TO BE VACATED

8.00'

20 FOOT WIDE EASEMENT
FOR PUBLIC UTILITIES TO
BE VACATED

16.00'

8.00'

LOT 79
TRACT NO. 1552

LOT 78
TRACT NO. 1552

LOT 77
TRACT NO. 1552
VOL 18 PG 76

20.00'

PARCEL A
PARCEL MAP NO. 78-86
BK. 33, PG 23 OF PARCEL MAPS,
FRESNO COUNTY RECORDS



9/2/20
Date Signed:

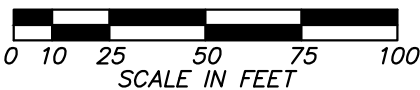
E. TOWNSEND AVENUE

LEGEND:

- FORMER LOT LINE
- - - - - PROPERTY LINE
- SECTION LINE
- - - - - EXISTING RIGHT-OF-WAY LINE

OWNER:

FRESNO PACIFIC UNIVERSITY
1717 CHESTNUT AVENUE
FRESNO, CA 93702



AREA TO BE VACATED
±8422 S.F./ 0.19 AC.

REF. & REV.
PW FILE NO. _____
PLAT NO. _____

CITY OF FRESNO
DEPARTMENT OF PUBLIC WORKS

PROJ. ID. _____
FUND NO. _____
ORG. NO. _____

2020-XXX

EXHIBIT "B"
UTILITY EASEMENT VACATION
FORMERLY APNS: 473-020-37, -18,
473-061-01, -02, -09, -10

DRAWN BY: RJR
CHECKED BY: ARG
DATE: 7/15/19
SCALE: 1" = 50'

SHEET NO. 1
OF 1 SHEETS

XX-X-XXXX

EXHIBIT "C"
VACATION CONDITION OF APPROVAL

The following condition must be met before the vacation resolution can be recorded:

1. The Pacific Gas and Electric Company (PG&E) does not approve this proposed vacation. PG&E has existing facilities located within the subject public utility easement. This vacation cannot be recorded without their approval. A relocation plan must be approved by PG&E before an approval can be granted. The relocation area may require providing PG&E a utility easement. If you have any question regarding this condition, please contact Mike Galvan of PG&E at (559) 263-5649.
2. Comcast does not approve this proposed vacation. Comcast has existing facilities located within the subject public utility easement. This vacation cannot be recorded without their approval. A relocation plan must be approved by Comcast before an approval can be granted. The relocation area may require providing Comcast a utility easement. The proposed abandonment will cut services to several buildings on the Fresno Pacific University campus. Please contact Cory Sue of Comcast at (559) 455-4221.
3. The City of Fresno Planning and Development Services understands that this proposed vacation is for the purpose of facilitating a future project (Development Permit Number P19-05782), which proposes the development of a new auditorium and theater for Fresno Pacific University. An Environmental Assessment will be prepared for the purpose of the proposed project, and conditions related to the relocation of any utility services will be required in conjunction with project approvals. If this vacation occurs prior to project approval, an independent environmental analysis will be required. If you have any question regarding this condition, please contact Will Tackett at (559) 621-8063.
4. The City of Fresno Engineering Services Division requires that any work within the public right of way for undergrounding of utilities, relocation of a public utility easement, or vacation of the public utility easement will need to be reviewed and approved by engineering services. If you have any question regarding this condition, please contact Francisco Magos at (559) 621-8679.
5. The proposed street vacation area lies within the Fresno Metropolitan Flood Control District's Drainage Area "A". There are no existing facilities or propose Master Plan facilities within the proposed vacation area. The District requires that the Master Plan drainage patterns remain as designed for the proposed vacation area. Any proposed revisions to existing District facilities must be reviewed and approved by the District prior to implementation. If you have any questions regarding this matter, please do not hesitate to contact Gary Chapman at (559) 456-3292.

6. The City of Fresno Department of Public Utilities has an existing 10-inch sewer main within the proposed area to be vacated. This sewer main will need to be relocated. Engineered utility improvement plans will need to be submitted and approved prior to approval. Please contact Kevin Gray at (559) 621-8553 for further details.

PW File 12631