

AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

March 20, 2007

**FROM:** JON R. RUIZ, Interim Director  
Public Works Department

**BY:** SCOTT L. MOZIER, PE, Assistant Director  
Public Works Department

**SUBJECT:** ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF A PUMPING PLANT AND EQUIPMENT EASEMENT ON THE SOUTH SIDE OF BULLARD AVENUE EAST OF BLACKSTONE AVENUE IN THE TARGET PARKING LOT, LOCATED IN COUNCIL DISTRICT NO. 6

### **KEY RESULT AREA**

Customer Satisfaction

### **RECOMMENDATIONS**

Staff recommends that the Council approve this vacation.

### **EXECUTIVE SUMMARY**

The Water Division of the Department of Public Utilities is requesting the vacation of a pumping plant and equipment easement located on the south side of Bullard Avenue east of Blackstone Avenue in the Target parking lot, as shown on Exhibit "A" of the attached Resolution. The Pump Station No. 119 easement is no longer necessary because the Water Division decommissioned the well site in 2006, destroyed the well itself, and removed all associated equipment from within the easement. The water production from this well site is now being taken from other wells in the vicinity.

### **KEY OBJECTIVE BALANCE**

The proposed vacation balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. Customer Service is achieved by removing the encumbrance of the easement from the affected property. Financial Management is achieved because the City will no longer have to maintain the area to be vacated.

### **BACKGROUND**

The City's Public Utilities Department is requesting the vacation of a pumping plant and equipment easement located on the south side of Bullard Avenue east of Blackstone Avenue in the Target parking lot, as shown on Exhibit "A" of the attached Resolution. The Pump Station

Report to the City Council

Adopt Resolution Approving the Summary Vacation of a Pumping Plant  
And Equipment On the South Side of Bullard Avenue East of Blackstone Avenue

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No. 119 easement is no longer necessary because the Water Division decommissioned the well site in 2006, destroyed the well itself, and removed all associated equipment from within the easement. The water produced from this well site has been replaced by water taken from other wells in the vicinity.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public service easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities associated with the pumping station located within the easement. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

Environmental Assessment No. PW-2006-04 shows with certainty that the project is categorically exempt and there is no possibility that the proposed summary vacation may have a significant adverse effect on the environment, and the proposed summary vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15312 of the CEQA guidelines.

The City Attorney's Office has reviewed and approved the attached Resolution as to form.

#### **FISCAL IMPACT**

There will be no impact to the City's General Fund.

JRR/SLM/DHC/AJ/eam  
Adopt Reso Apprv Sum Vac Pump Plant s side Bullard 3-20-07

Attachments: 1. Resolution

P.W. File No. 11202

**Recording Requested By:**  
Public Works Department  
City of Fresno  
No Fee-Gov't. Code Sections  
6103 and 27383

**When Recorded, Mail To:**  
City Clerk  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721-3623

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. \_\_\_\_\_

**ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF A PUMPING PLANT AND EQUIPMENT EASEMENT ON THE SOUTH SIDE OF BULLARD AVENUE EAST OF BLACKSTONE AVENUE IN THE TARGET PARKING LOT**

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate a pumping plant and equipment easement located on the south side of Bullard Avenue east of Blackstone Avenue in the Target parking lot, located exclusively within the City of Fresno; and

WHEREAS, the pumping plant and equipment easement proposed to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the area to be vacated was originally acquired as an easement for a pumping plant and equipment by the Kavanagh Vista Water Company by a Deed of Easement recorded November 5, 1973 in Book 6230, Pages 570 thru 572, Official Records of Fresno County, and recorded again on November 13, 1973 in Book 6233, Pages 517 thru 519, Official Records of Fresno County; and

WHEREAS, the easement interest was acquired by the City of Fresno when the City took over the Kavanagh Vista Water Company in 1989, the easement being described as

Easement No. 2 in that Final Order of Condemnation recorded August 29, 1989 as Document No. 89102252, Official Records of Fresno County; and

WHEREAS, the Water Division decommissioned the well site in 2006, destroyed the well itself, and removed all associated equipment from within the easement; and

WHEREAS, the water produced from this well site has been replaced by water taken from other wells in the vicinity; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public service easement that has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities associated with the pumping station located within the easement. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, Environmental Assessment No. PW-2006-04 shows with certainty that the vacation is categorically exempt and there is no possibility that the proposed summary vacation may have a significant adverse effect on the environment, and the proposed summary vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15312 of the CEQA guidelines; and

WHEREAS, the Council desires to summarily vacate a pumping plant and equipment easement located on the south side of Bullard Avenue east of Blackstone Avenue in the Target parking lot.

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

1. A pumping plant and equipment easement located on the south side of Bullard Avenue east of Blackstone Avenue in the Target parking lot as shown on Exhibit "A" is hereby vacated.

2. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

3. This vacation shall become effective on the date this resolution is recorded.

4. This vacation is not intended to affect in any way an easement for a water pipeline that passes through a portion of the pumping plant and equipment easement as shown on Exhibit "A", the pipeline easement having been originally acquired by the Kavanagh Vista Water Company by a Deed of Easement recorded November 5, 1973 in Book 6230, Pages 567 thru 569, Official Records of Fresno County, and recorded again on November 13, 1973 in Book 6233, Pages 520 thru 522, Official Records of Fresno County, and the pipeline easement interest was acquired by the City of Fresno when the City took over the Kavanagh Vista Water Company in 1989, the easement being described as Easement No. 1 in that Final Order of Condemnation recorded August 29, 1989 as Document No. 89102252, Official Records of Fresno County.

5. From and after the date this resolution is recorded, the pumping plant and equipment easement shall no longer constitute a pumping plant and equipment easement.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

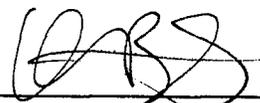
Mayor Approval: \_\_\_\_\_, 2007  
Mayor Approval/No Return: \_\_\_\_\_, 2007  
Mayor Veto: \_\_\_\_\_, 2007  
Council Override Vote: \_\_\_\_\_, 2007

REBECCA E. KLISCH  
City Clerk

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

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
CITY ATTORNEY

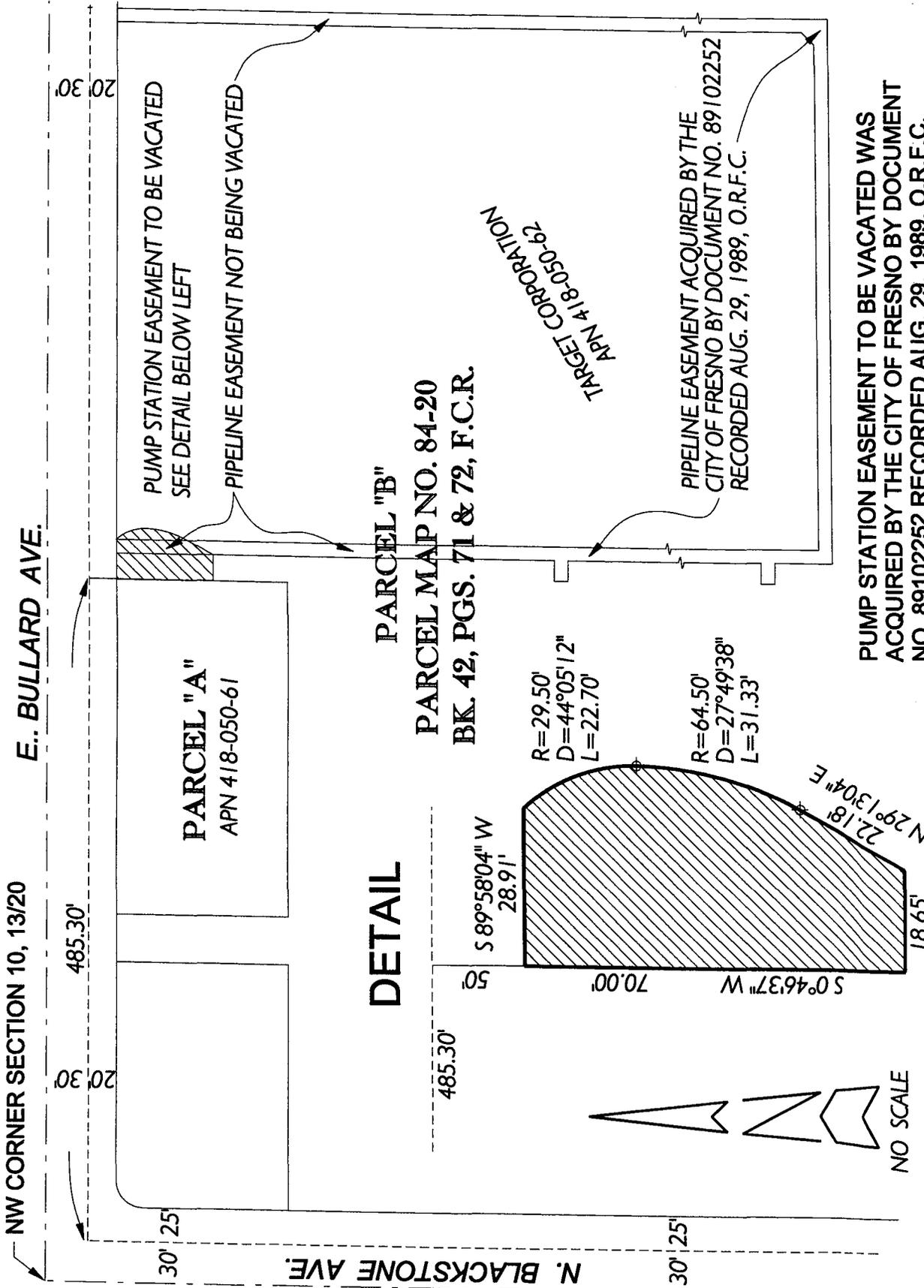
By:  \_\_\_\_\_  
Deputy

Adopt Reso Apprv Sum Vac Pump Plant s side Bullard 3-20-07

PW File No. 11202

# EXHIBIT "A"

## VACATION OF PUMP STATION NO. 119 EASEMENT



PUMP STATION EASEMENT TO BE VACATED WAS ACQUIRED BY THE CITY OF FRESNO BY DOCUMENT NO. 89102252 RECORDED AUG. 29, 1989, O.R.F.C.