

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. 2009-115



ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF
A PORTION OF THE EAST SIDE OF SOUTH ORANGE AVENUE BETWEEN
NORTH AND CENTRAL AVENUES

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 portion of the east side of South Orange Avenue between North and Central Avenues; and

WHEREAS, the portion of the right-of-way proposed to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, Orange Avenue Disposal is requesting the vacation of a portion of the east side of South Orange Avenue between North and Central Avenues; and

WHEREAS, the area to be vacated was dedicated for public use in 2003 but has never been improved for public use and no money has been expended for maintenance on the street or highway since it was dedicated; and

WHEREAS, the Council finds from all the evidence submitted that the public street easement proposed to be vacated is not needed for present or prospective use; and

WHEREAS, there are no public utility facilities located within the portion of South Orange Avenue proposed to be vacated; and

Adopted _____
Approved 5/21/09
Effective _____

2009-115



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 street easement that has been determined to be in excess of the City's needs and there are no public facilities located within the portion of the easement to be vacated. 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. EA-09-03 shows with certainty that the project is categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Subsection 15301(c)/Class 1 of the CEQA guidelines; and

WHEREAS, the Council desires to summarily vacate the portion of South Orange Avenue as shown on Exhibit "A".

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

1. That portion of the east side of South Orange Avenue between North and Central Avenues 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. From and after the date this resolution is recorded, that portion of the east side of South Orange Avenue between North and Central Avenues as shown on Exhibit "A" shall no longer constitute a public street easement.



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 21st day of May, 2009.

AYES: Borgeas, Brand, Dages, Perea, Westerlund, Xiong, Sterling
NOES: None
ABSTAIN: None
ABSENT: None

Mayor Approval: _____ N/A _____, 2009
Mayor Approval/No Return: _____ N/A _____, 2009
Mayor Veto: _____ N/A _____, 2009
Council Override Vote: _____ N/A _____, 2009

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch
Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

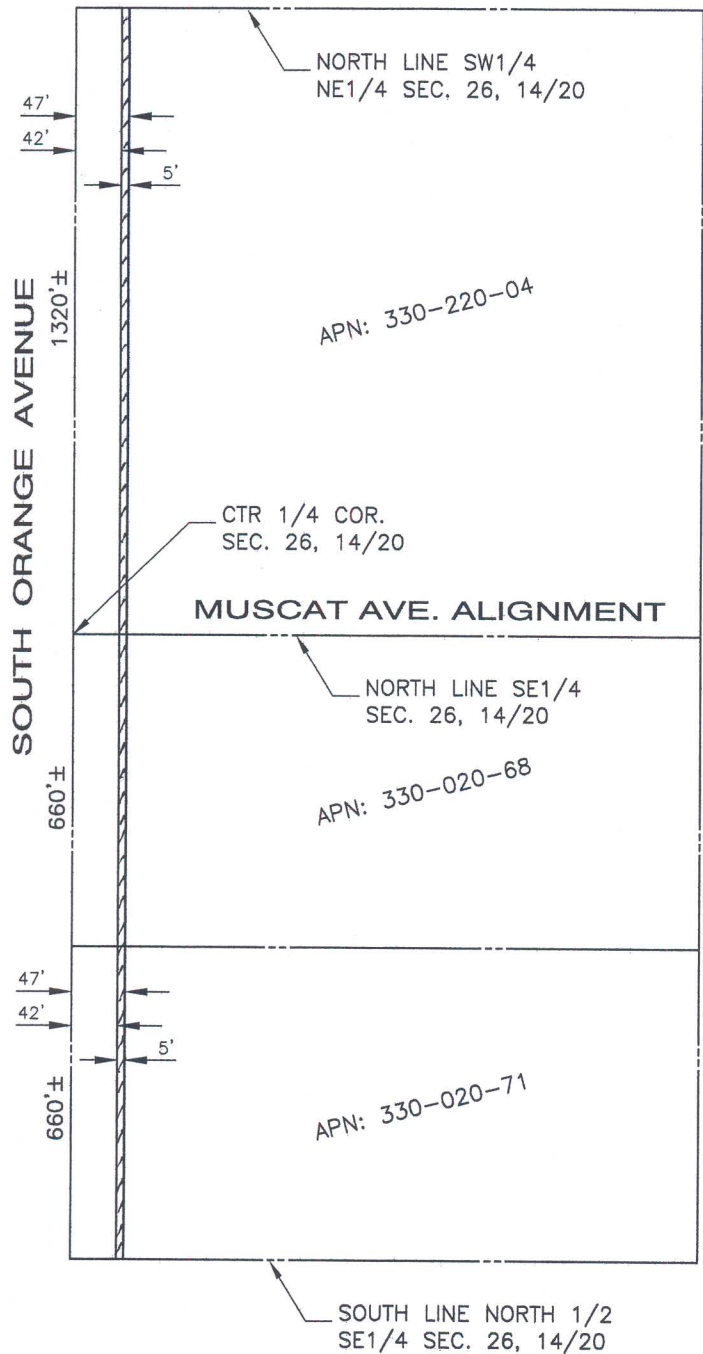
By: Laurie A. Avedisian
Deputy
Laurie Avedisian

Reso Apprv Sum Vac Por S Orange btwn North-Central

PW File No. 11383



EXHIBIT "A"



OWNER:
ORANGE AVENUE DISPOSAL
P.O. BOX 446
FRESNO, CALIF. 93709

ENGINEER:
MARK T. CHIN ENGINEERING
4045 N. FRESNO ST., #103
FRESNO, CA. 93726
(559) 226-4848

 INDICATES PUBLIC STREET EASEMENT TO BE VACATED.



Mark T. Chin
MARK T. CHIN, RCE 30300

9/25/08
DATE:

REF. & REV. 2008-P-	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. I.D. _____ FUND No. _____ DRG No. _____
	PUBLIC STREET EASEMENT VACATION THAT PORTION OF THE SW1/4 OF THE NE1/4 AND THE NORTH1/2 OF THE SE1/4 OF SECTION 26, T.14S., R.20E., MDB&M	DR. BY <u>J. HARPER</u> CH. BY _____ DATE: _____ SCALE: AS SHOWN
		SHEET No. <u>1</u> OF <u>1</u> SHEETS 15-A-