

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. 2009-200

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF THE
10 FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED ALONG THE WEST SIDE
OF NORTH VALENTINE AVENUE SOUTH OF WEST LOCUST AVENUE

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 the 10 foot wide public utility easement located along the west side of North Valentine Avenue south of West Locust Avenue; and

WHEREAS, the area to be vacated is a public utility easement that was dedicated to the City by the map of Tract No. 2777, San Joaquin Estates, recorded October 18, 1978 in Volume 32 of Plats at Page 89, Fresno County Records, but never used for the purpose for which it was dedicated; and

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

WHEREAS, the public utility easement to be vacated has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding this proposed vacation; and

Adopted _____
Approved 9/17/09
Effective _____

2009-200



WHEREAS, the Council finds from all the evidence submitted that the public utility easement proposed to be vacated is not needed for present or prospective use; 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 not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. 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-09-24 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 10 foot wide public utility easement located along the west side of North Valentine Avenue south of West Locust Avenue as shown on Exhibit "A".

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

1. That portion of the 10 foot wide public utility easement located along the west side of North Valentine Avenue south of West Locust Avenue 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 10 foot wide public utility easement located along the west side of North Valentine Avenue south of West Locust Avenue as shown on Exhibit "A" shall no longer constitute a public utility easement.

P.W. File 11387

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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 17th day of September, 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 E. Klisch _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

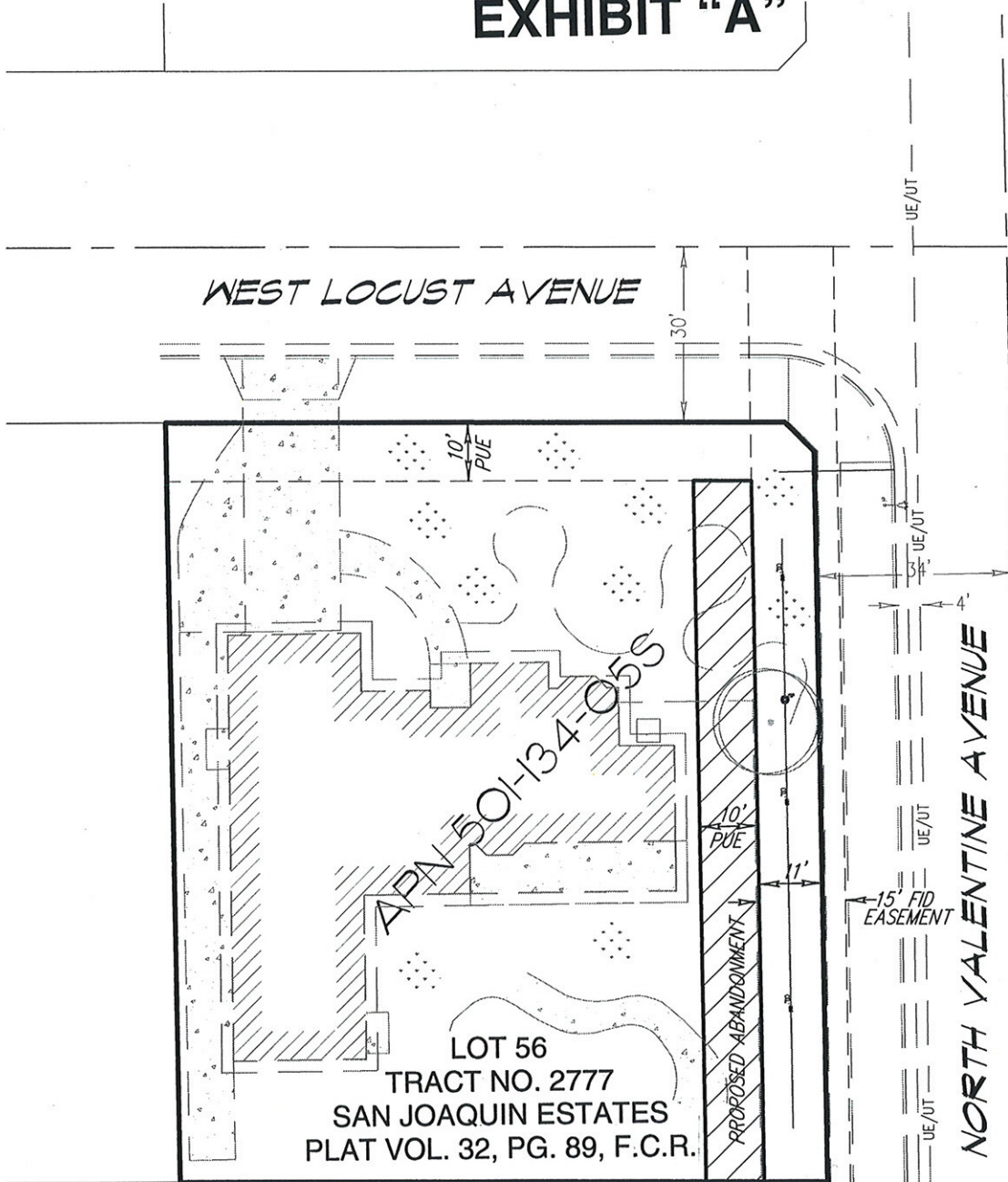
By: Laurie A. Avedisian
Deputy
Laurie A. Avedisian

Adopt Reso Apprv Sum Vac 10 Ft N Valentine

PW File No. 11387





EXHIBIT FOR PROPOSED ABANDONMENT EXHIBIT "A"



LOT 56
TRACT NO. 2777
SAN JOAQUIN ESTATES
PLAT VOL. 32, PG. 89, F.C.R.

LEGEND :

-  INDICATES AREA TO BE ABANDONED
-  UE/UT EXISTING UNDERGROUND ELECTRICAL AND TELEPHONE SERVICE LINES

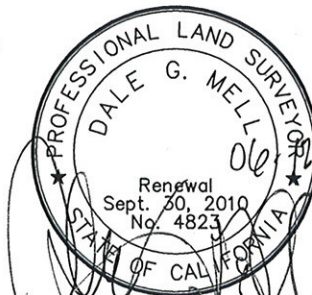
PREPARED BY:



**DALE G. MELL
& ASSOCIATES**

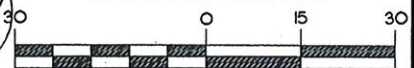
ENGINEERING & SURVEYING SERVICES

2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703
(559) 292-4046 * FAX 251-9220



SCALE:  1" = 30'

GRAPHIC SCALE



1 INCH = 30 FEET

BY: *R.ESPINOZA* - 10/28/08
DMA CADFILE:08-046EX01