

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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FRESNO County Recorder
Robert C. Werner
DOC- 2010-0099800

Acct 301-Fresno City Public Works
Thursday, AUG 05, 2010 09:03:15
Ttl Pd \$0.00 Nbr-0003261927
JZG/R3/1-6

SPACE ABOVE THIS LINE FOR RECORDER'S USE



RESOLUTION NO. 2010-168

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION
OF A PUBLIC UTILITY EASEMENT WEST OF NORTH WEST AVENUE
AND SOUTH OF WEST SHIELDS 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 a public utility easement west of North West Avenue and south of West Shields Avenue; 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, the easement was originally dedicated by a deed recorded September 26, 1955 as Document No. 65433 in Book 3662 at Page 48, Official Records of Fresno County; and

WHEREAS, a 4 inch water main lying within the easement area is being converted to a private water main with a water meter installed outside the easement being vacated and all other utilities have been removed from the easement are; and

WHEREAS, the purpose of the proposed vacation is to accommodate the development of a CVS Pharmacy in accordance with Conditional Use Permit No. C-09-202;

and *Adopted* 7/29/10
Approved 7/29/10
Effective See Sec 5

2010-168



WHEREAS, there are no public utility facilities located within the public utility easement west of North West Avenue and south of West Shields Avenue; and

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 been determined to be in excess of the City's needs and there are no public facilities 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, a Mitigated Negative Declaration as an environmental assessment was prepared for the proposed project. Mitigated Negative Declaration No. A-10-04 (MND) was adopted by the City Council after a hearing held on July 29, 2010. The proposed vacation of the public utility easement west of North West Avenue and south of West Shields Avenue was included in the MND Project Description and was environmentally assessed in the initial study resulting in the finding of the MND. Therefore, all necessary environmental review required by CEQA has been completed for the proposed vacation; and

WHEREAS, the Council desires to summarily vacate a public utility easement west of North West Avenue and south of West Shields Avenue as shown on Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed that the summary vacation of a public utility easement on the subject property may have additional significant effects on the environment that were not identified in the 2025



Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration No. A-09-02, and that no new or additional mitigation measures or alternatives may be required. In addition, pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the mitigated negative declaration prepared for Environmental Assessment No. A-10-04/TPM-2009-12 dated June 04, 2010.

2. The public utility easement west of North West Avenue and south of West Shields Avenue as shown on Exhibit "A" is hereby vacated.
3. 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.
4. This vacation shall become effective on the date this resolution is recorded.
5. From and after the date this resolution is recorded, the public utility easement west of North West Avenue and south of West Shields Avenue as shown on Exhibit "A" shall no longer constitute a public utility 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 29th day of July, 2010.

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

Mayor Approval: N/A, 2010
Mayor Approval/No Return: N/A, 2010
Mayor Veto: N/A, 2010
Council Override Vote: N/A, 2010

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
Deputy



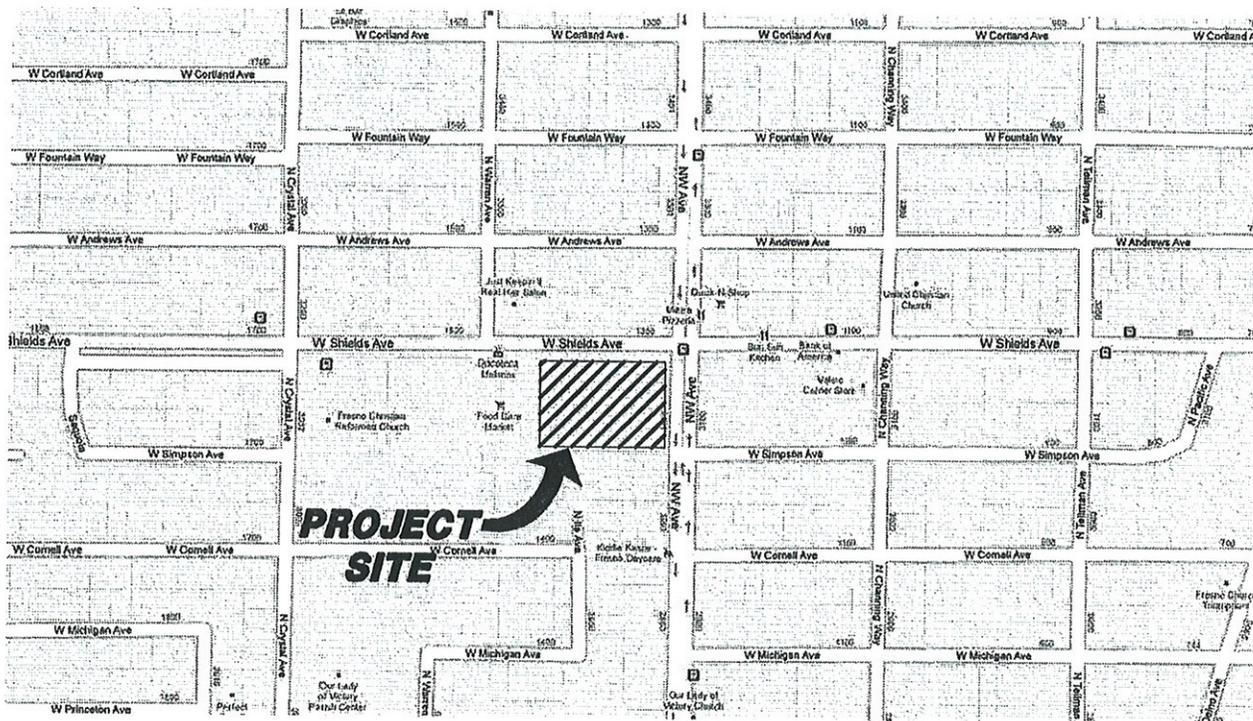
APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: Shannon Chapman, Deputy

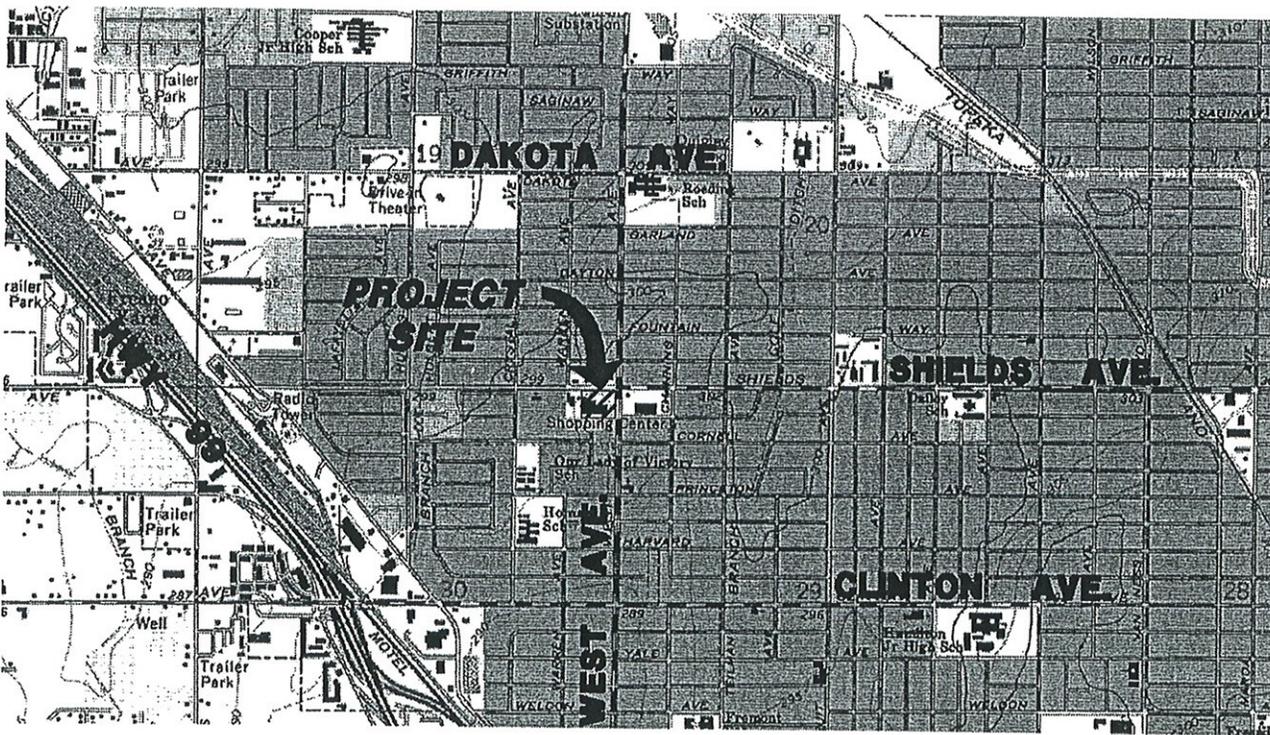
Reso Apprv Sum/Vac of Pub Util Esmnt N West and S of W Shields

PW File No. 11498



VICINITY MAP
CITY OF FRESNO, CA

NOT TO SCALE



PROJECT SITE

ATTACHMENT 1

NOT TO SCALE



CONSULTANT
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Consulting Engineers
4881 Clovis Avenue,
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Clovis, California 93612
Tel (559) 335-1400
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VACATION OF PUBLIC EASEMENT
ATTACHMENT 1 – VICINITY MAP
CVS/PHARMACY – 1325 WEST SHIELDS AVENUE, FRESNO CA

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