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- 2007-0164598
Friday, AUG 31, 2007 13:48:56
Ttl Pd $0.00 Nbr-0002592828
JZG/R3/1-5

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. 2007-269

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF THE "60 FOOT RESTRICTED ACCESS STRIP "A" OFFERED FOR DEDICATION FOR FUTURE ROAD PURPOSES" AS SHOWN ON THE MAP OF PARCEL MAP NO. 3894 LOCATED IN THE EAST POWERS AVENUE ALIGNMENT, WEST OF NORTH MAPLE 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 of the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 recorded October 28, 1977 in Book 26 of Parcel Maps at Page 4, Fresno County Records, located exclusively within the City of Fresno; and

WHEREAS, the "60 foot restricted access strip "A" offered for dedication for future road purposes" proposed to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the area to be vacated appears to have been created to provide for a limited second point of access from the west side of Parcel Map No. 3894; and

Adopted 8-21-07
Approved 8-21-07
Effective upon recordation

2007-269

WHEREAS, In 1987 Tract No. 3844, a condominium development was constructed west of Parcel Map No. 3894, which severed access to the 60 foot access strip and eliminated the need for any future road right-of-way; and

WHEREAS, the purpose of the proposed vacation is to satisfy a condition of approval for Tentative Tract No. 5564 in accordance with Conditional Use Permit No. C-06-19 and Rezone No. R-05-63; 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. A summary vacation is also authorized when there are in-place utilities that are in use, but will not be affected by the vacation. This vacation does not affect the existing utility pole line easement or the underground gas pipeline easement, both in favor of PG&E, pursuant to Section 8352 of the California Streets and Highways Code that states a vacation of a street, highway, or public service easement does not affect a private easement, including easements in favor of a public utility. 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-07-24 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 15301(c)/Class 1 of the CEQA guidelines; and

WHEREAS, the Council desires to summarily vacate the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894.

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

1. The "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 and 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, the "60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 shall no longer constitute a 60 foot restricted access strip "A" offered for dedication for future road purposes.

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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 21st day of August, 2007.

AYES: Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
NOES: None
ABSTAIN: None
ABSENT: Xiong

Mayor Approval: N/A, 2007
Mayor Approval/No Return: N/A, 2007
Mayor Veto: N/A, 2007
Council Override Vote: N/A, 2007

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch
~~, Deputy~~

APPROVED AS TO FORM:

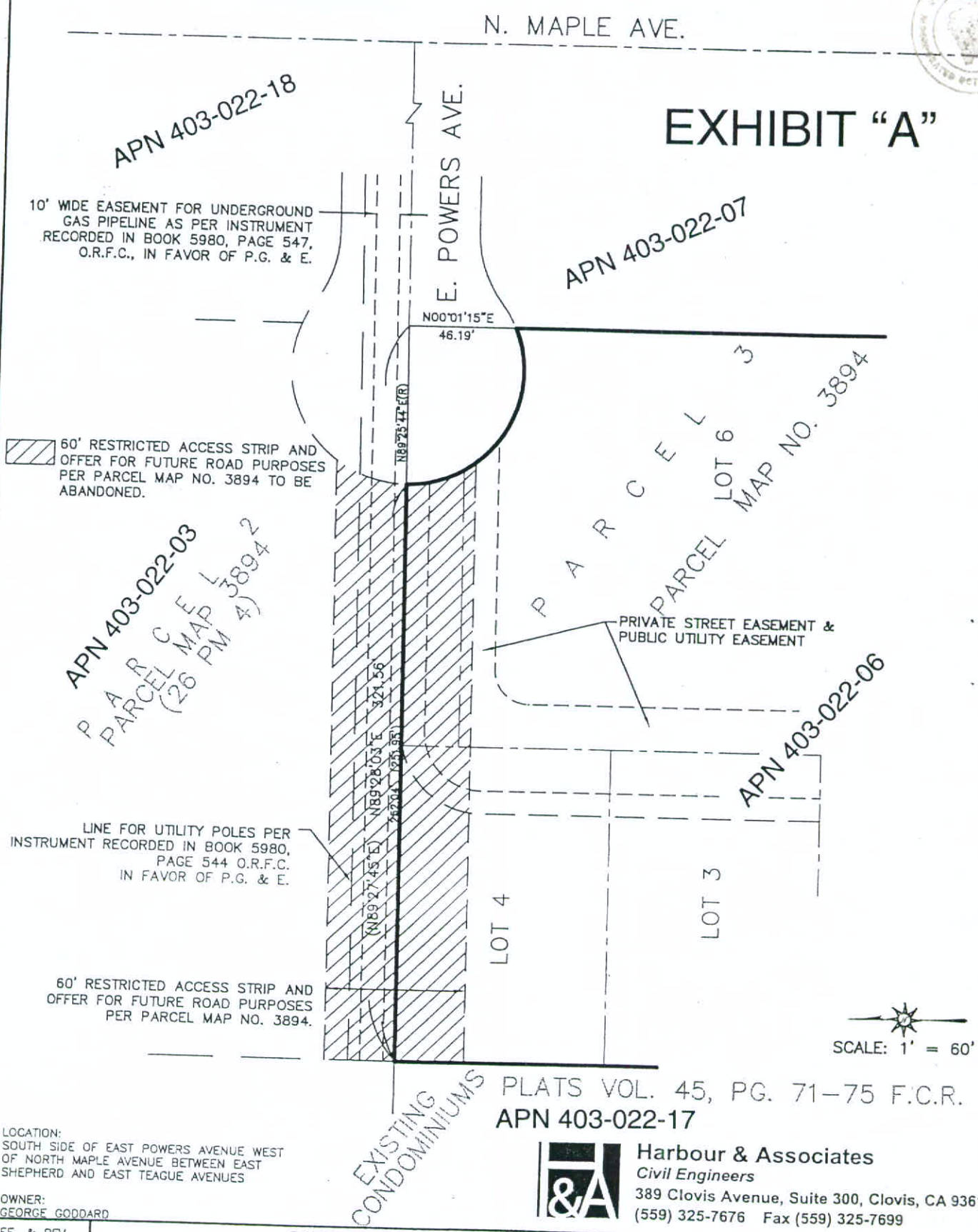
JAMES C. SANCHEZ
CITY ATTORNEY

By: Laurie A. Avedisian
Deputy
Laurie A. Avedisian

Adopt Reso Apprv Sum Vac Strip A Powers Ave Align 8-21-07

PW File No. 11215

EXHIBIT "A"



LOCATION:
SOUTH SIDE OF EAST POWERS AVENUE WEST OF NORTH MAPLE AVENUE BETWEEN EAST SHEPHERD AND EAST TEAGUE AVENUES

OWNER:
GEORGE GODDARD

Harbour & Associates
Civil Engineers
389 Clovis Avenue, Suite 300, Clovis, CA 93612
(559) 325-7676 Fax (559) 325-7699

REF. & REV. PW FILE NO. PLAT NO.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. FUND NO. ORG. NO.
	PROPOSED ABANDONMENT OF EXISTING 60' RESTRICTED ACCESS STRIP AND OFFER FOR FUTURE ROAD PURPOSES PER P.M. NO. 3894	DR. BY CLJ CH. BY DATE 3-21-07 SCALE 1" = 60'
		SHEET NO. 1 OF 1 SHEETS

05-027\Applications\Feasibility Exhibit.dwg

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