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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF THE VACATION OF) EXCESS PUBLIC ROAD RIGHT-OF-WAY)) OF DUNLAP ROAD) <u>VACATION APPLICATION NO. V15-03)</u>	RESOLUTION OF INTENTION AND NOTICE OF HEARING
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WHEREAS, the Director of the Department of Public Works and Planning informs this Board that the Department initiated the process to vacate excess public road right-of-way of Dunlap Road, located approximately 3.5 miles southeast of Kings Canyon Road along the frontage of Dunlap Elementary School and the Dunlap Community Club property (Vacation Application No. V15-03); and

WHEREAS, the Department of Public Works and Planning reviewed the General Plan and the proposed vacation, including the location, purpose, and extent of such proposed vacation, and reported in the Agenda Item for October 22, 2019, that the proposed vacation is consistent and in conformity with the General Plan; and

WHEREAS, the Department of Public Works and Planning recommends the following:

(1) That the Board of Supervisors declares its intent to hold a hearing pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code (collectively, the "Vacation Laws") for the proposed vacation of the excess right-of-way more particularly described in Exhibit A. A map showing the proposed vacation is on file with the Clerk of the Board.

(2) That the vacation procedure be conducted under the Vacation Laws.

(3) That a public hearing be set to consider the vacation of said right-of-way.

(4) That the Board of Supervisors consider the report of the Director of the Department of Public Works and Planning and make a finding that the proposed vacation is consistent and in conformity with the General Plan, pursuant to Government Code section 65402, subdivision (a).

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors to:

(1) Adopt the foregoing recitals as true and correct.

1 (2) Direct the Clerk of the Board to publish for at least two successive weeks prior to the
2 hearing, a notice of intent to vacate, and direct the Department of Public Works and Planning to
3 post notice of the same, pursuant to the Vacation Laws.

4 (3) Set the public hearing to consider vacation of said right-of-way for the hour of 9:00
5 a.m. on November 19, 2019 in the Chambers of the Board of Supervisors, Room 301, Hall of
6 Records, Tulare and "M" Streets, Fresno, California.

7 (4) Consider the report of the Director of the Department of Public Works and Planning
8 on the proposed vacation, and make a determination whether it is consistent and in conformity
9 with the General Plan, pursuant to Government Code section 65402, subdivision (a).

10 THE FOREGOING, was passed and adopted by the following vote of the Board of
11 Supervisors of the County of Fresno this 22nd day of October, 2019.

12 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

13 NOS: None

14 ABSENT: None

15 ABSTAINED: None



Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

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18 **ATTEST:**
19 Bernice E. Seidel
20 Clerk of the Board of Supervisors
County of Fresno, State of California

21 By Lisa Cough
22 Deputy

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Exhibit "A"

LEGAL DESCRIPTION

All of that excess public road right-of-way (old alignment) of Dunlap Road located west of the west 60-feet of the realigned right-of-way of Dunlap Road. Area of realignment acquired in 1995 and recorded as document No. 95099204

Containing 0.93 acres, more or less.

RESERVING THEREFROM:

For the benefit of **Pacific Gas & Electric Company** an easement along the entire area of the above described excess right-of-way, and the right at any time or from time to time, as necessary, pursuant to the provisions of California Streets and Highways Code Section 8340, to construct, maintain, operate, replace, and remove pipelines, transmission lines, valves, manholes, cables, wires, conductors, poles, and other convenient structures, equipment and fixtures for the transportation or distribution of electric energy, gas, natural gas, and communications facilities, including access and the right to keep the property free from inflammable materials and wood growth, and to prevent any building or structure near the facilities and otherwise to protect the same from all hazards in, upon, over and across above described parcel.