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

IN THE MATTER OF THE VACATION OF )  
PUBLIC ROAD RIGHT-OF-WAY ) RESOLUTION  
EAST COLE AVENUE VACATION )  
APPLICATION NO. V16-06 )

WHEREAS, the Board of Supervisors (this "Board") on June 23, 2020 adopted its Resolution of Intention to vacate public road right-of-way of East Cole Avenue, dedicated with Tract No. 3057 Book 38, Pages 38-39 of Plats of Fresno County Records, approximately 1.309 acres (Vacation Application No. V16-06); and

WHEREAS, this Board find that the Resolution of Intention to vacate said public right-of-way was duly published and posted pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highway Code.

WHEREAS, Pacific Gas and Electric Company is presently operating and maintaining utility facilities within the area proposed to be vacated, and Pacific Gas and Electric Company, has requested that the Board reserve permanent easements therefrom;

WHEREAS, Streets and Highway code Section 8340, subdivision (a), provides, "[a] public entity may reserve and except from the vacation the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon,

1 and over the street or highway proposed to be vacated”; and

2 WHEREAS, Streets and Highways Code section 8340, subdivision (c), provides” “[i]f there  
3 are in place public utility facilities that are in use, a public entity shall, unless the legislative body  
4 determines the public convenience and necessity otherwise require, reserve, and except from  
5 the vacation any easement and right necessary to maintain, operate, replace, remove, or renew  
6 the public utility facilities.”

7 NOW, THEREFORE, BE IT RESOLVED by the Board that this Board finds, after  
8 considering all evidence submitted, and providing the public with an opportunity to testify, and  
9 orders as follows:

10 (1) That the public road right-of-way of East Cole Avenue, dedicated with Tract No. 3057  
11 Book 38, Pages 38-39 of Fresno County Records, approximately 1.309 acres, is  
12 unnecessary for present or prospective public use.

13 a. The vacation is determined to meet the criteria for general vacation pursuant to  
14 Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code (collectively  
15 “Vacation Laws”; and

16 b. The right-of-way, other than the easement for the benefit of Pacific Gas  
17 & Electric (PG&E) Company being retained, is unnecessary for present  
18 or prospective public use; and

19 c. The right-of-way is not useful as a nonmotorized transportation facility,  
20 pursuant to Section 892 of the Streets and Highways Code; and

21 d. The vacation is consistent with the County General Plan.

22 (2) That the proposed vacation is consistent with the General Plan adopted by the County  
23 of Fresno.

24 (3) Pursuant to Streets and Highways Code Section 892, that said portion of the public  
25 road right-of-way is not useful as a nonmotorized transportation facility,

26 (4) That the public road right-of-way East Cole Avenue as dedicated with Tract No. 3057  
27 Book 38, Pages 38-39 of Plats of Fresno County Records, approximately 1.309 acres  
28 or as particularly described in Exhibit A, is hereby vacated, subject to the order (5)

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below.

(5) Public convenience and necessity require reservation and exceptions of an easement and rights-of-way for Pacific Gas and Electric Company utility facilities. As a result, and upon request of Pacific Gas and Electric Company, there is hereby reserved and excepted from the vacation of East Cole Avenue the following easement rights of was as described herein:

a. 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 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 the described excess right of way.

(6) As provided in Streets and Highways Code Section 8325, subdivision (a), “[th]e clerk shall cause a certified copy of the resolution of vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the office of the recorder of the county in which the property is located. No fee shall be charged for recordation.”

(7) That the Department of Public Works and Planning, within 3 Days after this resolution is adopted, will file with the Clerk to maintain for all time along with this resolution, a map of the area and easement described in (5)(a).

1 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors  
2 of the County of Fresno this 4<sup>th</sup> day of August 2020, to wit:

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

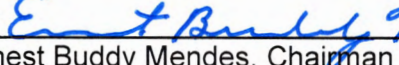
5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

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BY   
Ernest Buddy Mendes, Chairman  
of the Board of Supervisors of  
the County of Fresno

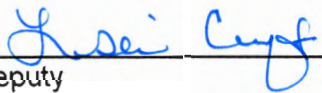
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12 **ATTEST:**  
13 BERNICE E. SEIDEL  
14 Clerk of the Board of Supervisors  
County of Fresno, State of California

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BY   
Deputy

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