

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

IN THE MATTER OF SUMMARY)
VACATION OF PUBLIC RIGHT-OF-WAY) ORDER OF SUMMARY VACATION
OF MARCUS STREET IN FRIANT CA)
VACATION APPLICATION NO. V16-04)

WHEREAS, the matter of Summary Vacation of public right-of-way of Marcus Street from Burroughs Avenue, continue easterly approximately 230-feet, came regularly before the Fresno County Board of Supervisors this 13th day of December, 2016; and

WHEREAS, the Department of Public Works and Planning reports that this vacation application has been reviewed and recommends the Board of Supervisors take the following actions:

(1) Find that the vacation application is determined to meet the criteria for Summary Vacation pursuant to Section 8331 of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code.

(2) Direct that a map showing the area to be vacated has been placed on file with the Clerk to the Board of Supervisors, said area to be summarily vacated being more particularly described in Exhibit A attached hereto and made part thereof.

(3) Find that the right-of-way is unnecessary for the development of non-motorized transportation pursuant to Section 892 of the Streets and Highways Code.

(4) Find that the proposed Vacation is consistent with the General Plan adopted by the County of Fresno.

(5) Order that the right-of-way described in Exhibit "A" is vacated such that it no longer constitutes public right-of-way.

(6) Direct that the Clerk to the Board record this Resolution in accordance with Section 8336 of Chapter 4 Part 3 Division 9 of the Streets and Highways Code.

NOW, THEREFORE, adopting and approving the above said recommended action of the Department of Public Works and Planning and upon motion duly made, seconded and carried, IT IS ORDERED that the above described right-of-way be SUMMARILY VACATED.

1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 13th day of December 2016, to wit:

3 AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

4 NOES: None

5 ABSENT: None

6 COUNTY OF FRESNO

7
8 BY Ernest Buddy Mendes
9 ERNEST BUDDY MENDES, CHAIRMAN
BOARD OF SUPERVISORS

10 ATTEST:
11 BERNICE E. SEIDEL, CLERK
12 BOARD OF SUPERVISORS

13 BY Rose Cruff
14 DEPUTY

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Exhibit "A"

LEGAL DESCRIPTION

All of that 50-foot wide public right-of-way of Marcus Street from the east right-of-way line of Burroughs Avenue, continue easterly approximately 230-feet. Located in Section 7, Township 11 South, Range 21 East, Mount Diablo Base and Meridian.

Containing 0.26 acres, more or less.

RESERVING THEREFROM:

For the benefit of **Pacific Gas & Electric Company** an easement beginning at the east right-of-way line of Burroughs Avenue, continue easterly approximately 55-feet along the above described 50-foot wide 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.