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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
MARY AVENUE VACATION)
APPLICATION NO. V18-02)

WHEREAS, the Board of Supervisors (this "Board") on January 21, 2020 adopted its Resolution of Intention to vacate public road right-of-way of Mary Avenue, (forty feet wide), from the north right-of-way line of Daleville Avenue, continuing northerly approximately 178 feet (Vacation Application No. V18-02); and

WHEREAS, this Board finds 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 Highways 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 a permanent easement therefrom;

WHEREAS, Streets and Highways 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, and over the street or highway proposed to be vacated"; and

WHEREAS, Streets and Highways Code section 8340, subdivision (c), provides" "[i]f there are in place public utility facilities that are in use, a public entity shall, unless the legislative body determines the public convenience and necessity otherwise require, reserve, and except from

1 the vacation any easement and right necessary to maintain, operate, replace, remove, or renew
2 the public utility facilities.”

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

6 (1) That the public road right-of-way of Mary Avenue, (forty feet wide), from the north
7 right-of-way line of Daleville Avenue, continuing northerly approximately 178 feet, is
8 unnecessary for present or prospective public use.

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

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

13 (4) That the public road right-of-way of Mary Avenue, (forty feet wide), from the
14 north right-of-way line of Daleville Avenue, continuing northerly approximately 178 feet or as
15 particularly described in Exhibit A, is hereby vacated, subject to the order (5) below.

16 (5) Public convenience and necessity require reservation and exceptions of an
17 easement and rights-of-way for Pacific Gas and Electric company’s gas and electric utility
18 facilities. As a result, and upon request of Pacific Gas and Electric company, there is hereby
19 reserved and excepted from the vacation of Mary Avenue the following easement and rights
20 of way as described herein:

21 (a) For the benefit of Pacific Gas & Electric Company an easement along the
22 entire area of the above described excess right-of-way, and the right at any time or from time to
23 time, as necessary, pursuant to the provisions of California Streets and Highways Code Section
24 8340, to construct, maintain, operate, replace, and remove pipelines, transmission lines, valves,
25 manholes, cables, wires, conductors, poles, and other convenient structures, equipment and
26 fixtures for the transportation or distribution of electric energy, gas, natural gas, and
27 communications facilities, including access and the right to keep the property from inflammable
28 materials and wood growth, and to prevent any building or structure near the facilities and

1 otherwise to protect the same from all hazards in, upon, over and across above described
2 excess right of way.

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

8 (7) That the Department of Public Works and Planning, within 30 days after this
9 resolution is adopted, will file with the Clerk, to maintain for all time along with this resolution, a
10 map of the area and easement described in (5)(a).

11 THE FOREGOING, was passed and adopted by the following vote of the Board
12 of Supervisors of the County of Fresno this 25th day of February 2020 to wit.

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

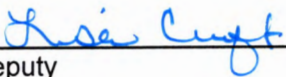
14 NOES: None

15 ABSENT: None

16 ABSTAINED: None

17 
18 Ernest Buddy Mendes, Chairman of the
Board of Supervisors of the County of Fresno

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

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22 By 
Deputy

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1 Exhibit "A"

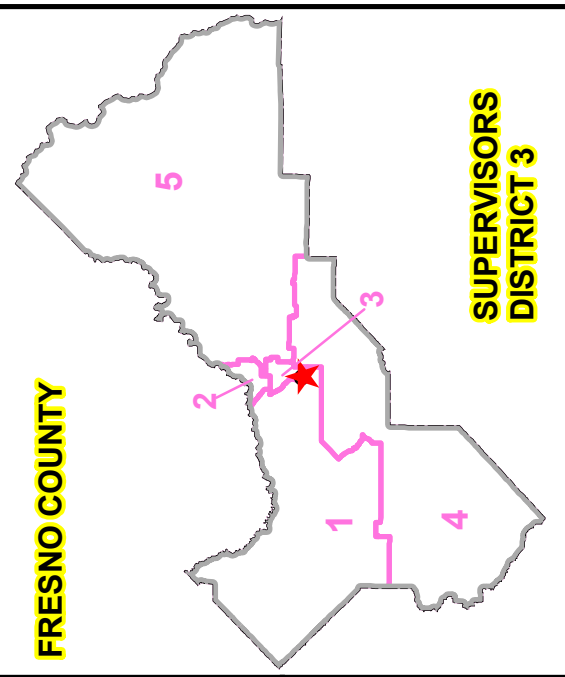
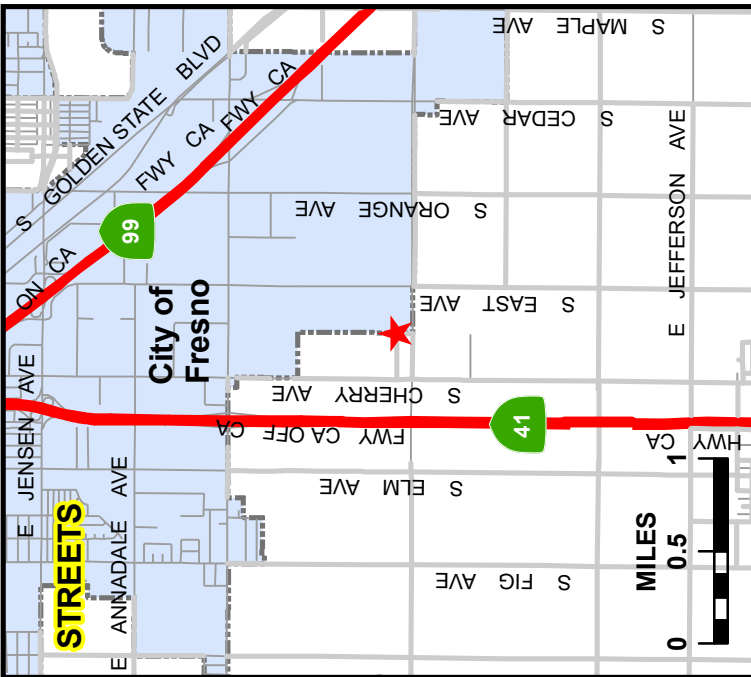
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3 LEGAL DESCRIPTION

4 All of that 40-foot wide public right-of-way of Mary Avenue from the north right-of-way
5 line of Daleville Avenue, continue northerly approximately 178 feet. Located in Section
6 27, Township 14 South, Range 20 East, Mount Diablo Base and Meridian.

7 Containing 0.16 acres, more or less.

8 RESERVING THEREFROM:

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

VACATION OF A PORTION OF
S. MARY AVE IN FRESNO COUNTY



SCALE IN FEET	
DESIGNED: D.N.	5/22/19
DRAWN: D.N.	5/22/19
STATE BRIDGE NO.	N/A