

THE BUSINESS JOURNAL

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CLERK, BOARD OF SUPERVISORS

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

RESOLUTION OF INTENTION AND NOTICE OF HEARING

IN THE MATTER OF THE VACATION OF PUBLIC ROAD
RIGHT-OF-WAY
MARY AVENUE VACATION
APPLICATION NO. V18-02

DATE AND TIME OF HEARING:

FEBRUARY 25, 2020 AT 9:00 AM

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

MISC. NOTICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

FEBRUARY 3, 10, 2020

RESOLUTION OF INTENTION AND NOTICE OF HEARING IN THE MATTER OF THE VACATION OF PUBLIC ROAD RIGHT-OF-WAY MARY AVENUE VACATION APPLICATION NO. V18-02 WHEREAS, the Director of the Department of Public Works and Planning informs this Board that the Department initiated the process to vacate the 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, the Department of Public Works and Planning reviewed the Fresno County General Plan and the proposed vacation, including the location, purpose, and extent of such proposed vacation, and reported in the Agenda Item for January 21, 2020, 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 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.

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

(3) Set the public hearing to consider vacation of said right-of-way for the hour of 9:00 a.m. on February 25, 2020 in the Chambers of the Board of Supervisors, Room 301, Hall of Records, Tulare and "M" Streets, Fresno, California.

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

THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 21st day of January, 2020.

Exhibit "A"

LEGAL DESCRIPTION

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

Containing 0.61 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.

02/03/2020, 02/10/2020

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

FEBRUARY 10, 2020

ON