

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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  
SUNSET AVENUE ALLEY VACATION )  
APPLICATION NO. V19-03 )

WHEREAS, the Board of Supervisors (this "Board") on March 23, 2021 adopted its Resolution of Intention to vacate public road right-of-way of Sunset Avenue, lying adjacent to block 6 of Map of Sunset Heights, according to the map thereof recorded in Book 7 of Subdivision Maps at Page 51, Fresno County Records, approximately .047 acres (Vacation Application No. V19-03); 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, 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, 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 the

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

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

6 (1) That the public road right-of-way of Sunset Avenue, lying adjacent to block 6 of Map of  
7 Sunset Heights, according to the map thereof recorded in Book 7 of Subdivision Maps  
8 at Page 51, Fresno County Records, approximately .047 acres, is unnecessary for  
9 present or prospective public use.

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

13 b. The right-of-way is unnecessary for present or prospective public use; and

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

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

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

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

21 (4) That the public road right-of-Sunset Avenue, lying adjacent to block 6 of Map of Sunset  
22 Heights, according to the map thereof recorded in Book 7 of Subdivision Maps at Page  
23 51, Fresno County Records, approximately .047 acres or as particularly described in  
24 Exhibit A, is hereby vacated, subject to the order (5) below.

25 (5) As provided in Streets and Highways Code Section 8325, subdivision (a), “the Clerk  
26 shall cause a certified copy of the resolution of vacation, attested by the clerk under seal,  
27 to be recorded without acknowledgment, certificate of acknowledgment, or further proof  
28 in the office of the recorder of the county in which the property is located. No fee shall

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

be charged for recordation.”

(6) 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).


THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 13th day of April, 2021, to wit:

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

NOES: None

ABSENT: None

ABSTAINED: None

BY  \_\_\_\_\_  
Steve Brandau, Chairman of the Board of Supervisors of the County of Fresno

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

BY  \_\_\_\_\_  
Deputy