

# 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  
NORTH COLONIAL AVENUE VACATION  
APPLICATION NO. V19-08

DATE AND TIME OF PUBLIC  
HEARING:  
MAY 12, 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:

APRIL 22, 2020

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

APRIL 22, 2020

ON .....

BEFORE THE BOARD OF SUPERVISORS OF 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 NORTH COLONIAL AVENUE VACATION APPLICATION NO. V19-08

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 North Colonial Avenue lying within Tract No. 2245, according to the map thereof recorded in Volume 26, Pages 23 and 24, Fresno County Records, approximately 8,802 sq. feet (Vacation Application No. V19-08); 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 April 14, 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 Supervisor to:

(1) Adopt the foregoing recitals as true and correct.

(2) Direct the Clerk of the Board to publish for at least two successive week 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 May 12, 2020 in the Chambers of the Board of Supervisor Room 301, Hall of Records, Tulare at "M" Streets, Fresno, California.

(4) Consider the report of the Director of the Department of Public Works and Planning on the proposed vacation in order to make a determination whether 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 14 day of April, 2020.

EXHIBIT "A"  
Legal Description  
PORTION OF NORTH COLONIAL AVENUE TO BE ABANDONED

That portion of North Colonial Avenue lying within Tract No. 2245, according to the map thereof recorded in Volume 26, Page 23 and 24, Fresno County Record described as follows:

COMMENCING at the Center quarter corner of Section 9, Township 13 South Range 20 East,

MDB&M; thence South 89° 15' 21" West, along the North line of the Southwest quarter of said

Section 9, a distance of 329.18 feet a point on the northerly prolongation of the east line of

Lot 54 of California Poultry Farm

recorded in Volume 26 of Plats, Pages 23 & 24, Fresno County Records; thence South 00° 00' 31" East, along said east line and its northerly prolongation, a distance of 626.88 feet to the Southeast corner of said Lot 45; thence South 89° 12' 48" West, along the south line of Lots 54, 55, 56 and 57 of said California Poultry Farm, a distance of 994.56 feet to a point on the easterly right of way line of North Colonial Avenue, said point being the TRUE POINT OF BEGINNING; thence

- 1) Northeasterly along a non-tangent curve concave to the southeast, having a radius of 20.00 feet, the radius point of which bears South 62° 35' 27" East, through a central angle of 40° 47' 13", an arc distance of 14.24 feet to a point of reverse curvature; thence
- 2) Northeasterly, northerly, northwesterly, westerly, southwesterly and southerly, along a curve concave to the southwest, having a radius of 50.00 feet, through a central angle of 261° 30' 25", an arc distance of 228.21 feet to a point of reverse curvature; thence
- 3) Southerly along a curve concave to the northwest, having a radius of 45.00 feet, through a central angle of 40° 36' 16", an arc distance of 31.89 feet; thence
- 4) South 27° 24' 33" West, a distance of 15.91 feet to a point on South boundary line of said Tract No. 2245; thence
- 5) North 89° 12' 48" East, along said south line, a distance of 68.08 feet to the True Point of Beginning.

Contains an area of: 8802 Square Feet, more or less.

**RESERVING THEREFROM:**  
RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highway Code and for the benefit of Pacific Gas and Electric Company and Comcast, the permanent

easement and the right at any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew and enlarge lines of pipes, conduits, cables, wires, poles, electrical conductors, and other equipment, fixtures and appurtenances for the operation of electric, gas, and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind.

Also, for the benefit of City of Fresno, an easement for the water main and sewer, all water main easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water main. The planting plan, for any proposed landscape within the easement, shall be approved by the Department of Public Utilities. No Trees shall be located within 8 feet of the water main. An existing public 6-inch water main located along the center of the existing HOA development. Provide a 20-foot water main easement along the center of the existing 6-inch water main. Easement shall be clearly marked with signage above indicating the exact location and type of facility below. In the event City damages any street, sidewalk, landscaping or other improvements in exercising reasonable care, use and enjoyment of the Water Main Easement, City shall not be obligated to restore any street, sidewalk, landscaping or other improvements so damaged. City shall have the right, without notice and at the property owner's expense, to remove from the Water Main Easement any building, fence, tree, or other encroachment not approved by City's Director or Public Utilities. The water Main Easement shall be maintained by the property owner free of any surface obstructions, except for those that may be approved by City's Director or Public Utilities, so that City may have vehicular access to and through the Water Main Easement at all times.

04/22/2020