

# 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 WILSON AVENUE  
PUBLIC ROAD RIGHT OF WAY  
VACATION APPLICATION NO. V17-05

DATE AND TIME OF PUBLIC  
HEARING:  
MAY 7, 2019 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 12, 19, 2019

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

APRIL 19, 2019

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 WILSON AVENUE PUBLIC ROAD RIGHT-OF-WAY VACATION APPLICATION NO. V17-05)

WHEREAS, the Director of the Department of Public Works and Planning informs this Board that an application has been received to vacate the public road right-of-way of Wilson Avenue from 161.74 feet south of Lansing Avenue southerly approximately 64.31 feet to the end of the maintained road. Vacation Application No. V17-05; and WHEREAS, the Department of Public Works and Planning reports that this vacation request has been studied; and WHEREAS, the Department of Public Works and Planning reviewed the General Plan and the proposed vacation, including the location, purpose, and extent of such proposed vacation, and reported in the Agenda Item for April 9, 2019, 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 for the 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 Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code.

(3) That a public hearing be set to consider vacation of said right-of-way.

(4) That the Board of Supervisors 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.

(3) Set the public hearing to consider vacation of said right-of-way for the hour of 9:00 a.m. on May 7, 2019 in the Chambers of the Board of Supervisors, Room 301, Hall of Records, Tulare and "M" Streets, Fresno, California.

(4) Find and report that the proposed vacation, including the location, purpose, and extent of such proposed vacation, is consistent and in conformity with the General Plan, pursuant to Government Code section 65402, subdivision (a).

EXHIBIT "A" LEGAL DESCRIPTION

All of that 60-foot wide public road right-of-way of Wilson Avenue, beginning 161.74 feet south of the south right-of-way line of Lansing Avenue, continuing southerly approximately 64.31 feet to the south limit of the public road right-of-way as shown on the Map of the Forkner Giffen Fig Gardens Subdivision No.2. Located in Section 21, Township 13 South, Range 20 East, Mount Diablo Base and Meridian. Containing 0.09 acres, more or less.

RESERVING THEREFROM:

Pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, 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.

For the benefit of City of Fresno, an easement for the water main and sewer. Said Easements shall be clear and unobstructed by buildings or other structures. No fencing or wall shall either enclose or be located above the water and sewer 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 and sewer main. All water and sewer mains within an 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 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 Easement any building, fence, tree, or other encroachment not approved by City's Director of Public Utilities. The Easement shall be maintained by the property owner free of any surface obstructions, except for those that may be approved by City's Director of Public Utilities, so that City may have vehicular access to and through the Easement at all times.

04/12/2019, 04/19/2019