



Board Agenda Item 9

DATE: August 4, 2020

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Vacation of East Cole Avenue Public Road Right-of-Way
(Vacation Application No. V16-06) (Applicant: Thomas Bell)

RECOMMENDED ACTION(S):

Conduct a public hearing and adopt Resolution making required findings necessary to approve the vacation of certain road right-of-way of East Cole Avenue, that portion of East Cole Avenue as dedicated with Tract No. 3057 Book 38, Page 38-39 of Plats of Fresno County Records.

Approval of the recommended action will vacate the identified public road right-of-way (ROW). The Department of Public Works and Planning initiated the process to vacate approximately 1.309 acres of excess public road ROW along East Cole Avenue, as dedicated with Tract No. 3057 Book 38, Page 38-39 of Plats of Fresno County Records, as shown on the Vicinity Map. Although the ROW was intended for prospective public use, East Cole Avenue is not included in the County's maintained mileage system, and public use is primarily limited to the adjacent property owners. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may choose to deny the recommended action resulting in the area remaining a public ROW.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The Applicant has paid all fees associated with the application process per the Master Schedule of Fees, Charges, and Recovered Costs \$3,020. If the subject ROW is vacated, approximately 1.309 acres will be placed on the County Tax roll.

DISCUSSION:

The subject ROW is not included in the County's maintained mileage system. The vacation under consideration will vacate the portion of East Cole Avenue's public ROW that was dedicated with Tract No. 3057, Book 38, Pages 38-39 of Plats of Fresno County Records approximately 1.309 acres. The portion of the ROW to be abandoned is approximately 900 feet in length, terminating in a cul-de-sac. Its use is limited to access the land of adjacent property owners by the property owners, guests, and invitees, who will continue in its use following the vacation. Staff has determined that the subject ROW is no longer necessary for present or prospective public use.

The Applicant has requested the vacation in order to create a private road with a gated entrance just east of the Intersection of Fowler Avenue and Cole Ave. In order to create the private road and install the gate a partial abandonment of the street will be required. If the vacation is approved the property owners of Lots

1-7 in Tract No. 3057 will assume all maintenance and responsibility. Under the terms and conditions of Variance Application No. 4054 ("VA4054") granted on September 12, 2019, by the Fresno County Planning Commission, a gate will be constructed if the road vacation is approved.

In order for your Board to approve the vacation request, the following findings must be made:

1. The vacation is determined to meet the criteria for general vacation pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code (collectively "Vacation Laws").
2. The right-of-way, other than the easement for the benefit of Pacific Gas & Electric (PG&E) Company being retained, is unnecessary for present or prospective public use.
3. The right-of-way is not useful as a nonmotorized transportation facility, pursuant to Section 892 of the Streets and Highways Code.
4. The vacation is consistent with the County General Plan.

On June 23, 2020, your Board adopted Resolution of Intention No.20-0546 to vacate a portion of East Cole Avenue. The Board of Supervisors, as the legislative body of the County, a local agency, may vacate a public road ROW pursuant to the Vacation Laws if the Board determines and finds that it is no longer necessary for present or prospective public use. Comments were solicited from Department staff, various agencies, and neighboring property owners, and there was no opposition to the proposed vacation. Pacific Gas & Electric (PG&E) Company has facilities within the area to be vacated. A public service easement will be retained through reservations in the legal description of the ROW for the benefit of these facilities.

REPORT OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING

The Transportation and Circulation Element of the General Plan provides the framework for County decisions concerning the countywide transportation system and includes classification of roadways within the unincorporated areas of the County. Roadway classifications include freeways, expressways, super arterials, arterials, and local roads. E. Cole Avenue is designated as a local road. Local roads are defined as roads that provide direct access to abutting property and connect with other local roads, collectors, arterials, super arterials, and expressways. Local roads are typically developed as two-lane undivided roadways.

In this case, the request is to vacate an approximately 900-foot long paved cul-de-sac with a 60-foot right-of-way. This cul-de-sac bulb provides paved ingress/egress to seven developed residential lots. On September 12, 2019, Variance Application No. 4054 proposing the waiver of the public road frontage requirement for all seven lots within Tract No. 3057 and proposing the construction of a six-foot tall vehicle gate was approved by the Fresno County Planning Commission, subject to Conditions of Approval. The proposed vacation, if approved by your Board, would not result in impacts to area-wide circulation patterns or disrupt existing traffic patterns.

As a result, the proposed vacation is consistent and in conformance with the transportation goals and policies of the Fresno County General Plan.

ENVIRONMENTAL DETERMINATION

The Development Services and Capital Projects Division has determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines that the proposed road vacation, if approved by your Board, will not have a significant effect on the environment and is not subject to CEQA. The Planning Commission adopted Staff's determination that the project is not subject to CEQA when it approved VA4054 at its September 12, 2019 hearing.

OTHER REVIEWING AGENCIES:

Agencies notified of the proposed vacation request include PG&E, Comcast, City of Clovis, AT&T, and

County of Fresno Fire and Sheriff Department. There has been no opposition raised by any of the foregoing entities.

REFERENCE MATERIAL:

BAI # 47, June 23, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Vicinity Map
On file with Clerk - Resolution

CAO ANALYST:

Debbie Paolinelli