



Board Agenda Item 53

DATE: January 21, 2020

TO: Board of Supervisors

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

SUBJECT: Vacation of Mary Avenue Public Road Right-of-Way
(Vacation Application No. V18-02)

RECOMMENDED ACTION(S):

Adopt a Resolution of Intention initiating a proceeding under Chapter 3, Part 3, Division 9 of the Streets and Highways Code (collectively, the "Vacation Laws"), setting 9:00 a.m. on February 25, 2020, in the Board of Supervisors' chambers, as the time, date, and place for the Board to conduct a hearing for the proposed vacation of the Mary Avenue public road right-of-way, from the north right-of-way line of Daleville Avenue, continuing northerly approximately 178 feet (Vacation Application No. V18-02), directing the Clerk of the Board to cause the posting, publishing, and mailing of notice(s), as required by the Vacation Laws, and directing the Department of Public Works and Planning to post notices on site as required by the Vacation Laws.

Approval of the recommended action will schedule a hearing for your Board to consider the proposed vacation of the Mary Avenue public road right-of-way (40-feet wide). The Department of Public Works and Planning has received an application from Yamabe & Horn Engineering Inc. to vacate the Mary Avenue public road right-of-way (ROW) of from Daleville Avenue northerly approximately 178 feet to where the ROW ends. The vacation area contains approximately 0.16 acres. Mary Avenue is not included in the County's maintained mileage system, and public use is primarily limited to the adjacent property owner. This item pertains to a location in District 3.

ALTERNATIVE ACTION(S):

Your Board may choose to deny the recommended action resulting in the area remaining a public ROW and the County will continue to be responsible for maintenance of the ROW.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The Applicant paid the required fees totaling \$2,720 for the final phase of the vacation process, per the Master Schedule of Fees, Charges, and Recovered Costs. If the ROW is vacated, approximately 0.16 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 Mary Avenue Public Road ROW (40-feet wide), from the north ROW line of Daleville Avenue, continuing northerly approximately 178 feet until the ROW ends.

The Applicant has requested the vacation to meet a condition of approval by the City of Fresno for the ULTA Distribution Center project to east of the subject ROW, which does not contain a paved road and public use is non-existent, indicating that it is no longer necessary for present or prospective public use. The adjoining parcel along the western boundary of the ROW is owned by the Applicant, and vacation would not have an adverse impact on neighboring parcels. The eastern border of the vacation area is the County of Fresno/City of Fresno boundary. No construction activities are anticipated.

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.

The Board of Supervisors, as the legislative body of the County, a local agency, may vacate public ROW pursuant to Chapter 3 of Part 3 of Division 9 - General Vacation of the Streets and Highways Code (Vacation Laws), if the Board determines and finds that it is no longer necessary for present or prospective public use. This determination may be made by your Board after conducting a public hearing, which is scheduled on February 25, 2020 at 9:00 a.m.

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. Mary 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 approximately 0.16 acres of a non-paved dirt plot of ROW located along the dead-end portion of Mary Avenue. This segment of ROW does not provide access to other roadways within the vicinity or carry any traffic. The proposed vacation, if approved by your Board, would not result in impacts to area-wide circulation patterns (the possible routes that a car could predictably take if asked to travel from one point to another) 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

It has been 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.

OTHER REVIEWING AGENCIES:

Agencies notified of the proposed vacation request include PG&E, Fresno County Fire Protection District, Kings Canyon Unified School District, AT&T Telephone Company and SBC Telecommunications Company. There has been no opposition raised by any of the foregoing entities.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Vicinity Map
On file with Clerk - Notice of Exemption
On file with Clerk - Resolution of Intention & Notice of Hearing

CAO ANALYST:

Sonia M. De La Rosa