



Board Agenda Item 11

DATE: April 13, 2021

TO: Board of Supervisors

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

SUBJECT: Vacation of Sunset Ave Alley Public Road Right-of-Way
(Vacation Application No. V19-03) (Applicant - Mike Kludjian)

RECOMMENDED ACTION(S):

Conduct a public hearing and adopt required findings and a Resolution approving the vacation of certain road right-of-way of Sunset Avenue, that portion of Sunset Avenue from East Grove Avenue northerly to East Laurite Avenue dedicated in Book 7, Page 51 of Map of Sunset Heights.

The Board finds that:

- 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.**

Approval of the recommended action will vacate the identified public road right-of-way. The Department of Public Works and Planning has received an application from Mike Kludjian ("Applicant") to vacate that portion of Sunset Avenue public road right-of-way (ROW) lying adjacent to block 6 of said Map of Sunset Heights, according to the map thereof recorded in Book 7 of Plats of Fresno County at Page 51, Fresno County Records. The vacation area contains approximately .047 acres. This portion of Sunset Avenue public road right-of-way is not included in the County's maintained mileage system and public use is not present. This item pertains to a location District 3.

ALTERNATIVE ACTION(S):

Your Board may choose to deny the recommended action resulting in the area remaining a public ROW. The applicant will be unable to construct the development.

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 ROW is vacated approximately .047 acres will be placed on the County Tax roll.

DISCUSSION:

On March 23, 2021, your Board adopted Resolution of Intention No. 21-073 to vacate a portion of Sunset

Avenue Alley. 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.

The subject ROW is not included in the County's maintained mileage system. The vacation under consideration will vacate the portion of Sunset Avenue public road right-of-way from East Grove Avenue northerly to East Laurite Avenue. The proposed vacation is located adjacent to lots 1 through 8 in block 6 in the Map of Sunset Heights. The portion of the ROW is not paved and is not in use by the public, indicating that it is no longer necessary for present or prospective public use.

The Applicant has requested the vacation in order to complete a housing development in order to meet the requirements of the County of Fresno Site Plan Review 8052. If the vacation is approved, it will result in this portion of Sunset Avenue being owned by Potluck Investments LLC and they will assume all maintenance and responsibility.

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

Roadway classifications as listed in the Transportation and Circulation Element of the General Plan include freeways, expressways, super arterials, arterials, and local roads. This segment of unimproved alley between East Grove and East Laurite avenues is an unclassified road segment and is not included in the County's maintained mileage system. In this case, the request is to vacate approximately .047 acres of unimproved alley, and 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.

OTHER REVIEWING AGENCIES:

Agencies notified of the proposed vacation request include PG&E, Comcast, Fresno County Fire Department, and City of Fresno Public Works. There has been no opposition raised by any of the foregoing entities.

REFERENCE MATERIAL:

BAI #48, March 23, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Vicinity Map
On file with Clerk - Resolution

CAO ANALYST:

Samantha Buck