



Board Agenda Item 9

DATE: February 25, 2020

TO: Board of Supervisors

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

SUBJECT: Hearing To Vacate Public Road Right-of-Way of Mary Avenue
(Vacation Application No. V18-02)(Applicant: Yamabe & Horn Engineering Inc)

RECOMMENDED ACTION(S):

Conduct a public hearing; adopt required findings; and conduct public hearing and adopt Resolution making required findings necessary to approve Mary Avenue Vacation Application No. V18-02 relating to the vacation of public right-of-way of Mary Avenue from the north right-of-way line of Daleville Avenue, continuing northerly approximately 178 feet, as shown on the Vicinity Map. 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 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.**

The subject property is located less than one mile southwest from the nearest city limits of the City of Fresno.

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 0.16 acres of excess public road ROW along Mary Avenue, from the north right-of-way line of Daleville Avenue, continuing northerly approximately 178 feet, as shown on the Vicinity Map. There is no public use of the 0.16-acre ROW for conveying traffic along Mary Avenue, indicating it is not essential for present or prospective public use. 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; however, this would prevent the Applicant from meeting the condition of approval required by the City of Fresno for the ULTA Distribution Center.

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. 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 right-of-way 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 the east of the subject ROW. The subject ROW 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 the 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.

On January 21, 2020, your Board adopted Resolution of Intention No. 20-026 to vacate a portion of ROW of Mary 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 Company (PG&E) has electric and gas facilities within the area to be vacated and requires the reservation of a permanent easement in the area to be vacated, which must be kept clear of structures and any other obstructions so that access can be allowed at any time to the facilities. The easement is reserved in the legal description of the property to be vacated, for the benefit of this company.

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.

The recommended action is a request to vacate approximately 0.16 acres of a non-paved dirt plot of ROW located along the dead-end portion of Mary Avenue. The 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 vehicle 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 conformity with the transportation goals and policies of the County General Plan.

ENVIRONMENTAL DETERMINATION

The Department has been determined, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guideline, 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 included PG&E, Fresno County Fire Protection District, Kings Canyon Unified School District, Dunlap Community Club, AT&T Telephone Company and SBC Telecommunications Company. There has been no opposition raised by any of the foregoing entities.

REFERENCE MATERIAL:

BAI #53, January 21, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map

On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa