



Board Agenda Item 13

DATE: October 17, 2017

TO: Board of Supervisors

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

SUBJECT: Vacation of 'H' Street Public Road Right-of-Way (Community of Biola) (Vacation Application No. V17-02)

RECOMMENDED ACTION(S):

Conduct a hearing and adopt required findings and a Resolution approving the vacation of public road Right-of-Way of 'H' Street, between Howard Avenue and 2nd Street in the Community of Biola. 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.**
- 2. The right-of-way is not useful as a non-motorized transportation facility, pursuant to Section 892 of the Streets and Highways Code.**
- 3. The vacation is consistent with the County General Plan.**

The Department of Public Works has received an application to vacate the public road right-of-way of 'H' Street, between Howard Avenue and 2nd Street in the Community of Biola (see attached map). The subject right-of-way was dedicated as part of the Map of Biola Acres in 1912. The applicant Actagro, LLC now owns parcels on both the north and south side of the road and have plans to build a Research and Development Center on the north side of 'H' Street, north of their existing facility. By vacating 'H' Street, they would be able to combine their two parcels. This would allow for improvement to the overall flow of their facility, and make it safer for their employees.

ALTERNATIVE ACTION(S):

Your Board can deny this action and allow this area to remain public right-of-way. The County will continue to be responsible for maintenance of this right-of-way.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action; the applicant has paid the required fees totaling \$3,020 to cover the cost incurred to process the vacation. Approximately 0.72 acres may be placed on the County tax rolls by the vacation of this right-of-way.

DISCUSSION:

The subject right-of-way of 'H' Street is located within the south west quadrant of the Community of Biola.

Because of its isolated location public use of this road is limited. Such low usage indicates it is not essential for public use. The vacation of this road will have no adverse impact on the Community. Once vacated the applicant would use the combined area of both parcels to construct a state-of-the-art research and development center and other agronomic buildings on the site.

The County of Fresno Road Maintenance Yard (Area-4) is located east of, and adjacent to the proposed development. Vacating this section of 'H' Street would have an impact on access to the rear west gate of the County Yard. Although not used as a main access on a daily basis, it is essential as a secondary access to the yard. Also, due to the limited size and configuration of the Area-4 yard staff utilizes this secondary access for waste tire disposal operations. Currently there is a 45' waste tire van stored near the gate for loading tires. This provides ease of access for removal of the waste tire van. Once it is filled the waste tire contractor drives west along 'H' Street to Howard Avenue to exit the Biola area.

If this section of 'H' Street is vacated, an alternate route to haul away the van would be 2nd Street located along the west side of the County yard. As a condition of vacating 'H' Street, Actagro must construct a turn-around at the intersection of 'H' Street and 2nd Street. The turn-around must be large enough to accommodate a semi-truck hauling a 45' trailer to make the turn onto 2nd Street from the yard. The second alternative would be for Actagro to allow the County tire hauler access through the vacated 'H' Street Alignment to Howard Avenue when needed.

The legislative body of a local agency may vacate public right-of-way pursuant to Chapter 3 of Part 3 of Division 9 (General Vacation) of the Streets and Highways Code if the Board of Supervisors determines and finds that it is no longer necessary for present or prospective public use.

Comments were solicited and received from County staff, various agencies and neighboring property owners. There were no comments received in opposition to the vacation, and the Biola Community Service District (BCSD) have adopted a resolution in support of the Actagro project. The BCSD also have a waterline located within the right-of-way to be vacated. A public service easement would be retained through exceptions and reservations in the legal description of the right-of-way for the benefit of these facilities.

OTHER REVIEWING AGENCIES:

Agencies notified of this vacation request were the Biola Community Service District, Fresno County Fire Protection District, Pacific Gas & Electric Company, AT&T and Verizon.

REFERENCE MATERIAL:

BAI #61 - September 12, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Vicinity Map
On file with Clerk - Resolution

CAO ANALYST:

John Hays