



Board Agenda Item 33

DATE: January 12, 2021

TO: Board of Supervisors

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

SUBJECT: Vacation of East Sumner Avenue Public Road Right-of-Way
(Vacation Application No. V18-04) (Applicant - Ceres Ranch No.2 LLC)

RECOMMENDED ACTION(S):

Adopt a Resolution of Intention initiating a hearing under Chapter 3, Part 3, Division 9 of the Streets and Highways Code (collectively, the "Vacation Laws"), setting 10:00 a.m. on February 9, 2021, 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 East Sumner Avenue public road right-of-way, that portion of East Sumner Avenue from Navelencia Avenue easterly, approximately 2659 linear feet to Crawford Avenue, approximately 2.44 acres (Vacation Application No. V18-04), 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 East Sumner Avenue public road right-of-way. The Department of Public Works and Planning has received an application from Ceres Ranch No.2 LLC ("Applicant") to vacate the portion of East Sumner Avenue public road right-of-way (ROW) lying 20 feet South and adjacent to Lots 8 and 10 of said Springfield Colony No. 2, together with that portion lying 20 feet North and adjacent to Lots 11 and 12 of said Springfield Colony No. 2 according to the map thereof recorded January 18, 1908 in Book 4 of Record of Surveys, at Page 9, Fresno County Records. The vacation area contains approximately 2.44 acres. East Sumner 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 4.

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 \$3,000. If the ROW is vacated, approximately 2.44 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 Sumner Avenue public road right-of-way (ROW) lying 20 feet

South and adjacent to Lots 8 and 10 of said Springfield Colony No.2 according to the map thereof recorded January 18, 1908 in Book 4 of Record of Surveys, at Page 9, Fresno County Records, together with that portion lying 20 feet North and adjacent to Lots 11 and 12 of said Springfield Colony, approximately 2.44 acres. The portion of the ROW is very limited and only of use to the adjacent property owners, indicating that it is no longer necessary for present or prospective public use.

The Applicant has requested the vacation in order to install a security gate, which will reduce theft, vandalism, trash dumping and illegal trespassing. In order to install the gate a partial abandonment of the street will be required. If the vacation is approved, it will result in this portion of East Sumner Avenue being owned by Ceres Ranch No. 2 LLC and they will assume all maintenance and responsibility. 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 9, 2021 at 10:00 a.m.

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 E. Sumner Avenue between S. Navelencia and S. Crawford avenues is designated as a local (unclassified) road and is not included in the County's maintained mileage system. 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 2.44 acres of unpaved road section, which provides ingress/egress to a limited number of residences and agricultural properties. 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

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, Comcast, Fresno County Fire Protection District, and Fresno County Sherriff. 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:

Samantha Buck