



Board Agenda Item 48

DATE: July 13, 2021

TO: Board of Supervisors

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

SUBJECT: Vacation of Drainage Public Service Easement
(Vacation Application No. V21-02) (Applicant - Christopher Bryant)

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 August 10, 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 drainage public service easement, a portion of easement located at 21872 Eastmere Lane, Friant CA 93626, (Intersection of Brighton Crest Drive and Eastmere Lane) approximately 0.04 acres (Vacation Application No. V21-02), 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 drainage public service easement. The Department of Public Works and Planning has received an application from Christopher Bryant ("Applicant") to vacate a portion of easement lying within Lot 15 of said Map of Tract No. 4197 recorded May 23, 1990. The vacation area contains approximately 0.04 acres. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may choose to deny the recommended action. In that case, the public service easement will remain as is and the Applicant will not be able to complete the proposed improvements.

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. The vacated public service easement will not increase land placed on the county tax roll.

DISCUSSION:

The Applicant has requested the vacation to complete construction of a deck and pool in the easement area. If the vacation is approved, the Applicant will need to meet the drainage requirements set forth by the Department and will be allowed to construct the planned improvements. The drainage requirements may require the Applicant to grant to the County an easement in the area to ensure the continuation of the drainage. If this is the case, the Department will request approval from your Board to allow the Director to

accept this dedicated easement.

The Board of Supervisors, as the legislative body of the County, a local agency, may vacate public service easements 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 August 10, 2021 at 10:00 a.m.

REPORT OF THE DIRECTOR:

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 proposed for vacation is within a public service easement for drainage which is not public road right of way and is not included in the County's maintained mileage system. In this case, the request is to vacate approximately .04 acres of public service easement. 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 will not conflict 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 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 ATT, PG&E, Comcast, Fresno Flood Control, Fresno Irrigation, Westlands Water District, Sierra Conservation District, Brighton Crest Homeowners Association, Table Mountain Rancheria, and City of Fresno Public Works. There has been no opposition raised by any of the foregoing entities.

ATTACHMENTS INCLUDED AND/OR ON FILE:

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

CAO ANALYST:

Ron Alexander