



Board Agenda Item 47

DATE: March 28, 2017

TO: Board of Supervisors

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

SUBJECT: Vacation of McKenzie Avenue Public Right-of-Way
(Vacation Application No. V16-01)

RECOMMENDED ACTION:

Adopt a Resolution of Intention and set the time of 2:00 p.m. on April 25, 2017 as the time to conduct a hearing for the proposed vacation of McKenzie Avenue public road right-of-way. Vacation Application No. V16-01.

The Department has received an application to vacate the public road right-of-way of a portion of McKenzie Avenue from Cornelia Avenue westerly approximately 2460-feet. The initial request from the Fresno Metropolitan Flood Control District (FMFCD) included only the 50-foot wide right-of-way along the south side their Basin "CK" (see attached vicinity map), staff recommends including additional right-of-way from the basin easterly to Cornelia Avenue. The subject right-of-way was dedicated as part of the Map of Estrella Vineyards in 1899, but has never been paved or included in the County's maintained mileage system. The applicant FMFCD would like to vacate the right-of-way and include the additional 50-feet as part of basin "CK", this will maximize storage capacity of the basin.

ALTERNATIVE ACTION:

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 2.83 acres will be vacated, of which, 1.85 acres of private property will be placed on the County tax rolls.

DISCUSSION:

The initial request to vacate McKenzie Avenue included only the 50-foot wide right-of-way along the south side of FMFCD Basin "CK". Because there are no current or future plans to pave and extend McKenzie Avenue through to Cornelia Avenue, staff recommends including additional right-of-way to be vacated from the basin easterly to Cornelia Avenue. Public use of this section of McKenzie Avenue is non-existent, indicating it is not essential for public use.

McKenzie Avenue from Hayes Avenue easterly is paved for approximately 1,880 feet. The paved section of McKenzie Avenue is currently included in the County's maintained mileage system, and serves several residential, agricultural, and industrial parcels on the north and south sides of the road. The vacation of this

right-of-way will have no impact on those parcels west of the basin site. Because the paved road stops short of the basin, FMFCD has dedicated a 25-foot wide access easement that extends from the north-west corner of the basin site northerly to Belmont Avenue.

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. One property owner returned comments marked "vacation not recommend". Upon contacting the property owner regarding his concerns, and giving a more thorough explanation of the applicant's request, the property owner indicated that he had no problem with the vacation. There were no other comments received in opposition to the vacation. Pacific Gas & Electric Company, FMFCD, and Fresno Irrigation District have facilities 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 Fresno Irrigation District, Fresno County Fire Protection District, Pacific Gas & Electric Company, AT&T and Verizon.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map
On file with Clerk - Resolution of Intention

CAO ANALYST:

John Hays