



Legislation Details (With Text)

File #: 20-0719

On agenda: 8/4/2020

Final action: 8/4/2020

Enactment date:

Enactment #: Resolution No. 20-266

**Title:** Conduct public hearing and adopt Resolution making required findings necessary to approve the vacation of certain road right-of-way of South Barton Square (aka Calwa Alley), that portion of South Barton Square (aka Calwa Alley) lying to the East of the intersection of South Barton Square and East Barton Square and more accurately described as a portion of Lot 1 of Barton Addition to Calwa, in the County of Fresno, state of California, Recorded July 23, 1946, in Volume 13 of Maps at Page 5, Fresno County Records

**Attachments:** 1. Agenda Item, 2. Exhibit A, 3. Vicinity Map, 4. Resolution No. 20-266, 5. Additional Information

Date	Ver.	Action By	Action	Result
8/4/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: August 4, 2020

TO: Board of Supervisors

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

SUBJECT: Vacation of South Barton Square (aka Calwa Alley) Public Road Right-of-Way (Vacation Application No. V19-06) (Applicant: Rick Porter)

RECOMMENDED ACTION(S):

**Conduct public hearing and adopt Resolution making required findings necessary to approve the vacation of certain road right-of-way of South Barton Square (aka Calwa Alley), that portion of South Barton Square (aka Calwa Alley) lying to the East of the intersection of South Barton Square and East Barton Square and more accurately described as a portion of Lot 1 of Barton Addition to Calwa, in the County of Fresno, state of California, Recorded July 23, 1946, in Volume 13 of Maps at Page 5, Fresno County Records.**

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 4,038 square feet of excess public road ROW along South Barton Square (aka Calwa Alley) public road right-of-way (ROW) located East of the intersection of South Barton Square and East Barton Square and more accurately described as a portion of Lot 1 of Barton Addition to Calwa, in the County of Fresno, State of California, Recorded July 23, 1946, in Volume 13 of Maps at Page 5, Fresno County, as shown on the Vicinity Map. Although the ROW was intended for prospective public use, South Barton Square (aka Calwa Alley) is not included in the County's maintained mileage system, and public use is primarily limited to the adjacent property owners. 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. The proposed vacation will have no impact on maintenance because it is not part of the maintained mileage

system and therefore is not currently being maintained by the County.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The Applicant has paid all fees associated with the application process totaling \$3,020 per the Master Schedule of Fees, Charges, and Recovered Costs. If the ROW is vacated, approximately 4,038 square feet 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 South Barton Square (aka Calwa Alley) public road right-of-way (ROW) (30 feet by 134 feet) located East of the intersection of South Barton Square and East Barton Square and more accurately described as a portion of Lot 1 of Barton Addition to Calwa in the County of Fresno, State of California, Recorded July 23, 1946, in Volume 13 of Maps at Page 5, Fresno County Records. The vacation area contains approximately 4,038 square feet. 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.

If the vacation is approved, the Applicant will assume all maintenance, control and responsibility of the vacated area.

In order for your Board to approve the vacation request, the following findings must be made:

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, 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.

On July 7, 2020, your Board adopted Resolution of Intention No.20-0577 to vacate a portion of South Barton Square (aka Calwa Alley). 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.

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. South Barton Square is designated as a local road, however, the project site (Calwa Alley) 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 expressway; typically developed as two-lane undivided roadways.

In this case, the request is to vacate an approximately 4,038 square-foot portion of unpaved public right-of-way. The subject alleyway fronts three parcels and connects to another residential alleyway located at the eastern end of the Calwa Alley. The proposed vacation, if approved by your Board, would not result in impacts to area-wide circulation patterns. However, a minor disruption to existing traffic patterns may occur for residents accessing the residential alleyway between South Barton Square and South Ninth Street, but access points to the alleyway off East Kaviland Avenue and South Ninth Street are still available and in close proximity

to adequately service the residents if the vacation is approved.

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**

The Development Services and Capital Projects Division has 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, City of Fresno, AT&T, and County of Fresno Fire and Sheriff Department. There has been no opposition raised by any of the foregoing entities.

**REFERENCE MATERIAL:**

BAI # 49, July 7, 2020

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

Exhibit A  
Vicinity Map  
On file with Clerk - Resolution

**CAO ANALYST:**

Debbie Paolinelli