



Legislation Details (With Text)

File #: 17-0357

On agenda: 4/25/2017

Final action: 4/25/2017

Enactment date:

Enactment #: Resolution No. 17-259

Title: Adopt required findings and Resolution approving vacation of public road right-of-way of McKenzie Avenue, from Cornelia Avenue westerly approximately 2,460 feet if the Board finds that: (1) vacation is determined to meet criteria for general vacation, pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code; (2) right-of-way is not useful as non-motorized transportation facility, pursuant to Section 892 of Streets and Highways Code; and (3) vacation is consistent with County General Plan

Attachments: 1. Agenda Item, 2. Vicinity Map, 3. Resolution No. 17-259, 4. Proof of Publication

Date	Ver.	Action By	Action	Result
4/25/2017	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: April 25, 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(S):

Adopt required findings and a Resolution approving the vacation of public road right-of-way of McKenzie Avenue, from Cornelia Avenue westerly approximately 2,460 feet. 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 has received an application to vacate the public road right-of-way of a portion of McKenzie Avenue, from Cornelia Avenue westerly approximately 2,460 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 of their Basin "CK" (see attached 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, has requested the vacation in order to include the additional 50-feet as part of basin "CK". This would 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 would then 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 northwest 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.

REFERENCE MATERIAL:

BAI #47 March 28, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map
On file with Clerk - Resolution of Vacation

CAO ANALYST:

John Hays