



County of Fresno

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Legislation Details (With Text)

File #: 18-1591

On agenda: 4/9/2019

Final action: 4/9/2019

Enactment date:

Enactment #: Resolution No. 19-134

Title: Review submission of vacation of public road right-of-way of Wilson Avenue and adopt report of Director of Department of Public Works and Planning regarding Vacation Application No. V17-05's conformity with County General Plan as required by Government Code, section 65402, subdivision (a); initiate proceeding under Chapter 3, Part 3, Division 9, of Streets and Highways Code, and adopt Resolution of Intention and Notice of Hearing for May 7, 2019 at 9:00 a.m. for vacation of Wilson Avenue public road right-of-way, Vacation Application No. V17-05; direct Clerk of the Board of Supervisors to set hearing by fixing the date, hour, and place of hearing and cause posting, publishing, and mailing of notice(s), as required by Chapter 3, Part 3, Division 9, of Streets and Highways Code; and direct Department of Public Works and Planning to post notices on site as required by Chapter 3, Part 3, Division 9, of Streets and Highways Code

Attachments: 1. Agenda Item, 2. Vicinity Map, 3. Exhibit A, 4. Resolution No. 19-134, 5. Additional Information

| Date | Ver. | Action By | Action | Result |
|----------|------|----------------------|---------------------------|--------|
| 4/9/2019 | 1 | Board of Supervisors | Approved (Consent Agenda) | Pass |

DATE: April 9, 2019

TO: Board of Supervisors

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

SUBJECT: Vacation of Wilson Avenue Public Road Right-of-Way
(Vacation Application No. V17-05)(Applicant: Haneborg)

RECOMMENDED ACTION(S):

- 1. Review submission of vacation of public road right-of-way of Wilson Avenue and adopt report of Director of the Department of Public Works and Planning regarding Vacation Application No. V17-05's conformity with the County General Plan as required by Government Code, section 65402, subdivision (a);**
- 2. Initiate a proceeding under Chapter 3, Part 3, Division 9, of the Streets and Highways Code, and adopt Resolution of Intention and Notice of Hearing for May 7, 2019 at 9:00 a.m. for the vacation of Wilson Avenue public road right-of-way, Vacation Application No. V17-05;**
- 3. Direct the Clerk of the Board of Supervisors to set a hearing by fixing the date, hour, and place of the hearing and cause the posting, publishing, and mailing of notice(s), as required by Chapter 3, Part 3, Division 9, of the Streets and Highways Code; and**
- 4. Direct the Department of Public Works and Planning to post notices on site as required by Chapter 3, Part 3, Division 9, of the Streets and Highways Code.**

Approval of the recommended action will schedule the hearing to consider vacation. The Department of Public

Works and Planning has received an application to vacate the public road right-of-way (ROW) of Wilson Avenue from 161.74 feet south of Lansing Way southerly to the end of the maintained road. The subject ROW was dedicated as part of the Forkner Giffen Fig Gardens Subdivision No. 2 in 1919. The applicant owns the parcel that surrounds the east and west side of the road. The Director of the Department of Public Works and Planning reviewed Vacation Application No. V17-05 (Report), compared it to the General Plan, and determined the proposed vacation is consistent and in conformity with the General Plan. Public use of this dead-end road is limited, indicating it is not essential for public use. This item pertains to a location in District 2.

ALTERNATIVE ACTION(S):

Your Board may choose to reject the Report and determine independently whether the submitted vacation is in conformity with the General Plan. In addition, your Board can deny the recommended actions resulting in the area remaining a public ROW and the County will continue to be responsible for maintenance of the ROW.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. The applicant paid the required fees totaling \$3,020 for the costs to process the vacation. If the ROW is vacated, approximately 0.09 acres may be placed on the County tax rolls.

DISCUSSION:

The subject ROW of Wilson Avenue is located in the County's maintained mileage system. With only one residence at the end of the road, use of this road is limited, and it does not appear to be essential for public use. The subject ROW is surrounded on three sides by one parcel. If and once vacated, the additional area would become part of the adjacent parcel.

The legislative body of 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 if the Board of Supervisors determines and finds that it is no longer necessary for present or prospective public use; this determination can be made after the public hearing.

Comments were solicited from Department staff, various agencies, and neighboring property owners and none were received in opposition to the vacation. The City of Fresno has water and sewer facilities within the area to be vacated. A public service easement would be retained through exceptions and reservations in the legal description of the ROW for the benefit of these facilities.

REPORT OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING

The Transportation and Circulation Element (Transportation Element) of the General Plan provides the framework for Fresno County decisions concerning the countywide transportation system, and includes classification of roadways within the unincorporated areas of Fresno County. Roadway classifications include freeways, expressways, super arterials, arterials, and local roads. Wilson Avenue is designated as a local road. 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 an approximate 161.74 foot long portion of Wilson Avenue that currently provides access to a residence and terminates at an existing irrigation canal. This segment of Wilson Avenue does not provide access to other roadways within the vicinity or carry significant volumes of traffic. The proposed vacation would not result in impacts to area wide circulation

patterns or disrupt existing traffic patterns, and the road will continue to provide access to the existing residence. As a result, the proposed vacation is consistent and in conformity 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 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 included the City of Fresno, Fresno Metropolitan Flood Control District, Fig Garden Fire Protection District, Pacific Gas & Electric Company, and Verizon Wireless. There have been no oppositions raised by any of the foregoing entities.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map
Exhibit A
On file with Clerk - Resolution of Intention & Notice of Hearing

CAO ANALYST:

Sonia M. De La Rosa