



Legislation Details (With Text)

File #: 20-0546

On agenda: 6/23/2020

Final action: 6/23/2020

Enactment date:

Enactment #: Resolution No. 20-233

Title: Adopt a Resolution of Intention initiating a hearing under Chapter 3, Part 3, Division 9 of Streets and Highways Code (collectively, the "Vacation Laws"), setting 9:00 a.m. on August 4, 2020, in the Board of Supervisors' chambers, as the time, date, and place for the Board to conduct a hearing for proposed vacation of the East Cole Avenue public road right-of-way, that portion of East Cole Ave lying to the East of the intersection of Fowler Ave and Cole Ave approximately 1.309 acres (Vacation Application No. V16-06), directing Clerk of the Board to cause the posting, publishing, and mailing of notice(s), as required by Vacation Laws, and directing Department of Public Works and Planning to post notices on site as required by Vacation Laws

Attachments: 1. Agenda Item, 2. Exhibit A, 3. Vicinity Map, 4. Notice of Exemption, 5. Resolution No. 20-233

Date	Ver.	Action By	Action	Result
6/23/2020	1	Board of Supervisors	Approved as Recommended	Pass

DATE: June 23, 2020

TO: Board of Supervisors

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

SUBJECT: Vacation of East Cole Avenue Public Road Right-of-Way
(Vacation Application No. V16-06) (Applicant - Thomas Bell)

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 9:00 a.m. on August 4, 2020, 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 East Cole Avenue public road right-of-way, that portion of East Cole Ave lying to the East of the intersection of Fowler Ave and Cole Ave approximately 1.309 acres (Vacation Application No. V16-06), 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 East Cole Avenue public road right-of-way. The Department of Public Works and Planning has received an application from Thomas Bell ("Applicant") to vacate the portion of East Cole Avenue public road right-of-way (ROW) as dedicated with Tract No. 3057 Book 38, Pages 38-39 of Plats of Fresno County Records. The vacation area contains approximately 1.309 acres. East Cole Ave is not included in the County's maintained mileage system. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may choose to deny the recommended action resulting in the area remaining a public ROW.

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 in the amount of \$3,020. If the ROW is vacated, approximately 1.309 acres 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 East Cole Avenue public ROW as dedicated with Tract No. 3057 Book 38, Pages 38-39 of Plats of Fresno County Records. The vacation area contains approximately 1.309 acres. 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.

The Applicant has requested the vacation in order to create a private road with a gated entrance just east of the Intersection of Fowler Avenue and Cole Ave. In order to create the private road and install the gate a partial abandonment of the street will be required. If the vacation is approved, the property owners of Lots 1-7 in Tract No. 3057 will assume all maintenance and responsibility. Installation of a gate will also be constructed if the road vacation is approved.

Pacific Gas & Electric (PG&E) Company has facilities within the area to be vacated. A public service easement will be retained through reservations in the legal description of the ROW for the benefit of these facilities.

The Board of Supervisors, as the legislative body of the County, a local agency, may vacate public ROW pursuant to Chapter 3 of Part 3 of Division 9 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. (See also Veh. Code, § 21101, subd. (a)(1).) This determination may be made by your Board after conducting a public hearing, which is scheduled on August 4, 2020 at 9:00 a.m.

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. East Cole 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 approximately 900-foot long paved cul-de-sac with a 60-foot right-of-way. This cul-de-sac bulb provides paved ingress/egress to seven developed residential lots. On September 12, 2019, the Fresno County Planning Commission approved Variance Application No. 4054 ("VA4054"), waiving of the public road frontage requirement for all seven lots within Tract No. 3057 and allowing the construction of a six-foot tall vehicle gate at the entrance to E. Cole Avenue, subject to Conditions of Approval. 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 is consistent and in conformance with the transportation goals and policies of the Fresno County General Plan, as required by Government Code section 65402, subdivision (a).

ENVIRONMENTAL DETERMINATION

Staff has determined that, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the proposed road vacation, if approved by your Board, will not have a significant effect on the environment and is not subject to CEQA. The Planning Commission adopted Staff's determination that the project is not subject to CEQA when it approved VA4054 at its September 12, 2019 hearing.

OTHER REVIEWING AGENCIES:

Agencies notified of the proposed vacation request include PG&E, Comcast, City of Clovis, AT&T, Fresno County Fire and Fresno County Sheriff. There has been no opposition raised by any of the foregoing entities.

ATTACHMENTS INCLUDED AND/OR ON FILE:

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

CAO ANALYST:

Debbie Paolinelli