County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Details (With Text)

File #: 19-0498

On agenda: 5/7/2019 **Final action:** 5/7/2019

Enactment date: **Enactment #:** Resolution No. 19-193

Title: Hold public hearing to consider vacation of public road Right-of-Way of Wilson Avenue, from 161.74 feet south of Lansing Way southerly to end of maintained road, as shown in Vicinity Map; adopt required findings and Resolution approving vacation of public road Right-of-Way of Wilson Avenue, from 161.74 feet south of Lansing Way southerly to end of maintained road. The Board must make the following findings: (a) vacation is determined to meet criteria for general vacation, pursuant to Chapter 3 of Part 3 of Division 9 of Streets and Highways Code, and easements for benefit of City of Fresno and Pacific Gas and Electric are reserved in vacation, (b) from all evidence submitted, section of Wilson Avenue described in notice of hearing is unnecessary for present or prospective public use, (c) public road Right-of-Way of Wilson Avenue described in notice of hearing is not useful as non-motorized transportation facility, pursuant to Section 892 of Streets and Highways Code, (d) vacation is consistent with County General Plan; and direct the Clerk to cause certified copy of Resolution to be recorded without acknowledgement in Fresno County Recorder's Office

Attachments: 1. Agenda Item, 2. Vicinity Map, 3. Resolution No. 19-193

Date	Ver.	Action By	Action	Result
5/7/2019	1	Board of Supervisors	Approved (Consent Agenda)	Pass

DATE: May 7, 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. **Hold the public hearing to consider the vacation of public road Right-of-Way of Wilson Avenue, from 161.74 feet south of Lansing Way southerly to the end of the maintained road, as shown in the Vicinity Map.**

2. **Adopt required findings and Resolution approving the vacation of public road Right-of-Way of Wilson Avenue, from 161.74 feet south of Lansing Way southerly to the end of the maintained road. The Board must make the following findings:**

   a. **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, and easements for the benefit of the City of Fresno and Pacific Gas and Electric are reserved in the vacation.**

   b. **From all the evidence submitted, the section of Wilson Avenue described in the notice of hearing is unnecessary for present or prospective public use.**

c. **The public road Right-of-Way of Wilson Avenue described in the notice of hearing is not useful as a non-motorized transportation facility, pursuant to Section 892 of the Streets and Highways Code.**

d. **The vacation is consistent with the County General Plan.**

3. **Direct the Clerk to cause a certified copy of the Resolution to be recorded without acknowledgement in the Fresno County Recorder's Office.**

Approval of the recommended actions will vacate the identified public road Right-of-Way (ROW). The Department of Public Works and Planning received an application to vacate the public road 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 ROW. The Department's Director 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 deny the recommended actions, and allow the area to remain a public road ROW. 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 public road ROW of Wilson Avenue is located in the County's maintained mileage system. The Applicant owns the one residence at the end of the ROW. Given that the Applicant's property completely surrounds the section of road proposed to be vacated, and is the only property at the end of the road, public use of the section proposed to be vacated is extremely rare and unnecessary. If, and once vacated, the additional area would become part of the Applicant's parcel.

On April 9, 2019, the Board adopted Resolution No. 19-134, a Resolution of Intention to vacate the public road ROW of Wilson Avenue, from 161.74 feet south of Lansing Avenue southerly approximately 64.31 feet to the end of the maintained road.

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, following a public hearing, the Board of Supervisors 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.

The City of Fresno has water and sewer facilities, and Pacific Gas & Electric (PG&E) has electric and gas facilities within the area to be vacated. Each agency requires the reservation of permanent easements in the area to be vacated, which must be kept clear of structures and any other obstructions so that access can be allowed at any time to the facilities. The easements are reserved in the legal description of the property to be vacated, for the benefit of these agencies.

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 has been no opposition raised by any of the foregoing entities.

REFERENCE MATERIAL:

BAI #15, April 9, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map
On file with Clerk - Resolution

CAO ANALYST:

Sonia M. De La Rosa