



Legislation Details (With Text)

File #: 16-1572 **Name:** Vacation of Public Right-of-Way of Marcus Street (Community of Friant)

On agenda: 12/13/2016 **In control:** Public Works & Planning
Final action: 12/13/2016

Enactment date: **Enactment #:** Resolution No. 16-485

Title: Adopt required findings and a Resolution approving the summary vacation of public right-of-way of Marcus Street in the Community of Friant if Board finds that the vacation is determined to meet criteria for summary vacation, pursuant to Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code; the right-of-way is not useful as non-motorized transportation facility, pursuant to Section 892 of the Streets and Highways Code; and vacation is consistent with County General Plan

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Location Map, 3. Resolution No. 16-485

Date	Ver.	Action By	Action	Result
12/13/2016	1	Board of Supervisors	Consent Agenda be approved	Pass

DATE: December 13, 2016

TO: Board of Supervisors

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

SUBJECT: Vacation of Public Right-of-Way of Marcus Street (Community of Friant)
(Vacation Application No. V16-04)

RECOMMENDED ACTION(S):

Adopt required findings and a Resolution approving the summary vacation of public right-of-way of Marcus Street in the Community of Friant. The Board finds that:

- 1. The vacation is determined to meet the criteria for summary vacation, pursuant to Chapter 4 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 Marcus Street from Burroughs Avenue, easterly approximately 230-feet (see Location Map). The applicant would like to vacate this right-of-way and merge all adjoining parcels to create one larger parcel. An existing building from the former Friant Elementary School encroaches into this right-of-way, and public use of this section of Marcus Street is non-existent, indicating that it is not essential for public transportation purposes.

ALTERNATIVE ACTION:

Your Board can deny this action and allow this area to remain public right-of-way.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The applicant has paid the required fees totaling \$1,859 to cover the cost incurred to process the vacation. Approximately 0.26 acres may be placed on the County tax rolls by the vacation of this right-of-way.

DISCUSSION:

The subject right-of-way was dedicated as part of the Boger Heights Subdivision in 1912. The applicant would like to vacate this right-of-way and merge all adjoining parcels in preparation for future development. The right-of-way to be vacated is isolated and fenced within the site of the former Friant Elementary School, and all adjoining parcels are under common ownership. Public use of this section of Marcus Street is non-existent, indicating that it is not essential for public transportation purposes.

The applicant has also filed an application for the merger of four parcels adjoining the subject right-of-way. The vacation must be approved and recorded prior to finalization and recording of the parcel merger.

The legislative body of a local agency may summarily vacate public right-of-way pursuant to Chapter 4 of Part 3 of Division 9 (Summary 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 and various agencies. There were no comments received in opposition to the vacation. Pacific Gas & Electric Company has facilities within the area 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 Pacific Gas & Electric Co, Fresno County Fire Protection District, Fresno Irrigation District, Ponderosa Telephone and Verizon.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
On file with Clerk - Resolution

CAO ANALYST:

John Hays