



# County of Fresno

Hall of Records, Rm. 301  
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Fresno, California  
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## Legislation Details (With Text)

**File #:** 17-0360      **Name:** Vacate 10' of a 20' wide Public Utility Easement within Tract No. 5990

**On agenda:** 4/25/2017      **In control:** Public Works & Planning  
**Final action:** 4/25/2017

**Enactment date:**      **Enactment #:** Resolution No. 17-245

**Title:** Adopt required findings and Resolution approving the summary vacation of 10-feet of a 20-foot wide public utility easement within Tract No. 5990 if Board finds that (1) vacation is determined to meet criteria for summary vacation, pursuant to Chapter 4 of Part 3 of Division 9 of Streets and Highways Code; (2) easement area to be vacated 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

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Vicinity Map, 3. Resolution No. 17-245

Date	Ver.	Action By	Action	Result
4/25/2017	1	Board of Supervisors	Conducted Hearings	Pass

**DATE:** April 25, 2017

**TO:** Board of Supervisors

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

**SUBJECT:** Vacate 10' of a 20' wide Public Utility Easement within Tract No. 5990  
(Vacation Application No. V17-01)

### RECOMMENDED ACTION(S):

**Adopt required findings and a Resolution approving the summary vacation of 10-feet of a 20-foot wide public utility easement within Tract No. 5990. 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 easement area to be vacated 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 10-feet of a 20-foot wide Public Utility Easement (PUE) within Tract No. 5990, located on the west side of State Route 168 (Tollhouse Road) at Bretz Mill Road, in the Community of Shaver (see attached map). The subject 20-foot wide PUE is designated for storm drainage, slope maintenance, snow storage and public utilities. The applicant would like to reduce the width of the PUE in order to have more area to position homes on the lots.

ALTERNATIVE ACTION:

There is no viable alternative action. If the action is not approved the developer may have difficulty positioning homes on some lots due to limited space.

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. The vacation will have no impact on the County tax rolls.

DISCUSSION:

Tract No. 5990 was modified by Conditional Use Permit No. 3491 on October 8, 2015, to allow for a reduction of the front and rear yard setbacks from 20-feet to 10-feet on 16 lots within the subdivision. This change was requested to provide flexibility in positioning homes on the lots to avoid existing mature trees, and significant rock outcroppings on the lots. The setback reduction was approved but the existing 20-foot wide PUE that runs along the front of the lots now conflicts with the 10-foot setback requirement. The applicant Granville Homes, representing Shaver Forest Development, is requesting the vacation to reduce the width of the PUE also to 10-feet.

A portion of the subject easement can be vacated pursuant to Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code if the Board of Supervisors determines and finds that it is no longer necessary for present or prospective use, and that the vacation is consistent with the County's General Plan.

Comments were solicited and received from County staff, various agencies and neighborhood property owners. There were no comments received in opposition to the vacation, and there are no public utilities currently located within the PUE that would be impacted by this vacation.

OTHER REVIEWING AGENCIES:

Agencies notified of this vacation request were Pacific Gas & Electric Co, Fresno County Fire Protection District, County of Fresno Special Districts, Ponderosa Telephone and Verizon.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map  
On file with Clerk - Resolution of Vacation

CAO ANALYST:

John Hays