



Legislation Details (With Text)

File #: 17-0771 **Name:** Summary of Vacation of Public Roads within Big Dry Creek Reservoir

On agenda: 7/11/2017 **In control:** Public Works & Planning
Final action: 7/11/2017

Enactment date: **Enactment #:** Resolution No. 17-370

Title: Adopt required findings and Resolution approving summary vacation of DeWolf Avenue, Behymer Avenue and Leonard Avenue located within the limits of Big Dry Creek Reservoir if Board finds that: 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; public right-of-way to be vacated 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. Vicinity Map, 3. Resolution No. 17-370

Date	Ver.	Action By	Action	Result
7/11/2017	1	Board of Supervisors	Conducted Hearings	Pass

DATE: July 11, 2017

TO: Board of Supervisors

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

SUBJECT: Summary Vacation of Public Roads within Big Dry Creek Reservoir
(Vacation Application N. V17-04)

RECOMMENDED ACTION(S):

Adopt required findings and a Resolution approving the summary vacation of DeWolf Avenue, Behymer Avenue and Leonard Avenue located within the limits of Big Dry Creek Reservoir. The Board finds that:

- A. 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.**
- B. The public right-of-way to be vacated is not useful as a non-motorized transportation facility, pursuant to Section 892 of the Streets and Highways Code.**
- C. The vacation is consistent with the County General Plan.**

The Department of Public Works and Planning in concurrence with Fresno Metropolitan Flood Control District (FMFCD) has initiated the process to vacate the public road right-of-way of DeWolf Avenue, Behymer Avenue and Leonard Avenue located within the limits of Big Dry Creek Reservoir (see attached map). The vacation of this right-of-way would resolve recurring safety issues associated with public access within the reservoir.

ALTERNATIVE ACTION:

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

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The vacation was initiated by FMFCD staff, and the cost for the vacation process will be paid by funds in Org 4510 - Roads. Currently, in 2017 dollars, Department Road Maintenance & Operations staff spends approximately \$75,000 maintaining these roads. The vacation of the subject roads represents a savings to the County in the long term, and the vacation application fees were waived as part of these savings. Approximately 8.98 acres will be vacated, this results in a reduction in the County maintained road system by 1.85 miles. This will have no impact on the County tax roll, as all affected areas are owned by a tax exempt entity.

DISCUSSION:

The subject road segments run through Big Dry Creek Reservoir, and are subject to flooding during rainy seasons and storm events. Because of the hazardous conditions posed along these roads during storm events, public access should be regulated. The County and FMFCD have been in discussions regarding the public safety benefits of vacating these road segments to limit public access. This would resolve the recurring problems associated with public access within the reservoir. FMFCD as the underlying land owner is prepared to assume ownership of the roads and establish access controls necessary to discourage unauthorized use.

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, 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 area that would be impacted by the vacation of this right-of-way.

OTHER REVIEWING AGENCIES:

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

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map
On File with Clerk - Resolution of Vacation

CAO ANALYST:

John Hays