



County of Fresno

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Fresno, California
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Legislation Details (With Text)

File #: 19-1218 **Name:** Vacation of Excess Road Right of Way of Dunlap Rd

In control: Public Works & Planning

On agenda: 10/22/2019 **Final action:** 10/22/2019

Enactment date: **Enactment #:** Resolution No. 19-400

Title: Review submission of vacation of public road right-of-way of Dunlap Road and adopt report of Director of Department of Public Works and Planning regarding Vacation Application No. V15-03's conformity with County General Plan as required by Government Code, section 65402, subdivision (a); initiate proceeding under Chapter 3, Part 3, Division 9, of Streets and Highways Code, and adopt Resolution of Intention and Notice of Hearing for November 19, 2019 at 9:00 a.m. for vacation of Dunlap Road public road right-of-way, Vacation Application No. V15-03; direct Clerk of the Board of Supervisors to set hearing by fixing date, hour, and place of hearing and cause posting, publishing, and mailing of notice(s), as required by Chapter 3, Part 3, Division 9, of Streets and Highways Code; and direct Department of Public Works and Planning to post notices on site as required by Chapter 3, Part 3, Division 9, of Streets and Highways Code

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Exhibit A, 3. Vicinity Maps, 4. Attachment A, 5. Resolution No. 19-400, 6. Notice of Exemption, 7. Additional Information

Date	Ver.	Action By	Action	Result
10/22/2019	1	Board of Supervisors	Conducted Hearings	Pass

DATE: October 22, 2019

TO: Board of Supervisors

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

SUBJECT: Vacation of Dunlap Road Public Road Right-of-Way
(Vacation Application No. V15-03)

RECOMMENDED ACTION(S):

- 1. Review submission of vacation of public road right-of-way of Dunlap Road and adopt report of Director of the Department of Public Works and Planning regarding Vacation Application No. V15-03's conformity with the County General Plan as required by Government Code, section 65402, subdivision (a);**
- 2. Initiate a proceeding under Chapter 3, Part 3, Division 9, of the Streets and Highways Code, and adopt Resolution of Intention and Notice of Hearing for November 19, 2019 at 9:00 a.m. for the vacation of Dunlap Road public road right-of-way, Vacation Application No. V15-03;**
- 3. Direct the Clerk of the Board of Supervisors to set a hearing by fixing the date, hour, and place of the hearing and cause the posting, publishing, and mailing of notice(s), as required by Chapter 3, Part 3, Division 9, of the Streets and Highways Code; and,**

4. Direct the Department of Public Works and Planning to post notices on site as required by Chapter 3, Part 3, Division 9, of the Streets and Highways Code.

Approval of the recommended actions will schedule the hearing to consider vacation. The Department of Public Works and Planning initiated the process to vacate approximately 0.93 acres of excess public road right-of-way (ROW) along Dunlap Road, located approximately 3.5 miles southeast of State Route 180 (Kings Canyon Road) along the frontage of Dunlap Elementary School and Dunlap Community Club property, see Exhibit A and Vicinity Maps. Dunlap Road was realigned at this location in 1996, leaving a remnant of excess ROW on the west side of the road. Approval of the proposed vacation would remove the excess ROW from the County's road system; a portion of the vacated ROW is proposed to be developed by the Kings Canyon Unified School District (School District) as a parking lot. Public use of the 0.93-acre excess ROW is limited, indicating it is not essential for public use. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

Your Board may choose to reject the Report and determine independently whether the submitted vacation is in conformity with the General Plan. In addition, your Board can deny the recommended actions resulting in the area remaining a public ROW and 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. If the 0.93-acre ROW is vacated, approximately 0.42 acres may be placed on the County tax rolls. This vacation was initiated by Department staff and costs for the vacation process are included in the Department's - Roads Org 4510 FY 2018-19 Adopted Budget.

DISCUSSION:

The subject ROW along Dunlap Road is located in the County's maintained mileage system. The ROW is a remnant of excess ROW on the west side of the road and is not essential for public use. The subject ROW is located approximately 3.5 miles southeast of State Route 180 (Kings Canyon Road) along the frontage of Dunlap Elementary School and the Dunlap Community Club property. If and once vacated, a portion of the vacated ROW is proposed to be developed by the Kings Canyon Unified School District (School District) as a parking lot.

The initial Resolution of Intention, No. 16-0744, was approved by the Board on June 21, 2016. Subsequent Board action to vacate was pulled to resolve outstanding concerns between the School District and the Dunlap Community Club. The Dunlap Community Club submitted a letter of support for the proposed vacation dated November 18, 2017, see Attachment A. The second Resolution of Intention, No. 19-0628, was approved by your Board on June 18, 2019; however, due to a newly established California Environmental Quality Act (CEQA) rule, the subsequent Board action to vacate was pulled. The CEQA study has concluded and there are no further impediments to proceed with the vacation. Approval of the recommended actions will establish a new hearing date for the proposed vacation.

Department staff has reviewed the County-owned portion of excess ROW and determined that the County has no current or future need for the area. Due to the location and configuration of the area, it could not be developed as a stand-alone parcel and, because it is owned by the County, it would have to be sold. If the vacation is approved, the Department recommends that the County-owned portion of the ROW be sold to the School District for their proposed parking lot.

School District representatives have met with Department staff a couple times to discuss plans for the new parking lot; however, construction of the new parking lot cannot begin until the excess ROW is vacated and the School District has acquired the County-owned portion of the ROW.

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 the Board of Supervisors determines and finds that it is no longer necessary for present or prospective public use.

REPORT OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING

The Transportation and Circulation Element (Transportation Element) of the General Plan provides the framework for Fresno County decisions concerning the countywide transportation system, and includes classification of roadways within the unincorporated areas of Fresno County. Roadway classifications include freeways, expressways, super arterials, arterials, and local roads. Dunlap Road 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 approximately 0.93 acres of excess right-of-way located along the frontage of Dunlap Elementary School and the Dunlap Community Club property. This segment of excess right-of-way does not provide access to other roadways within the vicinity or carry any traffic. The proposed vacation 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 conformity with the transportation goals and policies of the Fresno County General Plan.

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 Pacific Gas & Electric Company, Fresno County Fire Protection District, Kings Canyon Unified School District, AT&T Telephone Company and SBC Telecommunications Company.

REFERENCE MATERIAL:

BAI #57, June 18, 2019
BAI #59, June 21, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

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

CAO ANALYST:

Sonia M. De La Rosa