



# County of Fresno

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

## Legislation Details (With Text)

**File #:** 20-0361      **Version:** 1      **Name:** Vacation of North Colonial Avenue Public Road Right-t-of-Way  
**Type:** Agenda Item      **Status:** Morning Session  
**File created:** 3/30/2020      **In control:** Public Works & Planning  
**On agenda:** 5/12/2020      **Final action:** 5/12/2020  
**Enactment date:**      **Enactment #:** Resolution No. 20-178

**Title:** Conduct public hearing and adopt Resolution making required findings necessary to approve the vacation of certain road right-of-way of North Colonial Avenue that portion of North Colonial Avenue next to the Village Gardens Condominium complex and lying within Tract No. 2245, according to the map thereof recorded in Volume 26, Pages 23 and 24, Fresno County Records

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Exhibit A, 3. Vicinity Map, 4. Resolution No. 20-178, 5. Additional Information

Date	Ver.	Action By	Action	Result
5/12/2020	1	Board of Supervisors	Approved as Recommended	Pass

**DATE:** May 12, 2020

**TO:** Board of Supervisors

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

**SUBJECT:** Vacation of North Colonial Avenue Public Road Right-of-Way (Vacation Application No. V19-08) (Applicant: Jeffrey T. Roberts)

### RECOMMENDED ACTION(S):

**Conduct public hearing and adopt Resolution making required findings necessary to approve the vacation of certain road right-of-way of North Colonial Avenue that portion of North Colonial Avenue next to the Village Gardens Condominium complex and lying within Tract No. 2245, according to the map thereof recorded in Volume 26, Pages 23 and 24, Fresno County Records.**

Approval of the recommended action will vacate approximately 8,802 square feet of excess public road Right of Way (ROW) along North Colonial Avenue, lying within Tract No. 2245, according to the map thereof recorded in Volume 26, Pages 23 and 24, Fresno County Records, as shown on the Vicinity Map. Although the ROW was intended for prospective public use, North Colonial Avenue is not included in the County's maintained mileage system, and public use is primarily limited to the adjacent property owners. This item pertains to a location in District 2.

### ALTERNATIVE ACTION(S):

Your Board may choose to deny the recommended action resulting in the area remaining a public ROW.

### FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The Applicant has paid all fees associated with the application process per the Master Schedule of Fees, Charges, and Recovered Costs \$3,020. If the ROW is vacated, approximately 8,802 square feet will be placed on the County Tax roll.

DISCUSSION:

The subject ROW is not included in the County's maintained mileage system. The vacation under consideration will vacate the portion of North Colonial Avenue's public ROW that lies within Tract No. 2245, according to the map thereof recorded in Volume 26, Pages 23 and 24, Fresno County Records approximately 8,802 square feet from North Colonial Avenue to where the ROW ends. The portion of the ROW is limited and only of use to the adjacent property owners, indicating that it is no longer necessary for present or prospective public use.

The Applicant has requested the vacation to install two sets of security gates at the Village Gardens Condominium complex. One will be at the entrance on the western end of the complex accessing North Colonial Avenue and the other at the eastern end of the complex accessing west San Ramon Avenue. To install the western gate on North Colonial Avenue a partial abandonment of the street will be required. If the vacation is approved, it will result in the Village Gardens Condominium complex owning that portion of the cul-de-sac and assuming maintenance responsibility. The City of Fresno boundary surrounds this property in all directions.

In order for your Board to approve the vacation request, the following findings must be made:

1. 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 (collectively "Vacation Laws"); and
2. The right-of-way, other than the easement for the benefit of Pacific Gas & Electric (PG&E) Company, Comcast Telecommunications Company and the City of Fresno Department of Utilities, being retained, is unnecessary for present or prospective public use; and
3. The right-of-way is not useful as a nonmotorized transportation facility, pursuant to Section 892 of the Streets and Highways Code; and
4. The vacation is consistent with the County General Plan.

On April 14, 2020, your Board adopted Resolution of Intention No. 20-0034 to vacate a portion of North Colonial Avenue. The Board of Supervisors, as the legislative body of the County, a local agency, may vacate a public road ROW pursuant to the Vacation Laws if the Board 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. Pacific Gas & Electric (PG&E) Company, Comcast Telecommunications Company, and the City of Fresno Department of Utilities have facilities within the area to be vacated. A public service easement will be retained through reservations in the legal description of the ROW for the benefit of these facilities.

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

The Transportation and Circulation Element of the County's General Plan provides the framework for decisions concerning the countywide transportation system and includes classification of roadways within the unincorporated areas. Roadway classifications include freeways, expressways, super arterials, arterials, and local roads. North Colonial Avenue 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; typically developed as two-lane undivided roadways.

In this case, the request is to vacate approximately 8,802 square feet of a paved cul-de-sac for North Colonial Avenue located approximately 150 feet north/northwest of W. San Ramon Avenue. This cul-de-sac bulb provides one-point of ingress/egress to an existing Condominium complex. The proposed vacation, if

approved by your Board, would not result in impacts to area-wide circulation patterns (the possible routes that a car could predictably take if asked to travel from one point to another) or disrupt existing traffic patterns.

As a result, the proposed vacation is consistent and in conformance with the transportation goals and policies of the County's General Plan.

#### ENVIRONMENTAL DETERMINATION

The Development Services and Capital Projects Division has determined pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines that the proposed road vacation, if approved by your Board, 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 include PG&E, Comcast, Fresno Metropolitan Flood Control, Fresno Irrigation District, City of Fresno Fire Department, and City of Fresno. There has been no opposition raised by any of the foregoing entities.

#### REFERENCE MATERIAL:

BAI #30, April 14, 2020

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A  
Vicinity Map  
On file with Clerk - Resolution

#### CAO ANALYST:

Debbie Paolinelli