



# County of Fresno

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

## Legislation Text

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**File #:** 19-1141, **Version:** 1

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**DATE:** October 22, 2019

**TO:** Board of Supervisors

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

**SUBJECT:** Vacation of Sky Harbour Road Public Road Right-of-Way (Vacation Application No. V18-01) (Applicant: Table Mountain Rancheria)

### RECOMMENDED ACTION(S):

**Adopt a Resolution of Intention initiating a proceeding under Chapter 3, Part 3, Division 9 of the Streets and Highways Code (collectively, the "Vacation Laws"), setting 9:00 a.m. on November 19, 2019, in the Board of Supervisors' chambers, as the time, date, and place for the Board to conduct a hearing for the proposed vacation of certain excess road right-of-way of Sky Harbour Road, north of Millerton Road (approximately 0.85 acres, approximately 1,445 feet long, with width varying from 45 feet to 2 feet) (Vacation Application No. V18-01), directing the Clerk of the Board to cause the posting, publishing, and mailing of notice(s), as required by the Vacation Laws, and directing the Department of Public Works and Planning to post notices on site as required by the Vacation Laws.**

Approval of the recommended action will schedule a hearing for your Board to consider the proposed vacation of 0.85 acres of the public right-of-way (ROW) of Sky Harbour Road, north of Millerton Road, as shown on the attached Vicinity Map. The subject ROW was dedicated and accepted by the County per Resolutions dated April 13 and 20, 1965 and recorded on April 29, 1965. Table Mountain Rancheria, the Applicant, owns the parcel immediately west of the road. The Director of the Department of Public Works and Planning reviewed Vacation Application No. V18-01 (Report), compared it to the County General Plan, and determined the proposed vacation is consistent and in conformity with the General Plan. This ROW is excess width and no longer necessary for present or prospective public use for the public roadway. This item pertains to a location in District 5.

### ALTERNATIVE ACTION(S):

Your Board may choose to deny the recommended action 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. The Applicant paid the required fees totaling \$3,020 for the costs to process the vacation, per the Master Schedule of Fees, Charges, and Recovered Costs. If the ROW is vacated, approximately 0.85 acres will become part of a tax-exempt parcel owned by the Applicant.

### DISCUSSION:

The subject ROW of Sky Harbour Road is located in the County's maintained mileage system. The existing ROW along this stretch of the road varies from approximately 115 feet to approximately 180 feet. The vacation under consideration will vacate excess ROW measuring approximately 1,445 feet long with width varying from 45 feet to 2 feet. The remaining ROW containing the road pavement will continue to be maintained by the County and will be reduced to approximately 70 feet at the narrowest. The subject ROW does not contain the existing road pavement and it does not appear to be essential for public use. If and once vacated, the additional area would become part of the adjacent parcel.

The Board of Supervisors, as the legislative body of the County, may vacate public ROW pursuant to Chapter 3 of Part 3 of Division 9 - General Vacation of the Streets and Highways Code ("Vacation Laws") if the Board of Supervisors determines and finds that it is no longer necessary for present or prospective public use. This determination may be made by your Board after conducting a public hearing which is recommended to be scheduled on November 19, 2019 at 9:00 a.m.

Comments were solicited from Department staff and affected utility companies and none were received in opposition to the proposed vacation. Pacific Gas & Electric (PG&E) Company, Ponderosa Telephone Company, and Comcast Corporation (multi-channel video service provider) all have facilities within the area to be vacated. A public service easement would be retained through exceptions and reservations in the legal description of the ROW for the benefit of these facilities.

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

The Transportation and Circulation Element (Transportation Element) of the General Plan provides the framework for County decisions concerning the countywide transportation system and includes classification of roadways within the unincorporated areas of the County. Roadway classifications include freeways, expressways, super arterials, arterials, and local roads. Sky Harbour 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 an approximately 1,445-foot long portion of a ROW of Sky Harbour Road that currently provides access to existing facilities on the west side of the road. The proposed vacation, if approved by your Board, would not result in impacts to area wide circulation patterns or disrupt existing traffic patterns because there would be sufficient remaining ROW to retain the existing two-lane undivided roadway.

As a result, pursuant to Government Code, section 65402(a), the proposed vacation is consistent and in conformance with the transportation goals and policies of the 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 were AT&T (telephone operating company), Comcast, County Service Area No. 34 - Millerton, Ponderosa, and PG&E. There have been no oppositions raised by any of the foregoing entities.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Vicinity Map

On file with Clerk - Resolution of Intention and Notice of Hearing

CAO ANALYST:

Sonia M. De La Rosa