



Legislation Details (With Text)

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Title: HEARING - Regarding the vacation of a portion of the "M"- "N" alley southeasterly of the Mariposa Mall (Council District 3)
1. ***RESOLUTION - Ordering the vacation of a portion of the "M"- "N" alley southeasterly of the Mariposa Mall (Subject to Mayor's veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 17-1680 12185 M-N alley vacation_RES.pdf, 2. 17-1680 12185 M-N Alley vacation_VICINITY MAP.pdf

Date	Ver.	Action By	Action	Result
1/11/2018	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

January 11, 2018

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SUBJECT

HEARING - Regarding the vacation of a portion of the "M"- "N" alley southeasterly of the Mariposa Mall (Council District 3)
1. ***RESOLUTION - Ordering the vacation of a portion of the "M"- "N" alley southeasterly of the Mariposa Mall (Subject to Mayor's veto)

RECOMMENDATION

Staff recommends the City Council conduct the required public hearing and at the close of the hearing, adopt the attached resolution ordering the vacation of a portion of the "M"- "N" alley southeasterly of the Mariposa Mall as described in Exhibit "A" and as shown in Exhibit "B" of the attached resolution.

EXECUTIVE SUMMARY

Ed Kashian of River Park Properties III is requesting to vacate a portion of the “M”-“N” alley southeasterly of the Mariposa Mall, as described in Exhibits “A”, and as shown in Exhibit “B” of the attached Resolution of Intention. This vacation is being requested to provide additional access to the exhibit building on the east corner of the Mariposa Mall and M Street.

BACKGROUND

The “M”-“N” alley southeasterly of the Mariposa Mall proposed for vacation is a portion of a 20 foot wide alley that was originally dedicated by the Map of the Town of Fresno, recorded Volume 1 of Plats at Page 2, Fresno County Records. Portions of Mariposa Street are now designated as the Mariposa Mall and being utilized for pedestrian traffic. The public improvements for the Mariposa Mall prohibit public vehicular traffic. The southeasterly portion of the “M”-“N” alley as shown on said Exhibit “B” has been previously vacated. Currently the remaining alley proposed to be vacated is gated on the northwesterly end and has no public vehicular access. It is currently being used for storage and parking by the adjacent buildings.

The Engineering Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the portion of the “M”-“N” alley southeasterly of the Mariposa Mall proposed for vacation is unnecessary for present or prospective public street purposes as described in Exhibit “A”, and as shown in Exhibit “B” of the attached Resolution, subject to the reservation of a public utility easement over the entire area to be vacated.

This action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 8300-8363).

On December 14, 2017, the Council adopted Resolution of Intention No. 1121-D, setting the time and place for the public hearing at 10:05 a.m. on January 11, 2018, in the Council Chambers at Fresno City Hall. The public hearing has been duly noticed in accordance with the Public Streets, Highways, and Service Easements Vacation Law.

The City Attorney's Office has approved the attached resolution as to form.

The vacation, if approved by the Council at the public hearing, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder, but not until the City Engineer determines that the conditions listed in the attached resolution have been satisfied and accepted by the City.

ENVIRONMENTAL FINDINGS

Under the Section 15301(c)/Class 1 exemption, the minor alteration of existing public facilities, such as streets, sidewalks, etc., involving no expansion of use beyond that existing at this time, are exempt from CEQA requirements. The proposed vacation of the above-described land meets the criteria noted above. No significant effects would occur as a result of the proposed project. Therefore, the above described project complies with the conditions described in Section 15301(c)/Class 1 of the CEQA Guidelines.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this project.

LOCAL PREFERENCE

Local preference does not apply because the vacation of a public alley easement does not involve bidding or contracting.

FISCAL IMPACT

There will be no City funds involved with this vacation. River Park Properties III has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

12185 M-N Alley vacation_VICINITY MAP

12185 M-N alley vacation_Resolution