



Legislation Details (With Text)

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Title: HEARING to consider the vacation of a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue (Council District 6)
1. ***RESOLUTION - Ordering the vacation of a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue (Subject to Mayor's Veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 20-00551 Dearing PUE Vacation Vicinity Map, 2. 20-00551 Dearing PUE Vacation Environmental Assessment, 3. 20-00551 Dearing PUE Vacation Resolution to Vacate

Date	Ver.	Action By	Action	Result
5/14/2020	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

May 14, 2020

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Public Works Department

THROUGH: RANDALL W. MORRISON, PE, Assistant Director
Public Works Department, Engineering Division

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Public Works Department, Engineering Division, Right of Way Section

SUBJECT

HEARING to consider the vacation of a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue (Council District 6)
1. ***RESOLUTION - Ordering the vacation of a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue (Subject to Mayor's Veto)

RECOMMENDATIONS

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 a public utility easement in

North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue.

EXECUTIVE SUMMARY

Herndon Fir Partners, LLC are requesting the vacation of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue as shown on Exhibit "A" of the attached Resolution. The purpose of this vacation is to accommodate development per Site Plan P19-00141.

BACKGROUND

This portion of North Dearing Avenue between East Fir Avenue and East Herndon Avenue was vacated by the City of Fresno on February 21, 1989 by Resolution Number 88-225 as Instrument No. 89018650, Official Records Fresno County. Said resolution also reserved a public utility easement over the entire area that was vacated. The underlying fee title is owned by Herndon Fir Partners, LLC. This vacation will accommodate development for site plan P19-00141. The existing overhead utilities will be relocated out of the proposed area to be vacated. The eastern five feet of this proposed vacation is encumbered by a utility easement in favor specifically of Pacific Gas and Electric (PG&E), and was recorded on May 24, 2007 as Instrument Number 2007-0102586, Official Records Fresno County. The PG&E easement will remain in place to accommodate their existing facilities.

The Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public utility easement proposed for vacation is unnecessary for present or prospective public utility purposes, as shown on Exhibit "A", subject to conditions of approval as listed in Exhibit "B", said Exhibits are included in the attached Resolution.

The City Attorney's Office has approved the attached Resolution to Vacate 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

The City Council adopted Environmental Assessment Number P19-00141 on April 23, 2020. Staff has performed a preliminary environmental assessment of this project and determined that it falls within the Categorical Exemption set forth in the following Sections of the California Environmental Quality Act (CEQA) Guidelines:

Under Section 15332/Class 32, the proposed project is exempt from CEQA requirements.

Section 15332/Class 32 In-Fill Development Projects consists of projects characterized as in-fill development. The project use is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable regulations. The General Plan Land Use Designation for the site is Office with a consistent zone district classification of Office/Expressway Area/Urban Growth Management/conditions of zoning (O/EA/UGM/cz). The proposed project occurs within city limits on a site of no more than five acres substantially surrounded by urban uses. This

project has approximately a 3.11 acre site which is surrounded by other urban uses. The project parcel has no value as a habitat for endangered, rare or threatened species. The undeveloped vacant site is not a habitat for any endangered, rare or threatened species. The site is mostly vacant and is surrounded by existing urban development on all sides making the site not well suited for endangered species. The project is being developed on land that is surrounded by similar uses and other urbanized developments and therefore there will not be any significant effects to traffic, noise, and air and water quality. The project is being served by existing roadways, utilities and related public services which currently serve the surrounding commercial and residential uses.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Furthermore, the proposed project is not expected to have a significant effect on the environment. Accordingly, a categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

LOCAL PREFERENCE

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

FISCAL IMPACT

This project has no impact to the General Fund and is located in Council District 6. Herndon Fir Partners, LLC has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

- Dearing PUE Vacation Vicinity Map
- Dearing PUE Vacation Environmental Assessment
- Dearing PUE Vacation Resolution to Vacate