



Legislation Details (With Text)

**File #:** ID16-209      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Passed

**File created:** 2/9/2016      **In control:** City Council

**On agenda:** 3/17/2016      **Final action:** 3/17/2016

**Title:** Adopt Resolution of Intention No. 1103-D to vacate alleys south of East Franklin Avenue between North Broadway Avenue and State Route Freeway 180 (Council District 3)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map.pdf, 2. 11762 ROI RESO.pdf

Date	Ver.	Action By	Action	Result
3/17/2016	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**March 17, 2016**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**THROUGH:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division

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Public Works Department, Traffic and Engineering Services Division

**BY:** JASON A. CAMIT, PLS, Chief Surveyor  
Public Works Department, Traffic and Engineering Services Division

**SUBJECT**

Adopt Resolution of Intention No. 1103-D to vacate alleys south of East Franklin Avenue between North Broadway Avenue and State Route Freeway 180 (Council District 3)

**RECOMMENDATION**

Staff recommends the City Council adopt Resolution of Intention No. 1103-D for the proposed vacation of the alleys south of East Franklin Avenue between North Broadway Avenue and State Route Freeway 180, as shown in Exhibit "A" of the attached Resolution of Intention, and set the required hearing at 10:00 a.m. on April 14, 2016.

## **EXECUTIVE SUMMARY**

The Belmont Congregation of Jehovah's Witness of Fresno is requesting the proposed vacation and owns the entire parcel affected by it. The purpose of the vacation is to accommodate development as proposed by Conditional Use Permit (CUP) No. C-10-191.

## **BACKGROUND**

CUP No. No. C-10-191 proposes the construction of a single story building for the purpose of establishment of a religious facility, caretaker's residence, and associated improvements on the property. The project also includes the vacation of two alleys and a voluntary parcel merger to facilitate the proposed development of the subject property.

The public alley right-of-way being vacated is shown on Exhibit "A" of the attached Resolution of Intention, and described as that portion of that certain 20-foot wide alley lying in Block 3 of Forthcamp Addition No. 2, and the 10-foot wide alley as shown on Map of North Park Extension, lying northwesterly of State Route Freeway 180.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the right-of-way proposed for vacation is unnecessary for present or prospective public alley purposes subject to the reservation of a public utility easement over the entire area being vacated and the conditions listed on Exhibit "B" of the attached Resolution of Intention.

City Attorney has approved the attached Resolution of Intention 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 specified in Exhibit "B" of the attached resolution have been satisfied and accepted by the City.

## **ENVIRONMENTAL FINDINGS**

This proposed vacation is included in the project description for a project that was previously environmentally assessed and determined to be within the scope of the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan. The Finding of Conformity was publicly noticed in the manner prescribed by Section 15177(d) of the CEQA Guidelines and by Section 21092 of the California Public Resources Code; and, subsequently adopted by the City on December 17, 2010, in conjunction with the approval of Conditional Use Permit Application No. C-10-191. It has been further determined that all applicable mitigation measures of MEIR No. 10130 have been applied to the project necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by MEIR No. 10130.

## **LOCAL PREFERENCE**

Not applicable because the vacation of public right-of-way does not involve bidding or contracting.

## **FISCAL IMPACT**

There will be no City funds involved with this vacation. The Belmont Congregation of Jehovah's Witness of Fresno has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachment:  
Resolution of Intent No. 1103-D