



Legislation Details (With Text)

File #: ID 21-062 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
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Title: Actions pertaining to the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180 (Council District 7)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P20-01139
2. ***RESOLUTION - Ordering the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180 (Subject to Mayor's veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 21-062 Vicinity Map, 2. 21-062 Environmental Assessment, 3. 21-062 Vacation Resolution

Date	Ver.	Action By	Action	Result
1/28/2021	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

January 28, 2021

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

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

BY: JASON A. CAMIT, PLS, Chief Surveyor
Public Works Department, Engineering Division, Right of Way Section

SUBJECT

Actions pertaining to the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180 (Council District 7)

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RECOMMENDATIONS

Staff recommends the City Council adopt Categorical Exemption for Environmental Assessment Number P20-001139 and adopt a resolution ordering the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180, as shown on Exhibit "A" of the attached resolution.

EXECUTIVE SUMMARY

Sage Blackstone Fresno, LLC is requesting the vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180. The purpose of the vacation is to eliminate excessive public street right of way and accommodate the development of the adjacent property.

BACKGROUND

East Thomas Avenue was originally dedicated as a sixty foot wide public street by map of Belmont Addition recorded October 17, 1887 in Volume 1 of Plats, at Page 39, Fresno County Records. On November 19, 1973 the State of California purchased a portion of the 60 foot wide East Thomas Avenue for the construction of State Route 180. This purchase left a remnant portion of East Thomas Avenue, as shown on Exhibit "A" of the attached resolution. This remnant portion is no longer a viable public street right of way. There are no existing public utilities within the proposed area to be vacated. Sage Blackstone Fresno, LLC would like to vacate this remnant portion of East Thomas Avenue and incorporate this area into their proposed development on the adjacent property per Conditional Use Permit Number P19-02068.

The Public Works Department, other City Departments and utility agencies have reviewed this proposal and determined that the public street easement proposed for vacation is unnecessary for present or prospective public purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate public street easements that are considered excess right of way, are not required for street or highway purposes, and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

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

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

ENVIRONMENTAL FINDINGS

This project is exempt under Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines as follows:

Under Section 15301/Class 1, the proposed project is exempt from CEQA requirements when the project consists of the minor alteration of existing public facilities involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. This exemption includes modifications to existing streets.

The proposed project is consistent with the exemption because the project is requesting to vacate a

portion of East Thomas Avenue that is currently flatwork/landscape area. The area to be vacated is proposed to be used as a landscape strip with flatwork for a proposed convenience store.

None of the exception to categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to the project. Furthermore, the proposed project is not expected to have a significant effect on the environment. 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 public right of way does not involve bidding or contracting.

FISCAL IMPACT

The project has no impact to the General Fund and is located in Council District 7. Sage Blackstone Fresno, LLC has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Vicinity Map

Environmental Assessment

Vacation Resolution