



Legislation Details (With Text)

**File #:** ID18-0550    **Version:** 1    **Name:**

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

**File created:** 4/23/2018    **In control:** City Council

**On agenda:** 5/10/2018    **Final action:** 5/10/2018

**Title:** HEARING - To vacate a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue. (Council District 5)  
1. \*\*\*RESOLUTION - Ordering the vacation of a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue (Subject to Mayor's veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-0550 PUE Vacation\_Vicinity.pdf, 2. 18-0550 Vacation\_EA-17-039.pdf, 3. 18-0550 Resolution to Vacate.pdf

Date	Ver.	Action By	Action	Result
5/10/2018	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**May 10, 2018**

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Public Works Department, Engineering Division

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Public Works Department, Engineering Division - Chief Surveyor Section

**SUBJECT**

HEARING - To vacate a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue. (Council District 5)  
1. \*\*\*RESOLUTION - Ordering the vacation of a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue (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 public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue as shown on Exhibit "A" of the

attached resolution.

## **EXECUTIVE SUMMARY**

Embree Asset Group, Inc. is requesting the vacation of a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue. The purpose of this vacation is to satisfy a condition of approval associated with site plan D-16-111, which is the site development plan for the construction of a Dollar General department store.

## **BACKGROUND**

The proposed vacation of a public utility easement as shown in Exhibit "A" of the attached Resolution is located in Lots 24 and 24, and the south 65.00 feet of Lots 16 and 23 of Tract No. 1026 - Marigold Acres filed April 21, 1948 in Volume 14 of Plat maps, at Page 8, Fresno County Records. This public utility easement was dedicated and accepted by said Tract No. 1026 to accommodate a pole line for overhead utilities. The site development plan D-16-111 proposes to construct a Dollar General department store with onsite parking. The proposed location of the structure is in conflict with this public utility easement. The existing pole line and overhead utilities will be relocated by this project. The public utility easement will no longer be needed once the existing utilities have been relocated and accepted.

The Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the portion of public right-of-way for vacation is unnecessary for present or prospective public utilities as shown on Exhibit "A" of the attached Resolution.

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 April 19, 2018, the Council adopted Resolution of Intention No. 1123-D, setting the time and place for the public hearing at 10:05 a.m. on May 10, 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.

## **ENVIRONMENTAL FINDINGS**

This project is exempt under Sections 15301(c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines as stated in EA-17-039, which was adopted by City of Fresno Council on April 19, 2018.

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 vacation will relocate an easement and return the property's usability over to the private property owner. 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/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 utility easement and emergency access easement does not involve bidding or contracting.

### **FISCAL IMPACT**

There will be no City funds involved with this vacation. Embree Asset Group, Inc. has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

#### Attachments:

PUE Vacation\_Vicinity Map

PUE Vacation\_EA-17-039

Resolution to Vacate