



Legislation Details (With Text)

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Title: HEARING - To vacate a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue. (Council District 5)
1. ***RESOLUTION - Ordering the vacation of a public water main easement and an emergency easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue (Subject to Mayor's veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 18-0340 Lyons Magnus-Vicinity Map.pdf, 2. 18-0340 Resolution to Vacate_Lyons Magnus.pdf

Date	Ver.	Action By	Action	Result
3/22/2018	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

March 22, 2018

FROM: SCOTT L. MOZIER, PE, Director
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Public Works Department, Engineering Division - Chief Surveyor Section

SUBJECT

HEARING - To vacate a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue. (Council District 5)
1. ***RESOLUTION - Ordering the vacation of a public water main easement and an emergency easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third 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 water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue as shown on Exhibits "A" and "B" of the attached resolution.

EXECUTIVE SUMMARY

Lyons Magnus is requesting the vacation of the public water line easement and the emergency access easement, as shown on Exhibits "A" and "B" of the attached Resolution. This vacation is being required as a condition for site plan D-16-011. The existing water line within the proposed water line easement vacation will be converted to a private water line. The emergency access will be relocated to the south side of the site.

BACKGROUND

Lyons-Magnus Fruit Packaging facility located on the west side of South Third Street between East Hamilton and East Woodward Avenues is proposing the demolition of existing buildings totaling 55,855 square feet and construction of a 55,055 square-foot metal warehouse building addition for dry storage of finished product. The project also includes an addition of two 993 square-foot pedestrian walkways and a 1,386 square-foot expansion of Canopy A to cover the entire loading dock along East Townsend Avenue.

The Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public water easement proposed for vacation is unnecessary for present or prospective public utility purposes as shown in Exhibit "A" of the attached Resolution to vacate, subject to converting the existing water line within the proposed public utility easement into a private water line and install a meter at the public street right-of-way. The emergency access easement proposed for vacation as shown in Exhibit "B" of the attached Resolution, is being relocated by approved site plan D-16-011 to the south side of the subject property and is no longer needed at its current location.

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 March 1, 2018, the Council adopted Resolution of Intention No. 1119-D, setting the time and place for the public hearing at 10:10 a.m. on March 22, 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/Class 1, Section 15302/Class 2, and Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines as stated in EA-16-018, which was adopted by City of Fresno Council on March 1, 2018.

Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines exempts, from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to: Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

Section 15302 (Class 2/Replacement or Reconstruction) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Examples include but are not limited to: Replacement or reconstruction of existing utility systems and/or public facilities involving negligible or no expansion of capacity.

Section 15303 (Class 3/New Construction or Conversion of Small Structures) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples include but are not limited to: Water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction.

No adverse environmental impacts will occur as a result of the proposed project; and, 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. Lyons Magnus has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments: Lyons Magnus-Vicinity Map
Resolution to Vacate_Lyons Magnus