



Legislation Details (With Text)

**File #:** ID16-437      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Mayor's Office

**File created:** 4/13/2016      **In control:** City Council

**On agenda:** 5/19/2016      **Final action:** 5/19/2016

**Title:** HEARING - Regarding the vacation of a portion of North Ninth Street south of East Dakota Avenue (Council District 4)  
1. RESOLUTION - Ordering the vacation of a portion of North Ninth Street south of East Dakota Avenue

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 052A Vicinity Map.pdf, 2. 11986 ROV RESO.pdf

Date	Ver.	Action By	Action	Result
5/19/2016	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

May 19, 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

JILL GORMLEY, TE, City Traffic Engineer/Division Manager  
Public Works Department, Traffic and Engineering Services Division

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

**SUBJECT**

HEARING - Regarding the vacation of a portion of North Ninth Street south of East Dakota Avenue (Council District 4)  
1. RESOLUTION - Ordering the vacation of a portion of North Ninth Street south of East Dakota Avenue

**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 a portion of North Ninth Street south of

East Dakota Avenue, as described in Exhibit "A" and shown on Exhibit "B" of the attached resolution.

## **EXECUTIVE SUMMARY**

The City of Fresno Water Division is requesting the proposed vacation. The purpose is to eliminate excess public street right-of-way to satisfy a condition of approval for Conditional Use Permit (CUP) No. C-12-176 for the City's Pump Station No. 52A.

## **BACKGROUND**

CUP No. C-12-176 proposes to drill and operate a water supply well (City Pump Station 52A), construct an equipment building and a six-foot high masonry wall, install emergency generator set, landscape perimeter to screen equipment and treatment facilities, construct public works improvements, and plans future construction of water remediation facilities and treatment systems. The project also includes the vacation of a portion of North Ninth Street to eliminate excess public street right-of-way as conditioned by the CUP approved October 2, 2012.

The portion of North Ninth Street proposed to be vacated is described in Exhibit "A" and shown on Exhibit "B" of the attached Resolution. North Ninth Street was dedicated as a 30-foot wide public street right-of-way easement by Tract No. 1433 - Millbrook Estates in Volume 17 of Plats at Page 34, Fresno County Records.

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 street purposes subject to the reservation of a public utility easement over the entire area being vacated, a reservation of a pedestrian walkway easement as shown in Exhibit "C" of attached resolution, and the removal of all existing street improvements from the area proposed to be vacated.

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 28, 2016, the Council adopted Resolution of Intention No. 1105-D, setting the time and place for the public hearing at 2:15 p.m. on May 19, 2016, 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 vacation is included in the project description for a project that was previously environmentally assessed pursuant to the California Environmental Quality Act (CEQA), Environmental Assessment No. EA-16-00. On April 28, 2016, the City Council adopted a finding of, Categorical Exemption per staff determination pursuant to Section 15301 of 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 public right-of-way does not involve bidding or contracting.

## **FISCAL IMPACT**

There will be no impact to the City's General Fund because the City's Department of Public Utilities Water Division is funding this Council action.

Attachments:  
Vicinity Map  
Resolution