



Legislation Details (With Text)

File #: ID16-210 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

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

On agenda: 4/14/2016 **Final action:** 4/21/2016

Title: CONTINUED HEARING - Regarding the vacation of the alleys south of E. Franklin Avenue between N. Broadway Avenue and State Route Freeway 180 (Council District 3)
1. RESOLUTION - Ordering the vacation of the alleys south of E. Franklin Avenue between N. Broadway Avenue and State Route Freeway 180

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. Vicinity Map.pdf, 2. 11762 ROV RESO.pdf

Date	Ver.	Action By	Action	Result
4/21/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

April 21, 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

CONTINUED HEARING - Regarding the vacation of the alleys south of E. Franklin Avenue between N. Broadway Avenue and State Route Freeway 180 (Council District 3)
1. RESOLUTION - Ordering the vacation of the alleys south of E. Franklin Avenue between N. Broadway Avenue and State Route Freeway 180

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 the alleys south of East Franklin Avenue between North Broadway Avenue and State Route Freeway 180, as described in Exhibit “A” and shown on Exhibit “B” of the attached resolution.

EXECUTIVE SUMMARY

The Belmont Congregation of Jehovah’s Witness of Fresno is requesting the proposed vacation. The purpose of the vacation is to accommodate development as proposed by Conditional Use Permit (CUP) No. 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 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 “C” 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 March 17, 2016, the Council adopted Resolution of Intention No. 1103-D, setting the time and place for the public hearing at 10:00 a.m. on April 21, 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 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

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 City funds involved with this vacation. Belmont Congregation of Jehovah's Witness of Fresno has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Vicinity Map

Resolution