



Legislation Details (With Text)

**File #:** ID18-0667    **Version:** 1    **Name:**

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

**File created:** 5/23/2018    **In control:** City Council

**On agenda:** 6/14/2018    **Final action:** 6/14/2018

**Title:** HEARING - To vacate a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue. (Council District 3)  
 1. \*\*\*RESOLUTION - Ordering the vacation of a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue. (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-0667 Nielsen Ave Vacation\_Vicinity.pdf, 2. 18-0667 Nielsen Ave Vacation D-17-167.pdf, 3. 18-0667 Nielsen Ave Resolution to Vacate.pdf

Date	Ver.	Action By	Action	Result
6/14/2018	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

**June 14, 2018**

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

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

JASON A. CAMIT, PLS, Chief Surveyor  
Public Works Department, Engineering Division - Chief Surveyor Section

**SUBJECT**

**HEARING** - To vacate a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue. (Council District 3)

1. \*\*\*RESOLUTION - Ordering the vacation of a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West 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 portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue.

## **EXECUTIVE SUMMARY**

Don Pickett & Associates, Inc. is requesting the vacation of a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue as described in Exhibit "A" and as shown on Exhibit "B" of the attached Resolution. The purpose of this vacation is to satisfy a condition of approval for Development Permit Application No. D-17-167 to dispose of excess right-of-way.

## **BACKGROUND**

The proposed vacation of a portion of West Nielson Avenue was previously dedicated to the County of Fresno by Instrument No. 15124, recorded February 15, 1973, Official Records Fresno County as public street right-of-way. The City of Fresno annexed this area from Fresno County on December 27, 1982. The City then determined that maximum public street right-of-way to be a 42.00 foot half width instead of the existing 50.00 foot width. The purpose of this vacation is to eliminate this excess street right-of-way and satisfy a condition of approval for Development Permit Application No. D-17-167.

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 vacation is unnecessary for present or prospective public street purposes as described in Exhibit "A" and as shown on Exhibit "B" of the attached Resolution of Intent, subject to the reservation of a public utility easement over the entire area proposed for vacation

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 May 24, 2018, the Council adopted Resolution of Intention No. 1124-D, setting the time and place for the public hearing at 10:00 a.m. on June 14, 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, but not until the City Engineer determines that the conditions listed in the attached resolution have been satisfied and accepted by the City.

## **ENVIRONMENTAL FINDINGS**

The City of Fresno adopted Environmental Assessment No. D-17-167 for this project on May 24, 2018. Section 15332/Class 32 consists of projects characterized as in-fill development. The proposed project is consistent with the Fresno General Plan Light Industrial land use and IL zone district. The subject property is within the City of Fresno city limits and is on ±1.49 acres. The project site is surrounded by developed sites which include uses such as: industrial and public facilities. The site has no value as habitat for endangered, rare, or threatened species and complies with all conditions of the Class 32 Categorical Exemption.

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 street easement does not involve bidding or contracting.

### **FISCAL IMPACT**

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

#### Attachments:

Nielsen Ave Vacation\_Vicinity

Nielsen Ave Vacation\_D-17-167

Nielsen Ave Resolution to Vacate