



Legislation Details (With Text)

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Title: Actions pertaining to the summary vacation of access right restrictions on a portion of the west side of North Weber Avenue, south of East Belmont Avenue (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (b, c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00663.01 Weber.
2. ***RESOLUTION - Ordering the vacation of access right restrictions on a portion of the west side of North Weber Avenue, south of East Belmont Avenue (Subject to Mayor's Veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 20-00259 Weber Access Restriction Vacation Vicinity Map, 2. 20-00259 EA Number PW00663.01 Weber - CAT, 3. 20-00259 Weber Access Restriction Summary Resolution to Vacation

Date	Ver.	Action By	Action	Result
4/9/2020	1	City Council		adopted

REPORT TO THE CITY COUNCIL

April 9, 2020

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Public Works Department

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

BY: JASON A. CAMIT, PLS, Chief Surveyor
Public Works Department, Engineering Division, Right of Way Section

SUBJECT

Actions pertaining to the summary vacation of access right restrictions on a portion of the west side of North Weber Avenue, south of East Belmont Avenue (Council District 3)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(b, c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00663.01 Weber.
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RECOMMENDATIONS

Staff recommends the City Council to adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(b,c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00663.01 Weber and adopt the attached resolution ordering the summary vacation of access right restrictions on a portion of the west side of North Weber Avenue, south of East Belmont Avenue.

EXECUTIVE SUMMARY

Pacific Gas and Electric Company (PG&E) is requesting the vacation of access right restrictions on a portion of the west side of North Weber Avenue, south of East Belmont Avenue as shown on Exhibit "A" of the attached Resolution. The purpose of this vacation is to remove access restrictions to the adjacent properties to the west of North Weber Avenue.

BACKGROUND

This access right restriction was reserved by grant deed to John W. Brooks and Molly G. Brooks from the City of Fresno, recorded July 17, 1962 as Instrument Number 53959, in Book 4742, Pages 631 and 632, Official Records Fresno County. The proposed access restriction vacation is to correct the reservation error. Having this access restriction remain in place would keep the adjacent properties to the west of North Weber Avenue land locked, without access to a public street. The purpose of this restriction is to allow the adjacent property owners and PG&E to have unrestricted access from a public street and to accommodate development associated with California High Speed Rail project.

The Public Works Department has reviewed this proposal and determined the relinquishment of direct access rights as shown on Exhibit "A" is not necessary at this location, said exhibit is included in the attached Resolution.

City Attorney has approved the attached Resolution to Vacate as to form.

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment of this project and has determined this project falls within the Class 1 (b, c) Categorical Exemption set forth in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(b, c), Class 1 Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, 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, sewage, or other public utility services; and, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety). This project is removing access restrictions from a public street to the adjacent properties to the west. This was an access restriction reserved in error through a grant deed. This project does not propose any construction of any improvements. It will not change the existing use of the property or the public street easement.

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 an access restriction does not involve bidding or contracting.

FISCAL IMPACT

This project has no impact to the General Fund and is located in Council District 3. The California High Speed Rail Authority has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Weber Access Restriction Vacation Vicinity Map

EA Number PW00663.01 Weber - CAT

Weber Access Restriction Summary Resolution to Vacate