



Legislation Details (With Text)

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**File created:** 3/13/2023      **In control:** City Council

**On agenda:** 3/30/2023      **Final action:** 3/30/2023

**Title:** HEARING to consider the vacation of a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map (Council District 3):  
 1. \*\*\*RESOLUTION - Ordering the vacation of a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 23-456 Vibez Alley Vicinity Map, 2. 23-456 Vibez Alley Vacation Resolution to Vacate

Date	Ver.	Action By	Action	Result
3/30/2023	1	City Council	ADOPTED	Pass

**REPORT TO THE CITY COUNCIL**

**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, Right of Way Section

**SUBJECT**

HEARING to consider the vacation of a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map (Council District 3):  
 1. \*\*\*RESOLUTION - Ordering the vacation of a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map (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 a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map.

**EXECUTIVE SUMMARY**

Juan Alvarez Macias, owner of Vibez Lounge is proposing to vacate a portion of a 16 foot-wide alley

adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map. The purpose of this proposed vacation is to eliminate an encroachment into the alley from existing patio improvements per site plan number P20-01790. Council adopted Resolution of Intention Number 1151-D, with the related California Environmental Quality Act (CEQA) finding of Categorical Exemption, at the March 9, 2023 meeting.

## **BACKGROUND**

This portion of a 16 foot-wide alley was originally dedicated to the City of Fresno by map of Walling Tract, recorded October 7, 1936. The portion of the alley to be vacated will be incorporated into the development of the newly constructed patio improvements that are currently encroaching into the alley proposed for vacation.

The Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public alley easement proposed for vacation is unnecessary for present or prospective public street purposes, as described in Exhibit A and as shown on Exhibit B, subject the reservation of a public utility easement over the entire area proposed to be vacated and subject to conditions of approval as listed in Exhibit C.

The City is not disposing of any land and therefore the Surplus Land Act is not applicable.

The City Attorney's Office has approved the attached Resolution to Vacate 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**

Environmental Assessment Number P22-02292 was adopted by Council on March 9, 2022 and is Categorically Exempt pursuant to Sections 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines.

## **LOCAL PREFERENCE**

Local preference does not apply because the vacation of a public street easement does not involve bidding or contracting.

## **FISCAL IMPACT**

This vacation is located in Council District 3 and there will be no City funds involved with this vacation. Juan Alvarez Macias has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

### **Attachments:**

Vibez Alley Vacation Vicinity Map

Vibez Alley Vacation Resolution to Vacate

