



Legislation Details (With Text)

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**File created:** 5/7/2018    **In control:** City Council  
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**Title:** Actions pertaining to Resolution of Intention No. 1124-D to vacate a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue; and setting the public hearing for June 14, 2018 at 10:00 a.m. (Council District 3)  
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-167.  
2. Adopt the attached Resolution of Intention No. 1124-D to vacate a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-0613 Nielsen Ave Vacation\_Vicinity.pdf, 2. 18-0613 Nielsen Ave Vacation D-17-167 .pdf, 3. 18-0613 Resolution of Intent No. 1124-D.pdf

Date	Ver.	Action By	Action	Result
5/24/2018	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**May 24, 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**

Actions pertaining to Resolution of Intention No. 1124-D to vacate a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue; and setting the public hearing for June 14, 2018 at 10:00 a.m. (Council District 3)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No.

EA-17-167.

2. Adopt the attached Resolution of Intention No. 1124-D to vacate a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue.

## **RECOMMENDATION**

Staff recommends the City Council adopt Resolution of Intention No. 1124-D for the proposed vacation of a portion of West Nielsen Avenue at the southwest corner of West Nielsen Avenue and South West Avenue, and set the required hearing at 10:00 a.m. on June 14, 2018.

## **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 of Intent. 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 Nielsen 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.

City Attorney has approved the attached Resolution of Intention 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 performed a preliminary Environmental Assessment No. D-17-167 and has determined this project to be Categorically Exempt. 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  
Resolution of Intent No. 1124-D