



Legislation Details (With Text)

**File #:** ID19-1403    **Version:** 1    **Name:**

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

**File created:** 3/15/2019    **In control:** City Council

**On agenda:** 4/4/2019    **Final action:** 4/4/2019

**Title:** Actions pertaining to the summary vacation of various public utility easements in Tract No. 6073. (Council District 5)  
 1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. P18-03855.  
 2. RESOLUTION - Ordering the summary vacation of various public utility easements in Tract No. 6073.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-1403 Vicinity Map\_Tract 6073.pdf, 2. 19-1403 EA -P18-03855.pdf, 3. RESO - Summary to Vacate Tract 6073.pdf

Date	Ver.	Action By	Action	Result
4/4/2019	1	City Council	adopted	

**REPORT TO THE CITY COUNCIL**

**April 4, 2019**

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**SUBJECT**

Actions pertaining to the summary vacation of various public utility easements in Tract No. 6073. (Council District 5)

- Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. P18-03855.
- RESOLUTION** - Ordering the summary vacation of various public utility easements in Tract No. 6073.

## **RECOMMENDATION**

Staff recommends the City Council adopt a resolution ordering the summary vacation of various public utility easements in Tract No. 6073, as shown in Exhibit "A" of the attached resolution.

## **EXECUTIVE SUMMARY**

Precision Engineering on behalf of D.R. Horton, Inc. is requesting the vacation of various public utility easements in Tract No. 6073 as shown on Exhibit "A" of the attached Resolution. The purpose of this vacation is to accommodate side yard setback requirements for residential homes.

## **BACKGROUND**

The proposed vacation of several public utility easements as shown on Exhibit "A" of the attached Resolution of Intent were dedicated to and accepted by the City of Fresno by Tract Map No. 6073, recorded on March 13, 2018 in Volume 87 of Plats, at Pages 87 through 90, Fresno County Records. The tentative tract map was originally submitted by Silkscape, Inc. The public utility easements in question were proposed for dedication by that map. This development was later bought by D. R. Horton, who submitted the final tract map. After the map recorded it was discovered that a number of residential plans on several lots that the public utility easements in question are located would not allow these lots to meet side yard setbacks. There are no existing or proposed utilities in the easements proposed for vacation, therefore staff has determined that these easements are no longer needed and may be vacated.

The Public Works Department, other City Departments and utility agencies have reviewed this proposal and determined that the public utility easements proposed for vacation are unnecessary for present or prospective public utility purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public utility easement when the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

The City Attorney's Office has approved the attached resolution 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 No. P18-03855 for this project and has determined it to be categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c)/Class1 of the State CEQA guidelines.

## **LOCAL PREFERENCE**

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

**FISCAL IMPACT**

D.R. Horton, Inc., the adjacent property owner, has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Vicinity Map tract 6073

EA - P18-03855

RES\_Summary\_Tract 6073