



Legislation Details (With Text)

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Title: CONTINUED HEARING - To vacate a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043. (Council District 1)
1. ***RESOLUTION - Ordering the vacation of a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043. (Subject to Mayor's Veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 18-1043 Lot 8 Easement Vacation_Vicinity.pdf, 2. 18-1043 EA_P18-00197.pdf, 3. 18-1043 Lot 8 Easement Resolution to Vacate.pdf, 4. Letter from John White.pdf, 5. Supplement - Letter from John White.pdf, 6. Supplement - Letters from Neighbors_Redacted.pdf, 7. Supplement Two Protest Letters.pdf

Date	Ver.	Action By	Action	Result
10/25/2018	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

October 25, 2018

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

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Public Works Department, Engineering Division - Chief Surveyor Section

CONTINUED HEARING - To vacate a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043. (Council District 1)

1. ***RESOLUTION - Ordering the vacation of a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043. (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 street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043.

EXECUTIVE SUMMARY

Joseph Pickett is requesting the vacation of a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043 as shown on Exhibit "A" of the attached Resolution. The purpose of this vacation is to allow construction of a new residence on the subject property.

BACKGROUND

The proposed vacation of a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043 was previously dedicated to the City of Fresno by Final Order of Condemnation as set forth in Instrument No. 86005116, recorded January 14, 1986, Official Records Fresno County as a public street right-of-way, pipeline, and utility easement. Conditions of Approval for Tract Map No. 4043 recorded in Volume 50 of Plats, at Pages 15 and 16, Fresno County Records provided that a State of Covenants affecting the land development be executed providing temporary street facilities for said Tract Map No. 4043 over the street, pipeline, and utility easement proposed for vacation until such time permanent facilities are available. This Statement of Covenants was recorded March 23, 1990 as Instrument No. 90033140, Official Records Fresno County. A Release of Covenant was recorded on April 8, 2011 as Instrument No. 2011-0049094, Official Records Fresno County releasing the persons and property from said Covenant. The purpose of this vacation is to eliminate this easement and allow for the development of a single family residence on the affected Lot 8 of Tract No. 4043.

The Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public street right-of-way, pipeline, and utility easement proposed for vacation is unnecessary for present or prospective public street and utility purposes as described as shown on Exhibit "A" of the attached Resolution, subject to the reservation of a public utility easement over that area as shown in Exhibit "B" of the attached Resolution.

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 August 30, 2018, the Council adopted Resolution of Intention No. 1125-D, setting the time and place for the public hearing at 10:05 a.m. on September 20, 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. P18-00197 for this project on August 30, 2018 and has determined this project to be Categorically Exempt. Under the Section 15301 (c)/Class 1 exemption, the minor alteration of existing public facilities, such as streets, sidewalks, etc., involving no expansion of use beyond that existing at this time, are exempt from CEQA requirements.

The vacation will remove unneeded easements and return the property's usability over to the private property owner. The proposed vacation of the above described land meets the criteria noted above. No significant effects would occur as a result of the proposed project. Therefore, the above described project complies with the conditions described in Section 15301/Class 1 of the CEQA Guidelines.

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. Joseph Pickett has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Lot 8 Easement Vacation_Vicinity

EA_P18-00197

Lot 8 Easement Resolution to Vacate