



Legislation Details (With Text)

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**Title:** HEARING to vacate a portion of East Copper Avenue at North Millbrook Avenue, and vacate a portion of a Public Utility Easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099. (Council District 6)  
 1. \*\*\*RESOLUTION - Ordering the vacation of a portion of East Copper Avenue at North Millbrook Avenue, and vacate a portion of a Public Utility Easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099. (Subject to Mayor's veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-0421 Vacation\_Vicinity.pdf, 2. 18-0421 Reslution to Vacate.pdf, 3. 18-0421 Copper Ave Vacation\_EA-17-033.pdf

Date	Ver.	Action By	Action	Result
4/5/2018	1	City Council	adopted	Pass

**REPORT TO THE CITY COUNCIL**

April 5, 2018

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

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Public Works Department, Engineering Division - Chief Surveyor Section

**SUBJECT**

**HEARING** to vacate a portion of East Copper Avenue at North Millbrook Avenue, and vacate a portion of a Public Utility Easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099. (Council District 6)

1. \*\*\*RESOLUTION - Ordering the vacation of a portion of East Copper Avenue at North Millbrook Avenue, and vacate a portion of a Public Utility Easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099. (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 East Copper Avenue at North Millbrook Avenue, and vacate a portion of a Public Utility Easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099.

### **EXECUTIVE SUMMARY**

Giannetta Engineering on behalf of Granville Homes is requesting the vacation of a portion of East Copper Avenue at North Millbrook Avenue and a portion of a public utility easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099 as a condition of approval for said Tract Map No. 6099. This vacation will be performed separate from the mapping process through a resolution after the map has recorded.

### **BACKGROUND**

The proposed vacation of East Copper Avenue at North Millbrook Avenue and a portion of a public utility easement reserved from a previous vacation, as shown on the attached Vacation Exhibit, are associated with Tract Map No. 6099 as a condition of approval. City of Fresno Resolution No. 2009-138 (recorded July 7, 2009, as Document No. 2009-0091852, O.R.F.C.) vacated a portion of North Millbrook Avenue north of East Copper Avenue and reserved a portion as a public utility easement, and it also vacated a portion of public utility easement next to North Millbrook Avenue. Tract No. 6099 proposes to dedicate a narrower North Millbrook Avenue north of East Copper Avenue that will leave a small portion of excess street right-of-way. The purpose of this vacation is to eliminate this excess street right-of-way and a portion of the public utility easement on the east side of North Millbrook Avenue that will interfere with the development of Outlot A and Lots 1 through 4 of Tract Map No. 6099.

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 and utility easement proposed for vacation is unnecessary for present or prospective public street and utility purposes as shown in Vacation Exhibit of the attached Resolution of Intent, subject to the reservation of a multi-purpose trail easement over a portion of the proposed vacation area as shown on said Vacation Exhibit and the relocation of any public utilities within the area proposed for vacation.

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 March 8, 2018, the Council adopted Resolution of Intention No. 1120-D, setting the time and place for the public hearing at 10:00 a.m. on April 5, 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**

Staff has performed a preliminary environmental assessment EA-17-033 of this project, and is

attached hereto. 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 adjoining private property owners. 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 or public utility easement does not involve bidding or contracting.

### **FISCAL IMPACT**

There will be no City funds involved with this vacation. Granville Homes, the adjacent property owner has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:       Copper Ave Vacation\_Vicinity  
                          Resolution to Vacate