



Legislation Details (With Text)

File #: ID17-0004 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 11/23/2016 **In control:** City Council

On agenda: 1/26/2017 **Final action:** 1/12/2017

Title: HEARING - Regarding the vacation of a portion of an alley between N. Blackstone Avenue and N. Effie Street north of E. Cornell Avenue (Council District 7).
1. ***RESOLUTION - Ordering the vacation of a portion of an alley between N. Blackstone Avenue and N. Effie Street north of E. Cornell Avenue.

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. VICINITY.pdf, 2. 12001 ROV RESO.pdf

Date	Ver.	Action By	Action	Result
1/12/2017	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

January 12, 2017

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SUBJECT

HEARING - Regarding the vacation of a portion of an alley between N. Blackstone Avenue and N. Effie Street north of E. Cornell Avenue (Council District 7).

1. ***RESOLUTION - Ordering the vacation of a portion of an alley between N. Blackstone Avenue and N. Effie Street north of E. Cornell Avenue.

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 a portion of an alley between N. Blackstone Avenue and N. Effie Street north of E. Cornell Avenue, as described in Exhibit "A" and shown on Exhibit "B" of the attached resolution.

EXECUTIVE SUMMARY

Jimmie Policarpo is requesting the vacation of a portion of an alley between N. Blackstone Avenue and N. Effie Street north of E. Cornell Avenue as described in Exhibit "A" and shown on Exhibit "B" of the attached resolution. The purpose of the proposed vacation is to accommodate development of a Popeye's Louisiana Kitchen restaurant as proposed by Conditional Use Permit (CUP) C-16-015.

BACKGROUND

CUP No. C-16-015 proposes demolition of an existing 3,025 square-foot building (formerly Long John Silver's restaurant, now an auto tire shop) and construction of a new 2,856 square-foot Popeye's Louisiana Kitchen restaurant with outdoor patio dining and a drive-through service window. The applicant is requesting that the public alley that separates the project's two parcels is abandoned and an easement created for the existing utilities.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the right-of-way proposed for vacation is unnecessary for present or prospective public alley purposes subject to the reservation of a public utility easement over the entire area being vacated and the conditions listed on Exhibit "C" 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 December 8, 2016, the Council adopted Resolution of Intention No. 1109-D, setting the time and place for the public hearing at 10:00 a.m. on January 12, 2017, 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.

ENVIRONMENTAL FINDINGS

This project is exempt under Sections 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-015. Under the Section 15301/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 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 public right-of-way does not involve bidding or contracting.

FISCAL IMPACT

There will be no City funds involved with this vacation. The adjacent property owners have paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:
Vicinity Map
Resolution