



Legislation Details (With Text)

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Title: RESOLUTION - Approving the summary vacation of portions of N. Bryan Avenue, W. Sierra Avenue, and approximately 1681 feet of N. Weber, all lying southwest of N. Riverside Drive
Sponsors: Public Works Department
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Attachments: 1. Vicinity Map.pdf, 2. Resolution.pdf

Date	Ver.	Action By	Action	Result
4/9/2015	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

April 9, 2015

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SUBJECT

RESOLUTION - Approving the summary vacation of portions of N. Bryan Avenue, W. Sierra Avenue, and approximately 1681 feet of N. Weber, all lying southwest of N. Riverside Drive

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution ordering the summary vacation of North Bryan Avenue (formerly Arthur Avenue) between West Sierra Avenue and North Riverside Drive, West Sierra Avenue between North Weber Avenue (formerly Nichols Avenue) and North Riverside Drive, and approximately 1681 feet of North Weber Avenue (formerly Nichols Avenue) between Parcel Map 2008-13 and the southeasterly boundary of Parcel A of Lot Line Adjustment

2010-09, as described and shown on Exhibits “A” and “B” of the attached resolution.

EXECUTIVE SUMMARY

Precision Engineering on behalf of the John Allen Company are requesting the vacation of portions of North Bryan Avenue, West Sierra Avenue, and approximately 1681 feet of North Weber, all lying southwest of North Riverside Drive, as shown on Exhibit “A” of the attached resolution. The purpose of the proposed vacation is to accommodate a future commercial development which is the next phase of the El Paseo Project.

BACKGROUND

Arthur, Nichols and Sierra Avenues were dedicated as easements for public use by the map of J.C. Forkner Fig Gardens Subdivision No. 3, recorded May 26, 1920, in Volume 8 of Plats at Page 79, Fresno County Records. There are no street improvements located within the areas to be vacated.

The Traffic and Engineering Services Division, other City departments and utility agencies reviewed this proposal and determined there are no public utility facilities within the area proposed for vacation that would be affected by the vacation and the area proposed for vacation is unnecessary for present or prospective public street purposes.

PG&E has private easements for their overhead transmission lines crossing Sierra and Bryan Avenues that were recorded May 13, 1995, in Book 3605 at Page 183, Official Records of Fresno County (O.R.F.C.), and March 23, 1956, in Book 3744 at Page 551, O.R.F.C. Therefore pursuant to Section 8352 of the California Streets and Highways Code, the vacation of the subject street easements will not affect their facilities or easement rights.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is considered excess right-of-way not required for street or highway purposes and has no public utility facilities within the area to be vacated that would be affected by the vacation. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

The City Attorney's Office has reviewed and approved the attached resolution as to form.

ENVIRONMENTAL FINDINGS

The proposed vacation was evaluated in Final Environmental Impact Report No. 10141. On December 16, 2010, the Council made all the necessary findings to certify a Final Environmental Impact Report, certified Final Environmental Impact Report No. 10141, adopted the Findings of Fact, adopted the Statement of Overriding Considerations, and adopted the Mitigation Monitoring Program for the El Paseo Project. A Notice of Determination was filed on December 17, 2010.

LOCAL PREFERENCE

Local preference does not apply because the vacation of a public easement does not involve bidding

or contracting.

FISCAL IMPACT

There will be no City funds involved with this vacation. Valley Capital Partners, LLC has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments: 1. Vicinity Map
2. Resolution