



Legislation Details (With Text)

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Title: Actions pertaining to summary vacation of the relinquishment of direct access rights on the north side of E. North Avenue, west of S. Cedar Avenue. (Council District 3)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-014.
2. RESOLUTION - Ordering the summary vacation of relinquishment of direct access rights on the north side of E. North Avenue, west of S. Cedar Avenue.

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. Vicinity.pdf, 2. EA-16-014 NOE.pdf, 3. 12008 RESO RES.pdf

Date	Ver.	Action By	Action	Result
9/1/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

September 1, 2016

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

THROUGH: ANDREW J. BENELLI, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division

JILL GORMLEY, TE, City Traffic Engineer/Division Manager
Public Works Department, Traffic and Engineering Services Division

BY: JASON A. CAMIT, PLS, Chief Surveyor
Public Works Department, Traffic and Engineering Services Division

SUBJECT

Actions pertaining to summary vacation of the relinquishment of direct access rights on the north side of E. North Avenue, west of S. Cedar Avenue. (Council District 3)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-014.

2. RESOLUTION - Ordering the summary vacation of relinquishment of direct access rights on the north side of E. North Avenue, west of S. Cedar Avenue.

RECOMMENDATIONS

Staff recommends that the City Council:

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-014.
2. Adopt the attached resolution ordering the summary vacation of relinquishment of direct access rights on the north side of East North Avenue, west of South Cedar Avenue.

EXECUTIVE SUMMARY

Valdene Thomason on behalf of Reed Land Holdings, LLC., has requested the vacation of relinquishment of direct access rights on the north side of East North Avenue, west of South Cedar Avenue as shown on Exhibit "A" of the attached resolution. The purpose for the vacation is to eliminate the access restrictions and allow the applicant access to the property in question from East North Avenue. The existing access will be eliminated by the construction of the High Speed Rail.

BACKGROUND

The relinquishment of direct access rights was originally required by the City of Fresno by Parcel Map No. 97-01, recorded June, 1997, in Volume 58 of Parcel Maps at Pages 2 and 3, Fresno County Records. A twenty-foot wide access unto East North Avenue remained on the southwest corner of Lot "D" per said Parcel Map No. 97-01. The future construction of the High Speed Rail will eliminate this existing twenty-foot access point from East North Avenue.

The Traffic and Engineering Services Division has reviewed this proposal and determined the relinquishment of direct access rights is no longer necessary at this location.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code (whose definition of "street" includes restrictions of access or abutters' rights) authorizes the Council to summarily vacate a portion of public street or highway that lies within property under one ownership and that does not continue through such ownership or end touching the property of another. 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

Staff has performed a preliminary environmental assessment of this project and has determined this project falls within the Class 1 Categorical Exemption set forth in Section 15301 of the California

Environmental Quality Act (CEQA) Guidelines as the vacation of this public easement does not involve the expansion of use of public facilities beyond that existing at this time. 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 easement does not involve bidding or contracting.

FISCAL IMPACT

There will be no City funds involved with this vacation. The High Speed Rail Authority has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Vicinity Map

Environment Assessment No. EA-16-014

Resolution