



## Legislation Details (With Text)

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**Title:** Actions pertaining to the summary vacation of a portion of South Clara Avenue, north of East Chester Avenue (Council District 3)

1. Adopt the Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-009.
2. RESOLUTION - Ordering the summary vacation of a portion of South Clara Avenue, north of East Chester Avenue.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. South Clara North of East Chester VICINITY MAP.pdf, 2. EA-17-009 Land Vacate South Clara North of Chester (WUSD).pdf, 3. South Clara North of Chester ROV RESO.pdf

Date	Ver.	Action By	Action	Result
6/15/2017	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**June 15, 2017**

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## SUBJECT

Actions pertaining to the summary vacation of a portion of South Clara Avenue, north of East Chester Avenue (Council District 3)

1. Adopt the Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-009.
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East Chester Avenue.

## **RECOMMENDATION**

Staff recommends the City Council adopt a resolution ordering the summary vacation of a portion of South Clara Avenue, north of East Chester Avenue as shown on Exhibit "A" of the attached resolution.

## **EXECUTIVE SUMMARY**

The Washington Unified School District is requesting the vacation of a portion of South Clara Avenue, north of East Chester Avenue. The purpose of the vacation is to eliminate excess public street right-of-way. This portion of South Clara Avenue has not been used for public street purposes. No public improvements and no public utilities exist within the area proposed for vacation.

## **BACKGROUND**

The portion of South Clara Avenue being requested for vacation by the Washington Unified School District is unimproved and has not been used for public street purposes. The proposed area is a portion of Lots 114 and 135 of Fresno Colony map, recorded on August 1, 1881 in Volume 2 of Plats, at Page 8, Fresno County Records. This portion of South Clara Avenue was dedicated by two deeds. The first deed is a portion said Lot 114, recorded November 18, 1949 in Book 2801, Page 68, Official records Fresno County. The second deed is a portion of Lot 135, recorded September 2, 1950 in Book 2898, Page 203, Official Records Fresno County. These deeds were granted to the County of Fresno as public street easements and later the area was annexed by the City of Fresno as Annexation No. 479, by Ordinance No. 5965 on August 10, 1961.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities and no public improvements within the area proposed for vacation as shown on Exhibit "A" of the attached resolution. The Traffic and Engineering Services Division has further determined that the area proposed for vacation is unnecessary for present or prospective public street purposes.

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, is not required for street or highway purposes, and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

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

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

## **ENVIRONMENTAL FINDINGS**

Staff has performed a preliminary environmental assessment of this project and has determined this project is exempt under Section 15301 of the California Environmental Quality Act (CEQA)

Guidelines because it involves a vacation of a portion of a public street which is not an expansion of use 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 public right-of-way does not involve bidding or contracting.

## **FISCAL IMPACT**

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

### **Attachments:**

South Clara North of Chester Vicinity Map

South Clara North of Chester EA-17-009

South Clara North of Chester Resolution