



Legislation Details (With Text)

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Title: Actions pertaining to Resolution of Intention No. 1119-D to vacate a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue. (Council District 5)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1, 15302/Class 2, and 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. D-16-018.
2. Adopt Resolution of Intention No. 1119-D to vacate a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue.

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 18-0258 Lyons Magnus-Vicinity Map.pdf, 2. 18-0258 EA-16-018.pdf, 3. 18-0258 Resolution of Intent No 1119-D_Lyons Magnus.pdf

Date	Ver.	Action By	Action	Result
3/1/2018	1	City Council	approved	

REPORT TO THE CITY COUNCIL

March 1, 2018

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SUBJECT

Actions pertaining to Resolution of Intention No. 1119-D to vacate a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue. (Council District 5)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1, 15302/Class 2, and 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. D-16-018.

2. Adopt Resolution of Intention No. 1119-D to vacate a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue.

RECOMMENDATION

Staff recommends the City Council adopt Resolution of Intention No. 1119-D for the proposed vacation of a public water main easement and an emergency access easement south of previously vacated East Hamilton Avenue between South Parallel Avenue and South Third Avenue, and set the required hearing at 10:10 a.m. on March 22, 2018.

EXECUTIVE SUMMARY

Lyons Magnus is requesting the vacation of the public water line easement and the emergency access easement, as shown on Exhibits “A” and “B” of the attached Resolution of Intent. This vacation is being required as a condition for site plan D-16-011. The existing water line within the proposed water line easement vacation will be converted to a private water line. The emergency access will be relocated to the south side of the site.

BACKGROUND

Lyons-Magnus Fruit Packaging facility located on the west side of South Third Street between East Hamilton and East Woodward Avenues is proposing the demolition of existing buildings totaling 55,855 square feet and construction of a 55,055 square-foot metal warehouse building addition for dry storage of finished product. The project also includes an addition of two 993 square-foot pedestrian walkways and a 1,386 square-foot expansion of Canopy A to cover the entire loading dock along East Townsend Avenue.

The Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the public water easement proposed for vacation is unnecessary for present or prospective public utility purposes as shown in Exhibit “A” of the attached Resolution of Intent, subject to converting the existing water line within the proposed public utility easement into a private water line and install a meter at the public street right-of-way limit. The emergency access easement proposed for vacation as shown in Exhibit “B” of the attached Resolution of Intent, is being relocated by approved site plan D-16-011 to the south side of the subject property and is no longer needed at its current location.

City Attorney has approved the attached Resolution of Intention 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

This project is exempt under Sections 15301/Class 1, Section 15302/Class 2, and Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines.

Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines exempts, from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to: Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services.

Section 15302 (Class 2/Replacement or Reconstruction) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Examples include but are not limited to: Replacement or reconstruction of existing utility systems and/or public facilities involving negligible or no expansion of capacity.

Section 15303 (Class 3/New Construction or Conversion of Small Structures) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples include but are not limited to: Water main, sewage, electrical, gas, and other utility extensions, including street improvements of reasonable length to serve such construction.

No adverse environmental impacts will occur as a result of the proposed project; and, 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 utility easement and emergency access easement does not involve bidding or contracting.

FISCAL IMPACT

There will be no City funds involved with this vacation. Lyons Magnus has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments: Lyons Magnus-Vicinity Map
 EA-16-018
 Resolution of Intent No. 1119-D_Lyons Magnus