



## Legislation Details (With Text)

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**File created:** 2/27/2018    **In control:** City Council  
**On agenda:** 3/22/2018    **Final action:** 3/22/2018  
**Title:** HEARING - To vacate a portion of North Thorne Avenue, south of West Belmont Avenue.  
1. \*\*\*RESOLUTION - Ordering the vacation of a portion of North Thorne Avenue, south of West Belmont Avenue. (Subject to Mayor's veto)  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 18-0339 Thorne Ave Vacation\_Vicinity.pdf, 2. 18-0339 Thorne Ave Vacation\_EA-17-016-HSR.pdf, 3. 18-0339 Thorne Ave Resolution to Vacate.pdf

Date	Ver.	Action By	Action	Result
3/22/2018	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

**March 22, 2018**

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Public Works Department, Engineering Division - Chief Surveyor Section

## SUBJECT

HEARING - To vacate a portion of North Thorne Avenue, south of West Belmont Avenue.  
1. \*\*\*RESOLUTION - Ordering the vacation of a portion of North Thorne Avenue, south of West Belmont Avenue. (Subject to Mayor's veto)

## 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 of a portion of North Thorne Avenue, south of West Belmont Avenue.

## EXECUTIVE SUMMARY

Calaveras Materials, Inc. is requesting the vacation of a portion of North Thorne Avenue, south of West Belmont Avenue. The purpose of this vacation is to accommodate ingress and egress to the property, as well as, onsite traffic circulation impacted by the construction of the California High Speed Rail.

## BACKGROUND

The proposed vacation of a portion of North Thorne Avenue, south of West Belmont Avenue, as described in Exhibit "A" and as shown on Exhibit "B" is a 60 foot wide public street right-of-way dedicated by two separate subdivision maps. The east 30 feet was dedicated by American Addition Tract, filed in Volume 1, of Plats, at page 35, Fresno County Records. The west 30 feet was dedicated by Weihe Home Tract, filed in Book 3, of Record of Surveys, at Page 25, Fresno County Records. A portion of the west 30 feet has been previously vacated by Resolution 94-222, recorded July 29, 2005, as Document No. 2005-0171421, Official Records Fresno County. The purpose of this vacation is to accommodate access to the property on the east side of North Thorne Avenue. The north portion of North Thorne Avenue at West Belmont Avenue is being closed by street improvements associated with California High Speed Rail construction. It will result in a dead end street for North Thorne Avenue and eliminate an access point from West Belmont Avenue for the adjacent properties. The area proposed for vacation will serve as an access point and be utilized for ingress and egress to the adjacent property.

The Engineering Services Division, other City departments and utility agencies have reviewed the proposed vacation and determined that the portion of public right-of-way for vacation is unnecessary for present or prospective public street as described in "A" and as shown on Exhibit "B" of the attached Resolution, subject to the entire area proposed for vacation be reserved for a public utility easement, and subject to conditions listed in Exhibit "C".

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 March 1, 2018, the Council adopted Resolution of Intention No. 1122-D, setting the time and place for the public hearing at 10:00 a.m. on March 22, 2018, 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, but not until the City Engineer or the Public Works Director determines that the conditions listed in the attached resolution have been satisfied and accepted by the City.

## ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment EA-17-016-HSR of this project, and is attached hereto, which was adopted by City of Fresno Council on March 1, 2018. Under the Section 15301 /Class 1 (b, c) Existing Facilities consists of the operation, repair, maintenance, permitting,

leasing, licensing, 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. Example 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; and, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).

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 street or public utility easement does not involve bidding or contracting.

## **FISCAL IMPACT**

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

Attachments:      Thorne Ave Vacation\_Vicinity  
                         Thorne Ave Vacation\_EA-17-016-HSR  
                         Thorne Ave Resolution to Vacate