



Legislation Details (With Text)

File #: ID18-0468 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 3/30/2018 **In control:** City Council

On agenda: 4/19/2018 **Final action:** 4/19/2018

Title: Actions pertaining to Resolution of Intention No. 1123-D to vacate a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue. (Council District 5)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-039.
2. Adopt Resolution of Intention No. 1123-D to vacate a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue.

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 18-0468 PUE Vacation_Vicinity.pdf, 2. 18-0468 PUE Vacation EA 17-039.pdf, 3. 18-0468 Resolution of Intent No 1123 D.pdf

Date	Ver.	Action By	Action	Result
4/19/2018	1	City Council	approved	

REPORT TO THE CITY COUNCIL

April 19, 2018

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

BY: RANDALL W. MORRISON, PE, Assistant Director
Public Works Department, Engineering Division

JASON A. CAMIT, PLS, Chief Surveyor
Public Works Department, Engineering Division - Chief Surveyor Section

SUBJECT

Actions pertaining to Resolution of Intention No. 1123-D to vacate a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue. (Council District 5)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-039.
2. Adopt Resolution of Intention No. 1123-D to vacate a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue.

RECOMMENDATION

Staff recommends the City Council adopt Resolution of Intention No. 1123-D for the proposed vacation of a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue, and set the required hearing at 10:05 a.m. on May 10, 2018.

EXECUTIVE SUMMARY

Embree Asset Group, Inc. is requesting the vacation of a public utility easement on the northwest corner of East Church Avenue and South Chestnut Avenue. The purpose of this vacation is to satisfy a condition of approval associated with site plan D-16-111, which is the site development plan for the construction of a Dollar General department store.

BACKGROUND

The proposed vacation of a public utility easement as shown in Exhibit "A" of the attached Resolution of Intent is located in the south 8.00 feet and the east 8.00 feet of the that portion of Lot 16, the South 8.00 feet and west 8.00 feet of that portion of Lot 23, and the north 8.00 feet of Lots 24 and 25 of Tract No. 1026 - Marigold Acres filed April 21, 1948 in Volume 14 of Plat maps, at Page 8, Fresno County Records. This public utility easement was dedicated and accepted by said Tract No. 1026 to accommodate a pole line for overhead utilities. The site development plan D-16-111 proposes to construct a Dollar General department store with onsite parking. The proposed location of the structure is in conflict with this public utility easement. The existing pole line and overhead utilities will be relocated by this project. The public utility easement will no longer be needed once the existing utilities have been relocated and accepted.

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 utilities as shown on Exhibit "A" of the attached Resolution of Intent.

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

Staff has performed a preliminary environmental assessment EA-17-039 of this project, and is attached hereto. Under the Section 15301 (c)/Class 1 exemption, the minor alteration of existing public facilities, such as streets, sidewalks, etc., involving no expansion of use beyond that existing at this time, are exempt from CEQA requirements. The vacation will relocate an easement and return the property's usability over to the private property owner. The proposed vacation of the above described land meets the criteria noted above. No significant effects would occur as a result of the proposed project. Therefore, the above described project complies with the conditions described in Section 15301/Class 1 of the CEQA Guidelines.

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 does not involve bidding or contracting.

FISCAL IMPACT

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

Attachments:

PUE Vacation_Vicinity Map

PUE Vacation_EA-17-039

Resolution of Intent No. 1123-D